CITY OF NORTH LAUDERDALE

COMMISSION MEETING

TUESDAY, MAY 14, 2019

WORKSHOP – 5:30

REGULAR MEETING – 6:00 p.m.

AGENDA

1. INVOCATION AND PLEDGE OF ALLEGIANCE – Vice Mayor Borgelin

2. ROLL CALL

   Mayor Ana Ziade
   Vice Mayor Samson Borgelin
   Commissioner Rich Moyle
   Commissioner Lorenzo Wood
   Commissioner Mario Bustamante
   City Manager Ambreen Bhatty
   City Attorney Samuel S. Goren
   City Clerk Patricia Vancheri

3. APPROVAL OF MINUTES
   a. April 30, 2019

4. PRESENTATIONS
   a. State of the City Video
   b. Morgan Stanley – Investment Portfolio Update (Glenn Scott)

5. PROCLAMATIONS
   a. Haitian American Month
   b. EMS Week – May 19-25
   c. National Military Appreciation Month
6. PUBLIC DISCUSSION

7. OTHER BUSINESS

a. **RESOLUTION – Sign Waiver SWAV 19-03 – O’Reilly Auto Parts**
   
   5310 N. State Road 7

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

   A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPROVING A SIGN WAIVER REQUEST FOR ONE WALL SIGN FOR O’REILLY AUTO PARTS, LOCATED AT 5310 NORTH STATE ROAD 7, NORTH LAUDERDALE, FLORIDA, 33068 THEREBY PERMITTING THE INSTALLATION AND MAINTENANCE OF ONE MAIN WALL SIGN WITH THE 27 INCH HIGH LETTERS “O’REILLY” AND 17 INCH HIGH LETTERING “AUTO PARTS” WHEREAS SECTION 94-16(C)(1)(C) OF THE CITY CODE ALLOWS FOR 16 INCH MAXIMUM LETTER HEIGHT, WITHIN A B-3 GENERAL BUSINESS DISTRICT.

b. **ORDINANCE – First Reading – Ordinance Change Relating to Stormwater Management - Utility Fee**

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

   AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AMENDING CHAPTER 70, ENTITLED “UTILITIES,” TO AUTHORIZE THE COLLECTION OF THE STORMWATER MANAGEMENT UTILITY FEE (“FEE”) USING THE UNIFORM ASSESSMENT COLLECTION ACT, SECTION 197.3632, FLORIDA STATUTES (“ACT”); SPECIFICALLY AMENDING ARTICLE I, ENTITLED “IN GENERAL” SECTION 70-4 TO RENAME IT “WATER, SEWER, AND STORMWATER MANAGEMENT RATES” AND TO PROVIDE FOR EXCEPTION IF THE STORMWATER UTILITY FEE IS COLLECTED PURSUANT
TO THE ACT, AND SECTION 70-6 ENTITLED “BILLING PROCEDURE; DELINQUENT ACCOUNTS” TO PROVIDE FOR EXCEPTION IF THE STORMWATER UTILITY FEE IS COLLECTED PURSUANT TO THE ACT; AMENDING ARTICLE V, ENTITLED “STORMWATER MANAGEMENT,” SECTION 70-200, ENTITLED “PURPOSE” TO INCLUDE COLLECTION PURSUANT TO THE ACT; AMENDING SECTION 70-201, ENTITLED “DEFINITIONS,” TO AMEND CERTAIN DEFINITIONS AND DEFINE ADDITIONAL TERMS ASSOCIATED WITH THE COLLECTION OF THE FEE USING THE PROVISIONS OF THE ACT; AMENDING SECTION 70-212, ENTITLED “UTILITY FEE CATEGORIES” TO PROVIDE FOR EXCEPTION IF THE STORMWATER UTILITY FEE IS COLLECTED PURSUANT TO THE ACT; AMENDING SECTION 70-213, TO RENAME IT “ESTABLISH ERU RATES BY RESOLUTION” AND TO PROVIDE THAT ECU RATES WILL BE ESTABLISHED BY THE CITY COMMISSION BY RESOLUTION; CREATING SECTIONS 70-231 THROUGH SECTION 70-240 TO BE COLLECTIVELY REFERRED TO AS “THE CITY OF NORTH LAUDERDALE STORMWATER MANAGEMENT UTILITY FEE UNIFORM ASSESSMENT COLLECTION ACT ORDINANCE” TO ESTABLISH THE PROCEDURES FOR NOTICE AND ADOPTION OF THE ANNUAL STORMWATER MANAGEMENT UTILITY FEE ROLL AND FOR CORRECTING ERRORS AND OMISSIONS, PROVIDE THAT THE FEES CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE STORMWATER MANAGEMENT UTILITY FEE ROLL, ESTABLISH PROCEDURES AND METHODS FOR THE COLLECTION OF STORMWATER MANAGEMENT UTILITY FEES PURSUANT TO THE ACT; AMENDING SECTION 70-250 ENTITLED “REQUEST FOR ADJUSTMENT” AND SECTION 70-260 ENTITLED “ENFORCEMENT AND PENALTIES” TO FEES NOT COLLECTED PURSUANT TO THE ACT; AND DELETING SECTION 70-251 ENTITLED “APPEALS,” TO CONFIRM THESE PROVISIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

8. REPORTS

   a. Marlin Engineering Traffic Study Update on 78th Avenue and Kimberly Boulevard (George Krawczyk)

   b. Parks and Recreation Department Update (Michael Sargis)

9. CITY MANAGER COMMENTS

   a. Saturday, May 18 – 6:30 pm – 62nd Annual Broward League of Cities Gala – Margaritaville – Hollywood Beach
b. Monday, May 20 – 8:30 am – 26th Annual EMS Recognition Awards Breakfast – Broward Health North – Conference Center – 201 E. Sample Road, Deerfield Beach

c. Thursday, May 23 – 5:00 pm-7:00 pm – Complete Streets Master Plan Walking Audit – Galaxy Skateway – 7500 Southgate Blvd

d. Monday, May 27 – 10:00 am - Wreath Laying Ceremony – Veteran’s Memorial – Corner of Kimberly Blvd. and Rock Island Road

10. COMMISSION COMMENTS

11. CITY ATTORNEY COMMENTS

12. ADJOURNMENT
NOTICE

THE CITY COMMISSION WILL MEET AT THE MUNICIPAL COMPLEX

ON

TUESDAY, MAY 14, 2019

5:30 pm

For a

WORKSHOP on

POTENTIAL BUS ROUTES FOR COMMUNITY SHUTTLE PROGRAM

P. Vancheri
City Clerk
AGENDA

1. ROLL CALL

   Mayor Ana Ziade
   Vice Mayor Samson Borgelin
   Commissioner Rich Moyle
   Commissioner Lorenzo Wood
   Commissioner Mario Bustamante
   City Manager Ambreen Bhatti
   City Attorney Samuel S. Goren
   City Clerk Patricia Vancheri

2. SUBJECT

   a. Potential Bus Routes for Community Shuttle Program

3. ADJOURNMENT
The North Lauderdale City Commission met at the Municipal Complex on Tuesday, April 30, 2019. The meeting convened at 6:00 pm.

