

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

JANUARY 7, 2009

The meeting was called to order by Councilman Petrocelli, President of the City Council.

1. Roll call by the City Clerk:

Councilmember:	Diane Veltri Bendekovic Jerry Fadgen Robert A. Levy Rico Petrocelli Sharon Moody Uria
Mayor:	Rae Carole Armstrong
City Attorney:	Donald J. Lunny, Jr.

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2. The invocation was offered by Councilwoman Bendekovic.

The Pledge of Allegiance followed.

3. The minutes of the City Council meeting for December 17, 2008 were approved as amended. The motion on page 11522 should read as follows:

Motion by Councilman Fadgen, seconded by Councilman Levy, to approve an amendment to the Master Site Plan for Nob Hill Pavilion so as to allow the reopening of the access way between the office building parcel and the service station as shown on the conceptual engineering plan for Nob Hill Professional Building showing a last printed revision date of June 30, 2003 and signed by the preparer on August 5, 2003. With regard to the aforementioned memo from Mr. Lunny, *all conditions must be met as stated* except for Item B(3) which is to be amended to indicate \$5,000 toward legal fees. This settlement contemplates the approval of Bonefish Grill but the Bonefish application is not conditioned on this settlement.

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ITEMS SUBMITTED BY THE MAYOR

Note: Councilman Levy had not yet entered the meeting.

Resolution No. 10454

4. **RESOLUTION** of Appreciation to Marilyn Horowitz for 11 years of dedicated service to the City of Plantation.

Motion by Councilman Fadgen, seconded by Councilwoman Uria, that Resolution No. 10454 be approved and adopted. Motion carried on the following roll call vote:

Ayes: Bendekovic, Fadgen, Uria, Petrocelli
Nays: None

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Mayor Armstrong announced Christmas trees would be collected on January 9th, 16th, or 23rd. A final pick up will take place on Friday, January 30, 2009. Trees may also be dropped off at Public Works, 750 NW 91 Avenue, anytime. Private living communities must have a designated location for all the trees. Multi-family residents should put the trees in one place and call Public Works to schedule a pick up. All tinsel and ornaments must be removed from the trees.

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Note: Councilman Levy entered the meeting.

CONSENT AGENDA

As a Commissioner of the CRA, Mayor Armstrong had a voting privilege on Items No. 21, 22, and 23.

Mr. Lunny read the Consent Agenda by title.

5. Approve purchase of one Braun Super Fire Chief ambulance from EVS Firefighting Technology in the amount of \$288,427. (Budgeted – Fire)
6. Approve purchase of 23 replacement sets of Globe Bunker Gear and one coat for the firefighters from Bennett Fire Products Company in the amount of \$36,662.92. (Budgeted – Fire)
7. Approve purchase of all services associated with an AFIS upgrade at the cost of \$70,000. (Police – Federal Forfeiture Funds)
8. Award bid for Umpire Services for Adult Softball Leagues to Broward County Umpires Association, Inc. for a two year period. (Budgeted – Parks & Recreation – 7500 Account)
9. Approve purchase of 20' x 20' Icon Shelter for Liberty Tree Park Expansion from Bliss Products and Services, Inc. in the amount of \$31,730. (Budgeted – Liberty Tree Park Expansion)
10. Approve purchase order in favor of Sander Company, Inc for the replacement of two variable frequency drives for booster pumps 109 & 110 at the East Water Treatment Plant in the amount of \$74,500. (Budgeted – Utilities)
11. Approve purchase order in favor of Youngquist Brothers, Inc. for the East Water Treatment Plant mechanical integrity test (MIT) in an amount not to exceed \$48,000. (Budgeted – Utilities)

