

**CITY OF NORTH LAUDERDALE**

**COMMISSION MEETING**

**TUESDAY, JUNE 13, 2017**  
**REGULAR MEETING – 6:00 p.m.**

**WATER CONTROL DISTRICT**  
**Immediately following regular meeting**

**AGENDA**

- 1. INVOCATION AND PLEDGE OF ALLEGIANCE – Vice Mayor Wood**
- 2. ROLL CALL**  
  
Mayor Jack Brady  
Vice Mayor Lorenzo Wood  
Commissioner Rich Moyle  
Commissioner Jerry Graziose  
Commissioner Samson Borgelin  
City Manager Ambreen Bhatti  
City Attorney Samuel S. Goren  
City Clerk Patricia Vancheri
- 3. APPROVAL OF MINUTES**
  - a. May 30, 2017**
- 4. PRESENTATIONS**
  - a. Recognition of Principal Latosha R. Williams, North Lauderdale Elementary**
  - b. BSO 2016 Annual Report (Chief Brian Faer)**
- 5. PUBLIC DISCUSSION**

**6. ORDINANCES SECOND READING**

**a. Ordinance – Second Reading Extending Moratorium on Wireless Communication Facilities**

- Motion, second and vote to read the ordinance
- Attorney reads title
- Staff presentation (Tammy Reed-Holguin)
- Public Hearing opened
- Public discussion
- Public Hearing closed
- Commission motion and second to adopt
- Commission discussion
- Commission vote

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AMENDING ORDINANCE 17-04-1348; EXTENDING THE MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS OR DEVELOPMENT ORDERS FOR THE INSTALLATION OF OR SITING OF WIRELESS COMMUNICATION FACILITIES WITHIN THE CITY UNTIL SUCH TIME AS REGULATIONS PERTAINING TO WIRELESS COMMUNICATION FACILITIES HAVE BEEN ADOPTED BUT NO LATER THAN JULY 31, 2017; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**b. Ordinance – Second Reading – Ceremonial Items Procedures**

- Motion, second and vote to read the ordinance
- Attorney reads title
- Staff presentation (Mike Sargis)
- Public Hearing opened
- Public discussion
- Public Hearing closed
- Commission motion and second to adopt
- Commission discussion
- Commission vote

**AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, (“CITY”), AMENDING SECTION 2-33 WITHIN CHAPTER 2 OF THE NORTH LAUDERDALE CODE OF ORDINANCES, ENTITLED “ADMINISTRATION” TO PROVIDE FOR ADDITIONAL GUIDELINES FOR ISSUANCE AND DISTRIBUTION OF CEREMONIAL ITEMS SUCH AS KEYS TO THE CITY, PROCLAMATIONS, CERTIFICATES OR PLAQUES, LETTERS OF HONOR; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**7. CONSENT AGENDA**

- Remove items from consent agenda if desired
- Commission motion, second and vote to read
- Attorney reads consent agenda
- Commission motion, second and vote to adopt the consent agenda

**a. RESOLUTION – SIGN WAIVER – SWAV 17-02**

**Fallas – 7296 W. McNab Road  
Applicant – San Pedro Sign Company**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPROVING A SIGN WAIVER REQUEST FOR ONE WALL SIGN FOR FALLAS LOCATED AT 7296 W MCNAB ROAD, NORTH LAUDERDALE, FLORIDA, THEREBY PERMITTING THE INSTALLATION AND MAINTENANCE OF ONE WALL SIGN WITH LETTERS “FALLAS” 31 INCHES IN HEIGHT LOCATED IN A B-2 GENERAL BUSINESS DISTRICT WHERE 16 INCH HIGH LETTERS ARE ALLOWED BY SECTION 94-16 (C) (2) (C) OF THE CITY’S CODE OF ORDINANCES WITHIN A COMMUNITY BUSINESS (B-2) ZONING DISTRICT.**

**b. RESOLUTION - SIGN WAIVER – SWAV 17-03**

**Cr8tive Outfitters - 7320 W. McNab Rd  
Applicant – Urban Wear America**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPROVING A SIGN WAIVER REQUEST FOR ONE WALL SIGN FOR CR8TIVE OUTFITTERS LOCATED AT 7320 W MCNAB ROAD, NORTH LAUDERDALE, FLORIDA, THEREBY PERMITTING THE INSTALLATION AND MAINTENANCE OF ONE WALL SIGN WITH LETTERS “CR8TIVE” 30 INCHES IN HEIGHT WHEREAS SECTION 94-16(C)(2)(c) OF THE CITY CODE ALLOWS FOR 16 INCH MAXIMUM LETTER WHERE 16 INCH HIGH LETTERS ARE ALLOWED BY SECTION 94-16 (C) (2) (C) OF THE CITY’S CODE OF ORDINANCES WITHIN A COMMUNITY BUSINESS (B-2) ZONING DISTRICT.**

**c. RESOLUTION – 2017 FEMA Fire Prevention & Safety (FP&S) Grant**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY REQUESTING APPROVAL RETROACTIVELY FOR THE SUBMITTAL OF THE GRANT APPLICATION FOR A FEDERAL EMERGENCY MANAGEMENT AGENCY FIRE PREVENTION & SAFETY (FP&S) GRANT IN THE AMOUNT OF \$73,800.00 TO PROVIDE FUNDING FOR THE**

**PURCHASE OF RUGGEDIZED TABLET COMPUTER EQUIPMENT AND SOFTWARE; PROVIDING FOR FINDINGS AND CONCLUSIONS WITH REGARD TO THE BENEFITS TO BE DERIVED BY ACCEPTING SUCH GRANT FUNDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE .**

**8. OTHER BUSINESS**

**a. ORDINANCE – First Reading - Amendment to Chapter 102 “Vegetation” Section 102-61 (b) “In B, M, CF, CR, and ROS districts relating to abutting properties.” of the City’s Code of Ordinances**

- Motion, second and vote to read
- Attorney reads title
- Staff presentation (Tammy Reed-Holguin)
- Commission motion and second to adopt
- Commission discussion
- Commission vote

**AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AMENDING SECTION 102-61 (B) ENTITLED “SAME—IN B, M, CF, CR, and ROS DISTRICTS RELATING TO ABUTTING PROPERTIES .” OF THE NORTH LAUDERDALE CODE OF ORDINANCES, PROVIDING FOR STIPULATIONS AND CONDITIONS; PROVIDING FOR DEFINITIONS PROVIDING THAT PROVISIONS NOT VARIED BY THIS ORDINANCE REMAIN IN FULL FORCE AND EFFECT; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING AN EFFECTIVE DATE.**

**9. BUDGET MATTERS**

**a. RESOLUTION – Preliminary Solid Waste Assessment Rate**

- Motion, second and vote to read
- Attorney reads title
- Staff presentation (Susan Nabors)
- Commission motion and second to adopt
- Commission discussion
- Commission vote

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES AND FACILITIES AND PROGRAMS IN THE CITY OF NORTH LAUDERDALE, FLORIDA; PROVIDING FOR PURPOSE AND DEFINITIONS; PROVIDING FOR LEGISLATIVE DETERMINATIONS; ESTABLISHING THE ESTIMATED RATE AT \$216.02 FOR THE RESIDENTIAL**

**SOLID WASTE COLLECTION SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017; DIRECTING THE PREPARATION OF A RESIDENTIAL SOLID WASTE COLLECTION SERVICES SPECIAL ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.**

**b. RESOLUTION – Preliminary Fire/Rescue Special Assessment Rate**

- Motion, second and vote to read
- Attorney reads title
- Staff presentation (Susan Nabors)
- Commission motion and second to adopt
- Commission discussion
- Commission vote

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF NORTH LAUDERDALE, FLORIDA; ESTABLISHING THE ESTIMATED RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.**

**10. REPORTS**

**11. COMMISSION COMMENTS**

**12. CITY MANAGER COMMENTS**

- b. Discussion and possible motion to authorize only one City Commission meeting during the month of July and Commission recess during the month of August.**

**13. CITY ATTORNEY COMMENTS**

**14. ADJOURNMENT**

**CONVENE TO WATER CONTROL DISTRICT**

**CITY OF NORTH LAUDERDALE**

**COMMISSION MEETING**

**TUESDAY, MAY 30, 2017**

**MINUTES**

The North Lauderdale City Commission met at the Municipal Complex on Tuesday, May 30, 2017. The meeting convened at 6:00 p.m.

1. **INVOCATION AND PLEDGE OF ALLEGIANCE** – Commissioner Moyle gave the invocation and led the pledge.
2. **ROLL CALL** – Clerk called roll. **All present.**

Mayor Jack Brady  
Vice Mayor Lorenzo Wood  
Commissioner Rich Moyle  
Commissioner Jerry Graziose  
Commissioner Samson Borgelin  
City Manager Ambreen Bhatti  
City Attorney Samuel S. Goren  
City Clerk Patricia Vancheri

3. **APPROVAL OF MINUTES**
  - a. **May 9, 2017** – Commissioner Graziose moved to approve the Minutes as submitted. Seconded by Commissioner Wood. Clerk called roll. **MINUTES APPROVED UNANIMOUSLY.**
4. **PRESENTATIONS**
  - a. **Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award**

Laurette Jean stated she is honored to be here on behalf of the Government Finance Officers Association to present the City with this Distinguished Budget Presentation Award for excellence in presenting a high quality budget document prepared by the Finance Department, along with all the departments, by conforming with substantially difficult criteria for the program which has been around since 1984. This is the City of North Lauderdale's 23<sup>rd</sup> year of receiving this award which shows how hard the Finance Department and staff works and the pride they take in developing a very high standard budget document. Susan Nabors, Finance Director said it is really a group effort to put together the budget document and they are honored to receive the award once again.

**b. Certificates of Recognition in observance of Haitian American Heritage Month**

Clerk Vancheri read Certificates of Recognition into the record and Commissioner Samson Borgelin presented the following individuals with a plaque for their various contributions to the communities in honor of Haitian American Heritage Month:

- **Guithele Ruiz-Nicolas**
- **Dr. Patrick Jobouin**
- **Claude Louissaint**
- **Serge Celestin, M.D.**

Clerk read a Proclamation for Haitian American Heritage Month which was received by Haitian radio personality Jacques Lesly. Also at this point the Clerk read into the record a Proclamation in support of the month of June as Caribbean American Heritage Month and Mayor of Lauderdale Lakes, Hazelle Rogers received the proclamation and thanked the Commission.

**c. Utility Division Employee Letters of Commendation for their dedication, commitment and hard work during a major sewer break crisis:**

George Krawczyk, Public Works Director, acknowledged the services of the following Public Works staff who on the evening of Saturday, April 29<sup>th</sup> through the morning of Sunday, April 30<sup>th</sup> worked diligently on a job well-done to repair a major sewer break:

- **Kenny Thomas, Utilities Foreman**
- **Shawn Driver, Operator**
- **Chris McCall, Utility Technician**
- **Robert Laws, Operator**
- **Marlon Betton, Community Service Worker**

City Manager Bhatti commented that these employees worked all night long, above and beyond the call of duty to get the problem fixed as soon as possible and thanked them for not giving up until the job was done.

**5. PROCLAMATIONS** – The following Proclamations were read into the record:

- a. Caribbean American Heritage Month – June** – presented under Item 4(b)
- b. National Gun Violence Awareness Day – June 2 “Wear Orange Day”** – Tanya Reid, from MOMs against gun violence was present to receive the Proclamation and expressed thanks to the Commission and invited everyone to their event on Saturday, June 3<sup>rd</sup> in Esplanade Park in Fort Lauderdale.
- c. National Safety Month – June** – Human Resources Manager, Jennifer Yarmitzky; Fire Chief Rodney Turpel and BSO Captain Brian Faer received the Proclamation.

## 6. PUBLIC DISCUSSION

**Kelly Jean Oberrieth** – 7518 SW 8 St – Stated she is a 25 year resident of the City and she came to comment that she is the person who called Code Enforcement regarding the basketball hoop issue that was presented at two previous Commission meetings by Gary Buchanan. She expressed the reason she called about this and said she did not take it lightly as this has been an ongoing problem for the past six months that she has been trying to address with Mr. Buchanan. She explained that at times up to 40 kids were playing on this corner as if it were a park and have had at least five basketballs dribbling at one time. They have left garbage on the lawns; sat on her air conditioning unit and at times have been intimidating and rude to her. Ms. Oberrieth also commented that she almost hit a small child at one time who had darted into the street. She also stated that another neighbor has been targeted vindictively and she doesn't know what else to do, and is embarrassed that she had to come address this issue because it is dangerous. City Manager Bhatti stated that as of now, the basketball hoop has been moved into Mr. Buchanan's driveway and off the swale where it was located at a three way intersection. Ms. Bhatti said she looked at the location and there is no reason the hoop should have been on that corner. Vice Mayor Wood asked if there were parks nearby that location. Mr. Sargis replied that Fusco Park that has hoops is a five minute walk. Vice Mayor Wood thanked Ms. Oberrieth for coming with her side of the story and residents have to realize that we live in a democracy where we try to get along with each other and putting a basketball hoop in a swale which is a public right of way where cars are is quite dangerous and puts kids at risk. Commissioner Graziose commented that after Mr. Garfield addressed the Commission, they got a very detailed report about the situation and he thanked the City Manager and staff. The report was very clear and backed up what Ms. Oberrieth was saying. Mr. Ciralus Bonhomme also commented that Mr. Buchanan, who is his next door neighbor, called Code to have his truck cited as a commercial truck, which has been in his driveway for 10 years and is not a commercial vehicle. He stated that it is wrong for Mr. Buchanan to try to get Code to get his neighbors in trouble. Mayor Brady commented that he spoke to Mr. Bonhomme and Code department with regard to his van and they have worked with Mr. Buchanan about the situation. Mr. Bonhomme thanked the City for looking into the situations.

**Nancy James** – Champions Way – Addressed the Commission and explained the incident that happened at Players Place wherein an unauthorized pool party had gone on. She indicated that as a member of the Players Place Association, she had gotten a call about what was happening at the pool that Saturday, May 6<sup>th</sup>, and she and another board member had walked down to the pool which had a lot of kids that did not live there. At that time she was assaulted by a juvenile who threw her into the pool. Since then she said the person had been put under house arrest, but that this never should have happened. BSO Captain Faer reported that after seeing the viral video of the incident, their detectives tracked the offender down, who would turn himself in and justice would prevail, and he was happy that Ms. James was okay. Commissioner Graziose reported that there were about 200 teenagers at this event that happened due to a flyer that was put out on a website by a group called the "Block Boyz" which advertised a pool party at a secret location on this date. He said this group that is out of Miami, has had other events around South Florida. Commissioner Graziose reported that the School Board was contacted, but they could do nothing against the student who is on the traveling basketball team because the incident did not happen on School Board property, and the Court would have to give the punishment.

**David Hilton** - former Commissioner of eleven years, stated that at his last meeting on the dais, he made a comment that the election in November was full of violations of state law and to back that up, he



entered into public record a copy of a Consent Order he received back from the State where it found that Commissioner Borgelin did violate state law and he was fined. Mr. Hilton stated that the complaint was filed before the election and before he knew the results and not because he is a poor loser. He stated that as a former public official, we need to do the right thing and make sure we follow the law in all respects.

**Pat Maldarelli** – One of the City’s, Veterans who is involved in the City’s activities, presented Mike Sargis with a “boonie” hat.

**Commissioner Borgelin** – Stated he appreciated Mr. Hilton came to present this document but for the purpose of time, he will not go through this. He said he accuses him but in due time he will present all the proof necessary for what happened regarding the law.

## 7. QUASI-JUDICIAL ITEMS

### a. ORDINANCE – Second Reading – VAR 17-02 RaceTrac Renovation 7350 W. McNab Rd. APPLICANT - Kristin Novack, Thomas Engineering Group

Attorney Goren stated he will present Item 7(a) and 7(b) together; swear in witnesses and staff will present the public hearing, but each item can be considered separately.

Commissioner Moyle moved to read. Seconded by Vice Mayor Wood.  
Attorney read:

**AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPROVING AND GRANTING VARIANCE FROM THE NORTH LAUDERDALE CODE OF ORDINANCES, SECTION 102-63 (C) REGARDING THE PLACEMENT OF A 10 FOOT WIDE LANDSCAPE STRIP AS REQUIRED; PROVIDING FOR STIPULATIONS AND CONDITIONS; PROVIDING THAT PROVISIONS NOT VARIED BY THIS ORDINANCE REMAIN IN FULL FORCE AND EFFECT; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.**

All persons present to speak on these two items were duly sworn. Tammy Reed-Holguin presented the item based on backup memorandum, along with a PowerPoint presentation which is available in the City Clerk’s office. She indicated that the site plan is submitted for final approval subject to approval of the variance. RaceTrac is proposing to add 667 square feet of additional store space, an outdoor dining space, interior renovation and an additional slab in the back of the building for new equipment. The renovation will offer more services to customers. Due to significant changes a new site plan approval is required. Ms. Reed-Holguin said going back to the variance for landscaping, the additional part of the building is being expanded to add an outdoor seating area which is even with the existing building and the landscape Code requires a 10 foot wide landscape strip. There is no room for the strip, so applicant is requesting a variance for the landscaping and in exchange has added 35 additional shrubs and one Green Buttonwood tree to mitigate for the lack of vegetation between the building and the parking area. They have also spruced up the existing vegetation on the site as discussed at the last meeting which does not interfere with the visual impact for the customers, but adds to the landscaping on the site. Ms. Reed-Holguin pointed out the color renderings of the buildings, the proposed seating area and the proposed landscaping. She indicated should the Commission wish to approve the landscape variance, which was approved on first

reading at the April 25<sup>th</sup> meeting, staff recommends approval subject to the three (3) conditions outlined in staff memorandum. Mayor Brady opened public discussion; no one spoke. Ms. Reed-Holguin also commented that with regard to the site plan approval, applicant has worked with staff on the design and color and has discussed with Ross another access point going forward which will come before the Commission at a later date. She said should the Commission wish to approve the site plan, which was approved on first reading on April 25<sup>th</sup>, staff recommends approval subject to the fifteen (15) conditions outlined in staff memorandum. Kristin Novak from Thomas Engineering Group, representing RaceTrac along with Alan Bell, Sr. Project Manager, was present to answer any questions. **Commissioner Graziose made a motion to approve Item 7(a) with regard to the landscape variance subject to the three (3) conditions. Seconded by Commissioner Moyle. Attorney Goren reiterated if there was anyone from the public wishing to speak; no one spoke. Clerk called roll. All yes.**

**ORDINANCE NO. 17-05-1353 PASSED AND ADOPTED UNANIMOUSLY**

**b. SUBJECT – SITE PLAN - SPR 17-02  
RaceTrac Renovation  
350 W. McNab Rd.**

**Final Site Plan approval to allow for an expansion to the existing RaceTrac to include an outdoor seating area in accordance with Section 98 “Land Improvement Regulations” of the City Code of Ordinances in a General Business (B-2) zoning district.**

**APPLICANT: Kristin Novack, Thomas Engineering Group**

Vice Mayor Wood asked the Applicant about improving the lighting. Mr. Alan Bell, Sr. Engineering Project Manager, replied that the lighting will be included in the remodel. He also had the authority to bind the applicant to the conditions outlined in staff memorandum. Ms. Reed-Holguin reported that a photo-metric plan will be submitted for the lighting as required by condition number seven (7) and subject to approval during the permitting process. Commissioner Borgelin inquired as to the number of parking spots. Mr. Bell replied that the site is being updated to accommodate the increase by restriping the parking lot to add more spaces. Mayor Brady opened public hearing; no one spoke.

**Commissioner Graziose moved to approve Item 7 (b) - Final Site Plan - SPR 17-02 – subject to the fifteen (15) conditions outlined in staff memorandum. Seconded by Commissioner Moyle. Clerk called roll. All yes. MOTION APPROVED UNANIMOUSLY.**

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At this point Mayor Brady introduced State Representative Barrington Russell who said he is happy to be home from Tallahassee from his first legislative session. He thanked everyone for the opportunity to serve as a Representative for District 95 and said there was much to learn and do; the session was intensive; some things were accomplished but there is always more to do going forward. He presented a brief update and highlights on the budget approved by the House for 82.4 million dollars, including the revenue and trust fund balances; an increase in funding for Pre-K through 12 of .34% per student for public schools, but said Florida continues to lag behind the National average for pupil funding. Charter School funding was also increased. 184 million was approved for Bright Futures programs to cover scholarships and textbooks. Rep. Russell also commented on a bill that would waive college fees for veterans; health care and human services cuts for hospitals and Medicare/Medicaid reimbursements;

federal funds issued to combat the opiate and prescription drug crisis; and the Dept. of Health is the rulemaking authority for medical marijuana in Florida. In terms of the economy, solar implementation language related to Amendment 4 was passed by the legislature to provide tax breaks to homes and businesses looking to install solar panels. The Legislature approved tax free packages which include hurricane preparedness supplies from June 2-June 4; and for certain items from August 4-6. With regard to projects submitted on behalf of the City of North Lauderdale, Rep. Russell stated that they heard two, but there are no guarantees on those. The only project that made it through was field lighting for \$200,000. Several bills aimed at pre-empting local government authority were introduced; some made it and some did not. Bill 7105 relating to Homestead Exemption is a proposal which would raise the exemption another \$25,000 to decrease taxes for homeowners but would take away the revenue stream from the cities, was opposed by Rep. Russell. He also spoke about the Bill which would preempt government authority over telecommunication utilities; the Bill regarding vacation rental properties and a few others that did not make it, but may return next time. Rep. Russell said he is excited to continue to work for the cities in Tallahassee. Commissioner Moyle thanked Rep. Russell and said he appreciates that he and former Rep. Hazelle Rogers were local elected officials first before going to Tallahassee because they know what Tallahassee does to the cities and they try to do everything they can to prevent that as they know how to defend the South Florida cities. City Manager Bhatti thanked Rep. Russell and his assistant, Patricia Amiel-Young for assisting the City in submitting five appropriation projects. One of them made the first cut and she hopes that it doesn't get vetoed so the City can use the \$200,000 to upgrade the lights in Highland Park.