1. INVOCATION AND PLEDGE OF ALLEGIANCE – Commissioner Wood gave the invocation and led the pledge.

2. ROLL CALL – Clerk called roll. All present.

   Mayor Ana Ziade
   Vice Mayor Samson Borgelin
   Commissioner Rich Moyle (by teleconference)
   Commissioner Lorenzo Wood
   Commissioner Mario Bustamante
   City Manager Ambreen Bhatti
   City Attorney Samuel S. Goren
   City Clerk Patricia Vancheri

3. APPROVAL OF MINUTES

   a. April 9, 2019 – Commissioner Wood moved to approve the Minutes as submitted. Seconded by Vice Mayor Borgelin. Minutes were approved unanimously by voice vote.

4. PRESENTATIONS

   Sheriff Gregory Tony – Met with the Commission prior to the regular meeting of the Commission and addressed the audience voicing his commitment and stated he is looking forward to serving and getting the chance to make a balancing effect in support of the community. Sheriff Tony also stated there were some promotions made and introduced North Lauderdale District 15’s new Chief, Captain Kregg Lupo who, has been here for two years and indicated that he is looking forward to continuing to serve this district.

   a. Florida League of Cities – Hometown Health Award
   Lindsey Larson, Group Health Account Executive for the FLC Municipal Insurance Trust, indicated that she assists the City with their health insurance programs and is here tonight to present the City with the Hometown Health Award which recognizes Members that meet the nine best practices standards for employee health promotion. North Lauderdale was one of three recipients for this year’s award, for having an active wellness program for employees and creating a healthy workplace environment. City
Manager Bhatty thanked Jennifer Yarmitzky, Human Resources Manager for taking the lead on this program and Wellness Committee Members, Elizabeth Garcia-Beckford, Laeticia Larrieux and Tania Cordova, who were present, for being a part of this initiative. Ms. Yarmitzky stated it is a team effort.

b. **Silver Lakes Middle School Recognition** – Mayor Ziade introduced the **Girls Flag Football for County Championship and Boys Volleyball County Runners Up**. Principal Alison Trautman-Lopez commented that the Student Athletes and their Coaches, Peter Tulloch, Mr. Alexis, Ms. Lindsay, Ryan Magnuson and Mr. Striggles did an amazing job. She reported that there are over 60 schools in the district, so coming in First and Second in consecutive years puts North Lauderdale on the map and they intend to stay there.

c. **Recycling Update by Waste Management** - Barbara Herrera, North Lauderdale’s Waste Management Representative, which is the City’s recycling partner. She gave a PowerPoint presentation to advise how the market has changed with regard to recycling and to educate and find a way to make recycling environmentally and economically sustainable for the cities. PowerPoint presentation is available in the City Clerk’s office. The presentation outlined the correct way to recycle so that it does not get rejected so the value of the recyclables goes up. Ms. Herrera also mentioned that Mr. Krawczyk and Commissioner Bustamante recently took a tour of their recycling facility and the facility is open to tours by residents as well. There were comments and questions from Commissioner Wood commented that the City has had public outreach to educate residents and we need to continue to make it work for all of us. Commissioner Moyle about where the recyclable material goes and what is done with these commodities. Mayor Ziade asked if Ms. Herrera could obtain a report of the end result of where the recyclables end up and what was made with it; Ms. Herrera said of course. Vice Mayor Borgelin mentioned a rumor that the City of North Lauderdale was not recycling any more. Ms. Herrera dispelled that rumor stating that recycling is ongoing not only in Broward County, but in all of Florida and the United States. She stated that Florida is very aggressive with regard to recycling; the market has shifted but it is not going away and consumer behavior needs to change. So far the City will continue to recycle unless otherwise directed. Ms. Herrera will be working with staff to make sure the residents get simple and consistent education on how to recycle. City Manager Bhatty stated that the can use the presentation on the City website and TV channel. Ms. Herrera said yes and she will lend herself to any educational meetings with residents as well. City Manager interjected that it would be a policy decision by the Commission if recycling was not going to be continued, and not staff or the industry. Vice Mayor Borgelin asked if the educational information could be in other languages. Ms. Herrera replied that she will check with their communications dept. Commissioner Bustamante thanked Ms. Herrera for the tour and said he can now teach the people how to recycle.

5. **PROCLAMATIONS** – The following Proclamations were read into the record by Clerk Vancheri and Deputy Clerk Garcia-Beckford.

a. **National Day of Prayer** – May 2 - The Proclamation was presented to Pastor Brian Quigley, Calvary Chapel who was present and other churches will receive a copy on May 2 at noon at the prayer gathering at City Hall.

b. **Municipal Clerks Week** – May 5-11 – The Commission presented the Proclamation to City Clerk Patricia Vancheri and Deputy Clerk Elizabeth Garcia-Beckford.
c. National Women’s Lung Health Week – Turquoise Takeover – May 8-12 – Michael Garcia, Representative of the American Lung Association, accepted the Proclamation and thanked the Commission for their support to raise awareness of the lung diseases that have killed more women than breast cancer.

6. PUBLIC DISCUSSION

Michael Kindred – 7904 SW 7 Place – Commented on Waste Pro garbage trucks leaving a mess of garbage and broken glass when they crush. Also reported that there is transient loitering and a lot of trash near the grocery store in North Park. City Manager advised that she will ask a Waste Pro representative to look into the issue. Mayor Ziade reiterated that the matter will be resolved.

7. QUASI-JUDICIAL ITEMS

a. SUBJECT: Site Plan SPR 19-02
   Preliminary and Final Site Plan approval to allow a new shade shelter within a Community Facility (CF) zoning district.

   APPLICANT: Calvary Chapel North Lauderdale
   6177 Kimberly Blvd.

   Attorney Goren read the item into the record and all persons present to speak on the item were duly sworn. Tammy Reed-Holguin presented the item based on backup memorandum and a PowerPoint presentation, a copy of which is available in the City Clerk’s office. The applicant is proposing a gazebo to provide shade and seating adjacent to their recently constructed playground. Calvary Chapel has a long term lease with the property owners who have provided written authorization for the building of this structure. The structure meets all specifications and no additional parking is required. The Development Review Committee met on March 19th and did not generate any comments on the site plan. The item was on the April 2nd Planning and Zoning Agenda, but due to a lack of a quorum the item was not heard. The item was advertised for a meeting of the Planning and Zoning Board on April 23, at which time the Board recommended approval to the Commission with a vote of 5-0. The location of the gazebo was shown on the PowerPoint. Ms. Reed-Holguin stated that if Commission wishes to approve the applicant’s request, it would be subject to the six conditions outlined in staff memorandum.

   Commissioner Moyle moved to approve the preliminary and final site plan subject to the six (6) conditions outlined in staff memorandum. Seconded by Commissioner Bustamante. Pastor Brian Quigley, Calvary Chapel, duly sworn, voluntarily agreed to the conditions outlined by staff. Public Hearing opened. No one spoke; Public Hearing closed. No Commission discussion. Clerk called roll; All YES. Motion passed unanimously.

b. SUBJECT: Amendment to SEU 17-03
   Harvest Time Deliverance & Fellowship Center, Inc.
   Commercial Pointe Plaza
   3601 W. Commercial Blvd Suite #24 & 25
To Amend Special Exception Use Permit, SEU 17-03, in accordance with City Code Section 106-467 (14) (19) and Section 106-468 to allow a Community Facility(CF) Use to operate in Commercial Pointe at 3601 W. Commercial Blvd. Suite # 24 & 25 within a General Business (B-3) Zoning District.

APPLICANT:  Dr. Kenneth Smith - Harvest Time Deliverance & Fellowship Center, Inc.

