

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

**OCTOBER 8, 2003**

The meeting was called to order by Councilwoman Diane Veltri Bendekovic, President of the City Council.

Roll call by the City Clerk:

Councilmember:	Diane Veltri Bendekovic Bruce Edwards Jerry Fadgen Ronald S. Jacobs Sharon Uria
Mayor:	Rae Carole Armstrong
City Attorney:	Donald J. Lunny, Jr.

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Invocation was offered by Mayor Armstrong.

Pledge of Allegiance and Presentation of Colors by the Plantation Volunteer Fire Department Honor Guard followed.

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The minutes of the City Council meeting held September 24, 2003 were approved as printed.

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**ITEMS SUBMITTED BY THE MAYOR**

**FIRE PREVENTION AWARDS**

Fire Chief Pudney presented the *27<sup>th</sup> Annual Fire Prevention Awards*. This year's NFPA Fire Prevention Week theme was "*When Fire Strikes: Get out! Stay out!*" The posters were judged by members of the Plantation Volunteer Fire Association and the essays were judged by the Friends of the Helen B. Hoffman Library. Wilma Drainer, representing the Friends of the Helen B. Hoffman Library, joined Chief Pudney at the podium.

The first place citywide poster winner was Blair Bolger, a third grader from Central Park Elementary School. The first place citywide essay winner was Megan Browner, a fifth grade student at the David Posnack Hebrew Day School.

Chief Pudney expressed appreciation to his administrative assistant, Marti Terziu, who organizes and oversees this event each year, and to all those who participated.

Each year the Fire Department recognizes a Business of the Year. The 2003 Business of the Year recipient was *A Superior Towing Company*. The owner/operator of the company, Sean Loscalzo, has generously donated scrap vehicles to use in extrication and firefighting training of members of the Fire Department as well as in public education demonstrations of extrication procedures.

On behalf of the City of Plantation, Chief Pudney introduced the Firefighter of the Year, Lt. Rudy Gabor. A plaque was presented and congratulations were offered.

Chief Pudney announced the annual Firefighters' Barbeque would be held on November 2, 2003 at Pine Island Park.

Mayor Armstrong acknowledged the outstanding service provided by the Volunteer Fire Department and the EMS Services.

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Mayor Armstrong expressed appreciation to the FOP representatives and members of Council who formulated the Police Contract and brought it to fruition.

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Mayor Armstrong advised flu shots would be offered to the community on a first-come, first-served basis on October 30, 2003 at the Central Park Gymnasium from 9:00 a.m. to noon. The Flu Program is partnered with West Side Regional Hospital for senior residents, 55 years of age or older.

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Jeffrey Siegel, City Landscape Architect, announced *Tree Day* would be held on October 18 and 19, 2003 at Heritage Park, partnered with the Plantation Historical Society.

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Betty Cobb advised the Greater Fort Lauderdale Visitors' Maps and Event Guides were received, and the Museum has been listed with the holiday exhibits. The Museum will close on October 27, 2003 to prepare the holiday display and will reopen on Thursday, December 4, 2003. She invited everyone to visit the Depression Glass Exhibit and Halloween Exhibit.

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## CONSENT AGENDA

As a Commissioner of the CRA, Mayor Armstrong had voting privileges on Items CA-8 and CA-9.

Mr. Lunny read tonight's Consent Agenda by title.

CA-1. Award bid for construction of building addition to Fire Station #2 to low bidder, Pino Kaoba & Associates for \$494,825. (budgeted – 2002 Construction Bond)

CA-2. Approve Change Order showing a decrease of \$21,670 in the contract price with R J Sullivan Corporation for work on the East Water Treatment Plant Expansion. (Utilities)

### Ordinance No. 2307

CA-3. Continued Second and Final Reading of an ordinance, as amended, of the City of Plantation, Florida pertaining to the subject of land development; creating a new Article VII in Chapter 5 of the Code of Ordinances pertaining to **wetlands protection**; requiring that no vacant property within that portion of Plantation which comprises the SPI-1 Plantation Acres, Rural District, as described in Subdivision B, Division 26, Article VII, Chapter 27 of this Code may be cleared without a clearing permit being issued; providing for definitions; providing that such permits shall be valid for one (1) year; providing for conditions for permit issuance and regulations therefor; establishing a clearing permit fee and providing for an increase to such permit application fee; providing that permits will not be issued for portions of property which contain wetlands without additional approval from other governmental agencies or entities with wetland protection or management responsibilities; providing an exception to such other permits and approvals for land within Plantation Acres where the owner of wetlands impacted vacant property participates in the City Wetland Regional Off-Site Mitigation Area; establishing a mitigation fee; providing for an adjustment to such mitigation fee; making other enactments relative to preserving and protecting wetlands; providing a savings clause; and providing an October 1, 2003 effective date therefor.