## **8. ORDINANCES SECOND READING**

- a. ORDINANCE – Second Reading – Ordinance to Amend Chapter 106 “Zoning” Sections 106-467 “Supplemental Regulations” pertaining to Gas and Oil Filling Stations, Auto Service Stations, Auto Repair and Service Stations, Garage including Mechanical Service, and Convenience Store (Item Tabled from April 25 to Time Certain on May 30, 2017)**

Vice Mayor Wood moved to read. Seconded by Commissioner Grazioplene.  
Attorney read:

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AMENDING CHAPTER 106 “ZONING” SECTIONS 106-467 “SUPPLEMENTAL REGULATIONS” PERTAINING TO GAS AND OIL FILLING STATIONS, AUTO SERVICE STATIONS, AUTO REPAIR AND SERVICE STATIONS, GARAGE INCLUDING MECHANICAL SERVICE, AND CONVENIENCE STORES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR AN EFFECTIVE DATE.**

Tammy Reed-Holguin, Community Development Director, presented the item based on backup memorandum. She indicated that a moratorium is currently in place until July 31, 2017 or until such time as the Code is amended whichever comes first. She said they are hoping that after presenting the item again tonight for second reading that it meets the approval of the Commission and it can go forward with the regulation. This is an ordinance to amend Chapter 106 “Zoning” Sec. 106-467 “Supplemental Regulations” pertaining to gas and oil filling stations; auto service stations; auto repair and service stations; garage including mechanical service and convenience stores. This item was presented to the Commission on April 25<sup>th</sup> for second reading and there was some public input. The Commission tabled

the item so staff could work with Attorney Dwayne Dickerson of the law firm of Dunay, Miskel and Backman regarding his comments on the ordinance and how it would pertain to these types of businesses. After discussions with Mr. Dickerson, the ordinance is being presented again for second and final reading with some updated language that addressed the comments pertaining to the maximum size of underground storage tanks and that refers to changes that had been made in the Florida Building Code and the Fire Safety Code that allowed up to 100,000 gallons for storage tanks. The changes are in the ordinance and references Broward County Local Amendments 2010 FFC Section F-116. All these requirements would have to be met that are within that code if a business were to install tanks of that size. Ms. Reed-Holguin said, secondly, they were requested to look at the maximum number of pumps and the size of the structure including the outdoor storage. She said keep in mind that they are writing the ordinance citywide keeping in mind the goals the City had for the moratorium that was put in place pertaining to these types of uses. Ms. Reed-Holguin said they still felt that they could increase the number of pumps to 8 from 6, as heard last time, and increase the size of the structure to 6,500 sq. feet from 6,000 sq. feet, and also clarify that the additional 1,000 sq. feet included outdoor seating if it were a part of the site plan for a restaurant. This is one way to combine this to encourage restaurant uses. Ms. Reed-Holguin also said one other item that they looked at was a concern about recommending limited hours of operation if the business was located within 500 feet of a residential community, limiting the hours from 7:00 am to 11:00, and they are still recommending that, but clarifying if they are directly abutting; this would not apply if there was another building between them. Lastly, there was a minor change in Sec. (j) regarding gasoline vent stacks; they are to be placed in the rear or side basically to minimize the visual impact from having them in the front and they must be enclosed in a decorative structure, landscaped or painted an inconspicuous color. Ms. Reed-Holguin stated those are the changes; Mr. Dickerson is here and is in agreement with the ordinance and she hopes to move forward because there are businesses waiting to see the outcome of this and to be able to lift the moratorium. Mayor Brady opened public hearing. No one spoke. **Commissioner Moyle moved to approve. Seconded by Vice Mayor Wood.** Commissioner Graziose commented that under 106-467 (8)(d) he would like to see some additional roads added to the ones listed. He said things change and someone could buy a property and tear down the building for redevelopment. Commissioner Graziose said North Lauderdale Avenue (81<sup>st</sup> Avenue) need to be included, as well as Prospect Road and Bailey Road as they are all main roads throughout the City where there are properties abutting those roads that could possibly be redeveloped upon request as a convenience store or gas station. Ms. Reed-Holguin commented that the roads that were included were the ones already listed for most waivers along the main corridors, so they are keeping it consistent, but they could consider it. Commissioner Graziose said it may have been set up before his district was incorporated into the City. He said since it has changed he wants to make sure we are not landlocked and unable to be flexible. City Manager Bhatti said they can definitely include those as the major roadways and they are also looking to change some of the sign codes as it hasn't been done for many years and we get a lot of sign waivers request. Commissioner Graziose also mentioned that he was glad to see "directly abutting" highlighted, but what about if there is only a driveway between a gas station and apartments like at the Citgo? He said if something down the road gets redeveloped like the Citgo, are we limited, because the Citgo is not on opposite corners and there is no building between them and the apartments. Ms. Reed-Holguin reiterated if it is less than 500 feet they have to look at the hours and a building would already be a buffer. He inquired about the Circle K. Ms. Bhatti commented that the Circle K was approved before the adoption of this ordinance. No further discussion. **Clerk called roll. All yes.**

**ORDINANCE NO. 17-05-1354 PASSED AND ADOPTED UNANIMOUSLY**

## 9. OTHER BUSINESS

### a. RESOLUTION – Urging an Extension of the Temporary Protected Status for Haitian Nationals (Mayor Brady and Commissioner Borgelin)

Vice Mayor Wood moved to read. Seconded by Commissioner Graziose.

Attorney read:

**A RESOLUTION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, URGING PRESIDENT DONALD TRUMP AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO EXTEND TEMPORARY PROTECTED STATUS FOR HAITIAN NATIONALS; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Brady commented that he is a proud sponsor of this important resolution which he has submitted and which Commissioner Borgelin subsequently submitted. Mayor Brady said based on the relationship with his colleague, and their mutual interest in this significant topic of the National Immigration front, he joins together with Commissioner Borgelin in requesting that the City Commission support not just this written document, but all the substance of its impact on many Haitian Americans whose lives are affected by this request for an extension of the TPS. **Vice Mayor Wood moved to adopt. Seconded by Commissioner Graziose.** Commissioner Graziose stated for the record that the dates need to be updated as it says the current TPS expires on July 22, 2017, but a couple of weeks ago it was approved where the date was extended to January 2018. He said it shouldn't be approved if you will lose six months with the current date. **Vice Mayor Wood amended his motion to reflect the revision and insertion of correct dates. Commissioner Graziose seconded the motion based on the revisions of the final document.** Commissioner Borgelin commented that he wanted to make sure this was approved to reflect the correct dates. Vice Mayor Wood replied that his amended motion covers the correct dates and thanked Commissioner Graziose for catching it. Commissioner Graziose reiterated that he didn't want to lose the six months as the President extended it to January, 2018 and the motion extends it to that date. Commissioner Borgelin stated that he would go for more than six months. Vice Mayor Wood stated that the President has already taken action, and our resolution came after that, so we are making sure our dates reflect what he has said. City Manager Bhatti explained that the clause indicates that the expiration date of July 22, 2017 will be changed to January of 2018. Ms. Bhatti asked for assistance with the language from Ms. Guithele Ruis-Nicolas, the President of the Haitian American Democratic Club. Ms. Ruis-Nicolas explained that the TPS was definitely extended for another six months to January, 2018. She said what they are asking is to extend it to January, 2018 and beyond. City Attorney stated that the language will be revised on the resolution to reflect the intent of the Commission and the speaker. No further discussion. **Clerk called roll. All yes.**

**RESOLUTION NO. 17-05-6416 PASSED AND APPROVED UNANIMOUSLY**

### b. RESOLUTION – Urging Support of the Equality Act (HB 2282) to Prohibit Discrimination on the Basis of Sex, Gender Identity, Sexual Orientation and Other Forms of Discrimination (Vice Mayor Wood)

Vice Mayor Wood moved to read. Seconded by Commissioner Graziose.

Attorney read:

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, URGING ALL MEMBERS OF CONGRESS TO SUPPORT THE EQUALITY ACT (H.B. 2282) INTRODUCED IN THE U.S. HOUSE OF REPRESENTATIVES BY REPRESENTATIVE DAVID CICILLINE (D-RI) AND IN THE U.S. SENATE BY SENATOR JEFF MERKLEY (D-OR); TO PROHIBIT DISCRIMINATION ON THE BASIS OF SEX, GENDER IDENTITY, SEXUAL ORIENTATION, AND OTHER FORMS OF DISCRIMINATION; DIRECTING CITY ADMINISTRATION TO TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION TO THE BROWARD LEAGUE OF CITIES, THE FLORIDA LEAGUE OF CITIES, THE BROWARD COUNTY LEGISLATIVE DELEGATION, THE PALM BEACH COUNTY LEAGUE OF CITIES, THE MIAMI DADE COUNTY LEAGUE OF CITIES, THE NATIONAL LEAGUE OF CITIES, THE U.S. CONGRESSIONAL LEGISLATIVE DELEGATION FOR FLORIDA AND ANY OTHER INTERESTED PARTIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**Vice Mayor Wood moved to approve. Seconded by Commissioner Graziose. No Commission discussion. All in favor by voice vote.**

**RESOLUTION NO. 17-05-6417 PASSED AND APPROVED UNANIMOUSLY**

**c. ORDINANCE – First Reading - Extending Moratorium on Wireless Communication Facilities**

Vice Mayor Wood moved to read. Seconded by Commissioner Graziose.

Attorney read:

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AMENDING ORDINANCE 17-04-1348; EXTENDING THE MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS OR DEVELOPMENT ORDERS FOR THE INSTALLATION OF OR SITING OF WIRELESS COMMUNICATION FACILITIES WITHIN THE CITY UNTIL SUCH TIME AS REGULATIONS PERTAINING TO WIRELESS COMMUNICATION FACILITIES HAVE BEEN ADOPTED BUT NO LATER THAN JULY 31, 2017; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Tammy Reed-Holguin, Community Development Director, indicated that an Ordinance was adopted on September 28, 2016 implementing a moratorium on the installation or siting of wireless communication facilities. Tonight she is presenting this ordinance for first reading to extend the moratorium for an additional 60 days but no later than July 31, 2017. Ms. Reed-Holguin stated that they have been following legislation since the moratorium was in place to see what rules were going to be adopted pertaining to the siting of wireless communication facilities. She stated that they did complete a proposed amendment within the time frame and presented the draft Ordinance to the Planning and Zoning Board on April 4, 2017. A representative was present from the industry who worked with the City to finalize comments and since that time, legislature adopted House Bill 687 which pre-empts local governance of wireless communication facilities and the Governor has 60 days to sign the bill into law or to veto it. Therefore, Ms. Reed-Holguin stated they are requesting an extension of the moratorium

given the uncertainty of how the bill will end up, and also to revisit our ordinance to make sure it complies should the bill be put into place. Staff recommends consideration of the ordinance on first reading to extend the moratorium to July 31<sup>st</sup>. **Vice Mayor Wood moved to approve. Seconded by Commissioner Wood. No Commission discussion. All in favor by voice vote.**

## **ORDINANCE PASSED UNANIMOUSLY ON FIRST READING**

### **d. RESOLUTION - 4<sup>th</sup> Amendment to Jeff Ellis Associates Aquatic Division Operations**

Commissioner Graziose moved to read. Seconded by Vice Mayor Wood.

Attorney read:

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO THE 4<sup>TH</sup> AMENDMENT TO THE CURRENT CONTRACT WITH JEFF ELLIS AND ASSOCIATES INC FOR THE OPERATION OF THE NORTH LAUDERDALE JERRY RESNICK AQUATIC CENTER TO EXTEND IT FOR SERVICE FROM OCTOBER 1, 2017 THROUGH SEPTEMBER 2021 AND, PROVIDING AN EFFECTIVE DATE.**

Mike Sargis, Parks and Recreation Director, presented the item based on the backup memorandum, for the extension of the contract with Jeff Ellis and Associates for the next four years. Mr. Sargis said the current contract is due to expire on September 30, 2018 and typically about a year before the current contract expires they seek to enter into a new contract for continuity of the operation of the pool. Mr. Sargis explained the terms of the agreement which includes hiring of staff; testing of staff; monitoring staff; audio and video auditing; all the programming and liability insurance. The City is responsible for chemicals for maintenance and repairs. Mr. Sargis commented that they contract with Jeff Ellis and Associates for their expertise, safety and savings. In contracting with Jeff Ellis there is a savings is about 20% per year as well as an increase in users at the pool. Mr. Sargis said annually the savings to the City is about \$130,000 over what it would cost the City to run the pool. Over the course of the past ten years, by contracting with Jeff Ellis the City has saved well over a million dollars. Jeff Ellis has offered to enter into a four year agreement covering FY 2017/18 through FY 2020/21 and lock in the same operating costs as we pay currently. The only increase that may come is if the minimum wage increases drastically, then they would look to renegotiate the contract. Right now, lifeguards get \$10.00 per hour which is above minimum wage, but if it would be raised to \$10.00-\$15.00 then they may look to renegotiate. Mr. Sargis said they also looked to see if there were any competitors, and Jeff Ellis is an international lifeguard management company and as well as serving North Lauderdale, he does the City of Tamarac, Sunrise, Hallandale, Dania Beach and provides lifeguards for Broward County Parks, and provides services to Walt Disney World, cruise ships and other states and countries. Mr. Sargis said we are a small part of his clientele, but we are fortunate that they extend this offer to us to maintain the rates. Mr. Sargis said there is another private company that does provide lifeguard services, and said that in 2012, after about 6 years with Jeff Ellis, the City of Tamarac bid out their pool operation and awarded a contract to the competitor, PMI, for a savings of \$30,000 (\$10,000 a year). However, after five months, the City of Tamarac fired that company and reinstated Jeff Ellis because one day they brought in a lifeguard that was on crutches in a cast who sat in a chair on the pool deck trying to watch

the kids. So, Mr. Sargis said while the cost is important, there is nothing more important than the safety of the children and the adults that use our swimming pool.

He recommends Commission approval to authorize an amendment to the current agreement for \$351,912. **Commissioner Moyle moved to approve. Seconded by Commissioner Graziose.** Commissioner Borgelin questioned again what is meant by minimum wage drastically increasing. Mr. Sargis explained that the contract currently is based on lifeguards receiving \$10.00 an hour which is above minimum wage which is around \$8.15, but if minimum wage were to increase above that dollar amount, Jeff Ellis may need to come back and renegotiate the contract. City Manger Bhatti said since they are already paying over minimum but if it increases as mandated by the State of Florida, they will have to pass on that increase, just like every other business as it would not be in their control. Commissioner Borgelin said he understands that but would like to know what "drastically" increased means and shouldn't the numbers be in the document, if it goes up from \$10 to \$15; he said is one dollar drastic, or is it two or three; he said he is going by the language of what is says there. City Manager Bhatti stated that the language can be included the contract that if the wage increases about \$10, then that cost can be passed on to the City and if the minimum wage does not go over what they are already paying, then there would be no impact to the City. Mr. Sargis said they can work with Jeff Ellis to get a dollar amount from them. Commissioner Borgelin said his second question is that if the cost goes higher, how is it going to impact our residents in the future as far as taxes are concerned? Mr. Sargis replied that when the City ran the pool ourselves, there was a bidding war with lifeguards, and right now, Jeff Ellis has the lowest pay in this area. He said in 2006 when they solicited lifeguards they were paying almost \$11 an hour. The advantage that the Ellis Company has is that besides the pay he gives lifeguards, they offer tuition assistance and other things like transfers to Disney if they are going to University of Florida for example. Mr. Sargis said if we were running the pool ourselves, we would be paying \$130,000 more than the Ellis contract and we would have to compete with other cities to pay lifeguards possibly \$13-20 an hour. Vice Mayor Wood commented that if the minimum wage would drastically change, the City would sit down with the company and rehash a new deal that would be beneficial to our residents, but Ellis has offered a four year deal that has stayed consistent with what we are paying, so right now the residents are saving an enormous amount of money by sticking with the contract with a tried and true company. He said he doesn't like the \$481,000 number if we ran it ourselves, so let's go back to the four year deal and if we had to reopen the contract, staff would sit down and negotiate to try to keep the costs down. Vice Mayor Wood said our residents know that it costs money to run the City and we don't sit here and haphazardly spend money; we want to spend it wisely. He said this contract gives us a four year consecutive deal at the same price. Vice Mayor said wages may go up and he hopes they do, but he doesn't see a drastic increase happening on the horizon where minimum wage is going up to where it really should be; if it goes up we will sit at the table and renegotiate the contract. City Manger Bhatti said they will include that language in the contract. Commissioner Moyle asked what is the certification is for lifeguards. Mr. Sargis replied to be an Ellis lifeguard they must go through a two week class which includes CPR, basic first aid and life support skills, as well as a certified swimmers class. He said Ellis also audits their employees by video tape two times a year and they give them rigid testing. Commissioner Moyle said what we want is the best possible lifeguards as it is a life and death situation and we are getting a bargain right now and if they are good lifeguards they should be paid well; so, he has no problem with the contract at the rate it is at for four more years and if it goes up he still wants the best which is the bottom line because this is something that we shouldn't be so concerned about monetarily because it is life and death. Mr. Sargis commented that last year the lifeguards ran a drill with our Fire Department where a drowning was simulated and the firefighters and paramedics were impressed that the 16-17 year olds were able to



perform so well. He said we are fortunate to have a very good Pool Manager and Ellis is a very strict company that does not tolerate any nonsense from the lifeguards. City Manager Bhatti commented that this was a staged event that the lifeguards did not expect and they did everything they were supposed to do. **No further discussion; clerk began roll call. Commissioner Moyle – YES. Vice Mayor Wood – YES. Commissioner Borgelin –YES** – but interjected that he has a favorite question - he understands we want the best and he is not against that, but he noticed we did not go through a bid process so how do we know it's the best - what answer does he give his constituents if he is asked? Commissioner Moyle replied that the Assistant City Manager/Parks and Recreation Director has already stated about the second company that the City of Tamarac hired and fired because they weren't doing the job right, so he doesn't think we need to continue to go over this again. Commissioner Borgelin said if he is not allowed to talk or ask questions, then he doesn't need to vote; he said he is not against that but when or if his residents ask him it's as simple as that. He said he is not going to say we have to go through this bid - his only question was because of the word "drastically" increased; therefore, he can see that may happen and you are not going to get him to vote yes for just about everything without understanding properly. Commissioner Borgelin said you may have better understanding and that is good for you but not for me; he needs to understand or otherwise his only choice is he does not vote, simple as that. Vice Mayor Wood interjected that he appreciates what Commissioner Moyle stated and said when we go through the agenda item, and with all this as we are speaking, we are not just passing to pass; when the Commission discusses and the Mayor closes the gavel on discussion, we vote on a motion – we vote it up or down - but to come back and rehash it again is hampering us from carrying out the vote. Vice Mayor Wood said when Commissioner Borgelin gets a chance to speak, it is during Commission discussion. He said the Asst. City Mgr./Parks and Recreation Director has already told us they looked at the other company; they cited the other cities that used the company and saw their track record and it did not match what we currently have. Vice Mayor Wood said Ellis has come to us with the same savings of 1.5 million and he doesn't think there is anybody out there running in the streets that is going to give us that kind of savings right now in this economy; so, we know what we have with Ellis and until this contract runs out, then we renegotiate with them and if there is somebody else better on the street then we go for the RFP and put it on the street. Until then, Vice Mayor Wood said, staff has done their work to bring us the best contract that we can have. He thinks it is not just savings to the residents of [Commissioner Borgelin's] District, but all of the Districts – A, B, C and D for the City as a whole – so he would like to see a vote take place that is not hampered back and forth. Vice Mayor Wood said he follows this printed agenda and sometimes you go back for clarification, and he understands that, but if we continue to do this every meeting, we will get nothing accomplished and we are not following the order of procedure; parliamentary procedures dictate when we speak and when we don't. City Attorney Goren commented for the record to Commissioner Borgelin, as he has lectured, in the context of state law, you all have to vote on any item before the Commission – there is no exception – other than if you have a personal conflict under the statute in order to proceed or otherwise under Chapter 112 or 286 which governs the sunshine law. Attorney Goren said it is important for the record to reflect that this discussion this evening is a discussion he had with the City Manager and Assistant City Manager regarding bidding. This is a long term extension of the Jeff Ellis contract. City Attorney stated there is a statute in Florida that he looked at with the City Manager, which is Section 287.058 which provides for a limited number of extensions; that means if you have a three year base contract which provides for extensions, and we are in that very marginally gray period. There is one caveat that case law tells us allows for one more final extension, which is the contract being proposed by Ellis, which is the same or less than the existing contract. Attorney Goren stated that if this contract was proposed as being more than the existing contract, he advised administration that they would have to go back to the street to

revisit this. At the end of the day, administration considered this and this contract must be rebid at the end of four years as governed by statute. Attorney Goren stated that the Office of the Inspector General looks at all city contracts and Commissioner Borgelin brought up a point of reference that the OIG is looking at, but this is a contract that he has looked at and the question was raised with staff that this would be the last extension. So if the OIG were to look at this contract, staff gave a very pointed presentation for the cost savings; it is in the memorandum that staff stands on and City Attorney stands on the legal proposition that this is the last extension without going to the street and he believes that all the bases have been covered on this item this evening. No further discussion. **Clerk continued roll; Commissioner Borgelin reiterated his yes vote. Commissioner Graziose – YES. Mayor Brady – YES.**

## **RESOLUTION NO. 17-05-6418 PASSED AND APPROVED UNANIMOUSLY**

### **e. ORDINANCE – First Reading - Ceremonial Items Procedures**

Commissioner Graziose moved to read. Seconded by Vice Mayor Wood.  
Attorney read:

**AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, (“CITY”), AMENDING SECTION 2-33 WITHIN CHAPTER 2 OF THE NORTH LAUDERDALE CODE OF ORDINANCES, ENTITLED “ADMINISTRATION” TO PROVIDE FOR ADDITIONAL GUIDELINES FOR ISSUANCE AND DISTRIBUTION OF CEREMONIAL ITEMS SUCH AS KEYS TO THE CITY, PROCLAMATIONS, CERTIFICATES OR PLAQUES, LETTERS OF RECOGNITION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

Mike Sargis, Asst. City Manager, reported that on April 8<sup>th</sup>, at the City’s Planning and Strategic Workshop, the Commission discussed a need to create a policy for the distribution of items referred to in the title. Current City policy, Sec. 2-33 within Chapter 2 of the City’s Code of Ordinances is vague and does not provide necessary direction needed to assure that proper recognition is given to those who truly deserve such recognition. Mr. Sargis presented staff memorandum outlining a new proposal which will allow the code to be amended as indicated by the ordinance being presented for approval on first reading. All ceremonial items with the exception of letters of honor shall require City Commission approval prior to the issuance of such items. **Commissioner Graziose moved to adopt on first reading. Seconded by Commissioner Moyle.** Commissioner Borgelin asked for an explanation of Proclamation and why he can’t have a Proclamation for individuals; he said other cities do it so what is wrong with doing proclamations for individuals? Mr. Sargis said it is not that this policy doesn’t allow for proclamations for individuals. He indicated Page 3 of the Ordinance, number 2 has the definition of Proclamation, which is a formal public statement presented at a Commission meeting by the City Commission to recognize certain causes and events including but not limited to those listed. Mr. Sargis also outlined number 3 of the Ordinance which stated the items that Proclamations are not issued for. City Manager Bhatti stated that these are the guidelines presented in the workshop and during the workshop the consensus was that these guidelines would be included in the ordinance. Commissioner Borgelin said, with regard to ceremonial items, it has been noted to him that we do proclamations or certificates and all he is asking for is fairness for presentations. He said if you spend some money on

some items or plaques or things like that we make sure we do for all of the people because people take notice of that; he said one day there were two proclamations and one received a plaque and the other a paper which doesn't show fairness, so that's why he is asking. City Manager Bhatti replied that there are certain recognitions that are directly for persons who have directly impacted the City of North Lauderdale. For example, Ms. Williams, Principal of North Lauderdale Elementary who came in and turned the whole school around and is not being transferred and she will receive a plaque in recognition, as requested by Vice Mayor Wood and Commissioner Graziose, and will be brought to a Commission meeting, as a person who has been involved in our community doing hands on work with the children of North Lauderdale, which would warrant a wooden plaque versus an issuance of a certificate to someone who has some recognition, but not hands on working in our local neighborhood and community. It is normal to issue a certificate. Ms. Bhatti said going forward the process will be that the Commission has to approve the recognition prior and also give direction as to what type of recognition or plaque to provide based on requests by individual Commissioners. So she said at the next meeting, as requested, a plaque will be presented to Ms. Williams because of her dedication directly impacting the children of North Lauderdale. No further discussion; clerk called roll. Vice Mayor Wood – YES. Commissioner Borgelin – YES. Commissioner Graziose – YES. Commissioner Moyle – YES. Mayor Brady – YES.

## **ORDINANCE PASSED UNANIMOUSLY ON FIRST READING**

### **f. SUBJECT – Setting Parade Date – 2017**

Commissioner Graziose moved to read. Seconded by Vice Mayor Wood.

Mike Sargis presented this item based on the backup memorandum requesting to set the date of the annual holiday parade. More details will be provided after the summer regarding the parade, but for now the date needs to be set to start reaching out to the bands and vendors to calendar the date. Additionally, Mr. Sargis is requesting the same route as last year, which is staging on the Boulevard of Champions, moving to SW 64<sup>th</sup> to Kimberly Blvd and Rock Island Road to City Hall.

**Commissioner Graziose moved to approve Saturday, December 9, 2017 as the date for 40<sup>th</sup> Annual Holiday Spirit Parade and to approve the route as submitted. Vice Mayor Wood seconded the motion. All in favor by voice vote.**

## **10. REPORTS**

**a. BSO Annual Report -** Commissioner Moyle asked to postpone the BSO Annual Report to a time when people are here at the meeting, like at the beginning of the meeting when the room was packed so that as many people as possible could hear the good report. He also asked, if it were the wish of the Commission, if BSO could get this report out to the residents. City Manager Bhatti replied that we can table this and put it on the front of the agenda at the next meeting. **Vice Mayor Wood made a motion to postpone the report to the next meeting on June 13, 2017. Seconded by Commissioner Moyle. Motion passed unanimously by voice vote.**

## 11. COMMISSION COMMENTS

**Commissioner Graziose** – Reported that in working with City Attorney’s office, staff and the Principal of North Broward Academy, they have done some records request and reported that 46% of the students are North Lauderdale residents. 54% or 555 students live outside the City as far as down to Miami. He referred to an Article VII of the NBA Charter that says that they provide bus transportation for anyone over two miles which the Principal said was in the charter, but so far, all he found was a Parent contract. He said this is being reviewed with regard to if they approved an exemption from bus transportation, as other Charter schools in our City provide transportation, and this school should not be the only one not providing transportation and it imposes a significant impact on traffic. City Manager Bhatti said she is also looking at their SEU and site plan and their letter of intent which indicated they would have up to 900 students, and right now there is over 1,000, which may contribute to additional cars and traffic. Also, based on the letter of intent, they were not going to start school until 8:30, and Pinewood starts at 8:00. Ms. Bhatti said it may help if they create this half hour gap. Also, she believes that they had no intention of providing transportation. She said she will continue to look into it; the City has spent over a million dollars to expand the road, and has done whatever they could do to mitigate the traffic issues over there. Now the Charter School should step up to the plate and take care of some of the things that had been agreed upon in the past.