Attorney Goren read the item into the record and all persons present to speak on the item were duly sworn. Tammy Reed-Holguin presented the item based on backup memorandum. She indicated that Harvest Time Deliverance & Fellowship Center has been in operation since receiving their SEU in 2017. Applicant is requesting approval of an amendment to the existing SEU to expand the church into adjacent Bay #24. In accordance with City Code a community facility use requires a special exception use permit when located in a business district, and if any changes are made Applicant is required to come back before the Commission for an amendment. Ms. Reed-Holguin reported that the Applicant’s letter of intent states the hours of operation remain the same. She reiterated that per Code, only 20% of a commercial area can be used for a community facility use and only 2 such uses are allowed in a plaza. There is another church in the shopping center and even with the expansion, it amounts of 8.75% of occupancy, well under the 20% allowed by Code. There is adequate parking for the additional assembly space. Administration recommends consideration and approval of the SEU subject to conditions outlined in staff memorandum. Commissioner Wood moved to approve the amendment of the SEU permit subject to the seven (7) conditions outlined in staff memorandum. Vice Mayor Borgelin seconded the motion. Pastor Kenneth Smith, duly sworn was present. Commissioner Wood thanked the Pastor for due diligence with regard to the expansion request and mentioned that the process is working with regard to the limited commercial space in the City. Public hearing was open; no one spoke. No Commission discussion; Clerk called roll. Motion was unanimously approved.

8. CONSENT AGENDA

No items were removed from consent. Commissioner Wood moved to read; seconded by Vice Mayor Borgelin. Attorney read:

a. RESOLUTION - Sign Waiver SWAV 19-02
Laundromart - 7962 McNab Road

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPROVING A SIGN WAIVER REQUEST FOR ONE WALL SIGN FOR LAUNDROMART, LOCATED AT 7962 WEST MCNAB ROAD NORTH LAUDERDALE, FLORIDA, 33068 THEREBY PERMITTING THE INSTALLATION AND MAINTENANCE OF ONE MAIN WALL SIGN WITH 30 INCH HIGH LETTERING “l” “d” “t” IN THE WORD “Laundromart” AND THE REMAINING LETTERS TO BE 22 INCH HIGH, WHEREAS SECTION 94-16(C)(1)(C) OF THE CITY CODE ALLOWS FOR 16 INCH MAXIMUM LETTER HEIGHT, WITHIN A B-3 GENERAL BUSINESS DISTRICT.

RESOLUTION NO. 19-04-6622
b. RESOLUTION – Appointment of Alfredo Marriaga as Regular Member of the Planning and Zoning Board

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPOINTING ALFREDO MARRIAGA AS A REGULAR MEMBER OF THE NORTH LAUDERDALE PLANNING AND ZONING BOARD (SPONSORED BY COMMISSIONER WOOD); PROVIDING FOR TERM OF OFFICE; AND, PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 19-04-6623

c. RESOLUTION – Re-Assigning Alex Ortiz as an Alternate Member of the Planning and Zoning Board

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, RE-ASSIGNING ALEX ORTIZ (SPONSORED BY COMMISSIONER MOYLE) AS AN ALTERNATE MEMBER OF THE NORTH LAUDERDALE PLANNING AND ZONING BOARD; PROVIDING FOR TERM OF OFFICE AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 19-04-6624

d. RESOLUTION - 2019 Amendment to Interlocal Agreement between Broward County and City of North Lauderdale providing for Division and Distribution of the Proceeds from the Broward County Additional Local Option Gas Tax on Motor Fuel Ordinance – (Three-Cent)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ACCEPTING AND OTHERWISE AUTHORIZING THE CITY MANAGER OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ON BEHALF OF SAID CITY, TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED YEAR 2019 (THREE CENT) AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN NORTH LAUDERDALE AND BROWARD COUNTY PROVIDING FOR THE DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND, PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 19-04-6625

e. RESOLUTION - 2019 Amendment to Interlocal Agreement between Broward County and City of North Lauderdale providing for Division and Distribution of the Proceeds from the Broward County Fifth Cent Additional Local Option Gas Tax on Motor Fuel for Transit.
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ACCEPTING AND OTHERWISE AUTHORIZING THE CITY MANAGER OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ON BEHALF OF SAID CITY, TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED YEAR 2019 (FIFTH CENT) AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN NORTH LAUDERDALE AND BROWARD COUNTY PROVIDING FOR THE DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND, PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 19-04-6626

Commissioner Moyle moved to approve the consent agenda as read. Seconded by Commissioner Wood. Clerk called roll; all yes. CONSENT AGENDA UNANIMOUSLY APPROVED.

9. OTHER BUSINESS

a. RESOLUTION – SIGN WAIVER – SWAV 19-01
   Wawa, 7105 W. McNab Road.
   Applicant: FPIP VIII LTD. Scott Friedman

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPROVING A SIGN WAIVER REQUEST FOR WAWA LOCATED AT 7105 W. MCNAB ROAD, NORTH LAUDERDALE, FLORIDA, THEREBY PERMITTING THE INSTALLATION AND MAINTENANCE OF TWO FREESTANDING SIGNS TOTALING 80 SQUARE FEET IN AREA, AND THREE WALL SIGNS WITH LETTERS 22 INCHES IN HEIGHT, WHEREAS A MAXIMUM OF ONE WALL SIGN WITH 16 INCH HIGH LETTERS ARE ALLOWED BY SECTION 94-16 (C) (2) (C), AND WHEREAS ONE MONUMENT SIGN TOTALING 40 SQUARE FOOT IS ALLOWED BY 94-16 (b) (2) OF THE CITY’S CODE OF ORDINANCES WITHIN A COMMUNITY BUSINESS (B-2) ZONING DISTRICT.

Tammy Reed-Holguin, Community Development Director, presented the item for the request of sign waivers based on the backup memorandum with regard to the three sign waivers requested by the Applicant Wawa. This is to support the construction of their new 6,119 square foot convenience store, gas station and restaurant to be located at 7105 W. McNab Road. The City Commission approved the site plan and associated variances on April 9, 2019. A PowerPoint presentation of the proposed signs was shown and is available in the City Clerk’s office. Ms. Reed-Holguin indicated that the total sign waiver request falls within the square footage allowed per Code. The Planning and Zoning Board heard this item on April 23, 2019 and after discussion, the item was voted on separately for each of the waiver requests. The Resolution before the Commission tonight incorporates all three requests. Dwayne Dickerson, Attorney for Applicant, of the law firm of Dunay, Miskal and Backman, Boca Raton, duly sworn, was present for any questions. Commissioner Wood asked about the intrusion of light on the
residences with regard to the density of the LED lighting on the signs. Mr. Dickerson replied that the City requires a photometric lighting review and this plan fully meets all requirements of the Code. No further comments. Commissioner Wood moved to approve the three sign waiver requests for the Wawa site. Commissioner Moyle seconded the motion. Clerk called roll; all YES.