12. Approve purchase order in favor of Electrical Contracting Service, Inc. for replacement of the electrical feed wires for well #1 at the Central Water Treatment Plant in an amount not to exceed \$69,354. (Budgeted – Utilities)
13. Approve issuing a work authorization to Hazen & Sawyer, PA for the Headworks Restoration Design at the Regional Wastewater Treatment Plant in an amount not to exceed \$30,800. (Budgeted – Utilities)
14. Approve issuing a work authorization to Hazen & Sawyer, PC for design, permitting and bidding services of the Central Water Treatment Plant 10,000 gallon fuel storage tank replacement for an amount not to exceed \$57,900. (Budgeted – Utilities)

Resolution No. 10455

15. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 740 NW 98 Way. (Calle)

Resolution No. 10456

16. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 10515 NW 2 Ct. (Alford)

Resolution No. 10457

17. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 9825 Fairway Cove Lane. (Wertheim)

Resolution No. 10458

18. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 10688 NW 16 Ct. (Rojas)

Resolution No. 10459

19. **RESOLUTION** confirming a Plantation City Lien of Utilities Service Charges for 8761 N Lake Dasha Dr. (Perl)

Resolution No. 10460

20. **RESOLUTION** for the appointment of an I.T. Database Developer I for the City of Plantation's Information Technology Department fixing the initial annual compensation to be paid for said administrative position; and the appointment of an individual to said administrative position. (Martin)

Resolution No. 10461

21. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period December 12 through December 17, 2008.

Resolution No. 10462

22. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period December 19 through December 23, 2008.

Resolution No. 10463

23. **RESOLUTION** approving the expenditures and appropriations reflected in the Weekly Expenditure Report for the period December 26 through December 30, 2008.

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

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

Note: Mayor Armstrong voted affirmatively on Items No.21, 22, and 23.

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ADMINISTRATIVE ITEMS - None

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LEGISLATIVE ITEMS - None

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QUASI-JUDICIAL CONSENT AGENDA - None

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QUASI-JUDICIAL ITEMS - None

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CONSIDERATION OF COUNCILMEMBERS' COMMENTS

Mayor Armstrong presented an update on the Westerra/Metropica meetings that have been in progress and informed Council of the upcoming meeting dates.

Mayor Armstrong advised multiple meetings have been held with the developers and Commissioner Wexler. The City's position was to try to convey its concerns and the justifications for the impacts that it feels are being placed on the City of Plantation because of these developments. She advised she met with Mayor Wishner of Sunrise and the conversation was very constructive. She indicated she is hopeful that the conversation represents a new opportunity for dialogue between the two cities which predicates what is coming forth in a positive fashion. The City of Plantation is requesting the County Commission and the City of Sunrise delay these two applications while the Conflict Resolution discussions are taking place. She further advised she and Mr. Lunny have meetings Thursday afternoon with many of the County commissioners. She had requested Council to assist by making contacts and phone calls or by setting up meetings on their own.

Mr. Lunny added that Mr. Keefe and Mr. Leeds have also been involved with most of the meetings. The conversations with the developers have been quite cordial; however, they continue to believe that in view of the expert analyses and review of other agencies, they are really not impacting Plantation in such a manner that the City's request for a berm, traffic light, and a contribution towards the service impacts that were outlined in the Resolution can be warranted. They have been advised through various meetings that the City would be willing to negotiate on the non-money pieces of the berm in trying to get some underplantings and facilitate the light which is admittedly not warranted at this time. The City would like that taken care of at this time recognizing that the value of their projects is quite considerable.

The City first indicated it wanted everything. Then the City agreed to negotiate. The City requested a number and it has been disappointing in terms of not having a number at this time. Due to advertising requirements and scheduling difficulties, a meeting has not been held. However, the City of Sunrise will participate in this process, and the earliest date that could be scheduled for the Conflict Assessment Meeting will be January 21, 2009 at 2:00 p.m. Mayor Armstrong, Mr. Keefe, Councilman Levy, Mr. Leeds and Mr. Lunny will attend the meeting. Meetings are also scheduled with various commissioners to discuss the problems of compatibility which result from a sub-rural Plantation area having intense and high buildings in Sunrise. The County meeting is the key because the County is the supreme authority of all land use planning.