Commissioner Graziose also reported that at the MPO meeting he was advised that the City’s previous representative was asked to provide a member for a Citizens Advisory Committee but did not follow through so North Lauderdale does not have a citizen. He would like the consensus of the Commission to submit Mrs. Brenda Jacobson, President of the Belmont Condominium Homeowner’s Association, to the MPO to represent North Lauderdale on the CAC. He reported Mrs. Jacobson has addressed traffic issues with Belmont and WalMart regarding their driveway, so she is attuned to some traffic issues and is willing to serve on the committee. **Commission consensus was yes.**

Also, Commissioner Graziose reported there is a company that sent postcards out to several locations advertising “cash buyers” for property that they indicate “is going to be sold at auction soon”. He said he called and the taped message said the cards were sent by accident, but wants to warn about this illegal information.

Lastly, he reported that he will be calling in on June 13<sup>th</sup> to the City Commission meeting.

**Vice Mayor Wood** – Thanked Fire, Police, City Staff and Commission, City Manager and City Attorneys Office who participated in the Memorial Day ceremony and said it warmed his heart to see all the seats filled up. He said it was a great event. Also, he thanked Mike Sargis and George Krawczyk for attending the SAC Staff meeting at North Lauderdale Elementary and bringing information to the parents regarding the road project over the summer and commented they working to find someone to fill Mrs. William’s shoes. Also, he commented about having positive press for our City and spoke about not being advertised in the Forum any longer and is working with staff to try to reach the Forum to get publication of positive news from our City. Vice Mayor Wood stated he is glad to see our ad about the City Pool and swim lessons, in the publication that goes to Coral Springs and Parkland, and wants parents to see the positive things about North Lauderdale regarding its sports and activities, in print and on-line, rather than only the negative and wants the Sun-Sentinel to report the positive press as well.

Also, Vice Mayor Wood commented on an application to the Florida League of Cities' "E. Harris Drew" Municipal Official Lifetime Achievement Award given in honor of an elected City Official who has done outstanding service for the residents that they serve. The nomination committee will receive the applications and make decisions after the deadline of July 14<sup>th</sup> and announce it at the FLC Conference in Orlando on August 18, 2017. Vice Mayor Wood would like to nominate Mayor Jack Brady from our City to be considered for this award and asked for Commission consensus to nominate. All agreed. Commissioner Graziose also read into the record a letter from a resident Joe Tomasi, who expressed that the Mayor is doing a great job and how impressed he is with the City office. Mr. Tomasi appreciated the call alerting the residents regarding the missing woman. He also complimented City events, including North Lauderdale Days, and stated the City promotes community and is a happy place to live; his parents lived here for 30 years and after residing elsewhere, he returned to North Lauderdale himself and is pleased with how the City is being managed.

**Commissioner Borgelin** – Commented that when he goes out in the City at night he likes that he sees that BSO lights are out on Tam O'Shanter and 81<sup>st</sup> and it is reassuring that the police is out there stopping people. He said he is a firm believer that we will see some changes. Also, he said he has had a plea that Public Works will work on the drains along 19<sup>th</sup> Street. Mayor Brady reported that it has been taken care of. He also said he will share some photos about something needed on 82<sup>nd</sup> Avenue.

**Commissioner Moyle** – Complimented Mike Sargis and Public Works on the flags seen along Rock Island Road on the poles. City Manager Bhatta reported that others have been ordered for July 4<sup>th</sup> and for the holiday season.

## **12. CITY MANAGER COMMENTS**

### **a. Update on EMS Collections**

City Manager Bhatta reported that they have done some research on uncollected bills and Susan Nabors reported that we average about a 38% collection on what gets billed for several reasons. Medicare and Medicaid only pay a portion and there are high deductibles on some insurance. Transportation is not covered by taxes. It has helped that we are now collecting credit card payments and it amounts to about \$2,000 a month. At the April workshop it was discussed if the Commission wanted to obtain a collection company and the City was reluctant to do that. Since, ADPI has agreed that if we do a letter they can assist the City in sending them out and possibly help increase collections. Consensus was to start from this day on to try to collect in this manner. Commissioner Graziose commented that maybe we should charge a different rate for residents and a higher rate for non-residents. City Attorney Goren and City Manager Bhatta said they can look into the matter to be sure it can be done.

### **b. Distribution of surplus Surtax Education Funds by MPO**

City Manager Bhatta said the MPO had asked municipalities to contribute toward the education campaign for the penny surtax last year, and based on the population, they had allocated an amount, and they did not spend all that money, so they wish to return it to the cities. North Lauderdale's share is

about \$7,000. The MPO submitted some options and City Manager recommends Option 3 which is to distribute the remaining funds back to the City. **Commissioner Graziose made a motion to accept Option 3 as recommended. Vice Mayor Wood seconded the motion. All yes.**

City Manager Bhatti also presented a draft of the signs that the Commission has asked for to be put up for the Kimberly Blvd. project and other projects.

Also, she reported that as reported in the newspaper and from the Property Appraisers Office, the City of North Lauderdale is the second placed city with the highest property value increase of 10.11%, which means our property owners are maintaining their property. However, we have the Save our Home requirement that says even if our property values go up, the properties cannot be taxed more than 3% or the inflation rate whichever is lower; so this does not mean we will see more revenue. Final numbers will be available July 1<sup>st</sup>.

City Manager also mentioned that from now on, if anyone comes during public discussion to address any issues, she will follow up with an email, and also follow up during the next meeting the outcome. With that, she reported that the person who came to a meeting a couple weeks ago had actually been given a \$32,000 grant to assist her to buy a house, and the report that Code went into the back of her house to see the illegal gazebo was unfounded as there was a call in complaint, and that neighbor allowed the Code Officer to go on her property to look at the illegal structure. She said there are always two sides to a story and our Code Officers work very hard but do not target people for no reason. No one likes to be cited, but it is in the interest in times of hurricanes as an illegal structure can become a flying object, which is why people are encouraged to come in and pull permits. She said we cannot make everybody happy, but we try our best; our goal is not to make money but to bring properties into compliance, and the City has worked with this resident to mitigate some of the issues.

### **13. CITY ATTORNEY COMMENTS**

City Attorney Goren reported on medical marijuana and stated that the amendment passed and the Department of Health is promulgating rules by July 3<sup>rd</sup> and we are still in a moratorium period here in our City. Staff is looking at every item and will coordinate with the State.

**14. ADJOURNMENT** – There being no further business, the meeting adjourned at 9:31 p.m.

**Respectfully submitted,**

**Patricia Vancheri, City Clerk**

**CITY OF NORTH LAUDERDALE  
COMMUNITY DEVELOPMENT DEPARTMENT**

**TO:** Mayor and City Commission

**FROM:** Ambreen Bhatti, City Manager

**BY:** Tammy L. Reed-Holguin, Community Development Director

**DATE:** June 13, 2017

**SUBJECT:** Second Reading and Adoption: Ordinance to Extend Moratorium on Wireless Communication Facilities

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Tonight we are presenting an Ordinance for consideration of adoption on second reading to extend the moratorium on the issuance of building permits or development orders for the installation of or siting of wireless communication facilities for an additional 60 days but no later than July 31, 2107.

**BACKGROUND:**

The City Commission adopted Ordinance 16-09-1341 on September 28, 2016 implementing a moratorium on the installation or siting of wireless communication facilities. The moratorium was subsequently extended by Ordinance 17-04-1348 on April 11, 2017 to allow time for the Ordinance to be properly advertised and processed but no later than May 31, 2017.

Staff completed the proposed amendments within this timeframe and presented the draft Ordinance to the Planning and Zoning Board on April 4, 2017. There was a representative from the industry present who voiced her desire to work with the City to finalize the Ordinance to insure that the Code amendments not only protect the residents' interests but also allow the practical placement of these new types of wireless facilities within public right of ways. Since that time, the legislature adopted House Bill 687, which pre-empts local governance of wireless communication facilities. The Governor has 60 days to sign the bill into law or veto it. There appears to be strong support for the bill, however, given the uncertainty of the bill's status, Administration recommends that that adoption of regulations be postponed and the moratorium be kept in place. A 60 day extension of the moratorium is requested until July 31, 2017.

The Commission unanimously approved the Ordinance on first reading on May 30, 2017.

**RECOMMENDATION:**

The City Administration recommends City Commission's consideration of the attached ordinance for adoption on second reading extending the moratorium on the issuance of building permits or development orders for the installation of or siting of wireless communication facilities until such time as regulations pertaining to wireless communication services are adopted, but no later than July 31, 2017.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AMENDING ORDINANCE 17-04-1348; EXTENDING THE MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS OR DEVELOPMENT ORDERS FOR THE INSTALLATION OF OR SITING OF WIRELESS COMMUNICATION FACILITIES WITHIN THE CITY UNTIL SUCH TIME AS REGULATIONS PERTAINING TO WIRELESS COMMUNICATION FACILITIES HAVE BEEN ADOPTED BUT NO LATER THAN JULY 31, 2017; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Manager and the City's professional planning staff continuously monitor and review the City's Land Use Regulations and Comprehensive Land Use Plan to ensure appropriate development in the City, and from time to time recognizes the need to study and amend aspects of such; and,

**WHEREAS**, based upon inquiries from the telecommunications community and concerns that the City's current Ordinances do not adequately address the new technologies, the Commission determined that there is a need to conduct a review of the regulations pertaining to the installation and siting of wireless communication facilities within the City; and,

**WHEREAS**, on August 16, 2016, the City Manager issued an Administrative Order, pursuant to Section 106-61 of the City's Code, announcing zoning in progress relating to wireless communication facilities throughout the City; and,

**WHEREAS**, on September 28, 2016, the City Commission adopted Ordinance 16-09-1341 which implemented a moratorium on the approval of any applications or the issuance of building permits or development orders for the installation or siting of wireless communication facilities within the City until April 1, 2017; and,



**WHEREAS**, on March 28, 2017, the City Commission adopted Ordinance 17-04-1348 extending the moratorium on the approval of any applications or the issuance of building permits or development orders for the installation or siting of wireless communication facilities within the City until May 31, 2017; and

**WHEREAS**, City Administration is requesting that the City Commission amend Ordinance 17-04-1348 by extending the moratorium until such time as regulations pertaining to the installation and siting of wireless communication facilities have been adopted by the City Commission but no later than July 31, 2107 to monitor the Governor's action on HB 687 over the next 60 days; and,

**WHEREAS**, the City Commission finds that it is in the best interests of the City and its residents and property owners to allow the additional time to see if HB 687 is signed by the Governor and to revise the proposed Code amendments as necessary to avoid conflicts with State legislation.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA THAT:**

**SECTION 1.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance. These clauses represent the legislative findings of the City Commission. It is the purpose and intent of this Ordinance to promote the health, safety and welfare of the residents of North Lauderdale.

**SECTION 2.** The City Commission hereby amends City Ordinance 17-04-1348, and extends the moratorium imposed on the issuance of building permits or development orders for the installation of or siting of wireless communication facilities within the City until such times as regulations pertaining to said devices have been adopted but no later than July 31, 2017.

**SECTION 3.** If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

**SECTION 4.** All ordinances or parts of ordinances, resolutions or part of resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

**SECTION 5.** This ordinance shall take effect immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ON THE FIRST READING, THIS\_30th DAY OF MAY 30, 2017.**

**PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ON THE SECOND AND FINAL READING, THIS \_\_\_\_\_ DAY OF JUNE, 2017.**

CITY OF NORTH LAUDERDALE, FLORIDA

APPROVED AS TO  
FORM:

\_\_\_\_\_  
MAYOR JACK BRADY

\_\_\_\_\_  
SAMUEL S. GOREN, CITY  
ATTORNEY

\_\_\_\_\_  
VICE MAYOR LORENZO WOOD

ATTEST:

\_\_\_\_\_  
PATRICIA VANCHERI, CITY CLERK

**CITY OF NORTH LAUDERDALE  
PARKS AND RECREATION DEPARTMENT**

**TO: Mayor and City Commission**

**FROM: Ambreen Bhatti, City Manager**

**BY: Michael Sargis, Assistant City Manager/Parks & Recreation Director**

**DATE: June 13, 2017**

**SUBJECT: Ordinance – Second Reading - Ceremonial Items Procedures**

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At the City Commission Strategic Planning Workshop held on April 8, 2017, staff and the Commission discussed the need to create a policy for the distribution of ceremonial items such as Keys to the City, Proclamations, Certificates/Plaques, and Letters of Honor.

Current City policy, per Section 2-33, Chapter 2 of the Code of Ordinances, is extremely vague and does not provide the necessary direction needed to assure that proper recognition is given to those who truly deserve such recognition.

Under the new proposal, Section 2-33, Chapter 2 of the North Lauderdale Code of Ordinances is being amended to allow the City Commission to establish a procedure to be adhered to by the City Commission, the City Manager and organizations relative to the issuance of City Ceremonial Items. All ceremonial items with the exception of letters of honor shall require City Commission approval prior to the issuance of such items. However, letters of honor will still require notification to the Commission.

The attached proposed ordinance was approved on first reading by the Commission on May 30, 2017. Tonight it is being presented for approval on second reading. This ordinance consists of the following:

- Types of Ceremonial items
- Criteria to be eligible for Ceremonial items
- Procedure for the submission and approval of Ceremonial items
- Presentation of Ceremonial items

Attached is a list of Proclamations that the City has typically recognized in the past. If the Commission is in agreement, these will be placed on the agenda on respective months without going through the approval process. A request form pertaining to these items is also attached.

**RECOMMENDATION:**

The City Administration recommends Commission's approval on second reading of the attached ordinance amending Section 2-33, Chapter 2 of the North Lauderdale Code of Ordinances "Administration" to provide additional guidelines for the issuance and distribution of ceremonial items such as Keys to the City, Proclamations, Certificates/Plaques and Letters of Honor.

## **Proclamations Issued in Support of National Causes or Events**

- **January**

- Human Trafficking Day

- **February**

- American Heart Month and National Wear Red Day
- Black History Month

- **March**

- National Women's History Month
- Boys and Girls Club Week

- **April**

- National Library Week
- Child Abuse Prevention Month and Wear Blue Day
- National Women's Lung – Turquoise Takeover Initiative
- Earth Day
- Agency and Disability Resource Center (ADRC)

- **May**

- Teacher Appreciation Day
- Haitian Cultural Heritage Month
- Public Service Recognition Week
- Municipal Clerks Week
- National Day of Prayer
- Emergency Medical Services Week
- National Economic Development Week
- National Mental Health Awareness

- **June**

- National Safety Month
- Caribbean Cultural Heritage Month
- National Gun Violence Awareness Day

- **July**

- Recreation & Parks Month

- **August**

- Women's Equality Day

- **September**

- Suicide Prevention Week

- Blood Cancer Awareness Month
- Choose Peace Stop Violence Week – United Way
- National School Lunch Week
- Hispanic Cultural Heritage Month

- **October**

- National Breast Cancer Awareness Month;
- Fire Prevention Week;
- National Save for Retirement Week;
- National Cyber Security Awareness Month;
- Domestic Violence Awareness Month;
- Crime Prevention Month;

- **November**

- Anti-Bullying Week
- Great American Smokeout (American Cancer Society)

- **December**

- World AIDS Day

# City of North Lauderdale

## Application to Request City Ceremonial Item

Date : \_\_\_\_\_

Requests for Ceremonial Items must be submitted 4 weeks prior to the requested Commission meeting date. The City Commission typically meets the 2<sup>nd</sup> and last Tuesday of each month.

### 1. Type of Ceremonial Item Requested:

- \_\_\_\_\_ Key to the City
- \_\_\_\_\_ Certificate/Plaque of recognition or appreciation
- \_\_\_\_\_ Proclamation
- \_\_\_\_\_ Letter of Honor (Requires notification to the Commission and no approval)

### 2. Individual, Agency, or Organization Requesting Ceremonial Item :

Name, Address, Phone \_\_\_\_\_

\_\_\_\_\_

### 3. Purpose of Ceremonial Item: \_\_\_\_\_

Please fill in 5 Bullet Points as to why this Ceremonial Item is deserved:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

### 4. Item to be presented at:

- \_\_\_\_\_ Commission meeting on \_\_\_\_\_
- \_\_\_\_\_ Another event
  - Location \_\_\_\_\_ Date \_\_\_\_\_

### 5. Person Attending Meeting to Receive Ceremonial Item

Name/Phone Number \_\_\_\_\_

**CITY OF NORTH LAUDERDALE, FLORIDA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, (“CITY”), AMENDING SECTION 2-33 WITHIN CHAPTER 2 OF THE NORTH LAUDERDALE CODE OF ORDINANCES, ENTITLED “ADMINISTRATION” TO PROVIDE FOR ADDITIONAL GUIDELINES FOR ISSUANCE AND DISTRIBUTION OF CEREMONIAL ITEMS SUCH AS KEYS TO THE CITY, PROCLAMATIONS, CERTIFICATES OR PLAQUES, LETTERS OF HONOR; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the North Lauderdale City Commission (“City Commission”) occasionally recognizes, honors and commemorates individuals, groups, organizations and institutions that reflect civic activity, pride and accomplishments; and

**WHEREAS**, the City Commission acknowledges support for worthwhile observances, causes and historic milestones; and

**WHEREAS**, the City Commission will issue ceremonial items in accordance with a process pursuant to the City’s Code of Ordinances and supported by City policy to individuals or groups having a direct relationship to the City of North Lauderdale and its services; and

**WHEREAS**, the City Commission deems it to be in the best interests of the citizens and residents of the City to amend Section 2-33 of Chapter 2, entitled “Administration” of the City’s Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, THAT:**

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CODING: Words in ~~strike through~~ type are deletions from the existing law;  
Words in underscore type are additions.

CITY OF NORTH LAUDERDALE, FLORIDA

ORDINANCE NO. \_\_\_\_\_

**Section 1.** The foregoing “Whereas” clauses are hereby ratified as true and correct and incorporated herein by this reference.

**Section 2.** The City Commission of the City of North Lauderdale hereby amends Section 2-33 of Chapter 2 of the City’s Code of Ordinances as follows:

**CHAPTER 2: ADMINISTRATION**

• **Sec. 2-33. - Procedures, issuance of ~~proclamations, keys to the city, etc.~~ ceremonial items**

(a) *Procedures.* The governing body hereby establishes a procedure to be adhered to by the governing body, ~~including the mayor, the City Manager and organizations~~ relative, but not limited to, the issuance and distribution of proclamations, ~~the issuance of~~ keys to the city, awards, certificates and other ceremonial items or documents. All ceremonial items with the exception of letters of honor shall require City Commission approval.

(b) *Submission of items.* ~~Members of the governing body, including The Mayor, Commissioners, City Manager and organizations may request ceremonial items from the City Commission by shall submit proposed proclamations as well as proposals for any other ceremonial items or documents to the city manager's office no later than seven calendar days prior to the next regularly scheduled meeting of the governing body. submitting a written request to the City Clerk using the request form the Tuesday before the next City Commission meeting. Upon receipt, the City Clerk will place it on the next agenda for discussion and motion to approve the request to be placed at a future meeting. The individual or organization making the request will have the opportunity to explain the reason for the request for the City Commission’s consideration and discussion. Upon City Commission approval, the City Clerk will prepare the item and, if applicable, will invite the party to be recognized to the next appropriate City Commission meeting or the event of the organization requesting the item. Letters of Honor are not presented at City Commission meetings and the form and manner of distribution of letters of honor are within the discretion of the Commissioner who is writing the letter.~~

(c) *Ceremonial item requests requirements:* The criteria and types of ceremonial items available for presentation shall serve as a reference for the City Commission.

(i) The following types of ceremonial items are available for presentation. Additionally, each request must comply with Section 2-33 (c) (ii):

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**CITY OF NORTH LAUDERDALE, FLORIDA**

**ORDINANCE NO. \_\_\_\_\_**

- 1) Keys to the City: a key to the City is the most prestigious award presented by the City Commission and shall be generally limited to the following criteria:
  - a. To dignitaries of unique and recognizable, County, State, National and International stature;
  - b. To citizens of the City who brought, regional, national or international acclaim to the City;
  - c. To citizens who have provided long and dedicated significant service to the City;
  - d. To individuals for meritorious acts within the City.
  
- 2) Proclamations: A proclamation is a formal public statement presented at a Commission Meeting by the City Commission to recognize certain causes and events to include but not limited to the following:
  - a. For organizations with widespread community interest, such as Boys and Girls Club; ADRC; School Lunch Week; Student Government Day;
  - b. For national cause such as American Cancer Society, Breast Cancer Awareness, Black History Month, Women’s History Month, National Library Week;
  - c. For organizations to commemorate a special event/activity having a positive impact on the City such as Code Enforcement Week, Parks & Recreation Month, City Clerk Week, Public Service Recognition Week;
  - d. For historic milestones such as Centenarian (100th) Birthdays;
  - e. For events supported by Proclamations by the President of the United States, U.S. Congress, Governor of the State of Florida or the Florida State Legislature.
  
- 3) Proclamations will not be issued for the following:
  - a. Commercial purposes such as opening of a new business, a new service, a new product or a new professional service;
  - b. Deceased persons;
  - c. Birthdays less than 100 years;
  - d. Family reunions, class reunions, or wedding anniversaries;
  - e. National campaigns or groups unrelated to the City;
  - f. Personal political or business endorsement of individuals or for-profit businesses.
  
- 4) Certificates or Plaques: certificates or plaques are presented at City Commission Meeting to organizations and or individuals for appreciation and/or recognition based on the following circumstances:

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**CITY OF NORTH LAUDERDALE, FLORIDA**

**ORDINANCE NO. \_\_\_\_\_**

- a. Recognition of a significant or extraordinary accomplishment;
  - b. Recognition of an accomplishment focused on positive, family-related issues in the City that add to the overall quality of life or otherwise promote the City;
  - c. Non-politically sensitive issue that is likely not to cause dissension in the community;
  - d. Recognition of an outstanding deed through volunteer service;
  - e. Recognition to honor “heroic acts”;
  - f. Business and Church anniversaries that are more than 25 years old and have a direct relationship to the City of North Lauderdale’s economic development and welfare of the residents;
  - g. Recognition of City employees as requested by the City Manager
- 5) Letter of Honor: Letters of honor may be drafted, signed and presented (not at a Commission Meeting) by any elected official, on non-City Letterhead for the following reasons:
- a. Recognizing new Businesses in Individual District;
  - b. Sympathy;
  - c. Class Reunions;
  - d. Retirement;
  - e. General Recognition;
  - f. Other items of recognition not meeting categories of Proclamations and/or Certificates.
- (ii) The request form for ceremonial items such as Keys, Proclamations and Certificates pursuant to Section 2-33 (b) must include the following:
- a. Specific title of what will be honored with a ceremonial item;
  - b. Requested date of ceremonial items and date to be presented or picked up;
  - c. Facts about the subject matter, cause or event;
  - d. Contact information of the person or official making the request including: name, mailing address, phone number, cell and email if applicable;
  - e. Indicate whether the organization is a nationally recognized non-profit organization;
  - f. Specify whether the ceremonial item will be issued at a Commission meeting or an event.

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**CITY OF NORTH LAUDERDALE, FLORIDA**

**ORDINANCE NO. \_\_\_\_\_**

(d) *Reading by the clerk.* Proclamations and other ceremonial items or documents approved by the City Commission shall be read by the Mayor or the City Clerk and issued by the City Clerk.

**Section 3.** It is the intention of the City Commission of the City of North Lauderdale that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Lauderdale, Florida, and that the Sections of this Ordinance may be renumbered, re-lettered and the word “Ordinance” may be changed to “Section,” “Article” or such other word or phrase in order to accomplish such intention.

**Section 4.** If any clause, section or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

**Section 5.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 6.** This Ordinance shall become effective upon passage and adoption.

*[Remainder of this page intentionally left blank]*

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Words in underscore type are additions.