RESOLUTION NO. 19-04-6627 PASSED AND APPROVED UNANIMOUSLY

b. SUBJECT – Authorizing Surplus and Purchase of Fleet Vehicles

Vice Mayor Borgelin moved to read; seconded by Commissioner Wood. Attorney read 9(b)(i) and 9(b)(ii):

George Krawczyk, Public Works Director, presented the items based on backup memorandum. He indicated this is for vehicles that are over ten years old or have reached their service life. He reported that we have an auction vendor, Bidera, that the City uses for auction of the vehicles in a public forum with a good pricing return. Mr. Krawczyk further stated that the second component is for the purchase of five new vehicles to replace the vehicles that were surplused to maintain the fleet. The items to be purchased are outlined in the backup memorandum, to be purchased utilizing the State Contract and the Florida Sheriff’s Association contract for the best pricing.

i. RESOLUTION – Authorizing Surplus of Five Ford Vehicles

A RESOLUTION OF THE CITY OF NORTH LAUDERDALE, FLORIDA AUTHORIZING THE SURPLUS OF FIVE FORD VEHICLES AND UTILIZING THE SERVICES OF AN AUCTION VENDOR AS BEING THE MOST APPROPRIATE METHOD OF DISPOSAL; AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Borgelin asked for a comparison of the costs if the vehicles were to be repaired versus purchase of new vehicles based on the mileage of the vehicles. Mr. Krawczyk explained that the miles don’t tell the whole story of the engines and transmission; these vehicles get high use and the body and interior have a lot of wear and tear. Industry standard on trucks is 10 years; 7 years on cars. The City typically exceeds standards by going over the 10 year mark. Tamarac does a great job in maintaining the units but there are still issues with the age of the units which is more costly in repairs to replace parts and they are able to get the most out of the vehicles. Commissioner Bustamante suggested changing the vehicles every three years to get back more value. Mr. Krawczyk said there are leasing companies that have a program like that however, it is a big capital cost for that business model, and the City does not own those units. Also, the units have to be outfitted with lights, radios, computers and other functions so every three years that would be costly to replace. City Manager Bhatty said they could do a cost analysis going forward. Commissioner Wood commented that the model we currently use is a state model. Mr. Krawczyk reiterated it is an industry standard for municipalities to surplus vehicles every ten years. Mayor Ziade also commented that no one can beat the pricing of a state contract and directed staff to look into a cost analysis. No further comment. Commissioner Wood moved to approve the surplus and auction of the vehicles. Seconded by Commissioner Bustamante. Clerk called roll; all YES.

RESOLUTION NO. 19-04-6628 PASSED AND APPROVED UNANIMOUSLY
ii. RESOLUTION – Authorizing Purchase of Five Fleet Vehicles from Prestige Ford Fleet Sales

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO AWARD PRESTIGE FORD FLEET SALES UTILIZING FLORIDA STATE CONTRACT 25100000-18, IN AN AMOUNT NOT TO EXCEED $105,067.20 FOR THE PURCHASE OF FOUR (4) NEW FLEET VEHICLES AND AWARD AUTONATION CHRYSLER DODGE JEEP RAM, UTILIZING THE FLORIDA SHERIFF’S ASSOCIATION CONTRACT, IN THE AMOUNT NOT TO EXCEED $25,641.00 FOR THE PURCHASE OF ONE (1) NEW FLEET VEHICLE; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Wood asked about the model of the cars being purchased. Commissioner Moyle commented that there is also an aesthetic value to the vehicles and agreed with Commissioner Bustamante that certain ones should be upgraded as soon as three years. Commissioner Wood moved to approve purchase of vehicles as listed in staff memorandum. Seconded by Vice Mayor Borgelin. All YES.

RESOLUTION NO. 19-04-6629 PASSED AND APPROVED UNANIMOUSLY

c. RESOLUTION - Internet and Point-to-Point Communication Services

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

Attorney read:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ACCEPTING AND OTHERWISE AUTHORIZING THE CITY MANAGER OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ON BEHALF OF SAID CITY, TO EXECUTE AND OTHERWISE ENTER INTO AN ACCEPTABLE AGREEMENT BY AND BETWEEN THE CITY OF NORTH LAUDERDALE AND AT&T, PROVIDING FOR THREE SDN CIRCUITS AND INTERNET SERVICE AT A COST NOT TO EXCEED $3,000 PER MONTH; OR AN ANNUAL COST OF UP TO $36,000; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND, PROVIDING AN EFFECTIVE DATE.

Mitch Williams, Chief Information Technology Officer, presented the item based on backup memorandum. He indicated that all communication services connecting Fire Station 34 and 44 to City Hall are currently being provided by AT&T via the Department of Management Services. This contract is due to expire on June 30th of this year. DMS has decided not to renew the contract and AT&T has provided an option to continue providing connectivity services to the City. The cost of these services is budgeted in the Information Technology Fund. Administration recommends consideration and approval of the resolution authorizing execution of a service contract with AT&T. Commissioner Wood moved to approve. Seconded by Commissioner Bustamante. No discussion; clerk called roll. Motion approved unanimously.
RESOLUTION NO. 19-04-6630 PASSED AND APPROVED UNANIMOUSLY

d. RESOLUTION - City’s Show Mobile Stage Repairs

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER OR HER DESIGNEE TO ENTER INTO AN AGREEMENT WITH CENTURY INDUSTRIES IN AN AMOUNT NOT TO EXCEED $37,899.80 FOR REPAIRS TO THE CITY’S SHOW MOBILE STAGE AND SETTING A CONTINGENCY OF $15,000 FOR ANY UNEXPECTED ADDITIONAL REPAIRS; PROVIDING FOR FUNDING; AND PROVIDING AN EFFECTIVE DATE.

Mike Sargis, Parks and Recreation Director, said this item was tabled from the April 9th Agenda so staff could get additional information from the vendor to determine if it is more logical to buy a new stage versus repairing the old stage. Based on backup memorandum, Mr. Sargis gave his update on what repairs would be needed and the costs associated with the transport. Funding for this project is available in the Parks and Recreation Department’s general fund budget. After lengthy discussion on the pros and cons of repair v. new, it was decided to refurbish the old stage. Commissioner Wood moved to approve the attached resolution. Seconded by Vice Mayor Bustamante. Clerk called roll; All YES.

RESOLUTION NO. 19-04-6631 PASSED AND APPROVED UNANIMOUSLY

10. REPORTS

a. Update on City’s AT&T Uverse Channel

Mike Sargis reported that he and Mitch Williams participated in a conference call with AT&T’s technical folks. AT&T now has a contract with the State of Florida which we can piggyback off of for a UVerse channel for the City. This would cover only UVerse users; it will not cover Dish, or Direct TV. We would be able to advertise on Comcast and AT&T UVerse. Mitch Williams, Chief Information Technology Officer, reported that to be able to broadcast on UVerse the City would have to purchase an encoder that meets their standards for an IP based transmission, which would cost around $8,000-$9,000 and would take about 3 months to get it situated. If it is the will of the Commission, IT will proceed to get the components and AT&T will get a channel and when it is ready it will go live. There was discussion on how many people it would reach and when would live streaming begin. Mr. Williams reported that live streaming will not happen until next year’s budget in October. Mr. Sargis advised that once this is done the same information that is on the Comcast channel will be broadcast on UVerse and will also be available for social media. Commissioner Wood made a motion to direct staff to move forward to purchase AT&T UVerse. Seconded by Commissioner Bustamante. Clerk called roll. Motion passed unanimously.
11. CITY MANAGER COMMENTS – Gave update on the following events:

   a. Thursday, May 2 - Chamber Breakfast – 7:30 am – At Tamarac Community Center -
      Local School Recognition of all schools
   b. Thursday, May 2 - National Day of Prayer – Noon in Breezeway of City Hall

12. COMMISSION COMMENTS

Rich Moyle
- Reiterated that we need to have Waste Pro held accountable as to where our recyclables go

Lorenzo Wood
- Gave regrets he cannot attend the Chamber Breakfast to recognize the schools, as his school is in testing
- Thanked Mike Sargis and Staff for great North Lauderdale Days was and commented that State of the City was well attended and thanked the Chamber and May, City Manager, Katherine Randall and Tammy Reed-Holguin for Community the video submitted
- Moved to approve attendance at the Florida League of Cities Conference in August.