Mr. Lunny commented on some interesting questions. He noted there may be some opportunity for Sunrise to look at this berm. If Sunrise is going to contribute toward the berm and if the developers are not asked to pay for it, it is conceivable that the City will be asked whether Plantation would be willing to contribute to this estimated \$800,000 expense. If Plantation contributes to this expense, the Stiles group has asked that if they are forced to contribute something, which they are reluctant to do, should Plantation Acres participate. The City has responded that it has no authority from Council to offer any money but that is a question that the City needs to consider as to whether there is any willingness to contribute something towards the berm.

Mr. Lunny questioned whether there is a mechanism that could be formulated to address the matter of service impacts to either the Community of Sunrise or the Community of Plantation. He advised that is one reason the City has administratively backed away from the concept of requiring a significant cash contribution. The City is concerned about how that might involve more dialogue amongst the governments to come up with a process or plan. He was hopeful that in the interest of good planning and resolving a fundamental incompatibility that maybe the City can get some breathing room. He felt it is appropriate for the City elected officers to discuss whether any of their conversations have been fruitful and whether they can make suggestions that might be helpful in the City's efforts. He questioned Council's thinking on a willingness to contribute something and if they can say the City is willing to contribute something without necessarily having a number, that is appropriate. The basic problem is that if Sunrise and the County approve both these developments before they City is able to complete the Dispute Resolution Process, the developers rights will be determined subject to appeal and subject to the State looking at this issue after the fact. It was his view that they have done everything they can to continue a full frontal engagement of everybody on this issue.

Councilwoman Bendekovic thanked Mayor Armstrong, Mr. Lunny, and Mr. Keefe for all their efforts. She noted she had an opportunity to speak with Mayor Wishner. He indicated he had met with Mayor Armstrong for two hours and he was unaware of many of the issues that the City has placed on the table. He advised he would examine the prospects of a berm immediately and deferment was out of the questions because of ramification for not moving that forward. At the same time, Councilwoman Bendekovic underscored that the City of Plantation has been trying to make contact since Hurricane Wilma. She advised she would be present at the meeting for the County and she was going to follow through with consideration for deferment. She further indicated she made

phone calls to four of the commissioners. The commissioners were receptive but noncommittal. She advised she is making a photograph packet for each of the commissioners to show them irresponsible development as seen from her front yard.

In response to Councilwoman Bendekovic, Mr. Lunny believed homeowners groups should not be involved in the dialogue because it changes the dynamics of the meeting. However, they are welcome to come to the meetings.

Councilwoman Bendekovic expressed concern that it is the property of Sunrise and the City has no ownership in it. It was her view that the berm should have been extended from the beginning.

Mayor Armstrong advised the City's policy position with regard to the walls is that the City pays 25 percent. She also observed that the original intent of the berm was to be a major buffer between the Flamingo Road corridor and the Old Flamingo Road. It was originally developed with that kind of intensity and expectation. With plant material over the years, it has been a matter of maintenance. The City has asked that it be increased to the point of three layers of hedge so that the quantity of the protection is enhanced on the areas where it currently exists as well as continuing the berm to match what is there from NW 8th Street north. The reason it was not done originally was because the Melaleuca trees were there and the residents of Plantation Acres thought it was a better buffer. Those trees were destroyed during Hurricane Wilma. Sunrise removed them and should be obligated to replace the buffer to the same degree.

Councilwoman Bendekovic was uncertain whether the City should even be liable for 25 percent of the cost because it is the property of Sunrise and they should be liable.

With regard to the Plantation Acres representation at the meeting, Mayor Armstrong felt it is important for Council to recognize that with the first initial meetings, Mr. Lunny gave a significant amount of time and research to them to provide them with some basis on which to pursue whatever legal action they felt was appropriate. The decisions they take out of that and how they move forward is something that has not been discussed. The Homeowners Association will have to make that decision. She felt it is important for them to be represented at the County Commission and at Sunrise. It is the City's intent to notify them as soon the meeting dates are ascertained.