**CITY OF NORTH LAUDERDALE, FLORIDA**

**ORDINANCE NO. \_\_\_\_\_**

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ON THE FIRST READING, THIS 30th DAY OF MAY, 2017.**

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ON THE SECOND AND FINAL READING, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.**

\_\_\_\_\_  
MAYOR JACK BRADY

ATTEST:

\_\_\_\_\_  
PATRICIA VANCHERI, City Clerk

\_\_\_\_\_  
VICE MAYOR LORENZO WOOD

APPROVED AS TO FORM:

\_\_\_\_\_  
SAMUEL S. GOREN, City Attorney

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**CITY OF NORTH LAUDERDALE  
COMMUNITY DEVELOPMENT DEPARTMENT**

**TO:** Mayor and City Commission

**FROM:** Ambreen Bhatti, City Manager

**BY:** Tammy L. Reed-Holguin, Community Development Director

**DATE:** June 13, 2017

**SUBJECT:** Sign Waiver SWAV 17-02  
Fallas  
7296 W. McNab Rd.

**To allow:**

- **One main wall sign with 31 inch high lettering “FALLAS” whereas Section 94-16(C)(2)(c) of the City Code allows for 16 inch maximum letter height within a B-2 General Business district.**

**APPLICANT: San Pedro Sign Company**

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Tonight we are presenting a request for a sign waiver for Fallas clothing store locating at 7296 W. McNab Road in the new Arena Shoppes. The Commission approved the site plan for this project on February 9, 2016 which includes 7 individual bays. As the tenants are identified, they are working with the landlord and the City to install appropriate signage for their businesses.

**Background:**

The applicant is requesting a wall sign with larger letters than allowed by Code for the name of their business. They propose that the word “FALLAS” will have 31 inch high letters where a maximum of 16 inch high letters are allowed by Code. The smaller lettering underneath is within the height requirements.

The applicant indicates that approval of this request is necessary as it would provide favorable exposure to their business along the McNab Road and Rock Island corridors. The specific details of the request are contained in the attachments and made a part of this report.

Section 94-43 of the sign code makes a provision where the City recognizes that the commercial areas located adjacent to McNab Road and Rock Island are established business areas serving a regional population base and that certain requirements of the sign code may not be applicable. The City Commission, therefore upon recommendation of the Planning and Zoning Board, may waive the requirements of the sign code.

It is always the staff's objective to review any application in the best interest of business viability and success. Staff also has the responsibility to review the aesthetic and other impacts of any signage in the City.

Historically, staff has recommended approval of larger letters with the condition that the overall square footage of the sign not exceed the linear footage of the front area of the building that is owned or leased per Section 94-16 (C) (2) (a) of the City Code. In this instance the linear frontage is 90 feet allowing them to have one wall sign up to 90 square feet. The proposed sign with the larger letters on the top line and two lines beneath with smaller letters is approximately 87.44 Square Feet.

The criteria that staff uses to consider sign waivers include how far the business sits from the roadway, if there are any obstructions to see the business from the road, if signage other than the wall sign is available and can be used additionally, and if the larger letter size does not increase the size of the sign beyond that which is allowed by Code in terms of square footage.

Fallas is one of six smaller tenants in the plaza and not an anchor tenant. The store faces Rock Island Road and sits 800 feet from the roadway. They are the fourth tenant in this plaza to request a sign waiver and their request is consistent with the approved letter height for previous supporting tenants. They have additional signage on the two monument signs. Staff feels that the requested sign waiver is reasonable given the overall square footage of the sign, the setback from the roadway and amount of store frontage.

The Planning and Zoning Board met on June 6, 2017 and recommended approval of the proposed sign waiver to the City Commission.

### **RECOMMENDATION:**

Taking into consideration that the business is located within the City's McNab Road Commercial Redevelopment Overlay and that the request will not create public welfare or injuries to other properties or improvements in vicinity, and it will benefit the business and its customers, should the City Commission concur with the staff's and the Planning and Zoning Board's recommendation, then a motion is in order to approve of the sign waiver subject to the following conditions:

- To allow a wall sign with a 31 inch high letters whereas a maximum of 16 inch high letters are allowed by section 94-16 (C) (2) (c)
- All applicable codes of the City regarding the installation of signs, conditions and provisions imposed by the City Commission, Planning and Zoning Board, and staff shall be met.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPROVING A SIGN WAIVER REQUEST FOR ONE WALL SIGN FOR FALLAS LOCATED AT 7296 W MCNAB ROAD, NORTH LAUDERDALE, FLORIDA, THEREBY PERMITTING THE INSTALLATION AND MAINTENANCE OF ONE WALL SIGN WITH LETTERS “FALLAS” 31 INCHES IN HEIGHT LOCATED IN A B-2 GENERAL BUSINESS DISTRICT WHERE 16 INCH HIGH LETTERS ARE ALLOWED BY SECTION 94-16 (C) (2) (C) OF THE CITY’S CODE OF ORDINANCES WITHIN A COMMUNITY BUSINESS (B-2) ZONING DISTRICT.**

**WHEREAS**, Section 94-43, of the City's Sign Code, allows the City Commission the option to waive the requirements of the Sign Code relating to commercial areas adjacent to Rock Island Road, Southgate Boulevard, State Road 7, Commercial Boulevard, McNab Road and S.W. 81st Avenue; and

**WHEREAS**, Fallas, is located at 7296 W McNab Road, North Lauderdale, Florida, within the McNab Road Redevelopment District; and

**WHEREAS**, Fallas feels that the provisions of the sign code for identification and wall sign(s) are inadequate for their needs; and

**WHEREAS**, Fallas, is requesting a sign waiver to allow the installation and maintenance of a wall sign with letters “FALLAS” 31 inches in height, whereas a maximum of 16 inch high letters is allowed by section 94-16 (C) (2) (c) within a GENERAL Business (B-2) Zoning District.” and;

**WHEREAS**, the Planning and Zoning Board recommended approval of said request at their meeting on June 6th, 2017.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA:**

Section 1: That the waiver of the sign code be and the same is hereby granted to Fallas to allow the installation and maintenance of one wall sign with letters “FALLAS” 31 inches whereas 16 inch high letters are allowed by Section 94-16 (c) (2) (c) of the City’s Code of Ordinances within a Community Business (B-2) zoning district.

Section 2: That the waiver granted by this Resolution shall not excuse the applicant from compliance with each and every term, condition and provision of the City's Sign Code, the Code of Ordinances of the City of North Lauderdale, Florida, as well as the obtainment of the necessary permits.

Section 3: That this waiver expressly supercedes all prior sign waivers pertaining to this applicant for this location, All prior sign waivers are no longer applicable.

Section 3: That this Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED by the City Commission of the City of North Lauderdale, Florida, this 13th day of June, 2017.

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY SAMUEL GOREN

\_\_\_\_\_  
MAYOR JACK BRADY

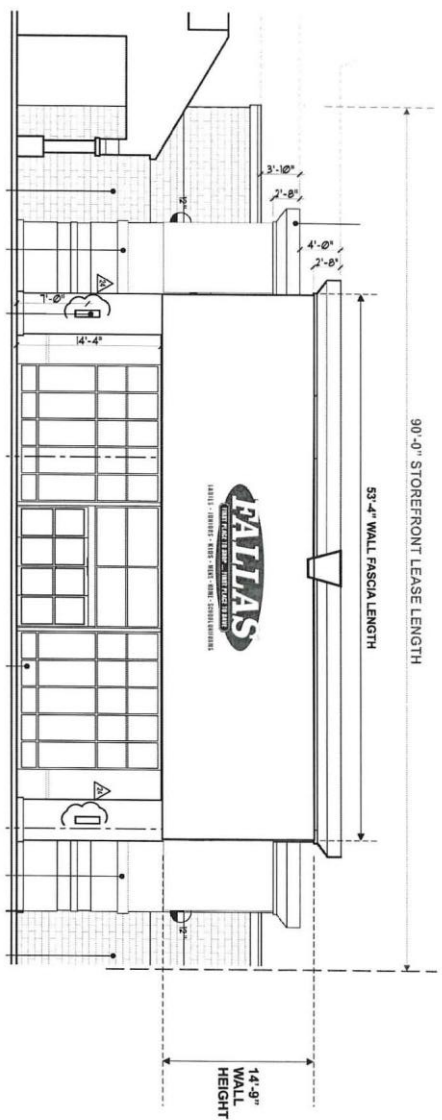
\_\_\_\_\_  
VICE MAYOR LORENZO WOOD

ATTEST:

\_\_\_\_\_  
CITY CLERK PATRICIA VANCHERI







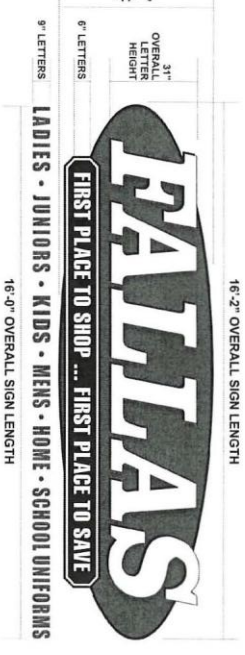
**"FALLAS" CUSTOM FABRICATED SIGNAGE SPECIFICATIONS**

- (1) SIGN REQUIRED TO FABRICATE & INSTALL
- MANUFACTURE AND INSTALL SINGLE FACED CUSTOM WALL CHANNEL LETTER SIGN
- FALLAS AND FIRST PLACE TO SHOP ... FIRST PLACE TO SAVE CHANNEL LETTERS TO BE 5" DEEP RETURNS WITH BLUE 1/2" TRIM CAP
- CHANNEL LETTER BLUE RETURNS TO MATCH 303-157 SILTAN BLUE
- FACES ON CHANNEL LETTERS AND FIRST PLACE TO SHOP ... FIRST PLACE TO SAVE 5" DEEP CHANNEL LETTERS WITH #223 WHITE FACES
- CHANNEL LETTER BACKER TO BE ALUMINUM WITH BLUE FINISH WITH WHITE DETAIL LINES
- CHANNEL LETTER INTERIOR ILLUMINATION TO BE 77K SUPER WHITE LED
- BACK HALO ILLUMINATION TO BE 77K SUPER WHITE LED, PROTECTED FROM WET CONDITIONS

PROPOSED SIGN SQUARE FOOTAGE 87.44

**D** PROPOSED CHANNEL LETTER SIGNAGE FALLAS ONE SIGN REQUIRED

FALLAS #454 - 7296 W MCNAB ROAD NORTH LAUDERDALE, FL SCALE - 1/8" = 1'-0"



SIGNAGE OPTION - 4



SPESCO  
5816 PERINO ELECTRIC  
3011 COME AVE  
WILMINGTON, CA 90714  
P. 310.546.7788  
F. 310.546.7788  
O.A. LB 351097/CAS

FOR AISC  
FALLAS  
NORTH LAUDERDALE FL  
DRAWING NO. 17-02-7580

OUTDOOR AREA SIGN EXCISE  
BUS NAVARRO SM.  
REBUILDED  
5/21

DATE 1-17  
REVISION:  
REQ. DATED 1/17  
SCALE 1/8" = 1'-0"

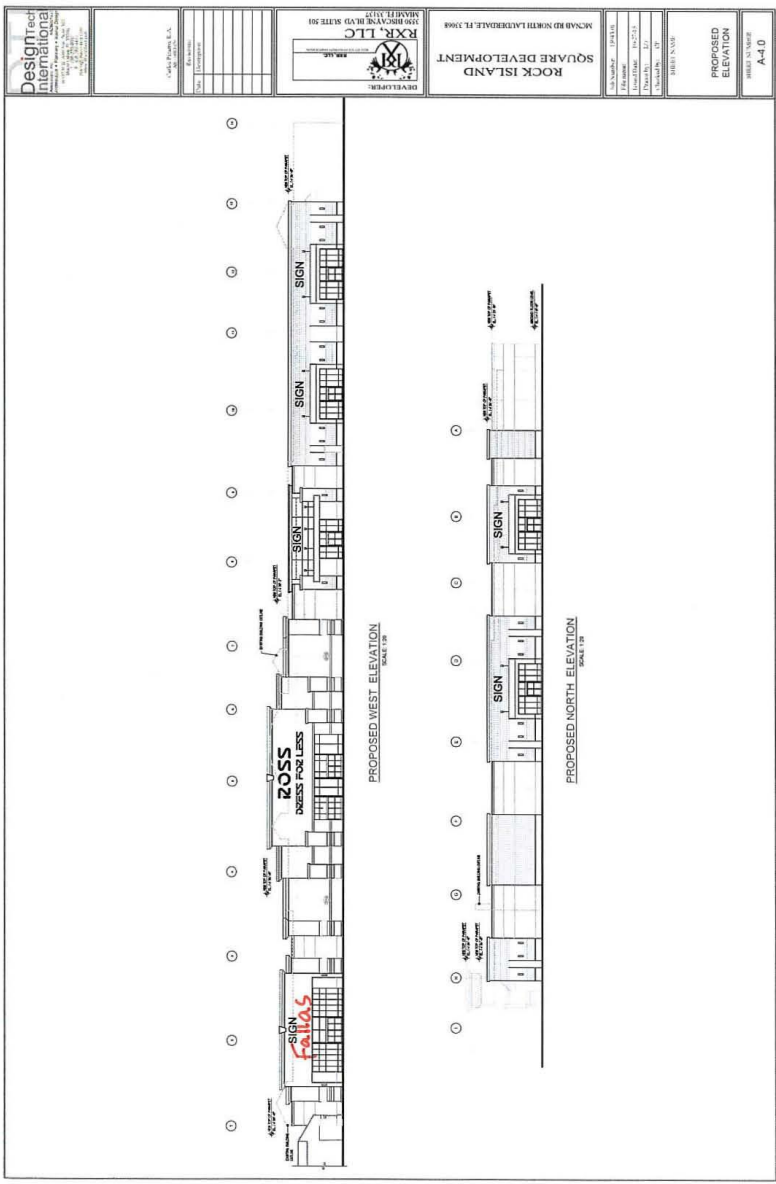
NO.	DATE	BY	CHKD.	REVISION

**OUTDOOR AREA SIGN**

DATE	DESCRIPTION

THIS IS AN ORIGINAL LETTERHEAD DRAWING  
SIGNATURE AND STAMP REQUIRED FOR ALL  
DRAWINGS. ANY CHANGES TO THIS DRAWING  
MUST BE MADE BY THE ORIGINAL DESIGNER  
OR HIS AUTHORIZED REPRESENTATIVE. ANY  
CHANGES MADE BY OTHERS WILL BE AT  
THEIR OWN RISK. THIS DRAWING IS THE  
PROPERTY OF SPESCO AND IS NOT TO BE  
REPRODUCED OR COPIED IN ANY MANNER  
WITHOUT THE WRITTEN PERMISSION OF  
SPESCO. ANY VIOLATION OF THIS POLICY  
WILL BE PROSECUTED TO THE FULL EXTENT  
OF THE LAW.

DATE 4





May 26, 2017

City of North Lauderdale  
Community Development Department  
701 S.W. 71<sup>st</sup> Ave.  
North Lauderdale, FL 33068

To whom it may concern:

Fallas is requesting approval to be allowed an overall height wall sign of 58 inches reading "FALLAS" "FIRST PLACE TO SHOP. . . FIRST PLACE TO SAVE", justification for this request is to help promote, to identify where the business is located in the shopping center, to have more visibility from the street and to attract more business to Fallas and Shopping Center.

Should you have any questions, feel free to call or email.

Thank you.

Sincerely

Gus Navarro

**CITY OF NORTH LAUDERDALE  
COMMUNITY DEVELOPMENT DEPARTMENT**

**TO:** Mayor and City Commission

**FROM:** Ambreen Bhatti, City Manager

**BY:** Tammy L. Reed-Holguin, Community Development Director

**DATE:** June 13, 2017

**SUBJECT:** Sign Waiver SWAV 17-03  
Cr8tive Outfitters  
7320 W. McNab Rd.

**To allow:**

- **One main wall sign with 30 inch high lettering “CR8TIVE” whereas Section 94-16(C)(2)(c) of the City Code allows for 16 inch maximum letter height within a B-2 General Business district.**

**APPLICANT:** Urban Wear America

---

Tonight we are presenting a request for a sign waiver for Cr8tive Outfitters, a new clothing store, locating in the Arena Shoppes at 7300 W McNab Road. The Commission approved the site plan for this project on February 9, 2016 which includes 7 individual bays. One of the original tenants, Lucky Me clothing store, is being replaced with Cr8tive Outfitters.

**Background:**

The applicant is requesting a wall sign with larger letters than allowed by Code for the name of their business. They propose that the word “CR8TIVE” will have a 30 inch high letters where a maximum of 16 inch high letters are allowed by Code.

The applicant indicates that approval of this request is necessary as it would provide favorable exposure to their business along the McNab Road and Rock Island corridors. The specific details of the request are contained in the attachments and made a part of this report.

Section 94-43 of the sign code makes a provision where the City recognizes that the commercial areas located adjacent to McNab Road and Rock Island are established business areas serving a regional population base and that certain requirements of the sign code may not be applicable. The City Commission, therefore upon recommendation of the Planning and Zoning Board, may waive the requirements of the sign code.

It is always the staff’s objective to review any application in the best interest of business viability and success. Staff also has the responsibility to review the aesthetic and other impacts of any signage in the City.

Historically, staff has recommended approval of larger letters with the condition that the overall square footage of the sign not exceed the linear footage of the front area of the building that is owned or leased per Section 94-16 (C) (2) (a) of the City Code. In this instance the linear frontage is 54 feet allowing them to have one wall sign up to 54 square feet. The proposed sign with the larger letters than permitted is approximately 41 square feet.

The criteria that staff uses to consider sign waivers include how far the business sits from the roadway, if there are any obstructions to see the business from the road, if signage other than the wall sign is available and can be used additionally, and if the larger letter size does not increase the size of the sign beyond that which is allowed by Code in terms of square footage.

Cr8tive Outfitters is one of six smaller tenants in the plaza, not an anchor tenant. The store faces Rock Island Road and sits 800 feet from this roadway. They are the third tenant in this plaza to request a sign waiver and their letter size is consistent with the other sign waivers that have been approved for the supporting tenants in the plaza. They have additional signage on the two monument signs. Staff feels that the requested sign waiver is reasonable given the overall square footage of the sign, the setback from the roadway and amount of store frontage.

The Planning and Zoning Board met on June 6<sup>th</sup>, 2017 and recommended the approval of the requested sign waiver to the City Commission.

**RECOMMENDATION:**

Taking into consideration that the business is located within the City's McNab Road Commercial Redevelopment Overlay and that the request will not create public welfare or injuries to other properties or improvements in vicinity, and it will benefit the business and its customers, should the City Commission concur with the Planning and Zoning Board and staff recommendation, then a motion is in order to approve the sign waiver subject to the following conditions:

- To allow a wall sign with 30 inch high letters whereas a maximum of 16 inch high letters are allowed by section 94-16 (C) (2) (c)
- All applicable codes of the City regarding the installation of signs, conditions and provisions imposed by the City Commission, Planning and Zoning Board, and staff shall be met.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPROVING A SIGN WAIVER REQUEST FOR ONE WALL SIGN FOR CR8TIVE OUTFITTERS LOCATED AT 7320 W MCNAB ROAD, NORTH LAUDERDALE, FLORIDA, THEREBY PERMITTING THE INSTALLATION AND MAINTENANCE OF ONE WALL SIGN WITH LETTERS “CR8TIVE” 30 INCHES IN HEIGHT WHEREAS SECTION 94-16(C)(2)(c) OF THE CITY CODE ALLOWS FOR 16 INCH MAXIMUM LETTER WHERE 16 INCH HIGH LETTERS ARE ALLOWED BY SECTION 94-16 (C) (2) (C) OF THE CITY’S CODE OF ORDINANCES WITHIN A COMMUNITY BUSINESS (B-2) ZONING DISTRICT.**

**WHEREAS**, Section 94-43, of the City's Sign Code, allows the City Commission the option to waive the requirements of the Sign Code relating to commercial areas adjacent to Rock Island Road, Southgate Boulevard, State Road 7, Commercial Boulevard, McNab Road and S.W. 81st Avenue; and

**WHEREAS**, Cr8tive Outfitters, is located at 7320 W McNab Road, North Lauderdale, Florida, within the McNab Road Redevelopment District; and

**WHEREAS**, Cr8tive Outfitters feels that the provisions of the sign code for identification and wall sign(s) are inadequate for their needs; and

**WHEREAS**, Cr8tive Outfitters, is requesting a sign waiver to allow the installation and maintenance of a wall sign with letters “CR8TIVE” 30 inches in height whereas a maximum of 16 inch high letters is allowed by section 94-16 (C) (2) (c) within a GENERAL Business (B-2) Zoning District.” and;

**WHEREAS**, the Planning and Zoning Board recommended approval of said request at their meeting on June 6th, 2017.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA:**

Section 1: That the waiver of the sign code be and the same is hereby granted to Rainbow to allow the installation and maintenance of one wall sign with letters “CR8TIVE” 30 inches in height whereas 16 inch high letters are allowed by Section 94-16 (c) (2) (c) of the City’s Code of Ordinances within a Community Business (B-2) zoning district.

Section 2: That the waiver granted by this Resolution shall not excuse the applicant from compliance with each and every term, condition and provision of the City's Sign Code, the Code of Ordinances of the City of North Lauderdale, Florida, as well as the obtainment of the necessary permits.

Section 3: That this waiver expressly supercedes all prior sign waivers pertaining to this applicant for this location, All prior sign waivers are no longer applicable.

Section 3: That this Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED by the City Commission of the City of North Lauderdale, Florida, this 13th day of June, 2017.

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY SAMUEL GOREN

\_\_\_\_\_  
MAYOR JACK BRADY

\_\_\_\_\_  
VICE MAYOR LORENZO WOOD

ATTEST:

\_\_\_\_\_  
CITY CLERK PATRICIA VANCHERI



# ZONING DISTRICT MAP CITY OF NORTH LAUDERDALE

**ZONING DISTRICTS**

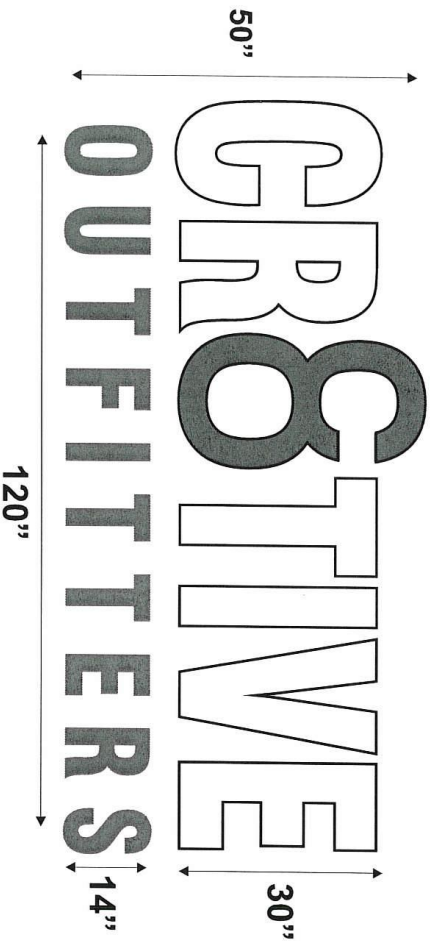
- RS-5 Residential Single Family (Single)
- RM-10 Residential Multi-Family (1000)
- RM-18 Residential Multi-Family (1000)
- B-3 Community Business
- U Light Industrial
- MS-1 Medium Density Single-Family
- CF Community Center
- PD Professional Office
- U-10 Urban Office
- U-15 Urban Office
- U-20 Urban Office
- U-25 Urban Office
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- U-980 Urban Office
- U-985 Urban Office
- U-990 Urban Office
- U-995 Urban Office
- U-1000 Urban Office

**CITY LIMITS**

**ZONING DISTRICTS**



ELEVATION  
EAST



FRONT ILLUMINATED CHANNEL LETTERS  
FLUSH MOUNTED TO WALL

ELECTRICAL SPECIFICATIONS

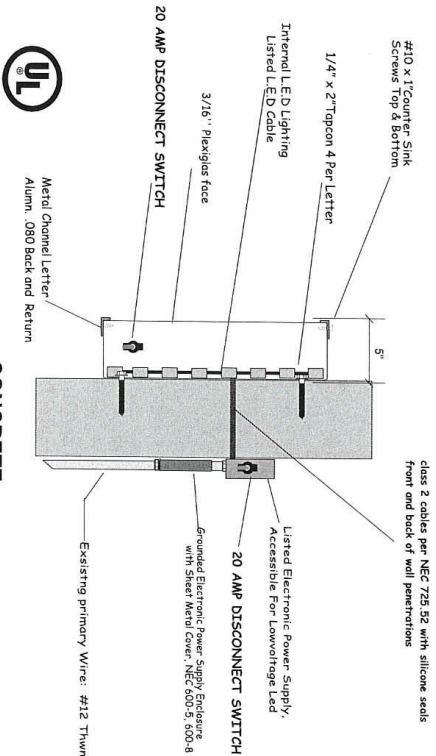
- 3 : 110 Volt/Led Supply @ 1.5 amps each
- 1 : 20 amp, External Disconnect Switch
- Total Load: 3 amp
- Secondary Wire: class 2 cables per NEC 725.52
- Primary Wire: per NEC 725.51
- All Electrical Components UL Listed
- Bonding & Grounding Per NEC Code 250

- RETURN: BLACK
- TRIM: BLACK
- FACE: RED / WHITE
- LED: WHITE
- FONT: CUSTOM

TOTAL SQ.FT.