### Resolution No. 8838

CA-4. **RESOLUTION** approving an agreement between the City of Plantation, as employer, and the Florida State Lodge Fraternal Order of Police Bargaining Agent for Plantation Police Department for fiscal years 2003/2004, 2004/2005, and 2005/2006.

### Resolution No. 8839

CA-5. **RESOLUTION** for the appointment of a Redevelopment Specialist for the City of Plantation's Planning, Zoning and Economic Development Department fixing the initial annual compensation to be paid for said administrative/professional position; and the appointment of an individual to said administrative/professional position. **(LYNDA KOMPELIEN)**

### Resolution No. 8840

CA-6. **RESOLUTION** approving the expenditures and appropriations reflected in the **WEEKLY EXPENDITURE REPORT** for September 25, 2003 – September 30, 2003. **(PLANTATION GATEWAY)**

**Resolution No. 8841**

CA-7. **RESOLUTION** approving the expenditures and appropriations reflected in the WEEKLY EXPENDITURE REPORT for September 25, 2003 – September 30, 2003.

CA-8. Approve agreement with GT McDonald Enterprises, Inc. for an incentive award not to exceed \$50,000 under the Plantation Gateway CIS Grant Program. **(CRA)**

**Resolution No. 8842**

CA-9. **RESOLUTION** approving the expenditures and appropriations reflected in the WEEKLY EXPENDITURE REPORT for September 25, 2003 – September 30, 2003. **(CRA)**

Mr. Lunny noted the City received the Army Corps of Engineers' comments on Item CA-3. The ordinance was revised to incorporate those comments which were clarifying in nature and not substantive. The City has also added some "whereas" clauses.

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

Ayes: Jacobs, Uria, Edwards, Fadgen, Bendekovic  
Nays: None

**Note:** Mayor Armstrong voted affirmatively on Items CA-8 and CA-9.

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**4. ADMINISTRATIVE ITEMS**

None.

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**5. PUBLIC HEARINGS DETERMINED BY CITY STAFF TO BE LEGISLATIVE IN NATURE**

None.

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6. **PUBLIC HEARINGS DETERMINED BY CITY STAFF TO BE QUASI-JUDICIAL IN NATURE**

Councilwoman Bendekovic 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.

**Resolution No. 8843**

QC-1. **RESOLUTION** approving the "Plantation Oaks West II" Plat; and providing an effective date therefor.

Mr. Lunny read Resolution No. 8843 by title.

**The Planning, Zoning and Economic Development Department Staff Report and Recommendations follow:**

**REQUEST:** Plat approval for two lots and one parcel.

**EXHIBITS TO BE INCLUDED:** Planning and Zoning Division report; subject site map; aerials; Review Committee minutes of March 25, 2003; and plat application.

**REVIEW COMMITTEE RECOMMENDATION:** Motion to recommend **APPROVAL** subject to staff comments (8-0, March 25, 2003).

**ANALYSIS:** The subject property was annexed pursuant to Ordinance #543 into the City on September 4, 1973, as part of the Plantation Acres acquisition and is currently utilized as a pet cemetery. The present owner went before City Council on December 3, 1986, requesting a transfer of the occupational license for the continued operation of the nonconforming use of land for the Broward Pet Cemetery and Crematorium. At the meeting, Dr. Seiler indicated that he planned to take the first 3 acres and maintain it as a cemetery. Council approved the request after great discussion regarding the upgrading of the site and the concern over the cremation of remains regarding smoke and odor.

The applicant proposes platting the property to allow for development of 2 single-family homes on Lots 8 and 9 and maintaining the pet cemetery on Parcel PC. The property consists of 3.27 gross acres and 2.72 net acres. The proposed plat is consistent with the Estate (1) land use designation on the adopted Future Land Use Plan Map, which allows a maximum density of one unit per acre. The appropriate approvals from the Legal Department, Engineering Department, Utility Department, and Plantation Acres Improvement District have been received.