In response to Councilman Fadgen, Mr. Lunny advised it is the City's estimation that the berm in terms of the mounding and the missing gap, putting in some significant size trees, spaced the same way as elsewhere an doing understory or hedge planting along the berm will be approximately \$800,000.

Councilman Fadgen indicated that while the impact is from Sunrise, the City ought to look there. However, he felt it would be unwise for the City to say they are not paying for anything. It is important to offer at least a nominal amount of about \$100,000 or \$150,000.

Councilwoman Uria commented on the impact Sunrise development is having on Plantation Acres. She did not understand how the one-acre residential homes in Plantation Acres could impact the City of Sunrise as much as Tao or Metropica.

Mr. Lunny explained that these two projects are substantial deviations from existing approved projects. It is important because it has to be a big development to be classified as a substantial deviation. This area of Sunrise is only approximately $\frac{3}{4}$ of a mile wide with a 5-mile conservation area on one side and 5 miles of Plantation on the other. He felt the dollars piece for the services impact is the area that the City can most easily absorb as opposed to the facility impact of the parks, or getting the berm up to standards because it is an amenity that services this City and looks nice for that area. It was his belief those residents value it.

Councilman Levy commented that through an Interlocal Agreement, the City can be helpful in maintaining it, and can work together to require a certain level of maintenance.

Councilwoman Uria advised she would consider contributing something for the berm. However, it was her view that Sunrise has created the problem. She did not believe Sunrise would want to give up that land to deannexation. It was her belief that PAID could maintain it.

Councilman Levy observed that Metropica is a DRI which changes the rules and ways it gets approved. Because it is considered a Development of Regional Impact, the City does have a great say, especially when it hits DCA. He advised he spoke with some firms in Tallahassee to see about contacting DCA in regards to this matter and they will do so. If it is a DRI, it means according to the State, that it affects far more than just the local Sunrise community. It affects a broader radius, including the Everglades. He observed that the developer needs to put a buffer zone all around, which includes the impact on Plantation, comprising transportation, water, and other issues that normally a small development in the middle of Sunrise would not otherwise affect. He advised they are requesting of DCA and the County Commission to defer their review of this until the City's experts have had a chance to evaluate it properly, especially with a DRI.

Mr. Lunny agreed. He advised he is trying to suggest what Council can reasonably anticipate at these hearings. He completely agreed that the South project is much different than what is proposed. Both of these two projects are substantial changes to existing DRI's and there is some credible evidence that the impacts for certain parts of these developments will be less than if they built out in accordance with their existing DRI approval. His view of the DRI process for substantial deviations is that sometimes the process is stacked against cities for local impacts and here they are talking about local impacts only as to Plantation. The regional impacts have already been studied and already been approved. It is the local impacts that are a concern to Plantation and other communities in similar situations. These two developments are perhaps a mile away from the City's west boundaries so if the City adopts a tiered height standard, they might meet that standard by the time it is applied to them. It was his view, the Council needs to consider a number in terms of what the City's commitment might be. The Resolution that the City adopted invites that big, large discussion about how to address incompatibilities and whether it is right, fair and appropriate to hold up these two while all that discussion takes place which might take some number of years. He wanted to know what can be preserved now so at least when these developments come out of the ground, the City can have some buffering now for its citizens. He is looking for what can be done on the short term. He expected a window of no more than 30 to 45 days, if at all.

Councilman Levy advised the short-term goals for this meeting include:

- a buffer of which the City may contribute some funding
- if so, an Interlocal agreement
- impact fees from the developer

Mr. Lunny explained the Resolution talks about service impacts of \$2.159 million and that will be an unrealistic expectation. The City cannot charge an impact fee outside of its boundary, so there are some systemic limitations on what it can do. He emphasized they should see if they can get the buffer approved, provide for a reserve funding for the light so that whenever it is warranted, it can be installed. The money piece beyond the parks is negotiable. The traffic light will cost approximately \$225,000.