41

**CR8TIVE**  
LAUDERHILL FL



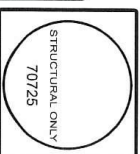
CONCRETE



EC:13003378  
954-923-3081

Note: Signs to withstand  
175 MPH winds per  
3 Sec. Gusts as Per ASCE 7-14  
FBC 2014 5th EDITION

Thomas R. Turberville, P.E.  
1224 SW 32 Street  
Fort Lauderdale, FL 33315





**CR8TIVE**  
OUTFITTERS

---

Urban wear America  
1000 west sunrise blvd  
Fort Lauderdale fl 33311  
May 29, 2017

City of north Lauderdale

To whom it may concern ,

This letter has been prepared by urban wear America, for 7320 w Mcnab road, north Lauderdale FL 33068.

This letter is asking for sign variance because we need more than 16 inch letters and the reason why we are 300 plus feet away from the road and to match other stores in the shopping center.

Sincerely ,

Omar Hammad  
President

Signature



Date : 5/29/2017

---

**CITY OF NORTH LAUDERALE  
FIRE RESCUE DEPARTMENT**

**TO:** Mayor and City Commission

**FROM:** Ambreen Bhatti, City Manager

**BY:** Rodney Turpel, Fire Chief  
David Sweet, Deputy Fire Chief

**DATE:** June 13, 2017

**SUBJECT:** 2017 FEMA Fire Prevention & Safety (FP&S) Grant

---

The Federal Emergency Management Agency (FEMA) recently opened the Fiscal year 2016/17 AFG Fire Prevention & Safety (FP&S) Grant, which closed in May 2017. The competitive grant provides funds to Fire Departments across the nation to meet a wide variety of departmental needs that are difficult to fund through departmental budgetary means. Being a competitive grant, FEMA has categorized equipment and projects deemed “high priority items”, which are more likely to be funded. Because of the time constraints with the grant submission deadline occurring prior to a scheduled Commission meeting, staff had to complete and submit the application prior to formally requesting approval from the City Commission.

The Fire Administrative staff therefore, comes before you tonight requesting approval retroactively for the submittal of the grant application in the amount of \$73,800.00 to pay for Ruggedized Tablet Computer Equipment and software to update the fire prevention program, which is listed on FEMA’s high priority items list. The total project cost is \$73,800.00. If awarded, FEMA will pay for 95% of the total, which amounts to \$70,110.00 and the City’s match will be five (5) percent of the grant awarded, which amounts to \$3, 690.00.

The Fire Administrative staff has recognized Ruggedized Tablet Computer Equipment and software to update the fire prevention program as a priority area of need for the Department. This equipment will modernize the fire prevention program by allowing fire and life safety inspections to be completed in the field by a tablet computer and filed electronically for an efficient records management system. The client can immediately receive the inspection report by email or printed in the field. It also comes with an electronic signature acceptance feature.

**RECOMMENDATION**

The City Administration recommends City Commission’s consideration and retroactive approval of the 2016/17 AFG Fire Prevention & Safety (FP&S) Grant application submittal in the amount not to exceed \$73,800.00 to fund Ruggedized Tablet Computer Equipment and software to update the fire prevention program. The total projects cost is \$73,800.00. FEMA will pay for 95% of the total which amounts to \$70,110.00 and the City’s match will be five (5) percent of the grant awarded, which amounts to \$3,690.00.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY REQUESTING APPROVAL RETROACTIVELY FOR THE SUBMITTAL OF THE GRANT APPLICATION FOR A FEDERAL EMERGENCY MANAGEMENT AGENCY FIRE PREVENTION & SAFETY (FP&S) GRANT IN THE AMOUNT OF \$73,800.00 TO PROVIDE FUNDING FOR THE PURCHASE OF RUGGEDIZED TABLET COMPUTER EQUIPMENT AND SOFTWARE; PROVIDING FOR FINDINGS AND CONCLUSIONS WITH REGARD TO THE BENEFITS TO BE DERIVED BY ACCEPTING SUCH GRANT FUNDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE .**

**WHEREAS**, the City of North Lauderdale strives to provide extemporary emergency response services to all citizens through its Fire Rescue Department; and

**WHEREAS**, Department officials have identified outstanding needs in terms of updating and modernizing the fire prevention program; and

**WHEREAS**, these needs have been deemed “high priority” by FEMA for the purposes of the FY 2016/17 AFG Fire Prevention & Safety (FP&S) Grant; and

**WHEREAS**, the Department is requesting the City Commission’s consideration and retroactive approval of the 2016/17 AFG Fire Prevention & Safety (FP&S) Grant application submittal in the amount not to exceed \$73,800.00

**WHEREAS**, the Department has submitted a grant application in an amount not to exceed \$73,800, FEMA will pay for 95% of the total costs which amounts to \$70,110.00; and

**WHEREAS**, the City Commission recognizes the City’s obligation to provide a 5% matching fund in the amount of \$3,690.00, if the grant is funded; and

**WHEREAS**, funds in this amount are available from the Fire Department's budget; and

**WHEREAS**, the City Commission finds that the receipt of an AFG Fire Prevention & Safety (FP&S) Grant will be in the best interest of the health, safety and welfare of the citizens and residents of the City of North Lauderdale.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of North Lauderdale, Florida, that:

**Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

**Section 2.** That the City Manager be and the same is hereby authorized and directed to take all the necessary steps to ask for the approval retroactively for the submittal of the AFG Fire Prevention & Safety (FP&S) Grant to provide funding in the amount of \$73,800 in order to fund the purchase of Ruggedized Tablet Computer Equipment and software to update the fire prevention program.

**Section 3.** That the CITY COMMISSION recognizes that in the event the grant is awarded, the City will be obligated to provide in-kind matching funds in the amount of \$3690.

**Section 4.** That the CITY COMMISSION finds and determines that it is in the best interest of the citizens and residents of the City of North Lauderdale, Florida, to accept said grant funds.

**Section 5.** The proper officers of City of North Lauderdale be, and each of them hereby is, authorized and directed to execute and deliver any and all papers,

instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution.

**Section 6.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 7.** If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

**Section 8.** That this resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED by the CITY COMMISSION of the City of North Lauderdale, Florida this 13th day of June, 2017.**

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
CITY ATTORNEY SAMUEL S. GOREN

\_\_\_\_\_  
MAYOR JACK BRADY

\_\_\_\_\_  
VICE MAYOR LORENZO WOOD

ATTEST:

\_\_\_\_\_  
PATRICIA VANCHERI, CITY CLERK



**CITY OF NORTH LAUDERDALE  
COMMUNITY DEVELOPMENT DEPARTMENT**

**TO:** Mayor and City Commission

**FROM:** Ambreen Bhatti, City Manager

**BY:** Tammy Reed – Holguin, Community Development Director

**DATE:** June 13, 2017

**SUBJECT:** First Reading: Amendment to Chapter 102 “Vegetation” Section 102-61 (b) of the City’s Code of Ordinances requiring non-residential properties to provide additional buffer when abutting residential zoning districts.

---

The item before you tonight is an Ordinance for consideration on first reading to amend Section 102-61 (b) of the City Code of Ordinances regarding visual screening requirements to non-residential zoning districts abutting residential property as outlined in Exhibit A.

**Background:**

Most of the land within North Lauderdale has been developed so new projects coming in are being built or redeveloped against existing projects. Due to the City’s Economic Development efforts, the Community Development Department is receiving an increasing number of applications for new or revitalized commercial uses. These businesses are often located next to existing residential communities. In order to minimize any potential impact on the residents, staff reviewed the Code to insure adequate buffering is required between these uses and residential communities.

Currently the only requirement for screening abutting a residential property is a 6 foot high chain link fence with vinyl screening and a continuous landscape strip. The City has found in many situations that the current requirements need strengthening. These findings are due to lack of maintenance of existing fencing, landscaping, or both and neglecting to replace these features at appropriate times. The staff recommends amending the Cod to require the specified districts to provide a 6 foot high concrete block wall when directly abutting a residential community. The wall will provide a buffer to increase safety, reduce noise, increase visual attractiveness of projects and provide clear boundaries between the properties.

City staff has researched the issue and found the proposed regulations to be consistent with other jurisdictions.

**RECOMMENDATION:**

The City Administration recommends Commission’s consideration on first reading of the attached Ordinance amending Section 102-61 (b), of the City Code of Ordinances to amend the regulations pertaining to screening residential properties in the City of North Lauderdale abutting non-residential zoning districts.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AMENDING SECTION 102-61 (B) ENTITLED “SAME—IN B, M, CF, CR, and ROS DISTRICTS RELATING TO ABUTTING RESIDENTIAL PROPERTIES .” OF THE NORTH LAUDERDALE CODE OF ORDINANCES, REQUIRING NON-RESIDENTIAL PROPERTIES TO PROVIDE ADDITIONAL BUFFER WHEN ABUTTING RESIDENTIAL ZONING DISTRICTS; PROVIDING FOR STIPULATIONS AND CONDITIONS; PROVIDING FOR DEFINITIONS PROVIDING THAT PROVISIONS NOT VARIED BY THIS ORDINANCE REMAIN IN FULL FORCE AND EFFECT; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Manager and the City’s professional planning staff continuously monitor and review the City’s Land Use Regulations and Comprehensive Land Use Plan to ensure appropriate development in the City, and from time to time recognizes the need to study and amend aspects of such; and,

**WHEREAS**, for clarification purposes it is recommended that an additional type of appropriate screening is to be added to Section 102-61 (b); and

**WHEREAS**, based on the review for screening requirements when abutting residential zoning districts it is recommended that amendments be made to the Code to specify minimum conditions to be met for screening requirements, and

**WHEREAS**, based on the nature of the use, it is recommended that a requirement for a 6 foot high masonry wall is to be added to Section 102-61 (b) entitled “Same—In B, M, CF, CR, and ROS districts relating to abutting properties” requiring non-residential properties to provide additional buffer when abutting residential zoning districts.; and

**WHEREAS**, the proposed regulations pertaining to the requirements to be met for permitting a new commercial or industrial site abutting a residential zoning district are found to be in the best interest of the health, safety and welfare of the residents.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA:**

**Section 1:** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof.

**Section 2:** Section 102 entitled "Vegetation" and Section 102-61 entitled "Same—In B, M, CF, CR, and ROS districts relating to abutting properties." of the City of North Lauderdale's Code of Ordinances, requiring non-residential properties to provide additional buffer when abutting residential zoning districts be and the same is hereby amended as provided in Exhibit "A" to this Ordinance, which is attached hereto and incorporated herein by reference.

**Section 3.** It is the intention of the City Commission of the City of North Lauderdale, Florida that the provisions of this ordinance shall become and be made a part of the City of North Lauderdale Code of Ordinances. The sections of this ordinance may be re-numbered or re-lettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

**Section 4.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

**Section 5.** If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

**Section 6.** This Ordinance shall become effective immediately upon its passage and adoption.

**PASSED** on first reading by the City Commission of the City of North Lauderdale, Florida,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**PASSED and ADOPTED** on second reading by the City Commission of the City of North  
Lauderdale, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY SAMUEL S. GOREN

\_\_\_\_\_  
MAYOR JACK BRADY

\_\_\_\_\_  
VICE MAYOR LORENZO WOOD

ATTEST:

\_\_\_\_\_  
PATRICIA VANCHERI, CITY CLERK

## Exhibit A

Sec. 102-61. - Same—In B, M, CF, CR, and ROS districts relating to abutting properties.

- (a) On the site of a building or structure or open lot use providing an off-street parking area or other vehicular use area, a landscaped strip of at least five feet in width shall be provided to form a visual screen between the off-street parking area or other vehicular use area and any adjacent property. For plots less than 85 feet in width, a minimum of the first five feet abutting the property shall be landscaped. In addition, a continuous hedge shall be required and one tree shall be provided for each 40 lineal feet of said landscape strip or fraction thereof. Such trees shall be located between the common lot line and the off-street parking area or other vehicular use area and may be randomly spaced with no trees located closer than 15 feet to one another. Each tree shall be planted in a planting area of at least 25 square feet. Each planting area shall be landscaped with ground cover or other landscape material in addition to the required trees. These provisions shall not be applicable where a proposed parking area or other vehicular use area abuts an existing landscape strip containing the required hedges and trees and said strip meets all applicable standards of this article.
- (b) Where any property, other than a passive park use, located in any of the above listed districts abuts an RS-5 or RM zoned property without any separator between them such as a street, alley, canal or other open space of 100 feet or less, such nonresidential district shall provide a landscape strip of not less than five feet in width and a 6 foot high masonry wall located adjacent to the abutting property line to form a visual screen. Such landscape strip shall have a continuous hedge of at least two feet in height at the time of planting. In addition, one tree not less than 15 feet in height shall be provided for each 40 lineal feet integrated into the landscape strip
- (c) Where a property located in any one of the above listed districts is separated by a street, alley, canal or other space of more than 100 feet in width from an RS-5 or RM zoned property, such nonresidential district shall provide a landscape screen of not less than one tree for each abutting 40 lineal feet or portion thereof. Such trees shall be located adjacent to the abutting property line.

(Ord. No. 91-11-800, § 3(Exh. A(art. 7, § 3.11)), 11-14-91)

**FINANCE DEPARTMENT  
M E M O R A N D U M**

**TO:** Honorable Mayor and City Commission

**FROM:** Ambreen Bhatti, City Manager

**BY:** Susan Nabors, Finance Director

**DATE:** June 13, 2017

**SUBJECT:** Preliminary Solid Waste Assessment Rate

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The City Commission instituted an assessment for solid waste collection and disposal in FY 2013. The program has been a great success and has helped to streamline the payment process for the waste hauler, Waste Pro, as well as expedite the collection of revenue by the County on the tax bill and payment to the City. This form of revenue collection enables the residents to take advantage of 4% discount if paid prior to November 30<sup>th</sup>. Lesser discounts apply if paid by February 28<sup>th</sup>.

The collection of the residential solid waste assessment for FY 2018 will follow the same uniform collection rules as it did in previous years. The assessment will be collected by the county and remitted to the City. Under the assessment, the residential property owner will pay a lump sum annual fee of \$216.02 (before discounts) with their property tax bill. This assessment will be for the fiscal year beginning October 1, 2017.

**The Administration is not proposing any increase in this assessment this year, which is the same amount as in the past five (5) fiscal years.**

**RECOMMENDATION:**

The City Administration recommends Commission's consideration and approval of the attached Preliminary Solid Waste Rate Resolution reflecting an annual unit cost for residential solid waste collection of \$216.02. The resolution also schedules our City's public hearing on the solid waste assessment rate for Wednesday, September 13, 2017, at 6:00 p.m.

**CITY OF NORTH LAUDERDALE**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES AND FACILITIES AND PROGRAMS IN THE CITY OF NORTH LAUDERDALE, FLORIDA; PROVIDING FOR PURPOSE AND DEFINITIONS; PROVIDING FOR LEGISLATIVE DETERMINATIONS; ESTABLISHING THE ESTIMATED RATE AT \$216.02 FOR THE RESIDENTIAL SOLID WASTE COLLECTION SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017; DIRECTING THE PREPARATION OF A RESIDENTIAL SOLID WASTE COLLECTION SERVICES SPECIAL ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, City of North Lauderdale Ordinance No. 11-05-1250, adopted on May 31, 2011, provides for the home rule authority of the City “to impose Residential Solid Waste Collection Services Special Assessments against Residential property located within the City”, and provides findings of special benefit to real property as a result of such services; and,

**WHEREAS**, the City has in place a Franchise Agreement with Waste Pro of Florida, Inc. (hereinafter “Waste Pro”), pursuant to which the City provides Residential Solid Waste Collection Services to, among others, all residential properties that receive Residential Solid Waste Collection Services within the City; and,

**WHEREAS**, the City believes it is in the best interests of the residents and residential properties owners to collect funds for the costs of the City’s Residential Solid Waste Collection Services to all residential units that receive Residential Solid Waste Collection Services from the City, through its Franchise Agreement, through the levy and collection of a special assessment, as such will eliminate direct quarterly or monthly billing and charges to residents, permit the payment for the services on an annual basis along with properties taxes and other special assessments, reduce the administrative costs of the Residential Solid Waste Collection Program to the City, and ensure that all properties that receive Residential Solid Waste Collection Services from the City through the Franchise Agreement pay for such so that no property is over-charged by virtue of the failure of other properties to pay for such; and,

**WHEREAS**, Residential Solid Waste Collection Services provided by the City through its Franchise Agreement as defined hereinafter provide the requisite special benefit to Assessed Property such that they may be funded through a special assessment; and,

**WHEREAS**, City staff has reviewed the budget for Residential Solid Waste Collection Services, for residential units that receive Residential Solid Waste Collection Services from the

City through the Franchise Agreement to ensure that the Residential Solid Waste Collection Services Special Assessment meets the legal requirements for special benefit and fair apportionment; and,

**WHEREAS**, the City Commission determines that it is fair and equitable to levy and collect a non-ad valorem special assessment to fund the Residential Solid Waste Collection Services provided by the City through its Franchise Agreement, consistent with the methodology and allocation as provided hereinafter.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA:**

**SECTION 1. RECITALS.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed by the City Commission and incorporated herein by this reference.

**SECTION 2. AUTHORITY.** This Resolution is adopted pursuant to the provisions of Ordinance No. 11-05-1250 (the "Ordinance"), Sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

**SECTION 3. PURPOSE.** This Resolution constitutes the Preliminary Assessment Resolution as defined in the Ordinance which initiates the process for developing the Residential Solid Waste Collection Services Special Assessment Roll and directs the imposition of a Residential Solid Waste Collection Services Assessment as described hereinafter, for the Fiscal Year beginning October 1, 2017. Its purpose is to provide procedures and standards for the imposition of a Residential Solid Waste Collection Services Assessment for all Residential units that receive Residential Solid Waste Collection Services under the general home rule powers of a municipality to impose special assessments, and to authorize a procedure for the funding of Residential Solid Waste Collection Services for these residential properties, facilities, or programs providing special benefits to Assessed Properties within the City.

**SECTION 4. DEFINITIONS.** All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance and Resolution 12-06-5872



(the “Initial Assessment Resolution”). Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa. As used in this Resolution, the following terms shall have the following meanings unless the context hereof otherwise requires:

**"Assessment Coordinator"** means the person designated by the City to administer the City’s Residential Solid Waste Collection Services, facility, or program, or such person's designee.

**"Cost Apportionment"** means the apportionment of the Residential Solid Waste Collection Services Assessed Cost among all Residential units that receive Residential Solid Waste Collection Services pursuant to the apportionment methodology described in Section 8 of this Preliminary Assessment Resolution.

**"Estimated Residential Solid Waste Collection Services Assessment Rate Schedule"** means that rate schedule attached hereto as Appendix “A” and hereby incorporated herein by reference, specifying the Residential Solid Waste Collection Services Assessed Costs determined in Section 9 of this Preliminary Assessment Resolution and the estimated Residential Solid Waste Collection Services Assessments established in Section 9 of this Preliminary Assessment Resolution.

**“Franchise Agreement”** means that certain Franchise Agreement for Solid Waste and Recycling Collection and Disposal by and between the City and Waste Pro of Florida, Inc., dated November 15, 2011, as may be amended from time to time.

**“Improvement Codes”** mean the building use codes (also known as DOR codes) assigned by the Property Appraiser to Tax Parcels within the City.

**"Residential Property"** means those Tax Parcels with a Code Description designated as Single-Family "Residential" within the Improvement Codes and those otherwise designated as

“Residential” within the Improvement Codes that receive residential Solid Waste Collection Services from the City through the Franchise Agreement; provided that multi-family residential properties with more than four (4) units are not included in the definition of “Residential Property” for purposes of the Residential Solid Waste Collection Special Assessment.

**“Residential Solid Waste Collection Services Cost”** is as defined in the Ordinance. “Costs associated with levying the special assessment” includes all costs associated with the structure, implementation, collection, and enforcement of the Residential Solid Waste Collection Services Assessment, including any service charges of the Tax Collector, or Property Appraiser, and amounts necessary to off-set discounts received for early payment of the Residential Solid Waste Collection Services Assessments pursuant to the Uniform Assessment Collection Act

**“Tax Parcel”** means a parcel of property located within the City to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

## **SECTION 5. PROVISION AND FUNDING OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES.**

(A) Upon the imposition of the Residential Solid Waste Collection Services Assessment for Residential Solid Waste Collection Services for residential properties, facilities, or programs upon Assessed Property located within the City, the City shall provide Residential Solid Waste Collection Services to such Assessed Property through the Franchise Agreement. The cost to provide such Residential Solid Waste Collection Services, facilities, or programs to residential properties, as described herein, shall be funded from the proceeds of the Residential Solid Waste Collection Services Assessments.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the City will be benefited by the City's provision of Residential Solid Waste

Collection Services for properties, facilities, and programs in an amount not less than the Residential Solid Waste Collection Services Assessment imposed against such parcel, computed in the manner set forth in this Preliminary Assessment Resolution.

**SECTION 6. IMPOSITION AND COMPUTATION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES ASSESSMENTS.** Residential Solid Waste Collection Services Assessments shall be imposed against all Residential units that receive Residential Solid Waste Collection Services, as provided herein. The Cost Apportionment described herein is approved and adopted as the methodology to impose and compute the Residential Solid Waste Collection Services Assessment.

**SECTION 7. LEGISLATIVE DETERMINATIONS OF AUTHORITY, SPECIAL BENEFIT AND FAIR APPORTIONMENT.** The City Commission adopts the following legislative findings relating to the Residential Solid Waste Collection Services special assessment:

**AUTHORITY**

7.1 Pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, the City Commission has all powers of local self-government to perform municipal functions and render municipal services except when prohibited by law and such power may be exercised by the enactment of City ordinances or resolutions.

7.2 The City Commission may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the City Commission may legislate on any subject matter on which the Florida Legislature may act, except those subjects described in (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes, are

not relevant to the imposition of assessments related to Residential Solid Waste Collection Services, facilities or programs.

7.3 Section 403.706(1), Florida Statutes, provides that the City is responsible to collect and transport solid waste from within its boundaries to a solid waste disposal facility.

7.4 To fulfill its obligations, the City entered into a Franchise Agreement with Waste Pro for the collection and transport of solid waste from, among others, single-family residential properties, and certain multi-family residential properties that receive Residential Solid Waste Collection services, within the City.

#### SPECIAL BENEFIT

7.5 The City provides Residential Solid Waste Collection Services to the Assessed Properties through its Franchise Agreement. All Assessed Properties receive Residential Solid Waste Collection Services, and therefore are required to receive the City's Residential Solid Waste Collection Services through the City's Franchise Agreement.

7.6 The special benefit provided to the Assessed Properties as a result of the provision of Residential Solid Waste Collection Services by the City through its Franchise Agreement, and as a result of the Residential Solid Waste Collection Services Assessment include by way of example and not limitation, the availability and use of Residential Solid Waste Collection Services by the owners and occupants of the Assessed Properties, the enhancement of environmentally responsible use and enjoyment of developed residential properties in the City, the protection of public health and safety, ensuring sanitary collection and disposal of solid waste from residential units in the City, a potential increase in value to property, and better service to landowners and tenants.