Seconded by Commissioner Moyle. Clerk called roll; All YES.
- Asked Deputy Clerk Garcia-Beckford to read the letter of condolence from the Mayor and Commission into the record which will be mailed to the family of the late Gerda Brilliant who was a member of the Code Enforcement Board and Planning and Zoning Board

Vice Mayor Borgelin
- Welcomed Captain Lupo and thanked him for service in the community
- Residents would like to see start and finish date at project sites
- Asked about what was provided to the person who designed the City logo and if anything further could be done
- Spoke about the exit, speeding and left turns from around Mr. Bill’s plaza and asked what can be done about putting a sign that there are no left turns. City Manager and Public Works Director reported it is under consultant’s review right now and a recommendation study will be forthcoming.
- Asked to schedule a special workshop meeting regarding the City Newsletter.

Vice Mayor Borgelin moved to direct City Manager to schedule a special workshop and meeting to discuss the form and content of the newsletter. Seconded by Commissioner Wood. Clerk called roll. Commissioner Moyle – NO; Commissioner Bustamante – YES; Commissioner Wood – YES; Mayor Ziade – YES; Vice Mayor Borgelin – YES. MOTION PASSED ON A 4-1 VOTE; Commissioner Moyle dissenting.

At this time, Commissioner Wood revisited Vice Mayor Borgelin’s comment about the young man, Zachary, who created the City Logo, and mentioned it was his pet project. He indicated that this was done as a countywide contest; there was no scholarship money ever mentioned, but there were level of prizes. Even the Art Institute students submitted, as well as all the high schools in Broward County, and Zachary’s logo was chosen. The logo has been registered with the State and is part of the City’s branding. With regard to scholarships, Commissioner Wood advised that students can apply to the Broward League of Cities, which North Lauderdale contributes to annually. Also, Zachary was the Grand Marshall in the City Parade and received the first prize money and recognition. City Manager
mentioned that there are scholarships for the Explorer program so they can be recruited into the Fire Department.

a. Discussion and possible motion for attendance at Tamarac North Lauderdale Chamber of Commerce/Broward County Chamber of Commerce 2019 Small Business Person of the Year Luncheon – Friday, May 17, 2019 – 11:30 am – 1:30 pm for $50 per person – Deadline to RSVP is May 11th

Commissioner Wood moved to approve attendance at this event by any Commissioner wishing to attend and also by City Clerk, Deputy Clerk and Assistant to the City Manager. Seconded by Commissioner Moyle. All in favor.

13. CITY ATTORNEY COMMENTS
Attorney Goren reported that he has provided a memorandum of law with regard to a legal issue regarding the Village Mobile Home Park. He requests the Commission to authorize City Attorney’s Office to file a declaratory judgment action against the mobile home park’s owner and tenant in possession of a mobile home regarding a health and safety violation of an illegal bunker constructed below the mobile home. Commissioner Moyle made the motion to direct City Attorney’s office to file the action. Seconded by Commissioner Wood. All in favor by voice vote.

14. ADJOURNMENT – There being no further business, the meeting adjourned at 9:55 pm.

Respectfully submitted,

Patricia Vancheri, City Clerk
PROCLAMATION

HAITIAN AMERICAN HERITAGE MONTH

WHEREAS, Haitian Heritage Month is a jubilant celebration in the United States, embracing Haitian heritage and culture; and

WHEREAS, first celebrated in Boston, Massachusetts, in 1998, Haitian Heritage Month is observed nationwide in the month of May from Florida to New York with parades, festivals, and school activities; and

WHEREAS, Haitian Heritage Month is held to salute Haitian and Haitian-American communities and to exhibit appreciation for their culture and heritage, which have immeasurably enriched the lives of the people of this nation and state, and

WHEREAS, as educators, authors, community leaders, activists, athletes, artists, musicians, and politicians, Haitian Americans have made their mark in every facet of society and have contributed to the betterment and diversity of this state and the nation, and

WHEREAS, the United States and the State of Florida have thrived as a melding of immigrants, united by common values and the promise of a better tomorrow, and

WHEREAS, there is a strong connection between Haitians and Florida, with approximately 46 percent of Haitian Americans living and prospering in this state, and

NOW THEREFORE, the Mayor and Commission of the City of North Lauderdale, hereby proclaims the month of May as

Haitian American Heritage Month

and encourages all of the residents of our City to honor this observance and to remember that America’s greatness lies in its diversity.

Dated this 14th day of May, 2019

ANA M. ZIADE
PROCLAMATION

National Military Appreciation Month

WHEREAS, In 1999 Senator John McCain introduced legislation to designate the month of May as National Military Appreciation Month and both the Senate and House of Representatives adopted resolutions calling for Americans to recognize and honor U.S. Service Members during National Military Appreciation Month; and

WHEREAS, National Military Appreciation Month (NMAM) is celebrated every May and is a declaration that encourages U.S. citizens to observe the month in a symbol of unity; and

WHEREAS, NMAM honors the current and former members of the U.S. Armed Forces, including those who have died in the pursuit of freedom; and

WHEREAS, the month of May is characterized by six national observances which highlight the contributions of those who have served – Loyalty Day on May 1st; Public Service Recognition Week May 5-11; Victory Day in Europe a/k/a V-E Day on May 8th; Military Spouse Appreciation Day on May 10th; Armed Forces Day on May 18th and Memorial Day on May 27th; and

NOW THEREFORE, be it resolved that by virtue of the authority vested in me as Mayor of the City of North Lauderdale, I, Ana M. Ziade, together with the City Commission do hereby proclaim the month of May as

NATIONAL MILITARY APPRECIATION MONTH

in the City of North Lauderdale and encourage all citizens to recognize the services of all current and former military personnel and to take part in all national observances.

Dated this 14th day of May, 2019

MAYOR ANA M. ZIADE
WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care, and access to telemedicine; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;

NOW, THEREFORE, We, the City Commission of the City of North Lauderdale, Florida hereby proclaim the week of May 19-25, 2019 as

EMERGENCY MEDICAL SERVICES WEEK
With the theme “EMS STRONG: “BEYOND THE CALL”

in recognition of this event and to encourage the community to observe this week with appropriate programs, ceremonies and activities.

Dated this 7th day of MAY, 2019

MAYOR ANA M. ZIADE
TO: Mayor and City Commission

FROM: Ambreen Bhatti, City Manager

BY: Tammy L. Reed-Holguin AICP, Community Development Director
Andrew Disbury, Planner

DATE: May 14, 2019

SUBJECT: Sign Waiver SWAV 19-03
O’Reilly Auto Parts
5310 N. SR 7

To allow:
One main wall sign with the 27 inch high lettering “O’Reilly’’ and 17 inch high lettering “Auto Parts” whereas Section 94-16(C)(1)(c) of the City Code allows for 16 inch maximum letter height within a B-3 Community Business district.

APPLICANT: AA SIGN LINES

Tonight we are presenting a request for a sign waiver for O’Reilly Auto Parts, who is the new owner of the old Bennett Auto located at 5310 N SR 7. The applicant wishes to change the letter size and design of their wall sign.