In response to Councilman Levy, Mr. Lunny clarified the regional impacts have been reviewed and approved. These are local impact and the Regional Planning Council has approved this. He clarified that a vehicle needs to be established county-wide so that different cities can understand the rules when circumstances like this arise.

Mayor Armstrong noted the elements of this conversation will have to be very clearly maintained as Sunrise continues to develop. The regional impacts such as affordable housing, environment, and water supply have already been completely evaluated and put through the process. At the same time, she advised that if enough affordable housing is not created for who are going to work in the mixed use developments, those people will get there by going down Oakland Park, Broward and Sunrise Boulevards which will increase the traffic. It is regarded as local, but for the City it is a major impact, and it is not necessarily being fully considered.

In response to Councilman Levy, Mayor Armstrong advised they have discussed environmental concerns as they relate to impacts on Plantation Acres and the fact that the park system was developed as a wetland in order to be able to specifically take care of the needs in the area for drainage. She noted Sunrise feels that they have mitigated and have completely provided for the requirements. It has already been through the discussion stage and those who have made the decisions at the various levels agreed that these projects have met the objectives. She emphasized that Council needs to be specific as to what it would like to see accomplished short term as it relates to these projects and then recognize that this conversation will go long term. The City of Plantation is looking at providing services and because of that, the City is not able to pay for a berm or park improvements.

Mayor Armstrong advised all the elected officials can attend the County Commission meeting on January 13, 2009. Councilman Levy advised he would be attending the meeting on January 21, 2009.

Mr. Lunny indicated that once the Council reports their wishes, some thought should be given as to how they want the presentation to occur at Sunrise and the County Commission. He requested to make some remarks at both meetings, particularly Sunrise, so they can put some things on the record. It was his view that the County meeting might be less legal and more elected official driven. It was his view that elected officers speak, as opposed to staff or lawyers.

Mayor Armstrong advised she is trying to establish up front some blocks of time.

Councilwoman Bendekovic knew the original plan was to have a wall. She was uncertain whether that is the reality and she did not even see them coming to the table. If they could make the berm acceptable, she would be receptive to it. She emphasized the berm needs to be higher, longer, and maintained. She also felt the City should get impact fees.

Discussion continued with regard to the traffic light. The warrants are not there now because the school has more impact than what they get at the busiest time a Volunteer Park. There are other factors with regard to lights that are taken into consideration such as the amount of time it takes to get across an intersection and the danger involved.

Councilwoman Bendekovic observed that Tao has been taken back by the bank. She advised she is not against development but she wanted them to be responsible and be good neighbors.

Councilman Fadgen suggested the amount should be approximately \$100,000 or slightly higher.

Councilman Petrocelli advised he would rather spend money on the actual project than to spend it on attorney fees. He indicated this is not an Acres problem but an entire City problem with traffic and impact fees that affects all the taxpayers.

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Mayor Armstrong noted in 2006 the City Council passed an Ordinance, the purpose of which was to reduce the qualifying period. The State of Florida reduced the qualifying period for elections from 14 days to 7 days. At the same time and inherent in that same Ordinance, the discussion led to the Council's objective to reduce that qualifying period by two days, which could then be extended to allow additional time for someone else to file in the event that a candidate dropped out at the last minute. That pushed the election date according to Council's desires back 2 days. When the City looked at the dates for 7 days and the states definitions of 7 days, they realized the City's filing date ended at noon today.

Mr. Lunny explained it is entirely possible to have the 7-day qualifying period. Under the Ordinance, qualifying is open for 5 days. If one person drops out at noon on the fifth day and only one other person subs in, the Ordinance requires the qualifying period to be extended for an additional two days. In terms of the Proclamation and advertisement, the qualifying period has the potential of going from January 2 through January 9. The last two days are conditional because if the conditions are not met for extending the qualifying period the extra two days as was advertised and proclaimed, the qualifying period is only five days. In this instance, the conditions for the extra two days were not met and, therefore, Councilman Levy has been duly re-elected to office. Councilwoman Bendekovic and Councilman Petrocelli each have one opponent and are in the election.