7.7 The City's provision of Residential Solid Waste Collection Services through its Franchise Agreement possesses a logical relationship to the use and enjoyment of the Assessed Properties by:

7.7.1 protecting and potentially increasing the value of the residential units by providing solid waste collection services;

7.7.2 enhancing the environmentally responsible use of residential land in the City;

7.7.3 protecting the health of intended occupants in the use and enjoyment of residential units by ensuring the proper collection and disposal of solid waste from the Assessed Properties;

7.8 Commercial properties, and multi-family residential properties in the City with more than four (4) units, are not specially benefited by the City's Residential Solid Waste Collection Services funded by the Residential Solid Waste Collection Special Assessment in that those properties receive volume-based Solid Waste Collection services. Moreover, given the fact that commercial properties, and residential properties with more than four (4) units receive Solid Waste Collection Services on a volume basis, it is not possible to determine the exact annual costs that can be apportioned to each property; therefore, it is not possible to ensure that an assessment levied upon these properties can be fairly apportioned. As a result, it is fair and reasonable not to levy a special assessment for the funding of residential Solid Waste Collection services upon those properties, and the costs of such services shall be collected by the City by other means.

#### IMPOSITION AND COLLECTION

7.10 The Residential Solid Waste Collection Services Assessments to be imposed

pursuant to this Preliminary Assessment Resolution shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.

7.11 The Residential Solid Waste Collection Services Assessment imposed pursuant to this Preliminary Assessment Resolution is imposed by the City Commission of the City of North Lauderdale, not the Broward County Board of County Commissioners, Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Preliminary Assessment Resolution, and pursuant to the City's agreements with such entities, shall be construed as ministerial.

7.12 So long as the Residential Solid Waste Collection Special Assessment is levied, the Assessed Properties will no longer be billed directly by the City for the Residential Solid Waste Collection Services they receive from the City through the Franchise Agreement.

#### APPORTIONMENT

7.13 The size or the value of the Residential Property does not determine the scope of the required solid waste services. The potential demand for Residential Solid Waste Collection Services is driven by the existence of a Residential unit.

7.14 Apportioning the Residential Solid Waste Assessed Costs for Residential Solid Waste Collection Services attributable to Residential Property on a per Residential unit basis is required to avoid cost inefficiency and unnecessary administration, and is a fair and reasonable method.

7.15 Because commercial properties, and multi-family residential properties with more than four (4) units do not benefit from the provision of Residential Solid Waste Collection Services by the City through the Franchise Agreement, the Residential Solid Waste Collection Services Assessed Costs are not apportioned to those properties.

7.16 Unoccupied Residential units in the City may not receive residential Solid Waste

Collection Services during such time as the Residential unit is unoccupied. The City cannot know which Residential units are unoccupied at the time the assessments are levied. Therefore, it is fair and reasonable to impose the special assessment on all Residential units designated on the Improvement Codes and which are expected to or actually receive Residential Solid Waste Collection Services. Upon payment of the special assessment, should an owner of an Assessed Property provide documentation deemed acceptable to the City verifying that its Residential unit was unoccupied for a portion of the Fiscal Year commencing on October 1, 2017, the City will refund a pro-rated amount of the paid assessment. "Unoccupied" shall mean a minimum continuous period of three (3) months. It is fair and reasonable to impose this minimum period of time in order to balance the City's administrative costs associated with a review of documentation and potential refunding with the fairness to owners of Assessed Residential units, and unoccupied Residential units derive some benefit from the provision of Residential Solid Waste Collection Services to neighboring Residential units, which avoids blight and health and safety issues associated with the accumulation of solid waste in the surrounding areas and neighborhood.

**SECTION 8. COST APPORTIONMENT METHODOLOGY.** The Franchise Agreement provides for an annual charge to the Assessed Properties for the Residential Solid Waste Collection Services provided by the City through its Franchise Agreement. The Residential Solid Waste Collection Services Assessed Costs include other costs associated with the Residential Solid Waste Collection Special Assessment, which are then allocated to the Assessed Properties in addition to the annual charge in the Franchise Agreement to determine the Assessment Amount. The Assessment Amount is then multiplied by the number of Residential units on such Tax Parcel. For the Fiscal Year commencing October 1, 2017, the annual charge per Residential Unit in the City is **\$216.02**.

**SECTION 9. DETERMINATION OF RESIDENTIAL SOLID WASTE COLLECTION ASSESSED COSTS; ESTABLISHMENT OF ANNUAL RESIDENTIAL SOLID WASTE COLLECTION ASSESSMENT RATES.**

(A) The Residential Solid Waste Collection Service Assessed Costs to be assessed and apportioned among Assessed Properties pursuant to the Cost Apportionment for the Fiscal Year commencing October 1, 2017, is the amount determined in the manner described in Section 8 above, and in the Estimated Residential Solid Waste Collection Services Assessment Rate Schedule, attached hereto as Appendix A. The approval of the Estimated Residential Solid Waste Collection Services Assessment Rate Schedule by the adoption of this Preliminary Assessment Resolution determines the amount of the Residential Solid Waste Collection Services Assessed Costs.

(B) The estimated Residential Solid Waste Collection Services Assessments specified in the Estimated Residential Solid Waste Collection Services Assessment Rate Schedule are hereby established to fund the specified Residential Solid Waste Collection Services Assessed Costs determined to be assessed in the Fiscal Year commencing October 1, 2017.

(C) The estimated Residential Solid Waste Collection Services Assessments established in this Preliminary Assessment Resolution shall be the estimated assessment rates applied by the Assessment Coordinator in the preparation of the updated Residential Solid Waste Collection Services Special Assessment Roll for the Fiscal Year commencing October 1, 2017, as provided in Section 10 of this Preliminary Assessment Resolution.

**SECTION 10. ANNUAL RESIDENTIAL SOLID WASTE COLLECTION SERVICES SPECIAL ASSESSMENT ROLL.**

(A) The Assessment Coordinator is hereby directed to prepare, or cause to be prepared, a



Residential Solid Waste Collection Services Special Assessment Roll for the Fiscal Year commencing October 1, 2017, in the manner provided in this Preliminary Assessment Resolution. The Assessment Coordinator shall apportion the estimated Residential Solid Waste Collection Service Assessed Cost to be recovered through Residential Solid Waste Collection Services Assessments in the manner set forth in this Preliminary Assessment Resolution. A copy of this Preliminary Assessment Resolution, the Ordinance, and the Residential Solid Waste Collection Services Special Assessment Roll shall be maintained on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the Residential Solid Waste Collection Services Special Assessment Roll proposed for the Fiscal Year commencing October 1, 2017 be in printed form if the amount of the Residential Solid Waste Collection Services Assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

(B) It is hereby ascertained, determined, and declared that the method of determining the Residential Solid Waste Collection Services Assessments for the City's Residential Solid Waste Collection Services as set forth in this Preliminary Assessment Resolution is a fair and reasonable method of apportioning the Residential Solid Waste Collection Services Assessed Cost among parcels of Assessed Property located within the City, as the methodology and apportionment assures that no property is assessed an amount greater than the benefit which it receives from the Residential Solid Waste Collection Services provided by the City through its Franchise Agreement.

**SECTION 11. AUTHORIZATION OF PUBLIC HEARING.** There is hereby established a public hearing to be held at 6:00 p.m., on September 13, 2017, in City Commission Chambers of North Lauderdale City Hall, 701 Southwest 71<sup>st</sup> Avenue, City of North Lauderdale, Florida, at which time the City Commission will receive and consider any comments on the

Residential Solid Waste Collection Services Assessment from the public and affected property owners and consider imposing the Residential Solid Waste Collection Services Assessment and collecting such assessments on the same bill as ad valorem taxes.

**SECTION 12. NOTICE BY PUBLICATION.** The City Manager, or her designee, shall publish notice of the public hearing authorized by Section 11 hereof, in the manner and time provided within the Ordinance. The notice shall be published no later than August 24, 2017, in substantially the form attached hereto as Appendix B.

**SECTION 13. NOTICE BY MAIL.** The City Manager, or her designee, shall also ensure timely notice by use of the TRIM notice forwarded annually by the Property Appraiser's Office to the Owner of each parcel of Assessed Property within the City, at least twenty (20) days prior to the public hearing, as required by the Ordinance, and the Uniform Assessment Collection Act.

**SECTION 14. PROOF OF NOTICE.** The City Manager, or her designee, may provide proof of such notice by affidavit, if any is required pursuant to the Ordinance or Resolution.

**SECTION 15. APPLICATION OF ASSESSMENT PROCEEDS.** Proceeds derived by the City from the Residential Solid Waste Collection Services Assessments will be utilized for the provision of Residential Solid Waste Collection Services, facilities, and programs by the City, through its Franchise Agreement, as described herein.

**SECTION 16. CONFLICT.** All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 17. SEVERABILITY.** If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in

part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

**SECTION 18. EFFECTIVE DATE.** This Preliminary Assessment Resolution shall take effect immediately upon its passage and adoption.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, THIS 13<sup>th</sup> DAY OF JUNE, 2017.**

\_\_\_\_\_  
MAYOR JACK BRADY

ATTEST:

\_\_\_\_\_  
VICE MAYOR LORENZO WOOD

\_\_\_\_\_  
PATRICIA VANCHERI, City Clerk

APPROVED AS TO LEGAL FORM  
BY CITY ATTORNEY:

\_\_\_\_\_  
SAMUEL S. GOREN, ESQUIRE

SSG:MDC

## **APPENDIX A**

### **ESTIMATED RESIDENTIAL SOLID WASTE COLLECTION SERVICES ASSESSMENT RATE SCHEDULE**

**SECTION A-1 DETERMINATION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES ASSESSED COSTS.** The estimated Residential Solid Waste Collection Services Assessed Costs to be assessed for the Fiscal Year commencing October 1, 2017, is **\$ 1,818,024.**

**SECTION A-2 ESTIMATED RESIDENTIAL SOLID WASTE COLLECTION SERVICES ASSESSMENTS.** The estimated Residential Solid Waste Collection Services Assessments to be assessed and apportioned among benefitted parcels pursuant to the Cost Apportionment Methodology to generate the estimated Residential Solid Waste Collection Services Assessed Cost for the Fiscal Year commencing October 1, 2017, are hereby established as follows for the purpose of this Preliminary Assessment Resolution:

RESIDENTIAL UNITS: **\$ 216.02 PER UNIT**

## APPENDIX B

### FORM OF NOTICE TO BE PUBLISHED

To be published no later than August 24, 2017



### NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES SPECIAL ASSESSMENTS

Notice is hereby given that the City Commission of the City of North Lauderdale will conduct a public hearing to consider imposing Residential Solid Waste Collection Services Special Assessments upon Residential Units that receive Residential Solid Waste Collection Services, for the provision by the City of Residential Solid Waste Collection Services to such properties within the City of North Lauderdale.

The hearing will be held at 6:00 p.m., on September 13, 2017, in City Commission Chambers of North Lauderdale City Hall, 701 Southwest 71<sup>st</sup> Avenue, City of North Lauderdale, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If a person decides to appeal any decision made by

the City Commission with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Clerk of the City at (954) 597-4706, at least seven days prior to the date of the hearing.

The assessment for each parcel of residential property that receives Residential Solid Waste Collection Services from the City will be based upon the total number of Residential units attributed to that parcel, at the amount of \$216.02 per unit.

Copies of the Assessment Ordinance, the Preliminary Assessment Resolution and the Preliminary Residential Solid Waste Collection Services Special Assessment Roll are available for inspection at the City Clerk's Office, North Lauderdale City Hall, 701 Southwest 71<sup>st</sup> Avenue, North Lauderdale, Florida.

The assessments will be collected by the Tax Collector on the ad valorem tax bill to be mailed in November 2017, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property, which may result in a loss of title.

If you have any questions, please contact the Finance Director of the City of North Lauderdale, at (954) 597-4714, Monday through Friday between 8:00 a.m. and 5:00 p.m.

CITY CLERK

CITY OF NORTH LAUDERDALE.

**FINANCE DEPARTMENT  
M E M O R A N D U M**

**TO:** Honorable Mayor and City Commission

**FROM:** Ambreen Bhatti, City Manager

**BY:** Susan Nabors, Finance Director

**DATE:** June 13, 2017

**SUBJECT:** Preliminary Fire/Rescue Special Assessment Rate

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In November, 2015, the City Administration engaged Government Services Group, Inc., (GSG) to review City's Fire/Rescue Special Assessment rates and provide a five (5) year plan. As a result of their review, GSG issued an Assessment Program Memorandum in May 2016, in which it recommended a revised rate structure that provided for the full funding of the Fire Rescue operations costs over the next five years. Please be advised that this assessment only covers the Fire Rescue operations. EMS Rescue operations are funded through the General Fund. Additionally, property owners, such as churches and schools, who are 100% exempt from property taxes, do not also pay this special assessment, even though there is a cost to provide fire rescue services to these institutions. Therefore, funding for these exempt properties is also provided through the General Fund.

GSG's methodology allows for smooth and natural adjustments to the assessment rates that correspond to Fire Rescue's fluctuating operational costs (such as health insurance, fuel, and capital costs). The annual assessment also factors in the number of fire rescue calls by property category in order to allocate the fire rescue operational cost to the property category. The assessment for the year beginning October 1, 2017 and ending September 30, 2017 will be the second year of the five (5) year plan.

The collection of the assessment for FY 2018 will follow the same uniform collection rules as it did in previous years. The assessment will be collected by the County through the tax bill process and remitted to the City. This form of revenue collection expedites payment to the City and also enables the residents to take advantage of 4% discount if paid prior to November 30th. Lesser discounts apply if paid by February 28th.

Please recall that the first year (FY 2017) of the updated five (5) year plan resulted in an assessment reduction of \$49 to multi-family with commercial and institutional properties also seeing reductions. The operational cost for Fire Rescue will increase for FY 2018 and the assessment rates are being proposed to be slightly higher to cover those increases. See Exhibit A for the proposed rates for FY 2018.

A copy of the Fire Assessment Five (5) Year Plan is on file at the City Clerk's Office for public review.

**RECOMMENDATION:**

The City Administration recommends Commission's consideration and approval of the attached Preliminary Fire Rescue Rate Resolution reflecting an annual adjustment to our current year fire assessment rate for Single Family residents to \$215 (from \$197 – **an increase of \$18 over the prior year**) and the multi-family residents, including fire inspections, to \$366 (from \$334 – **an increase of \$32 over the prior year**). The Commercial, Industrial-Warehouse and Institutional Property Use Categories will also experience their respective proportional changes. The resolution also schedules our City's public hearing on these fire/rescue assessment rates for Wednesday, September 13, 2017, at 6:00 p.m.



**EXHIBIT A**

**FY 2018 FIRE ASSESSMENT RATES**

<b>RESIDENTIAL PROPERTY USE CATEGORIES</b>	<b>Rate Per Dwelling Unit</b>		
Single Family	\$	215	
Multi-Family	\$	366	
<b>NON-RESIDENTIAL PROPERTY USE CATEGORIES</b>			
<b>Building Classification (in square foot ranges)</b>	<b>Commercial</b>	<b>Industrial Warehouse</b>	<b>Institutional</b>
< 1,999	\$ 507	\$ 109	\$ 546
2,000 - 3,499	\$ 1,013	\$ 217	\$ 1,092
3,500 - 4,999	\$ 1,772	\$ 380	\$ 1,911
5,000 - 9,999	\$ 2,531	\$ 543	\$ 2,730
10,000 - 19,999	\$ 5,061	\$ 1,085	\$ 5,459
20,000 - 29,999	\$ 10,121	\$ 2,169	\$ 10,917
30,000 - 39,999	\$ 15,181	\$ 3,254	\$ 16,375
40,000 - 49,999	\$ 20,241	\$ 4,338	\$ 21,833
> = 50,000	\$ 25,301	\$ 5,422	\$ 27,291

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF NORTH LAUDERDALE, FLORIDA; ESTABLISHING THE ESTIMATED RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in 1996, the City of North Lauderdale began levying and collecting a non-ad valorem special assessment to fund its integrated fire rescue services, determining that the City's fire rescue services provided a special benefit to the real property specially assessed for the services; and,

**WHEREAS**, on June 14, 2000, the Fourth District Court of Appeal rendered its decision in SMM Properties, Inc. v. City of North Lauderdale, 760 So.2d 998, in which the appellate court found that emergency medical services (EMS) could not be included in the services funded a special assessment, which decision was approved by the Florida Supreme Court; and,

**WHEREAS**, since the SMM Properties decision the City has excluded EMS from its special assessment, and City staff has carefully and fully reviewed the City's fire rescue budget, the delivery of fire rescue services, and the fire rescue incidents, in order to conform the City's fire rescue special assessment to the parameters of the SMM Properties decision; and,

**WHEREAS**, in 2015, the City retained the services of Government Services Group (GSG) to complete a comprehensive review of the City's Assessment Methodology for Fire Rescue Special Assessment, and GSG prepared an Assessment Program Memorandum, dated May 2016, which reviewed and updated the assessment rates for the City's Fire Services Special Assessment; and,

**WHEREAS**, the City Commission determines that it is fair and equitable to levy and collect a non-ad valorem special assessment to fund the Fire Services provided within the City which is consistent with the decision in SMM Properties and pursuant to the 2016 GSG Memorandum.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA:**

**SECTION 1.RECITALS.**

The legislative findings set forth in the foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof.

## **SECTION 2. AUTHORITY.**

This Resolution is adopted pursuant to the provisions of Ordinance No. 96-6-901, as amended by Ordinance 97-7-933 (collectively, the “Ordinance”), sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

## **SECTION 3. PURPOSE AND DEFINITIONS.**

This Resolution constitutes the Preliminary Rate Resolution as defined in the Ordinance, which initiates the annual process for updating the Assessment Roll and directs the imposition of fire rescue assessments for the fiscal year beginning October 1, 2017.

**SECTION 4. DEFINITIONS** All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa. As used in this Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

“**Building Area**” means the adjusted area of a Building expressed in square feet and reflected on the Tax Roll or, in the event such information is not reflected or determined not to be accurately reflected on the Tax Roll, the area determined by the City.

“**Code Descriptions**” mean the code descriptions listed in the Fixed Property Use Codes.

“**Commercial Property**” means those Tax Parcels with a Code Description designated as “Commercial” in the Fixed Property Use Codes.

“**Cost Apportionment**” means the apportionment of the Fire Rescue Assessed Cost among all Property Use Categories according to the Demand Percentages established pursuant to the apportionment methodology described in Section 8 of this Preliminary Assessment Resolution.

“**Demand Percentage**” means the percentage of demand for Fire Rescue services, facilities, or programs attributable to each Property Use Category determined by analyzing the historical demand for fire rescue services as reflected in Incident Reports in the State Database, and as described in Section 8 of this Preliminary Assessment Resolution.

“**DOR Code**” means a property use code established in Rule 12D-8.008, Florida Administrative Code, assigned by the Property Appraiser to Tax Parcels within the City.

“**Dwelling Unit**” means (1) a Building, or a portion thereof, available to be used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family only, or (2) the use of land in which lots or spaces are offered for rent or lease for the placement of mobile homes, travel trailers, or the like for residential purposes.

“**Estimated Fire Rescue Assessment Rate Schedule**” means that rate schedule attached hereto as Appendix “B” and hereby incorporated herein by reference, specifying the Fire Rescue Assessed Costs determined in Section 9 of this Preliminary Assessment Resolution and the estimated Fire Rescue Assessments established in Section 9 of this Preliminary Assessment Resolution.

**"FFIRS"** means the Florida Fire Incident Reporting System.

**"Fixed Property Use Codes"** means the property use codes used by FFIRS, and which correlate with the property use codes used by the Broward County Property Appraisers Office, as specified in Appendix "A" attached hereto and incorporated herein by reference.

**"Improvement Codes"** means the building use codes assigned by the Property Appraiser to Tax Parcels within the City, which correlate to the Fixed Property Use Codes as specified in Appendix "A", attached hereto and incorporated herein by reference.

**"Incident Report"** means an individual report filed with the Florida State Fire Marshal under FFIRS.

**"Industrial/Warehouse Property"** means those Tax Parcels with a Code Description designated as "Industrial/Warehouse" in the Fixed Property Use Codes.

**"Institutional Property"** means those Tax Parcels with a Code Description designated as "Institutional" in the Fixed Property Use Codes.

**"Mixed Use Property"** means a Tax Parcel that contains Buildings whose use descriptions are capable of assignment under a Code Description in the Fixed Property Use Codes in more than one Property Use Category.

**"Multi-Family Residential Property"** means those Tax Parcels with a Code Description designated as "Multi-Family Residential" in the Fixed Property Use Codes, and which require annual recurring fire inspections.

**"Non-Residential Property"** means, collectively, Commercial Property, Industrial/Warehouse Property, and Institutional Property.

**"Parcel Apportionment"** means the further apportionment of the Fire Rescue Assessed Cost allocated to each Property Use Category by the Cost Apportionment among the Tax Parcels under the methodology established in Section 8 of this Preliminary Assessment Resolution.

**"Property Use Categories"** means, collectively, Residential Property and all categories of Non-Residential Property.

**"Residential Property"** means those Tax Parcels with a condominium use under the DOR Codes together with those Tax Parcels with a Code Description designated as "Residential" in the Fixed Property Use Codes.

**"Single-Family Residential Property"** means those Tax Parcels with a Code Description designated as "Single-Family Residential" in the Fixed Property Use Codes, and which do not require annual recurring fire inspections.

**"State Database"** means the incident data specific to the City derived from the FFIRS Incident Reports maintained by the Florida State Fire Marshal.

“**Tax Parcel**” means a parcel of property located within the City to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

**SECTION 5. PROVISION AND FUNDING OF FIRE RESCUE SERVICES.**

5.1 Upon the imposition of fire rescue assessments for fire rescue services, facilities, or programs against assessed property located within the City, the City shall provide fire rescue services to such assessed property. A portion of the cost to provide such fire rescue services, facilities, or programs shall be funded from proceeds of the fire rescue assessments. The remaining cost required to provide fire rescue services, facilities, and programs shall be funded by available City revenues other than fire rescue assessment proceeds. No costs for emergency medical services (EMS) shall be funded by the special assessment.

5.2 It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the City will be benefited by the City’s provision of fire rescue services, facilities, and programs in an amount not less than the fire rescue assessment imposed against such parcel, computed in the manner set forth in this Preliminary Rate Resolution.

**SECTION 6. IMPOSITION AND COMPUTATION OF FIRE RESCUE ASSESSMENTS.**

Fire rescue assessments shall be imposed against all tax parcels within the property use categories. All EMS costs have been removed from the fire rescue assessed costs, and all EMS calls have been removed from the historical call data used to allocate those costs among real property within the City. The fire rescue assessments shall be computed in the manner described herein and the May 2016 Assessment Program Memorandum from Government Services Group.

**SECTION 7. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT AND FAIR APPORTIONMENT.** The City Commission reconfirms the legislative findings in the Ordinance, and adopts the following legislative findings relating to the fire rescue special assessment:

AUTHORITY

7.1 Pursuant to Article VIII, Section 2(b) of the Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, the City Commission has all powers of local self-government to perform municipal functions and render municipal services except when prohibited by law and such power may be exercised by the enactment of City ordinances or resolutions.

7.2 The City Commission may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the City Commission may legislate on any subject matter on which the Florida Legislature may act, except those subjects described in (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes. The subject matter of paragraphs (a), (b), (c), and (d) of Section 166.021(3), Florida Statutes, are not relevant to the imposition of assessments related to fire services, facilities or programs.

## SPECIAL BENEFIT

7.3 The special benefits provided to affected lands as a result of a fire rescue assessment include by way of example and not limitation, the availability and use of fire services by the owners and occupants of the property, protection of public safety, stable, or decreasing insurance costs, a potential increase in value to property, and better service to landowners and tenants.

7.4 Fire rescue services possess a logical relationship to the use and enjoyment of improved property by:

7.4.1 protecting the value of the improvements and structures by providing available fire control services;

7.4.2 protecting the life and safety of intended occupants in the use and enjoyment of improvements and structures within improved parcels;

7.4.3 lowering the cost of fire insurance by the presence of a professional and comprehensive fire control program within the City; and

7.4.4 containing the spread of fire incidents occurring on vacant property, that have the potential to spread and endanger the structures and occupants of improved property.

## IMPOSITION AND COLLECTION

7.5 The annual fire rescue assessments to be imposed pursuant to this Resolution shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act (“Uniform Method”).

7.6 The fire rescue assessment imposed pursuant to this Resolution is imposed by the City Commission, not the Broward County Board of County Commissioners, Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Resolution shall be construed as ministerial.

## APPORTIONMENT

7.7 It is fair and reasonable to use the Fixed Property Use Codes and DOR Codes for the Cost Apportionment and the Parcel Apportionment because: (1) the Tax Roll database employing the use of such property use codes is the most comprehensive, accurate, and reliable information readily available to determine the property use and Building Area for improved property within the City, and (2) the Tax Roll database within such property use codes is maintained by the Property Appraiser and is thus consistent with parcel designations on the Tax Roll which compatibility permits the development of an Assessment Roll in conformity with the requirements of the Uniform Method.