Both lots meet the dimensional requirements for the RS-1EP district; however, this property is subject to the requirements contained in Section 27-783 with regards to the non-conforming pet cemetery use. Section 27-783 reads as follows:

Upon the sale and disposition or abandonment of this property with the cessation of its continuing use as a pet cemetery and a pet crematorium, the then owner shall be required prior to the approval of such sale and any license or permit for the use of the land or the erection of any structure or renovation permit thereon which would bring the use of the land into conformity with the then permitted uses under the zoning use district then in effect for the land, such owner shall have all animal remains which have been previously interred within the pet cemetery, removed and reburied in a location as close as possible to the present nonconforming use location within South Florida where pet cemeteries are permitted at the expense of the owner who shall otherwise assign such perpetual care payments or other financial arrangements which he or his predecessors had made with the owners of the animal remains to the operator of the substitute pet cemetery. It being understood that the owner shall first attempt to contact the owners of the animal remains and offer to reassign any such perpetual care financial arrangements or consideration to the pet cemetery of the owner's choice within South Florida and remove the remains from where now buried and cause same to be reinterred at such pet cemetery of the owner's choice within South Florida at no additional cost or expense to the owner. As used in this portion of this article, the term "South Florida" applies to a land south of an imaginary line running from east to west across the State of Florida, parallel to the nearest latitude which would intersect the northernmost edge of Lake Okeechobee.

The applicant has indicated proposed Lots 8 and 9 have not been used for burials since his ownership of the property in January 1986, that he has no records of animal remains buried in this area prior to 1986, and that to the best of his knowledge there are no animal remains buried in this area.

**STAFF COMMENTS:**

**PLANNING AND ZONING:**

1. Upon inspection of the property, staff observed headstones located on proposed Lot 9 indicating burial dates in the mid 1960's. In addition, the master site plan on file in the Planning and Zoning Department, dated 1986, indicates "existing burial area" in the area of proposed Lot 9.
2. If approved, staff recommends all walkways on Lot 9 be removed and requests City Council direction with regards to the removal of the existing headstones.
3. Indicate the gross and net acreage on Lot 8.
4. Approval from Broward County Office of Natural Resource Protection is needed.

**ENGINEERING DEPARTMENT:**

This is a follow-up review based on a revised plat drawing submitted to our department by Planning, Zoning and Economic Development Department on June 25, 2003. These comments supersede the previous comments dated March 19, 2003:

1. Label and adjust the vehicular access point along NW 115 Avenue for the existing driveway. Dimension should be rounded up to a whole number. It is recommended that access for two-way traffic be provided.
2. Indicate the benchmark being used and provide the elevation on the two additional proposed benchmarks.
3. Provide copy of Official Record Book 17735, Page 148 for 30-foot right-of-way dedication along NW 8 Street.
4. Denote on the plat that Lots 8 and 9 are proposed for residential use.
5. Add the Flood Information data to the plat: i.e. Community Number 120054, Map & Panel Number 12011C0195, Suffix F, FIRM Index Date 10/2/97, FIRM Panel Effective Date 8/18/92, Flood Zone AH, Base Flood Elevation = 8 ft.

**Engineering Department Recommendations and Comments:**

The Engineering Department recommends approval of the Plat subject to the following:

- a. The Plat must be revised to include the requested information, data and minor adjustments requested by the City of Plantation Engineering Department and Broward County Engineering. The Plat must be resubmitted for review and approval to the City Engineering Department.

Mr. Lunny clarified there are no records of animals having been interred on lands other than the area that will remain a pet cemetery. He suggested this item be approved tonight as presented, with the request that City staff not sign the plat until Mr. Seiler confirms there are no remains on the property. If there are remains, they must be relocated to the pet cemetery property.

Representative Seiler, whose father owns the property, briefly reviewed the request as outlined in the aforementioned memorandum, and indicated records have been available since 1986.