Congratulations were extended to Councilman Levy on his re-election.

In response to Councilman Fadgen, Mr. Lunny advised there is no conflict with the ad or the proclamation. The ad was consistent with all the other cities and the conditions as outlined for the extra two days were not met. The state law indicates they have 7 calendar days in order to qualify. The maximum period began on January 2 and ended on January 9. In order to accommodate what the City Council's desire to reduce it to five days and keep the other two conditional, the five have to be counted the same way as the seven. Therefore, Saturday and Sunday are counted; therefore, the five calendar days ran out today at noon. The ad perhaps might have had an asterisk explaining the extra two days might not be necessary, and he suggested the ad might be included in the newspaper to indicate that while it has the potential to go to the 9th, it also has potential to close on the 5th day at noon and the proclamation might have been clearer.

Councilman Fadgen questioned whether the City could, by executive order of the Mayor or a consensus of the Council, have the qualifying period end, as generally believed, on Friday at noon.

Councilman Levy commented the same Ordinance was in effect when Councilman Fadgen ran unopposed.

Councilman Fadgen observed that when he ran, no one announced on Wednesday that he had won his election.

Mr. Lunny indicated the City could adopt an emergency Ordinance to extend the qualifying period. The difficulty is that it would un-elect an officer that has been elected and it would affect candidates who did file promptly. The ad and proclamation can be viewed as entirely consistent with the Ordinance because it announced the outside dates but did not necessarily include all of the conditions that must be met.

Discussion continued with regard to the State law relative to qualifying.

Councilman Fadgen felt that under the circumstances, they ought to pass the emergency Ordinance. He emphasized that in the next election, the packets should be clearly marked with that information.

Motion by Councilman Fadgen to pass an emergency Ordinance keeping the filing period open until Friday at noon. There was no second to the motion; therefore, the motion failed.

Mr. Lunny advised the Ordinance would have to be passed by 2/3 vote. There are rights of individuals that have been fixed already by operation of the law. Even if it were assumed that the ad and the proclamation were incorrect, those might be City errors as opposed to candidate errors.

Councilwoman Uria advised she thought the end of the filing period was Friday at noon. She emphasized that during the next election, the City should make sure people understand if they pick up a packet, the filing date is 5 days, including weekends.

In response to Councilman Levy, City Clerk Susan Slattery indicated that the people who qualified and one other individual picked up packets. She clarified that they were told the qualifying period could go to January 9th. She noted that the qualifying period was 14 days until it was changed by the State in 2006 to 7 calendar days.

Councilman Fadgen suggested contacting the State to have them change their law.

Councilwoman Bendekovic questioned whether she, Councilman Levy, and Councilman Petrocelli have a conflict of interest because the vote on the motion impacts them financially.

Mr. Lunny recommended that the City not adopt an emergency Ordinance because the rights of individuals have already been determined. If they disagree with the City's action, they can contest it. Also, he did not feel there is a voting conflict. He expressed concern that if the rules change now, the effect of that is to unelect an elected officer, where there is currently no election. It will then affect other individuals who have qualified, by now allowing more candidates. He felt this should be sorted out legally later in terms of a challenge as opposed to the City doing this because the City has spoken by adopting the law. If the City undertakes an emergency ordinance, it may have the legal effect of correcting a perceived inequity but it may also create other problems. Under the circumstances, it was his view that it is appropriate to say that the qualifying period has the potential of being from the 2nd to the 9th of January but it would have been better to have an asterisk or to be more specific.

Discussion continued with regard to an individual who picked up a packet. Councilman Fadgen advised the individual that qualifying would end on January 9th at noon.

Councilman Fadgen suggested that if that person finds he wanted to file but was misled, that the City fund his suit or challenge. It was his belief that that in this election, the City failed to communicate. He felt the residents of the City were misled too. He noted he spoke with the individual and told him the deadline was noon on Friday.