7.8 Apportioning fire rescue assessed costs among classifications of improved property based upon historical demand for fire rescue services is fair and reasonable and proportional to the special benefit received.

7.9 The Incident Reports are the most reliable data available to determine the potential demand for fire services from property use and to determine the benefit to property use resulting from the availability of fire rescue services to protect and serve Buildings located within Assessed Property and their intended occupants. There exists sufficient Incident Reports documenting the historical demand for fire services from Assessed Property Use Category by an examination of such Incident Reports which is consistent with the experience of the City. Therefore, the use of Demand Percentages determined by an examination of Incident Reports is a fair and reasonable method to apportion the fire services assessed costs among the property use categories.

7.10 The level of services required to meet the anticipated demand for fire rescue services and the corresponding annual budget required to fund fire services provided to incidents at non-specific property uses would be required notwithstanding the occurrence of any incidents from non-specific property uses. Therefore, the calls to non-specific property uses are omitted from the cost apportionment exercise and not re-allocated.

7.11 The City annually provides inspections of all improved property other than single family Dwelling Units. Adding the City's annual fire inspection program costs to the fire services assessment determined for all Residential Property (other than single family Dwelling Units) and Non-Residential Property is fair and reasonable and proportional to the special benefit received by such property as a result of such inspections.

#### RESIDENTIAL PARCEL APPORTIONMENT

7.12 The size or the value of the residential property does not determine the scope of the required fire rescue response. The potential demand for fire rescue services is driven by the existence of a Dwelling Unit and the anticipated average occupant population.

7.13 Apportioning the fire rescue assessed costs for fire services attributable to Residential Property on a per Dwelling Unit basis is required to avoid cost inefficiency and unnecessary administration and is a fair and reasonable method of Parcel Apportionment based upon historical call data.

#### NON-RESIDENTIAL PARCEL APPORTIONMENT

7.14 The risk of loss and the demand for fire service availability is substantially related to Buildings size. Because the value and anticipated occupancy of non-residential Buildings is substantially related to Building size, it is fair, reasonable and equitable to allocate the assessment burden on improved property containing such Buildings based upon the size of the Building.

7.15 The separation of improved Non-Residential Property into Building Area classification ranges is fair and reasonable for the purposes of the Parcel Apportionment because: (1) the absence of a need for precise square footage data within the ad valorem tax records maintained by the Property Appraiser undermines the use of the actual Building Area within each improved parcel as a basis for Parcel Apportionment; (2) the administrative expense and complexity created by an on-site inspection to determine the actual Building Area within each improved parcel assessed is impractical; (3) the demand for fire rescue service availability is not precisely determined or measured by the actual Building Area within benefited parcels; and, (4) the classification of parcels within Building Area classification ranges is a fair and reasonable method to classify benefited parcels and to apportion costs among benefited parcels that create similar demand for the availability of fire rescue services.

7.16 The allocation of the assessment burden to improved Non-Residential Property by building size is fair and reasonable for the purposes of Parcel Apportionment because it is a fair and reasonable method of classifying benefited parcels and will apportion costs among benefited parcels that create similar demand for the availability of fire rescue services.

7.17 The demand for the availability of fire rescue services may diminish at the outer limit of structure size because a fire occurring at a structure greater than a certain size is not capable of being suppressed under expected conditions. Additionally, the fire flow capacity anticipated at the fire scene under the level of service provided by the assessable costs limits the benefit provided to a structure beyond a certain size. Therefore, it is reasonable to place a cap on the square footage of benefited buildings within the non-residential property use categories.

7.18 Property whose use is exempt from ad valorem taxation under Florida law provide facilities and uses to the ownership, occupants, membership as well as public in general that otherwise might be required to be provided by the City and such use thereof serves a legitimate public purpose and provides a public benefit. Therefore, it is fair and reasonable not to impose fire rescue assessments upon Buildings whose use is exempt from ad valorem taxation under Florida law. Accordingly, no fire rescue assessment shall be imposed upon portion of building whose use is wholly exempt from ad valorem taxation under Florida law.

#### VACANT PROPERTY

7.19 Because of the urbanized character of the City, the suppression of fire on agricultural and vacant property, including acreage, primarily benefits improved property by the containment of the spread of fire rather than the preservation of the value of the vacant property. Therefore, it is fair and reasonable to not assess vacant property for fire services.

### **SECTION 8. COST APPORTIONMENT AND PARCEL APPORTIONMENT METHODOLOGIES.**

#### 8.1 Cost Apportionment:

8.1.1. To correlate the Property Use Categories with the State Data Base, the Code Descriptions within the Fixed Property Use Codes similar to Code Descriptions within the Improvement Codes that were used to determine the Property Use Categories were identified using the information in Appendix "A." Such correlation in Code Descriptions by Property Use category between the Fixed Property Use Codes and the Improvement Codes is necessary to allocate the historical demand for fire rescue services as reflected by the Incident Reports for Tax Parcels on the Tax Roll within the Property Use Categories.

8.1.2 Historical demand for fire rescue services, excluding EMS calls, is identified by property use category through incident reports maintained by the City's Fire Department.

8.1.3 A demand percentage is determined for each property use category by calculating the percentage that incident reports allocated to each property use category bear to the total number of incident reports documented for all property use categories within the sampling period.



8.1.4 Assessable property use categories are: residential, commercial, industrial/warehouse, and institutional.

8.1.5 The demand percentage for each property use category is applied to the fire rescue assessed costs and the resulting product is the cost allocation of that portion of the fire rescue assessed costs allocated to each individual property use category.

8.1.6 Calls to non-specific property uses are omitted from the cost apportionment and not re-allocated consistent with the findings in section 7.10 above.

## 8.2 Parcel Apportionment Methodology

8.2.1 Apportionment among Tax Parcels of that portion of the fire rescue services Assessed Costs apportioned to each Property Use Category, under the Cost Apportionment, shall be consistent with the following Parcel Apportionment methodology:

8.2.1.1 The fire rescue services assessment for each Tax Parcel of residential property shall be computed by dividing the allocated assessed costs by the total number of dwelling units shown on the tax roll within the City, and then multiplying such quotient by the number of dwelling units located on such tax parcel.

8.2.1.2 The fire rescue services assessment for each tax parcel of improved non-residential property shall be computed by dividing the allocated assessed costs per category by the total square footage shown on the tax roll within the City for each category and multiplying such quotient by the total square feet of such tax parcel.

8.2.1.3 Vacant Lots are not assessed pursuant to the findings set forth in paragraph 7.19 above.

## **SECTION 9. DETERMINATION OF FIRE RESCUE ASSESSED COSTS; ESTABLISHMENT OF ANNUAL FIRE RESCUE ASSESSMENT RATES.**

9.1 The fire rescue assessed costs to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and the Parcel Apportionment for the Fiscal Year commencing October 1, 2017, is the amount determined in the Estimated Fire Rescue Assessment Rate Schedule, attached hereto as Appendix "B." The approval of the Estimated Fire Rescue Assessment Rate Schedule by the adoption of this Preliminary Rate Resolution determines the amount of the fire rescue assessed costs. The remainder of such fiscal year budget for fire rescue services, facilities, and programs, as well as all EMS costs, shall be funded from available City revenue other than fire rescue assessment proceeds.

9.2 The estimated fire rescue assessments specified in the Estimated Fire Rescue Assessment Rate Schedule are hereby established to fund the specified fire rescue assessed costs determined to be assessed in the Fiscal Year commencing October 1, 2017.

9.3 The estimated fire rescue assessments established in this Preliminary Rate Resolution shall be the estimated assessment rates applied by the Assessment Coordinator in the preparation of the updated Assessment Roll for the Fiscal Year commencing October 1, 2017 as provided in Section 10 of this Preliminary Rate Resolution.

## **SECTION 10.ANNUAL ASSESSMENT ROLL.**

10.1 The Assessment Coordinator is hereby directed to prepare, or cause to be prepared, an updated Assessment Roll for the Fiscal Year commencing October 1, 2017, in the manner provided in the Ordinance. The updated Assessment Roll shall include all Tax Parcels within the Property Use Categories. The Assessment Coordinator shall apportion the estimated fire rescue assessed cost to be recovered through fire rescue assessments in the manner set forth in this Preliminary Rate Resolution. A copy of this Preliminary Rate Resolution, the Ordinance, and the updated Assessment Roll shall be maintained on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the updated Assessment Roll proposed for the Fiscal Year beginning October 1, 2017 be in printed form if the amount of the fire rescue assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

10.2 In determining the estimated fire rescue assessment for any tax parcel, the updated Assessment Roll shall include, pursuant to the Ordinance, an amount equivalent to any delinquent fire rescue assessment imposed for a prior fiscal year, together with any costs, fees or expenses attributable thereto.

10.3 It is hereby ascertained, determined, and declared that the method of determining the fire rescue assessments for fire rescue services as set forth in this Preliminary Rate Resolution is a fair and reasonable method of apportioning the fire rescue assessed cost among parcels of assessed property located within the City, the methodology and apportionment assures that no property is assessed an amount greater than the benefit which it receives from Fire Rescue provided by the City, and the methodology and apportionment are consistent with the decision of the Fourth District Court of Appeal in SMM Properties.

## **SECTION 11.AUTHORIZATION OF PUBLIC HEARING.**

There is hereby established a public hearing to be held at 6:00 p.m. on September 13, 2017, in City Commission Chambers of City Hall, 701 Southwest 71st Avenue, North Lauderdale, Florida, at which time the City Commission will receive and consider any comments on the fire rescue assessments from the public and affected property owners and consider imposing fire rescue assessments for the fiscal year beginning October 1, 2017 and collecting such assessments on the same bill as ad valorem taxes.

## **SECTION 12. NOTICE BY PUBLICATION.**

The Assessment Coordinator shall publish a notice of the public hearing authorized by Section 11 of this Preliminary Rate Resolution in the manner and time provided in the Ordinance. The notice shall be published no later than August 24, 2017, in substantially the form attached hereto as Appendix "D."

## **SECTION 13. NOTICE BY MAIL.**

The Assessment Coordinator shall ensure that proper and timely notice is provided to the Owners of Assessed Property through use of the TRIM notices forwarded by the Property Appraiser's Office to Property Owners within the City in a manner consistent with the requirements of the Ordinance.

**SECTION 14.APPLICATION OF ASSESSMENT PROCEEDS.**

Proceeds derived by the City from the fire rescue assessments will be utilized for the provision of fire rescue services, facilities, and programs, consistent with this Resolution and the Fourth District Court of Appeal opinion in SMM Properties. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund fire rescue services, facilities, and programs.

**SECTION 15.EFFECTIVE DATE.**

This Preliminary Rate Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA THIS 13<sup>TH</sup> DAY OF JUNE, 2017.

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY SAMUEL S. GOREN

\_\_\_\_\_  
MAYOR JACK BRADY

\_\_\_\_\_  
VICE MAYOR LORENZO WOOD

ATTEST:

\_\_\_\_\_  
CITY CLERK PATRICIA VANCHERI

**APPENDIX A  
FIXED PROPERTY USE CODES**

<b>Fixed Property Use</b>	<b>Fixed Property Use Description</b>	<b>Category Assigned</b>
000	FIXED PROP USE UNDETERMINED	NON-SPECIFIC
100	UNKNOWN OTHER	NON-SPECIFIC
110	FIXED USE RECREATION, OTHER	COMMERCIAL
115	ROLLER RINK	COMMERCIAL
116	SWIMMING FACILITY	COMMERCIAL
120	VARIABLE USE AMUSEMENT/RECREATION	COMMERCIAL
124	PLAYGROUND	NON-SPECIFIC
131	CHURCH/CHAPEL	INSTITUTIONAL
134	FUNERAL PARLOR/CHAPEL	INSTITUTIONAL
141	ATHLETIC CLUB/YMCA	INSTITUTIONAL
150	PUBLIC, GOVT, OTHER	INSTITUTIONAL
151	LIBRARY	INSTITUTIONAL
160	EATING/DRINKING PLACES	COMMERCIAL
161	RESTAURANT	COMMERCIAL
162	NIGHTCLUB	COMMERCIAL
210	SCHOOLS NON-ADULT OTHER	INSTITUTIONAL
211	PRE-SCHOOL	INSTITUTIONAL
213	ELEMENTARY SCHOOL	INSTITUTIONAL
215	HIGH SCHOOL/JR HIGH/MIDDLE SCHOOL	INSTITUTIONAL
254	DAY CARE-IN COMMERCIAL PROPERTY	COMMERCIAL
311	CARE OF THE AGED/NURSING STAFF	INSTITUTIONAL
322	ALCOHOL/SUBSTANCE ABUSE RECOVERY CENTER	INSTITUTIONAL
340	CLINICS, OTHER	INSTITUTIONAL
341	CLINIC, CLINIC-TYPE INFIRMARY	INSTITUTIONAL
342	DOCTOR/DENTIST/SURGEONS OFFICE	COMMERCIAL
361	JAIL/PRISON - NOT JUVENILE	INSTITUTIONAL
365	POLICE STATION	INSTITUTIONAL
400	RESIDENTIAL OTHER	SINGLE-FAMILY RESIDENTIAL
419	ONE- AND TWO-FAMILY DWELLING	SINGLE-FAMILY RESIDENTIAL
429	MULTI-FAMILY DWELLINGS	MULTI-FAMILY RESIDENTIAL
439	ROOMING, BOARDING, RESIDENTIAL HOTELS	MULTI-FAMILY RESIDENTIAL
449	HOTELS, MOTELS, INNS, LODGES	COMMERCIAL
459	RESIDENTIAL BOARD AND CARE	INSTITUTIONAL
464	MILITARY BARRACKS/DORMITORY	INSTITUTIONAL
500	MERCANTILE PROPERTIES OTHER	COMMERCIAL
511	CONVENIENCE STORE	COMMERCIAL
519	FOOD, BEVERAGE SALES, GROCERY STORE	COMMERCIAL
539	HOUSEHOLD GOODS SALES, REPAIRS	COMMERCIAL
549	SPECIALTY SHOPS	COMMERCIAL
557	BARBER, BEAUTY SHOP, PERSONAL SERVICES	COMMERCIAL
559	RECREATIONAL, HOBBY,HOME SALES, PET STORE	COMMERCIAL
564	SELF-SERVICE LAUNDRY/DRY CLEANING	COMMERCIAL
571	SERVICE STATION	COMMERCIAL
579	MOTOR VEHICLE, BOAT SALES/SERVICE/REPAIRS	COMMERCIAL
580	GENERAL ITEM STORES, OTHER	COMMERCIAL
581	DEPARTMENT STORE	COMMERCIAL
592	BANK W/FIRST STORY BANKING FACILITY	COMMERCIAL
599	BUSINESS OFFICES	COMMERCIAL

<b>Fixed Property Use</b>	<b>Fixed Property Use Description</b>	<b>Category Assigned</b>
610	ENERGY PRODUCTION, OTHER	INDUSTRIAL/WAREHOUSE
639	COMMUNICATIONS CENTER	INDUSTRIAL/WAREHOUSE
640	UTILITY, ENERGY DISTRIBUTION CNTR OTHER	INDUSTRIAL/WAREHOUSE
642	ELECTRIC TRANSMISSION DISTIB. SYSTEM	INDUSTRIAL/WAREHOUSE
644	GAS DISTRIBUTION SYSTEM, PIPELINE	INDUSTRIAL/WAREHOUSE
807	OUTSIDE MATERIAL STORAGE AREA	NON-SPECIFIC
880	VEHICLE STORAGE; OTHER	INDUSTRIAL/WAREHOUSE
882	GENERAL VEHICLE PARKING GARAGE	INDUSTRIAL/WAREHOUSE
888	FIRE STATIONS	INSTITUTIONAL
899	RESIDENTIAL OR SELF STORAGE UNITS	INDUSTRIAL/WAREHOUSE
900	OUTSIDE, SPECIAL PROPERTIES; OTHER	NON-SPECIFIC
919	DUMP SANITARY LANDFILL	NON-SPECIFIC
931	OPEN LAND, FIELD	LAND
936	VACANT LOT	LAND
938	GRADED AND CARED FOR PLOTS OF LAND	LAND
940	WATER AREAS, OTHER	NON-SPECIFIC
946	LAKE/RIVER/STREAM	NON-SPECIFIC
951	RAILROAD RIGHT OF WAY	NON-SPECIFIC
960	STREET, OTHER	NON-SPECIFIC
961	DIVIDED HIGHWAY, HIGHWAY	NON-SPECIFIC
962	PAVED PUBLIC STREET, RESIDENTIAL	NON-SPECIFIC
963	PAVED PRIVATE STREET, COMMERCIAL	NON-SPECIFIC
965	UNCOVERED PARKING AREA	NON-SPECIFIC
983	PIPELINE, POWER LINE RIGHT OF WAY	NON-SPECIFIC
NNN	NONE	NON-SPECIFIC
UUU	UNDETERMINED	NON-SPECIFIC

## APPENDIX B

### ESTIMATED FIRE RESCUE ASSESSMENT RATE SCHEDULE

#### SECTION B-1. DETERMINATION OF FIRE RESCUE ASSESSED COSTS.

The estimated fire rescue Assessed Costs to be assessed for the fiscal year commencing October 1, 2017, is \$4,521,323. Additional fire rescue proceeds may be received and the fire rescue assessed costs to be assessed may be adjusted as a result of reclassification of Assessed Property or inclusion of parcels not included on the preliminary Assessment Roll.

**SECTION B-2. ESTIMATED FIRE RESCUE ASSESSMENTS.** The estimated fire rescue assessments to be assessed and apportioned among benefited parcels pursuant to the cost apportionment and parcel apportionment to generate the estimated fire rescue assessed cost for fiscal year commencing October 1, 2017, are hereby established as follows for the purpose of this Preliminary Rate Resolution:

<b>RESIDENTIAL PROPERTY USE CATEGORIES</b>	<b>Rate Per Dwelling Unit</b>			
Single Family	\$215			
Multi-Family	\$366			
<b>NON-RESIDENTIAL PROPERTY USE CATEGORIES</b>	<b>Building Classification (in square foot ranges)</b>	<b>Commercial</b>	<b>Industrial/ Warehouse</b>	<b>Institutional</b>
	< = 1,999	\$507	\$109	\$546
	2,000 - 3,499	\$1,013	\$217	\$1,092
	3,500 - 4,999	\$1,772	\$380	\$1,911
	5,000 - 9,999	\$2,531	\$543	\$2,730
	10,000 - 19,999	\$5,061	\$1,085	\$5,459
	20,000 - 29,999	\$10,121	\$2,169	\$10,917
	30,000 - 39,999	\$15,181	\$3,254	\$16,375
	40,000 - 49,999	\$20,241	\$4,338	\$21,833
	> = 50,000	\$25,301	\$5,422	\$27,291

**SECTION B-3. EXEMPT PROPERTIES.** No Fire Assessment shall be imposed upon a parcel of Government Property or portions of Building whose use is wholly exempt from ad valorem taxation under Florida law. No assessment shall be imposed on vacant (unimproved) property. Any shortfall in the expected Fire Rescue Assessment proceeds due to any reduction or exemption from payment

of the Fire Rescue Assessments required by law or authorized by the City Commission shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Fire Rescue Assessments. It is the legislative determination of the City Commission that in the event a court of competent jurisdiction determines any exemption or reduction by the City Commission improper or otherwise adversely affects the validity of the Fire Rescue Assessment imposed for this Fiscal Year, the sole and exclusive remedy shall be the imposition of a Fire Rescue Assessment upon each affected Tax Parcel in the amount of the Fire Rescue Assessment that would have been otherwise imposed save and except for such reduction or exemption afforded to such Tax Parcel by the City Commission.

## **APPENDIX C**

### **PARCEL APPORTIONMENT METHODOLOGY**

The Cost Apportionment to each Property Use Category and to Mixed Use Property shall be apportioned among the Tax Parcels within each Property Use Category and to Mixed Use Property Tax Parcels as follows:

**SECTION C-1. RESIDENTIAL PROPERTY.** For both Single-Family and Multi-Family Residential Properties, the Fire Rescue Assessment for each Tax Parcel of Residential Property shall be computed by multiplying the Demand Percentage attributable to Residential Property by the Fire Rescue Assessed Costs, dividing such product by the total number of Dwelling Units shown on the Tax Roll within the City, and then multiplying such quotient by the number of Dwelling Units located on such Tax Parcel. For Multi-Family residential properties the annual fire inspection is included in the services funded by this assessment. This amount will be no greater than the amount set forth in Appendix "B." This method will ensure that no residential property is assessed an amount greater than the special benefit received from the assessed services.

**SECTION C-2. NON-RESIDENTIAL PROPERTY.** The Fire Rescue Assessments for each Tax Parcel of Non-Residential Property shall be computed as follows:

(A) Respectively, multiply the Fire Rescue Assessed Costs by the Demand Percentage attributable to each of the non-residential Property Use Categories. The resulting dollar amounts reflect the portions of the City's Fire Rescue budget to be respectively funded from Fire Rescue Assessment revenue derived from each of the non-residential Property Use Categories. For non-residential properties the annual fire inspection is included in the services funded by this assessment. This method will ensure that no non-residential property will be assessed an amount greater than the special benefit received from the service.



(B) Separate each Tax Parcel in each of the non-residential Property Use Categories into one of the following square footage categories:

- (1) Tax Parcels with a Building Area of equal to or less than 1,999 square feet;
- (2) Tax Parcels with a Building Area between 2,000 square feet and 3,499 square feet;
- (3) Tax Parcels with a Building Area between 3,500 square feet and 4,999 square feet;
- (4) Tax Parcels with a Building Area between 5,000 square feet and 9,999 square feet;
- (5) Tax Parcels with a Building Area between 10,000 square feet and 19,999 square feet;
- (6) Tax Parcels with a Building Area between 20,000 square feet and 29,999 square feet;
- (7) Tax Parcels with a Building Area between 30,000 square feet and 39,999 square feet;
- (8) Tax Parcels with a Building Area between 40,000 square feet and 49,999 square feet;
- (9) Tax Parcels with a Building Area equal to or greater than 50,000 square feet.

(C) As to each non-residential Property Use Category, multiply the number of Tax Parcels categorized in:

- (1) Subsection (B)(1) of this Section by 1,000 square feet;
- (2) Subsection (B)(2) of this Section by 2,000 square feet;
- (3) Subsection (B)(3) of this Section by 3,500 square feet;
- (4) Subsection (B)(4) of this Section by 5,000 square feet;
- (5) Subsection (B)(5) of this Section by 10,000 square feet;
- (6) Subsection (B)(6) of this Section by 20,000 square feet;
- (7) Subsection (B)(7) of this Section by 30,000 square feet;
- (8) Subsection (B)(8) of this Section by 40,000 square feet;
- (9) Subsection (B)(9) of this Section by 50,000 square feet;

(D) For each non-residential Property Use Category, add the products of subsections (C)(1) through (C)(9) of this Section. The sum of these products reflects an aggregate square footage area for each non-residential Property Use Category to be used by the City in the computation of Fire Rescue Assessments.

(E) Divide the product of subsection (A) of this Section relative to each of the non-residential Property Use Categories by the sum of the products for each non-residential Property Use Category described in subsection (D) of this Section. The resulting quotient expresses a dollar amount adjusted or weighted per square foot of improved area to be used in computing Fire Rescue Assessments on each of the respective non-residential Property Use Categories.

(F) For each of the non-residential Property Use Categories, multiply the resulting quotients from subsection (A) of this Section by each of the respective products in subsections (C)(1) through (C)(9) of this Section. The resulting products for each non-residential Property Use Category expresses a series of gross dollar amounts expected to be funded by all Tax Parcels in the respective non-residential Property Use Categories in each of the square footage categories in subsection (B) of this Section.