Background:

The O’Reilly is an existing business occupying a previously known Bennett Auto business located about 67 feet from State Road 7. The applicant submitted a sign waiver application requesting the words “O’Reilly” to be 27 inch high letters where a maximum of 16 inch high letters are allowed per City code(C)(1)(c). The other words “Auto Parts” as part of the sign, will be 17 inches high. The overall proposed sign area is 75 square feet where 75 square feet is allowed per City Code Section 94-16(C)(1)(a).

The applicant indicates that approval of this request is necessary to business operations and would provide favorable exposure to their business along State Road 7. The specific details of the request are contained in Exhibit A of the attachments and made a part of this report.

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)(1)(a) of the City Code of Ordinances. In this instance the linear frontage is 75 feet, which allows O’Reilly to have a 75 square foot sign per the City Code.

The criteria that staff uses to consider sign waivers include how far the business sits from the roadway, if there are any obstructions limiting visibility 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.

O’Reilly is not an anchor tenant. The store is 67 feet away from State Road 7, which is a major thoroughfare. Staff recognizes that the requested sign waiver is reasonable to provide branding consistency for the auto parts store and given the 67 feet setback from a major roadway.

The Planning and Zoning Board met on May 7th, 2019 and approved this item for recommendation to the City Commission with a 5-0 vote.

**Recommendation:**

Taking into consideration that the request will not create a hazard to public welfare or injuries to other properties or improvements in the vicinity, and it will benefit the business and its customers, should the City Commission concur with the Planning and Zoning Board and applicant’s request, then a motion is in order for the City Commission to approve of the sign waiver subject to the following conditions:

- To allow a wall sign with a 27 inch high letters “O’Reilly” and 17 inch high letters “Auto Parts” whereas a maximum of 16 inch high letters are allowed by section 94-16(C)(1)(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 O’REILLY AUTO PARTS, LOCATED AT 5310 NORTH STATE ROAD 7, NORTH LAUDERDALE, FLORIDA, 33068 THEREBY PERMITTING THE INSTALLATION AND MAINTENANCE OF ONE MAIN WALL SIGN WITH THE 27 INCH HIGH LETTERS “O'REILLY” AND 17 INCH HIGH LETTERING “AUTO PARTS” WHEREAS SECTION 94-16(C)(1)(C) OF THE CITY CODE ALLOWS FOR 16 INCH MAXIMUM LETTER HEIGHT, WITHIN A B-3 GENERAL BUSINESS 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, O’REILLY, is located at 5310 North State Road 7, North Lauderdale, Florida, within the 441 SR 7 Redevelopment Overlay District; and

WHEREAS, O’REILLY, feels that the provisions of the sign code are inadequate for their needs; and

WHEREAS, O’REILLY, is requesting a sign waiver to allow one main wall sign with the 27 inch high lettering “O’Reilly” and 17 inch high lettering “Auto Parts”, whereas Section 94-16(C)(1)(c) of the City Code allows for 16 inch maximum letter height within a B-3 general business district.; and

WHEREAS, the Planning and Zoning Board recommended approval of a wall sign with maximum 27 inch high lettering “O’Reilly” and 17 inch high lettering “Auto Parts”, totaling 75.0 square feet at their meeting on May 7, 2019.

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 O’Reilly auto parts to allow the installation and maintenance of wall sign with 27 inch high lettering “O’Reilly” and 17 inch high lettering “Auto Parts”, whereas Section 94-16(C)(1)(c) of the City Code allows for 16 inch maximum letter height within a B-3 general business 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 supersedes all prior sign waivers pertaining to this applicant for this location. All prior sign waivers are no longer applicable.

Section 4: That this Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED by the City Commission of the City of North Lauderdale, Florida, this 14th day of May 2019.

APPROVED AS TO FORM:

_________________________________
CITY ATTORNEY SAMUEL GOREN

_________________________________
MAYOR ANA ZIADE

_________________________________
VICE MAYOR SAMSON BORGELIN

ATTEST:

_________________________________
CITY CLERK PATRICIA VANCHERI
4/18/19

City of North Lauderdale, FL

To Whom It May Concern,

This Letter of Intent is in support of my request for a variance to the 16” maximum lettering height allowed for our front building sign according to your latest sign ordinance 01/30/2019, in direct relation to the B-3 Zone we are classified under.

The proposed building signage is a total of 75 square feet in compliance with the code stating 1 square foot per 1 lineal foot of bldg. frontage as the bldg. frontage is 76’, however according to Section 94-16 under the Wall Sign allowance, we are only allowed a 16” maximum height on the lettering. Due to the way the highly trafficked US-441 thoroughfare, and the assigned speed limit, by using such a small lettering on the bldg., we would be unable to use our nationally recognized, trademarked anywhere on this property, which is vital in attracting a large percentage of our consumer database. We are asking for the additional letter height of 11” in order to use our standard custom signs, and be clearly visible from the road.

Granting this request isn’t allowing us any special privileges, and is within the ordinance to provide a positive business atmosphere which permits businesses to safely and effectively communicate with the public and potential customers, and to safely slow in time to enter the parking lot.

Thank you for your consideration,

[Signature]

O’Reilly Automotive Inc.
Date: 3/20/19

To Whom It May Concern:

I, Shlomo Zion, make perfect, owner or agent for the property listed as:

O’Reilly Auto Parts
5310 North State Rd. 7
North Lauderdale, FL

Do authorize AA Sign Lines or their Authorized Agent, to obtain a permit for and to install signage on the above referenced property.

Shlomo Zion
Owner or Agent

Date: 3/20/19

713-826-1195

Owners Telephone Number

Sworn to and subscribed to before me this 20 day of March 2019 and being personally known/FL Driver License identification.

My commission expires: March 10, 2020

NOTARY PUBLIC

RIGHT PART, RIGHT PRICE GUARANTEE!
FINANCE DEPARTMENT

MEMORANDUM

To: Honorable Mayor and City Commission

From: Ambreen Bhatti, City Manager

By: Susan Nabors, Director of Finance

Date: May 14, 2019

Subject: First Reading: Ordinance Change Related to Stormwater Management Utility Fee

BACKGROUND:

During the Strategic Planning sessions in the spring of 2018, Commission had consensus to move forward with transferring the stormwater charge from the utility (water) bill onto the annual tax bill. This would be done by creating a stormwater special assessment. Doing so has multiply advantages that are listed below:

- First, it creates more timely collection of revenue for the stormwater management program.

- Second, the utility bill will only be for the water and sewer consumption and related charges and will no longer include the stormwater charge. This reduces misunderstandings because the stormwater charge is not consumption-driven, which many individuals associate with a water bill.

- Third, it allows property owners to take advantage of a discount of up to 4% by paying their tax bill early.

On October 30, 2018, the City Commission adopted Resolution 18-10-6572, commonly referred to as the “Intent Resolution,” which initiates the City’s use of the Uniform Assessment Collection Act and expresses the City’s intent to use the Uniform Assessment Collection Act (tax bill method) to collect the Stormwater Management Utility Fee commencing with the Fiscal Year beginning on October 1, 2019.
Over the last couple of months, the Finance Director has worked with the City Attorney’s Office to development amendments to the City’s Ordinances pertaining to the collection of the Stormwater Management Utility Fee. The Ordinance amendments put in the language that allows the City to collect the fee via the Uniform Assessment Collection Act (tax bill method).

