

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

November 9, 2016

The meeting was called to order by Councilmember Ron Jacobs, President of the City Council.

1. Roll Call by City Clerk:

Councilmember:	Ron Jacobs
	Robert A. Levy - Absent
	Lynn Stoner
	Peter S. Tingom
	Chris P. Zimmerman
Mayor:	Diane Veltri Bendekovic
City Attorney:	Donald Lunny Jr.
City Clerk:	Susan K. Slattery

* * * * *

2. Opening remarks were made by Mayor Bendekovic

The Pledge of Allegiance followed.

3. Approval of Minutes – None

ITEMS SUBMITTED BY THE MAYOR

4. **Resolution # 12386**

RESOLUTION of appreciation to Laynath (Jimmy) Seepersad for 23 years of dedicated service to the City of Plantation.

Motion by Councilmember Tingom, seconded by Councilmember Jacobs, to adopt Resolution No. 12386. Motion carried on the following roll call vote:

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

* * * * *

Mayor Bendekovic introduced Florida State Representative Katie Edwards who thanked the Council for allowing her to serve the community.

Mayor Bendekovic introduced Greg Ross, Mayor of Cooper City who spoke about Connect One Broward.

* * * * *

Ernest Burkeen, Parks and Recreation Director made the following announcements:

- Web.com Second Stage Qualifying School – Plantation Preserve, November 6 – 11
- Veterans Day Celebration – Veterans Park, Friday, November 11
- Multi-Family Garage Sale - Volunteer Park, - Saturday, November 12

Mayor Bendekovic made the following announcements:

- Art in the Park’s 50th Anniversary – November 12 and 13
- A Wonderful Life Holiday Parade – November 19th
- Plantation Farmers Market – Every Saturday, Volunteer Park
- Swear in Ceremony for new Councilmembers – November 14th at noon
- New Council Meeting Dates –The November 16th Council Meeting has been cancelled the next Council Meetings will be held on November 30th, followed by December 14th and January 11th

* * * * *

CONSENT AGENDA

5. Request for funding to purchase 2 years of maintenance for our Public Safety (Police) laptops.
6. Request for approval of a “competitive procurement exemption” (City of Plantation Code 2-226 (g) (5)) and issue a purchase order to Auto Nation Chrysler Dodge Jeep Ram- Pembroke Pines for (6) 2017 Dodge Chargers (Police Rated) in the amount of \$140,688.00.
7. **Ordinance #2551**
Final Reading of an ordinance of the City of Plantation pertaining to Public Nuisance Abatement, amending the City's Nuisance Abatement procedures to conform to State Law provisions; providing for additional public nuisances criteria; providing a savings clause; and providing an effective date therefor.
8. **Ordinance #2552**
Final reading of an ordinance of the City of Plantation, Florida, pertaining to the subject of Environmental Control; creating and amending regulations for environmental control, methods of enforcing violations, and penalties for civil citations; approving the rates and charges for franchised services as provided in the approved franchise agreement for the collection and disposal of qualified solid waste, bulk trash, yard waste, recovered materials, and recyclables and making other provisions necessary to implement same; authorizing additional assessment fees and charges for enforcement of environmental control regulations; authorizing methods by which Plantation may in the future assess the costs of environmental control; providing a savings clause; and providing an effective date therefor of October 1, 2016.
9. **Ordinance #2553**
Final Reading of an ordinance of the City of Plantation, Florida, pertaining to the subject of Comprehensive Planning; adopting the annual amendment to the Capital Improvements Element of the Comprehensive Plan of the City of Plantation; approving transmittal of the amendment to

the Department of Economic Opportunity and the related agencies for the purposes of sufficiency review in accordance with Florida Statutes; providing a savings clause; and providing for an effective date therefor.