***Motion by Councilman Edwards, seconded by Councilwoman Uria, to approve the request as presented, subject to the owner conducting an investigation to determine whether there are any animal remains on the property and presenting a letter of certification to the City. Motion carried on the following roll call vote:***

Ayes: Jacobs, Uria, Edwards, Fadgen, Bendekovic  
Nays: None

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6-A. **PROJECT PP03-0028:** REQUEST FOR REDEVELOPMENT SITE PLAN APPROVAL FOR MONA KEARBAY. PROPERTY DESCRIBED AS THE EAST 150 FEET OF LOTS 4, 5, AND 6, BLOCK 4, COUNTRY CLUB ESTATES UNIT "A", AS RECORDED IN PLAT BOOK 81, PAGE 44 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING IN SECTION 12, TOWNSHIP 50 SOUTH, RANGE 41 EAST, AND LOCATED AT 205-251 S. STATE ROAD 7. PROPERTY IS ZONED SPI-2 (HYBRID COMMERCIAL).

Mr. Lunny read Item 6-A by title.

Architect Gary Peterson testified he was previously sworn in and understood the rules governing the hearing.

Mr. Peterson requested this item be deferred to the City Council Meeting of October 15, 2003 to allow time to review additional staff comments.

*Motion by Councilwoman Uria, seconded by Councilwoman Bendekovic, to defer Item 6-A to October 15, 2003. Motion carried on the following roll call vote:*

Ayes: Jacobs, Uria, Edwards, Fadgen, Bendekovic

Nays: None

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**7. CONSIDERATION OF COUNCIL MEMBERS' COMMENTS AND PUBLIC REQUESTS**

Mr. Lunny requested an Attorney/Client session pursuant to 286.011(8), Florida Statutes, between Mayor Rae Carole Armstrong; Council President Diane Veltri Bendekovic; Council President Pro tem Ron Jacobs; Councilmembers Bruce Edwards; Jerry Fadgen; and Sharon Uria; City Attorney Donald J. Lunny, Jr., and Kenneth E. Keechl, Esq. to discuss negotiations and strategy for pending judicial litigation in connection with:

**Gordon Rogers, Doreen Rogers, Robert Beach, Robert Francais, Lynn Dan Mathesa, Nick Camparscone, Barbara Camparscone, Barbara Patrick, Plaintiffs, vs. City of Plantation, Defendant, Case No. 02-020857-05, Circuit Court of the 17<sup>th</sup> Judicial Circuit, in and for Broward County, Florida.**

This Attorney/Client session shall commence at, or as soon as possible after 6:30 p.m., and shall last an estimated one (1) hour, on Wednesday, October 15, 2003. This meeting is a private meeting which will be held in the Mayor's Conference Room wherein the only persons authorized to attend pursuant to above referenced statute are Mayor Rae Carole Armstrong; Council President Diane Veltri Bendekovic; Council President Pro Tem Ron Jacobs; Councilmembers Bruce Edwards; Jerry Fadgen; and Sharon Uria; City Attorney Donald J. Lunny, Jr.; Kenneth E. Keechl, Esq.; and the certified transcribing court reporter.

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Erroll Brown, resident, expressed concern with regard to the closing time of the tennis courts and playing fields at the Jim Ward Community Center.

Mayor Armstrong advised it was her understanding those courts should be open until dark, except during lightning storms. She indicated she would look into the matter.

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## WORKSHOP

### 1. DISCUSSION CONCERNING PROPOSED URBAN FORESTRY MANAGEMENT PLAN.

**A memorandum dated October 1, 2003 to Mayor and Members of City Council from Jeffrey L. Siegel, Landscape Architect, follows:**

The final draft of the Urban Forestry Management Plan has been provided. We have included a full version, which is the plan in its entirety; and a capsulated version, which is an in-depth synopsis of the plan.

Our staff has worked very diligently on this plan and we feel that it provides guidance for the future of the City's urban forest, while at the same time, it addresses present day concerns.

Once the plan is approved, certain ordinance changes will be required. At the same time, minor changes to other portions of the tree preservation ordinance will be required so that we are compliant with Broward County's newly revised ordinance. The County-initiated changes will allow us to be 'recertified' and, therefore, keep the County from having jurisdiction over the City.

As always, if you have any questions, comments or concerns, please do not hesitate to contact me.