RECOMMENDATION:

The Administration recommends Commission’s consideration and approval of the attached Ordinance on first reading to revise sections of the Code of Ordinances as they relate to the collection of the Stormwater Management Utility fee to allow for the uniform assessment collection of stormwater fees.
ORDINANCE NO. ________________

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AMENDING CHAPTER 70, ENTITLED “UTILITIES,” TO AUTHORIZE THE COLLECTION OF THE STORMWATER MANAGEMENT UTILITY FEE (“FEE”) USING THE UNIFORM ASSESSMENT COLLECTION ACT, SECTION 197.3632, FLORIDA STATUTES (“ACT”); SPECIFICALLY AMENDING ARTICLE I, ENTITLED “IN GENERAL” SECTION 70-4 TO RENAME IT “WATER, SEWER, AND STORMWATER MANAGEMENT RATES” AND TO PROVIDE FOR EXCEPTION IF THE STORMWATER UTILITY FEE IS COLLECTED PURSUANT TO THE ACT, AND SECTION 70-6 ENTITLED “BILLING PROCEDURE; DELINQUENT ACCOUNTS” TO PROVIDE FOR EXCEPTION IF THE STORMWATER UTILITY FEE IS COLLECTED PURSUANT TO THE ACT; AMENDING ARTICLE V, ENTITLED “STORMWATER MANAGEMENT,” SECTION 70-200, ENTITLED “PURPOSE” TO INCLUDE COLLECTION PURSUANT TO THE ACT; AMENDING SECTION 70-201, ENTITLED “DEFINITIONS,” TO AMEND CERTAIN DEFINITIONS AND DEFINE ADDITIONAL TERMS ASSOCIATED WITH THE COLLECTION OF THE FEE USING THE PROVISIONS OF THE ACT; AMENDING SECTION 70-212, ENTITLED “UTILITY FEE CATEGORIES” TO PROVIDE FOR EXCEPTION IF THE STORMWATER UTILITY FEE IS COLLECTED PURSUANT TO THE ACT; AMENDING SECTION 70-213, TO RENAME IT “ESTABLISH ERU RATES BY RESOLUTION” AND TO PROVIDE THAT ERU RATES WILL BE ESTABLISHED BY THE CITY COMMISSION BY RESOLUTION; CREATING SECTIONS 70-231 THROUGH SECTION 70-240 TO BE COLLECTIVELY REFERRED TO AS “THE CITY OF NORTH LAUDERDALE STORMWATER MANAGEMENT UTILITY FEE UNIFORM ASSESSMENT COLLECTION ACT ORDINANCE” TO ESTABLISH THE PROCEDURES FOR NOTICE AND ADOPTION OF THE ANNUAL STORMWATER MANAGEMENT UTILITY FEE ROLL AND FOR CORRECTING ERRORS AND OMISSIONS, PROVIDE THAT THE FEES CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF THE STORMWATER MANAGEMENT UTILITY FEE ROLL, ESTABLISH PROCEDURES AND METHODS FOR THE COLLECTION OF STORMWATER MANAGEMENT UTILITY FEES PURSUANT TO THE ACT; AMENDING SECTION 70-250 ENTITLED “REQUEST FOR ADJUSTMENT” AND SECTION 70-260 ENTITLED “ENFORCEMENT AND PENALTIES” TO FEES NOT COLLECTED PURSUANT TO THE ACT; AND DELETING SECTION 70-251 ENTITLED “APPEALS,” TO CONFIRM THESE PROVISIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

CODING: Words in strike through type are deletion from existing law; words in underlined type are additions
WHEREAS, pursuant to Chapter 70 of the City’s Code of Ordinances, the City has been charging property owners a Stormwater Utility Management Fee and collecting such on City-issued utility bills; and,

WHEREAS, Section 403.0893, Florida Statutes, authorizes the City to collect the Stormwater Management Utility Fee using the Uniform Assessment Collection Act, which enables the City to collect the Stormwater Management Utility Fees on an annual basis on property tax bills; and,

WHEREAS, on October 30, 2018, the City Commission adopted Resolution 18-10-6572, commonly referred to as the “Intent Resolution,” which initiates the City’s use of the Uniform Assessment Collection Act and expresses the City’s intent to use the Uniform Assessment Collection Act to collect the Stormwater Management Utility Fee commencing with the Fiscal Year beginning on October 1, 2019; and,

WHEREAS, the City Commission of the City of North Lauderdale finds it is in the best interest of the City to amend Chapter 70, and adopt the “City of North Lauderdale Stormwater Management Utility Fee Uniform Collection Act Ordinance,” which will authorize the use of the Uniform Assessment Collection Act to collect the Stormwater Management Utility Fee on an annual basis on the annual tax bills, and provide for the process and procedure for doing so.

NOW, THEREFORE, BE IT ORDAINED BY THE 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 upon adoption hereof.

Section 2. The City Commission hereby amends Chapter 70 entitled “Utilities,” Article I, entitled “In General,” Sections 70-4 and 70-6, as follows:

ARTICLE I. – IN GENERAL

CODING: Words in strike through type are deletion from existing law; words in underlined type are additions
Section 70-4. Simultaneous Water, sewer, and stormwater management rates

(a) Multifamily dwelling units which have only one meter servicing more than one dwelling unit shall be charged for water and wastewater regardless of occupancy and shall be based on the number of equivalent residential connections (ERC's) which have been adopted by the city for each water meter.

(b) Charges for water services and facilities, charges for sewer services and facilities and charges for stormwater Utility Fees not collected pursuant to the Uniform Assessment Collection Act shall be rendered to the utility customers on one bill, provided that the charges shall be listed separately thereon, and provided further, that no customer may pay the charges for any thereof without simultaneously paying the charges for the others thereof.

(c) Water, sewer and stormwater management accounts shall be established in the name of the property owner.

1. If a property ownership changes, it is the new property owner’s responsibility to establish an account in their name.

2. Utility accounts not placed into the property owner’s name will be in violation of the City Code and the City shall have the right to enforce compliance with this subsection through legally available avenues, and additional fines and fees may be imposed upon the property owner for violating this subsection.

   a) The City shall provide a property owner with no less than thirty (30) days written notice prior to imposition of the penalty and commencement of enforcement action authorized herein.

   b) If a property owner produces an enforceable lease effective prior to November 13, 2007, for a tenant in whose name an account was legally established prior to November 13, 2007, the account may remain in the name of the tenant until expiration of the term of the lease provided to the City.

3. City shall send all correspondence relating to an account, including invoices and notices, to the property address provided by the property owner or account holder to the City. Property owners and account holders are responsible for notifying the City of their current mailing address.

4. Failure of the property owner to establish an account in their name or failure to provide the City of a current mailing address shall not release or diminish the obligation of the property owner to pay charges accrued on the property.

. . .

Section 70-6. Billing procedure; delinquent accounts
(a) Bills for the city utility services shall be rendered once per month, based on the rate structure then in effect, and shall be due on or before the 21st calendar day subsequent to the bill date and is “past due” on the 22nd calendar day subsequent to the bill date.

(b) If payment has not been received by the city before the close of business on the due date, a “past due” notice and a late payment fee, shall appear on the customer's subsequent bill.

(c) If the "past due" payment amount is not received before the close of business on the 21st calendar day following the bill containing the "past due" notice, utility service will be disconnected without further notice.

(d) All utility payments received shall first be applied to the oldest balance on the account.

(e) The finance director, or his/her designee, shall have the discretion to waive a first instance of a late payment fee based on the partial payment of an amount due at the time when a late fee would otherwise be applied.