10. **Resolution # 12387**
RESOLUTION assessing a mowing & clearing lien of 5471 SW 17 Street.
11. **Resolution #12388**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period October 13, 2016 through November 02, 2016 for the City of Plantation's Gateway Development District.
12. **Resolution #12389**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period October 13, 2016 through November 02, 2016 for the City of Plantation's Midtown Development District.
13. **Resolution #12390**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period October 13, 2016 through November 02, 2016 for the City of Plantation.
14. **Resolution #12391**
RESOLUTION approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period October 13, 2016 through November 02, 2016 for the City of Plantation's Community Redevelopment District.
- 14A. **Resolution #12392**
RESOLUTION appointing Mary Jacobs as Acting City Clerk for the purpose of swearing in her husband, Ron Jacobs, City Councilmember-elect Group 3.
- 14B. **Resolution #12393**
RESOLUTION appointing Katherine Hyatt as Acting City Clerk for the purpose of swearing in her husband, Mark Hyatt, City Councilmember-elect Group 4.
- 14C. **Resolution #12394**
RESOLUTION appointing Kathleen Ann Fadgen as Acting City Clerk for the purpose of swearing in husband, Jerry Fadgen, City Councilmember-elect Group 5.

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

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

* * * * *

ADMINISTRATIVE ITEMS:

- 15. Discussion concerning amending the permitted uses of the SPI-3 zoning district to allow freestanding fast food restaurant with drive-thru use.

Motion by Councilmember Tingom, seconded by Councilmember Zimmerman, to not change the zoning in the SPI-3 area. Motion carried on the following roll call vote:

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

* * * * *

Item 16 and Item 20 were heard together, but voted on separately.

- 16. Discussion concerning amending the Zoning Code to allow House of Worship use in the B-7Q (Planned Commercial Development) zoning district.

Motion by Councilmember Tingom, seconded by Councilmember Stoner, to not change the zoning in the B-7Q area. Motion carried on the following roll call vote:

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

20. **Resolution # 12395**

RESOLUTION approving a 1,490 square foot house of worship (Chabad) on 1.02 +/- acres as a use variance to be located in a B-7Q Zoning (Planned Commercial Development) Zoning District, property lying in Section 6, Township 50 South, Range 41 East, and described as that portion of Jacaranda Parcel 521, as recorded in Plat Book 114, Page 5, of the Public Records of Broward County, Florida; generally located on the north side of Broward Boulevard approximately 550' west of Nob Hill Road (10359 W. Broward Boulevard), providing a savings clause; and providing an effective date therefor.

Motion by Councilmember Stoner, seconded by Councilmember Tingom, to adopt Resolution No. 12395. Motion carried on the following roll call vote:

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

* * * * *

LEGISLATIVE ITEMS:

- 17. Public Hearing and First reading of an ordinance pertaining to the subject of Comprehensive Planning; changing the future land use designation of a parcel of property; specifically amending City of Plantation Ordinance No. 1626, as amended, which adopted the City's future land use plan and map, to redesignate a parcel of land containing approximately 26.26+/- acres of property

from "Commercial" to "Commercial and Residential all within a dashed line area with an overall density of 12.6 dwelling units per acre" in accordance with Policy 1.7.6 of the Plan; said parcel of real property described as a parcel of land being a portion of Tract 840, according to the Plat of Jacaranda Parcel 840, recorded in Plat Book 136, Page 21, of the Public Records of Broward County, Florida, said parcel being more particularly described in the legal description identified as Exhibit "A"; property generally located at the northeast corner of Pine Island Road and Interstate 595; and readopting said plan and map as the Master Land Use Plan and Map, 1989, making said Plan and Map part of the Future Land Use Element of the Comprehensive Plan of the City of Plantation; providing for severability; and, providing an effective date therefor.

Motion by Councilmember Stoner, seconded by Councilmember Tingom, to pass the Ordinance on First Reading. Motion carried on the following roll call vote:

Ayes: Stoner, Tingom, Jacobs

Nays: Zimmerman

* * * * *

18. Ordinance #2554

Final reading of an ordinance of the City of Plantation, Florida pertaining to the subject of Growth Management; assigning up to 250 flexibility units to the following described property located in Flex Zone 75X so as to permit the construction of up to 250 multi-family dwelling units without amending the City Comprehensive Future Land Use Plan: property described as a portion of Tract "B", Katz Plat Addition, according to the plat thereof, as recorded in Broward County Plat Book 106, Page 47, together with a portion of Tract "A", Katz Plat, according to the plat thereof, as recorded in Broward County Plat Book 96, Page 3, the foregoing two parcels comprising the real property affected by the assignment more particularly described in Exhibit "A" which is attached to this ordinance and on file with the City Clerk, and which has a reference local address of 1711 North University Drive; providing recitals; providing a savings clause; and providing an effective date therefor.