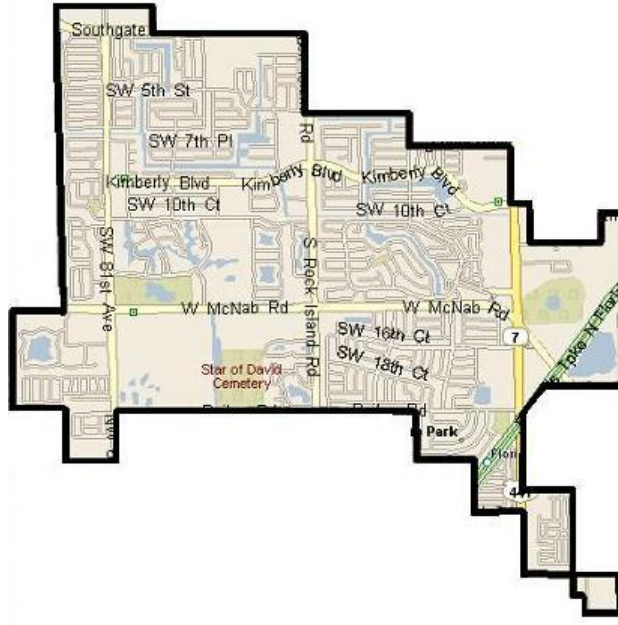
(G) For each of the non-residential Property Use Categories, divide each of the respective products of subsection (F) of this Section by the number of Tax Parcels determined to be in each of the square footage categories identified in subsection (B) of this Section. The result expresses the respective dollar amounts of the Fire Rescue Assessments to be imposed upon each Tax Parcel in each of the non-residential Property Use Categories.

SECTION C-3 MIXED USE PROPERTY. The Fire Rescue Assessments for each Tax Parcel classified in two or more Property Use Categories shall be the sum of the Fire Rescue Assessments computed for each Property Use Category.

## APPENDIX D

Published No Later than August 24, 2017

### FORM OF NOTICE TO BE PUBLISHED



### NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF FIRE RESCUE SPECIAL ASSESSMENTS

Notice is hereby given that the City Commission of the City of North Lauderdale will conduct a public hearing to consider imposing fire rescue special assessments for the provision of fire rescue services within the City of North Lauderdale.

The hearing will be held at 6:00 p.m., on September 13, 2017, in the City Commission Chambers, 701 Southwest 71st Avenue, North Lauderdale, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If a person decides to appeal any decision made by the City Commission with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk's office at (954) 597-4706, at least seven days prior to the date of the hearing.

The assessment for each parcel of property will be based upon each parcel's classification and the total number of billing units attributed to that parcel. The following table reflects the proposed fire rescue assessment schedule.

<b>RESIDENTIAL PROPERTY USE CATEGORIES</b>	<b>Rate Per Dwelling Unit</b>		
Single Family	\$		215
Multi-Family	\$		366
<b>NON-RESIDENTIAL PROPERTY USE CATEGORIES</b>			
<b>Building Classification (in square foot ranges)</b>	<b>Commercial</b>	<b>Industrial Warehouse</b>	<b>Institutional</b>
< 1,999	\$ 507	\$ 109	\$ 546
2,000 - 3,499	\$ 1,013	\$ 217	\$ 1,092
3,500 - 4,999	\$ 1,772	\$ 380	\$ 1,911
5,000 - 9,999	\$ 2,531	\$ 543	\$ 2,730
10,000 - 19,999	\$ 5,061	\$ 1,085	\$ 5,459
20,000 - 29,999	\$ 10,121	\$ 2,169	\$ 10,917
30,000 - 39,999	\$ 15,181	\$ 3,254	\$ 16,375
40,000 - 49,999	\$ 20,241	\$ 4,338	\$ 21,833
> = 50,000	\$ 25,301	\$ 5,422	\$ 27,291

Copies of the Fire Rescue Assessment Ordinance (Ordinance No. 96-6-901), the Preliminary Rate Resolution initiating the annual process of updating the Assessment Roll and imposing the fire rescue assessments, and the Preliminary Assessment Roll for the upcoming fiscal year, are available for inspection at the City Clerk's office, City Hall, located at 701 Southwest 71st Avenue, North Lauderdale, Florida.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2017, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property, which may result in a loss of title.

If you have any questions, please contact the Finance Department at (954) 597-4714, Monday through Friday between 8:00 a.m. and 5:00 p.m.

CITY CLERK, CITY OF NORTH LAUDERDALE

**NORTH LAUDERDALE WATER CONTROL DISTRICT  
BOARD OF SUPERVISORS ANNUAL MEETING**

**TUESDAY, JUNE 13, 2017**

**(Immediately following regular Commission meeting)**

**1. CALL TO ORDER – Chairman Moyle**

**2. ROLL CALL**

Chairman Rich Moyle  
Secretary Jack Brady  
Supervisor Samson Borgelin  
Supervisor Jerry Graziose  
Supervisor Lorenzo Wood  
Administrator George Krawczyk  
City Attorney Samuel S. Goren  
City Clerk Patricia Vancheri

**3. APPROVAL OF MINUTES**

**a. September 14, 2016**

**4. ELECTION OF CHAIRMAN & SECRETARY**

- Call from Chair for Board Member nominations
- Close of nominations
- Board discussions and vote:
  - Board Secretary
  - Board Chairman

**5. RESOLUTION – Preliminary Water Management System Annual Assessment Rate**

- Motion, second and vote to read
- Attorney reads title
- Staff presentation
- Motion and second to adopt
- Discussion
- Vote

**A RESOLUTION OF THE NORTH LAUDERDALE WATER CONTROL DISTRICT,  
RELATING TO THE PROVISION OF WATER CONTROL AND DRAINAGE**

**SERVICES, FACILITIES AND PROGRAMS (THE “WATER MANAGEMENT SYSTEM”) WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT; ESTABLISHING THE ESTIMATED ASSESSMENT RATE OF \$55.15 FOR WATER MANAGEMENT SYSTEM ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**6. ADJOURNMENT**

**NORTH LAUDERDALE WATER CONTROL DISTRICT  
BOARD OF SUPERVISORS ANNUAL MEETING**

**TUESDAY, SEPTEMBER 14, 2016**

**MINUTES**

The North Lauderdale Water Control District met at the Municipal Complex on Tuesday September 14, 2016 prior to the regular City Commission meeting.

1. **CALL TO ORDER** – Chairman Moyle called the meeting to order at 6:00 p.m.
  
2. **ROLL CALL** – Clerk called roll. All present.
  - Chairman Rich Moyle
  - Secretary Jack Brady
  - Supervisor David Hilton
  - Supervisor Jerry Graziose
  - Supervisor Lorenzo Wood
  - Administrator George Krawczyk
  - City Attorney Sam Goren
  - City Clerk Patricia Vancheri
  
3. **APPROVAL OF MINUTES**
  - a. **June 28, 2016** – Supervisor Wood moved to approve the Minutes as submitted. Secretary Brady seconded. **Minutes approved unanimously by voice vote.**
  
4. **RESOLUTION** – Water Management System Assessment Annual Rate Resolution and approval of budget for fiscal year October 1, 2016 through September 30, 2017.

Attorney read:

**A RESOLUTION OF THE NORTH LAUDERDALE WATER CONTROL DISTRICT, RELATING TO THE PROVISION OF WATER CONTROL AND DRAINAGE SERVICES, FACILITIES AND PROGRAMS (THE “WATER MANAGEMENT SYSTEM”) WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT; AMENDING RESOLUTION 2016-06-02 TO AMEND THE TIME OF THE PUBLIC HEARING; ESTABLISHING THE ASSESSMENT RATES FOR WATER MANAGEMENT SYSTEM ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; APPROVING, CONFIRMING AND ADOPTING THE ASSESSMENT ROLL; APPROVING THE DISTRICT BUDGET FOR FISCAL YEAR 2016-2017 TO BE ADOPTED AS PART OF THE CITY’S BUDGET BY THE CITY COMMISSION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**



Susan Nabors presented the item based on the back up memorandum and advised the board we are seeking approval of a resolution to set the assessment rate for 2017 at \$55.15 per year, which is the same assessment cost for the last eleven years. Chairman Moyle stated he would like to see the rate in the title from now on for the public since they do not see the backup memorandum. Attorney Goren stated there was no public comment, the public was given the right to present themselves; no one appeared at the podium except for the professional Staff to that extent the record reflects their absence. **Supervisor Wood moved to approve the proposed assessment rate. Secretary Brady seconded the motion. No discussion. All in favor by voice vote.**

**RESOLUTION NO. 16-09-03 PASSED AND APPROVED UNANIMOUSLY**

**5. GENERAL DISCUSSION**

- a. No general discussion took place.

**6. OTHER BUSINESS**

a. Administrator Krawczyk advised that a city resident came to a Commission Meeting, earlier in the summer regarding a cracks on their property located at 721 SW 79 Ave. He stated they have been looking into options to make repairs. The majority of the repairs needed are on the district property's side and not on the resident's side. He explained the extent of the corrosion underneath the canal ledge which is causing crevices affecting three properties, 717, 719, and 721 SW 79 Ave. He will be providing a final estimate to the board. The plan is to make repairs from the resident's side and he will work with the city attorney's office to obtain permission to make the repairs. Administrator Krawczyk explained the repair process involved to the board and provided a couple of methods for repairs. Chairman Moyle inquired if there could have been any way to prevent this from happening. Administrator Krawczyk stated it is something that cannot be controlled and the canal may have been over trenched and filled back in - they do not know. Chairman Moyle mentioned a similar situation with coral on 75<sup>th</sup> Ave and 7<sup>th</sup> Ct with the houses along the canal. Administrator Krawczyk advised it starts with a little crevice and then grows. There was brief discussion on the funding and budgeting for this project.

**7. ADJOURNMENT** – There being no further business, the meeting adjourned at 6:10 p.m.

Respectfully submitted,

Patricia Vancheri, City Clerk  
Transcribed by Deputy Clerk Elizabeth Garcia-Beckford

*North Lauderdale Water Control District*  
**INTEROFFICE MEMORANDUM**

**TO:** Rich Moyle, Chairman

**FROM:** George Krawczyk, Administrator

**DATE:** June 13, 2017

**RE:** Annual Election of Chairman and Secretary

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The North Lauderdale Water Control District has the responsibility to hold an annual meeting of the Board of Supervisors during June. At this meeting, the Board shall elect from its members a Chairman and Secretary, who shall serve in said positions until the next annual meeting or until expiration of his or her term, whichever occurs first.

**INTERDEPARTMENTAL  
M E M O R A N D U M**

**TO:** Chairman and Board of Supervisors  
North Lauderdale Water Control District

**FROM:** Ambreen Bhatti, City Manager

**BY:** George Krawczyk, District Administrator  
Susan Nabors, Finance Director

**DATE:** June 13, 2017

**SUBJECT:** Preliminary Water Control District Rate Resolution

Attached for your consideration is the Administration's proposed Preliminary Rate Resolution for the North Lauderdale Water Control District (District).

*Background:* Chapter 2005-316, Laws of Florida, amended, reenacted, repealed and codified all previous Chapters relating to the District. Chapter 2005-316, Laws of Florida, also revised the District's boundaries to be the same as the City's, confirmed the District's authority to levy non ad-valorem special assessments and provided for several other administrative matters.

*Current Operations:* The District intends to persist in eliminating evasive species of aquatic growth in the canals and lakes and maintain water flows. The District will continue to work closely with Code Enforcement to address violations of illegal dumping of debris that may have impeded the flow of water without the involvement of the City. The District will also continue to attempt to find a cost effective means to identify canal bank erosion issues.

*Rate Analysis:* The Administration supports maintaining the prior year assessment rate of **\$55.15** per unit to provide the necessary funding for the District's operational costs. The collection of the assessment for FY 2018 will follow the same uniform collection rules as it did in previous years. The assessment will be collected by the county through the tax bill process and remitted to the City. This form of revenue collection expedites payment to the city and also enables the residents to take advantage of 4% discount if paid prior to November 30th. Lesser discounts apply if paid by February 28th.

**This will be the twelfth year in a row with no increase in the WCD assessment rate.**

The resolution schedules the Water Control District public hearing on the assessment for Wednesday, September 13, 2017, at 6:00 p.m.

**RECOMMENDATION:**

The Administration recommends the Board of Supervisors' consideration and approval of the attached preliminary rate resolution relating to the provision of Water Control and Drainage Services, Facilities and Programs (the "Water Management System") within the geographical boundaries of the District; establishing the estimated assessment rate of \$55.15 for Water Management System Assessments for the fiscal year beginning October 1, 2017 and ending September 30, 2018; directing the preparation of an assessment roll; authorizing a public hearing and directing the provision of notice thereof.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE NORTH LAUDERDALE WATER CONTROL DISTRICT, RELATING TO THE PROVISION OF WATER CONTROL AND DRAINAGE SERVICES, FACILITIES AND PROGRAMS (THE “WATER MANAGEMENT SYSTEM”) WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT; ESTABLISHING THE ESTIMATED ASSESSMENT RATE OF \$55.15 FOR WATER MANAGEMENT SYSTEM ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2018; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature enacted Chapter 63-661, Laws of Florida, as amended, which created the North Lauderdale Water Control District (“DISTRICT”) and authorized the imposition of a Water Management System Assessment to fund water control and drainage services, facilities, and programs within the DISTRICT;

**WHEREAS**, in 1997, the Florida Legislature enacted House Bill 1875 which amended Chapter 63-661, Laws of Florida, as amended, converting the DISTRICT into a “dependant district” as defined in section 189.4041, Florida Statutes; and

**WHEREAS**, Chapter 2005-316, Laws of Florida, which codified House Bill 1043, amended, reenacted, repealed and codified all previous Chapters relating to the DISTRICT, revised the boundaries and authority of the DISTRICT, confirmed the authority of the DISTRICT to levy non ad valorem special assessments, and provided for several other administrative matters; and,

**WHEREAS**, as a result of Chapter 2005-316, Laws of Florida, the boundaries of the DISTRICT now includes all property that benefit from the Water Management System operated

by the DISTRICT, and therefore can be assessed for the benefits those properties receive from the Water Management System; and,

**WHEREAS**, the DISTRICT is authorized to impose non-ad valorem special assessments pursuant to section 189.05, Florida Statutes, and the Special Acts; and

**WHEREAS**, the Board of Supervisors of the DISTRICT finds that the cost of operation for the Water Management System in the DISTRICT during fiscal year 2017-2018 will be \$694,220; and

**WHEREAS**, it is fair and reasonable to impose a non-ad valorem special assessment upon specially benefited property within the DISTRICT to fund a portion of the costs of the Water Management System (Water Management Assessment Costs) in the DISTRICT; and,

**WHEREAS**, the Board of Supervisors determines that such operations, repairs and maintenance of the Water Management System are uniformly required within all Units of the DISTRICT, as each is connected and receive equal benefit through the operations and maintenance of the DISTRICT'S Water Management System; and

**WHEREAS**, the Board of Supervisors for the DISTRICT finds that there are 11,593 Assessable Units within the DISTRICT.

**NOW, THEREFORE, BE IT RESOLVED BY THE DISTRICT:**

**SECTION 1. RECITALS.** The aforementioned WHEREAS clauses are hereby ratified and confirmed as true and correct, and incorporated herein.

**SECTION 2. AUTHORITY.** This Resolution is adopted pursuant to the provisions of Chapter 63-661, as amended by Chapter 82-273, Laws of Florida, Chapter 94-428, Laws of Florida, House Bill 1875 (adopted in 1997), Chapter 2005-316, Laws of Florida, (collectively,

the “Special Acts”), Chapters 189 and 298, Florida Statutes, and other applicable provisions of law.

**SECTION 3. PURPOSE AND DEFINITIONS.** This Resolution constitutes the Preliminary Rate Resolution which initiates the annual process for imposing the annual special assessments, as authorized in the SPECIAL ACTS and Chapter 189, Florida Statutes, updates the Assessment Roll and directs the re-imposition of Water Management System Assessments for the Fiscal Year beginning October 1, 2017. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the SPECIAL ACTS, and Chapters 189 and 197, Florida Statutes. Unless the context indicates otherwise, words imparting the singular number include the plural number, and vice versa.

**SECTION 4. PROVISION AND FUNDING OF THE DISTRICT'S WATER MANAGEMENT SYSTEM.**

(A) Upon the imposition of Water Management System Assessments for water control and drainage services, facilities, and programs against Assessed Property located within the DISTRICT, the DISTRICT shall provide a Water Management System as provided in the SPECIAL ACTS to such Assessed Property. The Assessed Costs for the Water Management System include a portion of any and all costs associated with providing such Water Management System within the DISTRICT, as described in the SPECIAL ACTS.

(B) It is hereby ascertained, determined and declared that each assessable unit located within the DISTRICT will be benefited by the DISTRICT'S provision of a Water Management System in an amount not less than the Water Management System Assessment imposed against such unit, computed in the manner set forth herein, and in the SPECIAL ACTS and Chapters 189 and 286, Florida Statutes.

**SECTION 5. IMPOSITION AND COMPUTATION OF WATER MANAGEMENT SYSTEM ASSESSMENTS.** Water Management System Assessments shall be imposed upon all assessable units within the District. Water Management System Assessments shall be computed in the manner set forth in the SPECIAL ACT.

**SECTION 6. LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT, FAIR APPORTIONMENT, AND PARCEL APPORTIONMENT METHODOLOGIES.**

(A) Special Benefit: The findings set forth in the SPECIAL ACT, regarding the necessity for the DISTRICT'S Water Management System, are incorporated herein, and provide the requisite special benefit and logical relationship between the Water Management System and real property so as to permit the Water Management System to be funded by non-ad valorem special assessment.

(B) Fair and Reasonable Apportionment: It is fair and reasonable to equally apportion the Assessed Costs of the Water Management System upon the assessed units, as each assessed unit receives equal benefits from the DISTRICT'S Water Management System, and the amount of the assessment on each of the assessed units does not exceed the benefits received by each assessed unit from the DISTRICT'S Water Management System.

(C) Units: Assessable Units shall be calculated on a per acre basis. Each tract or parcel of land within the DISTRICT that is less than one acre shall be assessed as one full acre (one unit). Each tract or parcel of land of more than one (1) acre, which contains a fraction of an acre, shall be assessed at the nearest whole number of acres, a fraction of one-half (1/2) acre or more shall be assessed as a full acre.



**SECTION 7. DETERMINATION OF WATER MANAGEMENT SYSTEM ASSESSED COSTS; ESTABLISHMENT OF ANNUAL WATER MANAGEMENT SYSTEM ASSESSMENT RATES.**

(A) The Water Management System Assessed Costs to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment for the Fiscal Year commencing October 1, 2017, is \$639,354. The Assessable Unit Apportionment for the Fiscal Year commencing October 1, 2017, is \$55.15 per Unit. The approval of the Estimated Water Management System Rate Schedule by the adoption of this Preliminary Rate Resolution determines the amount of the Water Management System Assessed Costs. The remainder of such Fiscal Year budget for water control and drainage services, facilities, and programs shall be funded from available DISTRICT revenue other than Water Management System Assessment proceeds.

(B) The estimated Water Management System Assessments specified herein are hereby established to fund the costs of the Water Management System to be assessed in the Fiscal Year commencing October 1, 2017.

(C) The estimated Water Management System Assessments established in this Preliminary Rate Resolution shall be the estimated assessment rates applied by the Broward County Property Appraiser in the preparation of the updated Assessment Roll for the Fiscal Year commencing October 1, 2017 as provided in this Preliminary Rate Resolution.

**SECTION 8. ANNUAL ASSESSMENT ROLL.**

(A) The Broward County Property Appraiser is hereby directed to prepare, or cause to be prepared, an updated Assessment Roll for the Fiscal Year commencing October 1, 2017, in the manner provided herein and Section 197.3632, Florida Statutes. The updated Assessment Roll

shall include all units within the DISTRICT. The Broward County Property Appraiser shall apportion the estimated Water Management System Costs to be recovered through Water Management System Assessments in the manner set forth in this Preliminary Rate Resolution. A copy of this Preliminary Rate Resolution, the SPECIAL ACT, and the updated Assessment Roll shall be maintained on file in the office of the Agency Clerk of the DISTRICT and open to public inspection. The foregoing shall not be construed to require that the updated Assessment Roll proposed for the Fiscal Year beginning October 1, 2017, be in printed form if the amount of the Water Management System Assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

(B) It is hereby ascertained, determined, and declared that the method of determining the Water Management System Assessments for water control and drainage services as set forth in the SPECIAL ACTS and this Preliminary Rate Resolution is a fair and reasonable method of apportioning the Water Management System Assessed Cost among units of Assessed Property located within the DISTRICT.

**SECTION 9. AUTHORIZATION OF PUBLIC HEARING.** There is hereby established a public hearing to be held at 6:00 p.m. on September 13, 2017, in City Commission Chambers of North Lauderdale City Hall, 701 Southwest 71<sup>st</sup> Avenue, North Lauderdale, Florida, at which time the Board of Supervisors of the DISTRICT will receive and consider any comments on Water Management System Assessments from the public and affected property owners and consider imposing Water Management System Assessments for the Fiscal Year beginning October 1, 2017 and conducting the assessments on the same bill as non ad valorem taxes.

**SECTION 10. NOTICE BY PUBLICATION.** The Clerk of the Board of Supervisors shall publish notice of the public hearing authorized by Section 9 of this Preliminary Rate Resolution in the manner and time provided in section 197.3632(4)(b), Florida Statutes. The notice shall be published no later than August 24, 2017, in substantially the form attached hereto as Appendix A.

**SECTION 11. NOTICE BY MAIL.** The Broward County Property Appraiser shall ensure that proper and timely notice is provided to the Owners of Assessed Property through the use of the TRIM notices forwarded by the Property Appraiser's Office to Property Owners within the DISTRICT in a manner consistent with the requirements of section 197.3635, Florida Statutes.

**SECTION 12. APPLICATION OF ASSESSMENT PROCEEDS.** Proceeds derived by the DISTRICT from the Water Management System Assessments will be utilized for the provision of water control and drainage services, facilities, and programs as authorized in the SPECIAL ACT. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund water control and drainage services, facilities, and programs.

**SECTION 13. EFFECTIVE DATE.**

This Preliminary Rate Resolution shall take effect immediately upon its passage and adoption.

**PASSED, ADOPTED, AND APPROVED THIS 13<sup>th</sup> DAY OF JUNE, 2017.**

\_\_\_\_\_  
DISTRICT CHAIRPERSON

APPROVED AS TO FORM:

\_\_\_\_\_  
DISTRICT SECRETARY

\_\_\_\_\_  
SAMUEL S. GOREN  
DISTRICT ATTORNEY

ATTEST:

\_\_\_\_\_  
CLERK TO THE BOARD  
OF SUPERVISORS

**APPENDIX "A"**

**FORM OF NOTICE TO BE PUBLISHED**

Published No Later than August 24, 2017

**NORTH LAUDERDALE WATER CONTROL DISTRICT**



**NOTICE OF HEARING TO IMPOSE AND  
PROVIDE FOR COLLECTION OF WATER MANAGEMENT SYSTEM  
ASSESSMENTS**

Notice is hereby given that the Board of Supervisors for the North Lauderdale Water Control District will conduct a public hearing to consider re-imposing a Water Management Special Assessment for the operation, management and maintenance of the District's Water Management System within the geographical boundaries of the North Lauderdale Water Control District.

The hearing will be held at 6:00 p.m., on September 13, 2017, in the City Commission Chambers, 701 Southwest 71<sup>st</sup> Avenue, North Lauderdale, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the Board of Supervisors of the North Lauderdale Water Control District within 20 days of this notice. If

a person decides to appeal any decision made by the Board of Supervisors with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Office of the Clerk of the Board of Supervisors, through the North Lauderdale City Clerk's Office at (954) 597-4706, at least seven days prior to the date of the hearing.

The assessment for each parcel or tract of property will be based upon the total number of assessable units attributed to that parcel or tract, at the amount of \$55.15 per assessable Unit. Each parcel or tract of less than one acre will be assessed as a full acre, and any parcel or tract of more than one acre, which contains a fraction of an acre, shall be assessed at the nearest whole number of acres, a fraction of one-half (1/2) acre or more to be assessed as a full acre.

Copies of The Special Acts related to the North Lauderdale Water Control District, the Preliminary Rate Resolution initiating the annual process of updating the Assessment Roll and re-imposing the Water Management System Assessments, and the preliminary Assessment Roll for the upcoming fiscal year are available for inspection at the Office of the Clerk of the Board of Supervisors of the North Lauderdale Water Control District, through the Office of the North Lauderdale City Clerk's Office, City Hall, located at 701 Southwest 71<sup>st</sup> Avenue, North Lauderdale, Florida.

The assessments will be collected on the ad valorem tax bill to be mailed in November 2017, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the Finance Director of the North Lauderdale Water Control District, through the Office of the City of North Lauderdale Finance Department at (954) 597-4714, Monday through Friday between 8:00 a.m. and 5:00 p.m.

CLERK OF THE BOARD OF SUPERVISORS OF THE NORTH LAUDERDALE  
WATER CONTROL DISTRICT