Mr. Lunny advised there is a circumstance where that advice could have been exactly correct. The proclamation of the Mayor is not technically required under the charter, and there may not even be a requirement for an ad. It was his view that if a person wants to qualify, they would have to tender the papers and there will be a contest over it. A judge will then make that decision as to that person. But to adopt an Ordinance and change every individual candidate or elected officer's position, tries to fix a problem that may not have necessarily been a problem to begin with.

Councilman Petrocelli advised he remembered that discussion and felt that if the individual comes in to file, they can deal with it as it happens. He congratulated Councilman Levy.

In response to Councilwoman Uria, Mr. Lunny reiterated the qualifying period is 5 calendar days, unless it is extended for the additional two days.

Councilwoman Uria emphasized at the next election, every packet should include the information that "the qualifying period is for five days * unless". The individual should be given from noon January 2 through noon January 9.

Councilwoman Bendekovic also advised that the due dates for the campaign reports have been changed by the State.

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Councilwoman Bendekovic extended Happy New Year greetings to everyone.

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Mayor Armstrong announced that on January 15, 2009 Councilman Levy will be sworn in as Secretary to the Area Agency on Aging.

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Councilwoman Uria congratulated Councilman Levy on his re-election.

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Councilman Fadgen also extended congratulations to Councilman Levy.

He also wished a Happy New Year to all.

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Councilman Petrocelli expressed Happy New Year greetings.

He also commented on the trucks coming off of NW 70th Avenue, including Publix trucks. He felt the City accomplished its objective.

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PUBLIC REQUESTS OF THE COUNCIL CONCERNING MUNICIPAL AFFAIRS - None

Peter Tingom, resident of West Tropical Way, commented on the PAL audit.

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Peter Xxxxxx, resident of NW 8th Street, commented about the Plantation Business Park and the fact that there are trailers and storage trucks on the property across the street from his residence. The business at that location does not have a business license. The fines for Code Enforcement violations have been accruing since 2005. He expressed disappointment that nothing is being done to rectify the situation and questioned how he can get the matter resolved.

Councilman Petrocelli advised it is the City's responsibility to represent the residents. He observed that Mr. Xxxxxx's quality of life is being impacted.

Councilwoman Bendekovic advised she was unaware of the situation and assured Mr. Xxxxxx that the matter will be addressed.

Mayor Armstrong thanked Mr. Xxxxxx for coming forward and underscored that if they are not aware of the situation, they cannot fix it. She noted the property had reached a point of being potentially foreclosed. When the development came forward, there was some discussion about using the influences that were there to keep the property up. Since that is not happening and if the foreclosure is mature, they can move on it. She advised that she will look into the matter tomorrow.

In response to Mr. Xxxxxx, Mayor Armstrong explained the foreclosure is an automatic consideration at the time that the fine reaches the \$40,000 level. She indicated she would inquire as to where this case is in the fine process.

Councilman Levy encouraged the citizens to let the Code Enforcement Department know if there is a problem. Now that they are aware of the problem, there will be some type of resolution.

In response to Mr. Xxxxxx, Mayor Armstrong noted it is the job of Code Enforcement to seek out violations. However, she advised that oftentimes Code Enforcement does not get the cooperation or response from the persons in violation, and the legal requirements take time in the process in order to get something right. She emphasized the City does not allow any properties in the City to remain in a derelict condition particularly in terms of trash.

Councilwoman Uria thanked Mr. Jehlen for bringing this matter to their attention.

Councilman Fadgen observed that the Code Enforcement is not overstaffed and the firemen and police are not aware of all the things going on.

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WORKSHOP

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Meeting adjourned at 10:30 p.m.

Rico Petrocelli, President
City Council

ATTEST:

Susan Slattery
City Clerk

RECORD ENTRY:

I HEREBY CERTIFY that the Original of the foregoing signed document was received by the Office of the City Clerk and entered into the Public Record this _____ day of _____, 2008.

Susan Slattery, City Clerk