Motion by Councilmember Tingom, seconded by Councilmember Zimmerman, to adopt Ordinance No. 2554 and incorporate the changes suggested by the city attorney. Motion carried on the following roll call vote:

Ayes: Stoner, Tingom, Zimmerman, Jacobs

Nays: None

* * * * *

QUASI-JUDICIAL ITEMS

Councilmember Jacobs referred to the guidelines for those addressing the City 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.

* * * * *

19. Resolution # 12396

RESOLUTION approving multiple uses as shown on Exhibit “A” attached hereto on a conditional use basis to be located in a B-7Q Zoning District on property lying in Section 33, Township 49 South, Range 41 East, and described as a portion of Tract “B” of Katz Plat Addition as recorded in Plat Book 106, Page 47 of the Public Records of Broward County, Florida, being further described in Exhibit “B”, attached hereto and generally located on the southwest corner of Sunrise Boulevard and University Drive (1711 N. University Drive); providing a savings clause; and providing an effective date therefor.

Motion by Councilmember Stoner, seconded by Councilmember Tingom, to adopt Resolution No. 12396 and incorporate the changes suggested by the city attorney. Motion carried on the following roll call vote:

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

* * * * *

Item 21 and Item 22 were heard and voted on together.

21. Resolution # 12397

RESOLUTION approving a 3,561 square foot free-standing fast food restaurant with double drive-thru (Pollo Tropical) as a use variance to be located in an SPI-3 Zoning District on property lying in Section 04, Township 50 South, Range 41 East and described as Tract “A” of the Isom Subdivision Number 1, as recorded in Plat Book 74, Page 4, of the Public Records of Broward County, Florida (50 N. University Drive), and generally located on the northeast corner of Broward Boulevard and University Drive; providing a savings clause; and providing an effective date therefor.

Mayor Bendekovic disclosed an Exparte Communication between herself and the applicant. She stated it will not influence her decision which will be based upon evidence presented tonight.

Councilmember Stoner disclosed an Exparte Communication between herself and the applicant. She stated it will not influence her decision which will be based upon evidence presented tonight.

Councilmember Jacobs disclosed an Exparte Communication between herself and the applicant. He stated it will not influence her decision which will be based upon evidence presented tonight.

Councilmember Tingom disclosed an Exparte Communication between herself and the applicant. He stated it will not influence her decision which will be based upon evidence presented tonight.

22. Request to approve Site Plan, Elevation, and Landscape Plan for Pollo Tropical. Property located at 50 N. University Drive and zoned SPI-3 (Plantation Midtown). (PP16-0012).

Motion by Councilmember Stoner, seconded by Councilmember Jacobs, to adopt Resolution No. 12397 and approve the Site Plan, Elevation and Landscape Plan for Pollo Tropical, subject to staff comments as they relate to drive-thru monitoring for a one year period. Motion carried on the following roll call vote:

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

* * * * *

23. Approve Sign Special Exception for Plantation Pointe (TOBURN) located at 7900 West Sunrise Blvd., and 1740 & 1760 N. University Drive. (PP16-0037)

Motion by Councilmember Stoner, seconded by Councilmember Tingom, approve the Sign Special Exception, subject to staff comments. Motion carried on the following roll call vote:

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

* * * * *

COMMENTS BY COUNCIL MEMBERS

Councilmember Zimmerman

Thanked the staff and the council for their guidance and leadership during his terms of office.

Councilmember Stoner

Thanked Councilmember Zimmerman and Councilmember Levy for their service, guidance and leadership while on the Council.

Councilmember Jacobs

Thanked Councilmember Zimmerman and Councilmember Levy for their service to the city while on the Council and wished them the best.

Councilmember Tingom

Thanked Councilmember Zimmerman and Councilmember Levy for their service to the city while on the Council and wished them the best.

Mayor Bendekovic

Thanked Councilmember Zimmerman and Councilmember Levy for their service to the city while on the Council. She wished them both well.

Councilmember Levy

City Clerk Slattery read a message of thanks from Councilmember Levy into the record.

* * * * *

PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS

Dennis Conklin, 4581 NW 6 Court – inquired whether the Half Penny Sales Tax Referendum had passed and if the city would seek the entire \$60M in bond money. He stated his opposition to medical marijuana being added to the constitution.

* * * * *

Meeting adjourned at 9:43 p.m.

* * * * *

Councilmember Ron Jacobs
City Council President

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 _____, 2016.

Susan Slattery, City Clerk