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Mr. Siegel briefly highlighted the specifics of the program. The process for the baseline was an inventory. A firm was hired through an urban forestry grant. Six neighborhoods throughout the City were chosen because they have a diverse urban forest. The inventory found approximately 6,000 street trees in those neighborhoods. Parks, medians and residential areas were not considered. It was determined black olives make up 29%, live oaks make up 27%, and there are a host of other trees. Most of the trees range from 10 to 19-inch calipers and represent trees approximately 25 to 30 years old. Most trees were in good condition. He referenced the economic and environmental value of the trees, noting they are an important resource to a municipality. He estimated the value of the 17,000 street trees in the City to be approximately \$26 million. There were about 2,000 planting spaces available in those 6 neighborhoods and 6,000 spaces throughout the City.

Mr. Siegel discussed tree removals and advised permits to remove 728 trees on private property were granted between January 2000 and December 2002. 1,205 trees should have been mitigated but only 260 were replaced.

Mr. Siegel offered the definitions of premium trees and specimen trees. He felt it was important to set minimum standards for tree coverage on residential properties.

Councilman Edwards noted many calls have been received from homeowners who are upset with the regulations.

Councilwoman Bendekovic questioned the time frame for tree removal and replacement, and expressed concern with regard to enforcement.

Councilman Fadgen concurred that trees add value to properties. He suggested perhaps a bond could be used to certify that trees were replaced and were still alive six months or a year later.

Mayor Armstrong indicated the purpose of the plan was multi-faceted, providing some understanding of the value of the tree canopy as an asset and strategizing a methodology for maintaining it for the future. She emphasized the City should not digress by affording an opportunity for people to remove major size trees (18 inches or greater) at a whim. She felt the program would allow the urban forest to become better and stronger in quality through a replacement process.

Councilman Jacobs reviewed the minimum standards for removing a tree and suggested changing the deferred permitting period from one year to six months. He observed the City must follow the County law for replacing tree canopy.

Discussion ensued with regard to educating the public about the benefits of preserving the tree canopy.

Councilman Edwards indicated at this time the City does not require any permits for tree trimming and no inspections are provided. However, if a company is hired to trim a tree, the City can make a decision as to whether the tree trimming was done properly.

Mr. Siegel clarified Broward County requires people who trim trees to have permits and the City has a list of those who are licensed by the County. However, there is a concern with regard to those who trim trees on weekends without permits.

Mr. Lunny was not in favor of licensing contractors but suggested adopting an ordinance limiting the amount of trimming that can be done without a license.

It was noted that if standards are met, black olives can be removed from residential property. Permits will be required but there is no charge for single-family residences. Trees in the swale can be removed and/or relocated by the City and property owners must pay to have them replaced.

Recommendations for managing the tree canopy included the following:

1. Creating minimum and maximum standards for single-family lots of different sizes if a replacement is to occur.
2. Formulating a list of trees and a plan for replacing street tree black olives.

In response to Councilwoman Uria regarding size requirements and cost for tree replacement, Mr. Siegel indicated a ten-foot Florida No. 1 grade live oak tree costs approximately \$250 to purchase and plant.

Councilman Fadgen expressed concern that some residents on limited budgets may not be able to afford the expense of purchasing and planting a tree. He felt there should be an alternative, more cost-efficient plan in place.

Councilwoman Bendekovic suggested the establishment of a tree bank.

Mr. Siegel briefly discussed the PRD zoned districts.

Mayor Armstrong referenced a letter from horticulturist, Wayne Poole, and advised Mr. Siegel would contact him directly to discuss some elements of the ordinance.

Hassan Ahmed, resident, briefly commented on a cluster of ficus trees located close to his house. He expressed concern with regard to the hazard created by the heavy branches that were hanging on his roof and the subsequent violation he received after the branches were pruned.

Councilman Jacobs felt the City would need to find a way to address the County ordinance.

William Hart, Eagle Tree Surgeon, advised oak trees under 18 inches that are being removed could be donated and put into parks. He would not recommend transplanting black olive trees. He also felt the mulch remaining from Hurricane Andrew could be used in soccer fields.

Mr. Siegel expressed appreciation for the input and was hopeful a plan could be formulated that would work for everyone.

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Meeting adjourned at 10:20 p.m.

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Diane Veltri Bendekovic, President  
City Council

**ATTEST:**

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Susan Slattery, City Clerk