(f) All moneys owed to the city for services may be recorded as liens on the subject property when the delinquent amounts reaches $500.00 for single residential, $500.00 for each multi-family residential, or $1,000.00 for nonresidential. The liens shall be recorded in the public records of Broward County and may be foreclosed in the same manner provided in F.S. ch. 702, as may be amended from time to time, for the foreclosure of mortgages on property. Such liens shall bear interest at the rate permitted by law from the date the lien is filed. Fees charged to record the lien shall follow Section 2-223 and Appendix F, Section 54 of this Code.

(g) The city manager shall be authorized to increase or decrease temporary personnel on an as-needed basis, subject to budgetary availability, to address any increase or decrease in the demands on utility services.

(h) In the event the City collects the Stormwater Management Utility Fee using the Uniform Assessment Collection Act, then the billing procedures in this Section will not apply to the collection of Stormwater Utility Fees unless the City is not able to use that method for a certain property, such as for government property.

Section 3. The City Commission hereby amends Chapter 70 entitled “Utilities,” Article V, entitled “Stormwater Management,” to amend Section 70-200, entitled “Purpose,” Section 70-201, entitled “Definitions,” Section 70-212, entitled “Utility fee categories,” Section 70-213, to be renamed “Establish ERU rates by resolution;” to create Sections 70-231 through 70-240 to be collectively known as the “City of North Lauderdale Stormwater Management Utility Fee Uniform Assessment Collection Act Ordinance;” and amend Section 70-250, entitled “Request
for adjustment,” delete Section 70-251 and amend Section 70-260 entitled “Enforcement and penalties,” as follows:

ARTICLE V. - STORMWATER MANAGEMENT

Sec. 70-200. - Purpose.

It is the purpose and intent of the city to establish stormwater management services as a utility function pursuant to Florida Statutes, as amended from time to time, § 403.0893, and to establish utility fees for stormwater management services (Stormwater Management Utility Fees) to be levied against all developed property in the city, and to authorize the collection of such fees.

Sec. 70-201. - Definitions.

[For the purposes of this article, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.]

**Annual Fee Resolution** means the Resolution described in Section 70-235(b) hereof, approving a Stormwater Management Utility Fee Roll for a specific Fiscal Year.

**Assessed Property** means all parcels of real property included on the Stormwater Management Utility Fee Roll that receives a special benefit from the Stormwater Improvements and Stormwater Management System identified in an Annual Fee Resolution.

**Capital Cost** means all or any portion of the expenses that are properly attributable to the acquisition, construction, design, installation, reconstruction, renewal or replacement (including demolition, environmental mitigation, and relocation) of Stormwater Improvements under generally accepted accounting principles and including reimbursement to the City for any moneys advanced for Capital Cost and interest on any interfund or intrafund loan for such purposes.

**City** shall mean the North Lauderdale City government, including staff and elected officials.

**City Commission** means the City Commission for the City.

**Clerk** means the City Clerk, or such other person as may be duly authorized to act on such person’s behalf.

**Comprehensive Plan** means the Comprehensive Plan adopted by the City pursuant to Chapter 163, Part II, Florida Statutes.

**County** means Broward County, Florida.
Developed property means real property within the city on which improvements have been made to foster commercial, residential or civic use, and/or any property on which impervious structures have been placed.

Equivalent residential unit ("ERU") means the representative average impervious area of single-family residential property located in the city. The numerical value of one (1) ERU shall be an impervious area that shall be adopted by the City Commission by resolution.

Final Fee Resolution means the Resolution described in Section 70-235(a) hereof, which shall confirm, modify, or repeal the Initial Assessment Resolution and which shall be the final proceeding for the levy and collection of the Stormwater Management Utility Fee in the initial year using the Uniform Assessment Collection Act.

Fiscal Year means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the City.

Government Property means property owned by the United States of America, the State of Florida, a sovereign state or nation, a county, a special district, a municipal corporation, or any of their respective agencies or political subdivisions.

Initial Fee Resolution means the Resolution described in Section 70-235(a) hereof, which shall be the initial proceeding for the levy and collection of the Stormwater Management Utility Fee using the Uniform Assessment Collection Act.

Impervious area means any part of any parcel of land that has been modified by the action of person to reduce the land's natural ability to absorb and hold rainfall. This includes areas that have been cleared, graded, paved, graveled, or compacted, or covered with structures. Excluded are all lawns, landscape areas, and gardens or farming areas.

Manager means the city manager or his designee.

Multi-family property means all residential development not included in the definition of Single-family property classified as single-family residential.

Nonresidential property means all property not zoned or used as single- or multi-family residential property as defined in this article.

Obligations mean a series of bonds or other evidence of indebtedness, including, but not limited to, notes, commercial paper, capital leases or any other obligations of the City issued or incurred to finance any portion of the Capital Cost of a Stormwater Improvement and secured, in whole or in part, by proceeds of the Stormwater Management Utility Fees.

Preliminary Fee Resolution means the Resolution described in Section 70-235(b) that initiates the levy and collection of the Stormwater Management Utility Fee in fiscal years
subsequent to the initial year that the Stormwater Management Utility Fee is collected using the Uniform Assessment Collection Act.

Property Appraiser means the Broward County Property Appraiser.

Residential Property means property that is classified by the Property Appraiser as Residential under the Florida Department of Revenue Land Use Codes, as may be amended from time to time, and is deemed to include, but not be limited to, any property which has the majority use as a single-family residence including condominiums, townhouses, and apartments.

Single-family property means all single-family detached residential dwelling structures, under the Florida Department of Revenue Land Use Codes. All other residential development shall be classified as multi-family.

SMU director means the Manager designee responsible for implementing the SMU function.

Stormwater means that portion of precipitation that travels over natural, altered, or improved surfaces to the nearest stream or channel or impoundment and may appear in surface waters.

Stormwater Improvement means land, capital facilities and improvements acquired or provided to detain, retain, convey, or treat Stormwater.

Stormwater Improvement Area means the City, or any portion or portions thereof, as identified in the Initial Fee Resolution, as may be amended by subsequent resolution, encompassing those parcels of property specially benefited by the construction, reconstruction, or installation of all or any portion of a Stormwater Improvement that removes, detains, retains, or treats, in whole or in part, the Stormwater burden expected to be generated by the physical characteristics and use of the Assessed Property. Each Stormwater Improvement Area will include either (A) the property which is hydrologically connected, directly or indirectly, to the Stormwater Improvement; or (B) all property located within a hydrologically defined area in which the City constructs one or more Stormwater Improvements to correct existing deficiencies with respect to a specific level of service and provide a consistent level of Stormwater management.

Stormwater management plan means an approved plan for receiving, handling, and transporting storm and surface waters within the city stormwater management system.

Stormwater management system means all natural and manmade elements used to convey stormwater from the first point of impact with the surface of the earth to a suitable outlet location internal or external to the boundaries of the city. The stormwater management system includes all pipes, channels, streams, ditches, wetlands, sinkholes, detention/retention basins, ponds, and other stormwater conveyance and treatment facilities, whether public or private.
**Stormwater Management Utility Fee** ("SMU Fee" or "Fee") means a fee imposed by the City within a Stormwater Service Area to fund the Stormwater Management System, the Capital Cost or the debt service and related cost of Obligations issued to finance the costs of a Stormwater Improvement, and the Stormwater Service Costs.

**Stormwater Management Utility Fee Roll** means the roll created that includes all parcels within the City and their assigned Stormwater Management Utility Fee relating to Stormwater Improvements or Stormwater Management System approved by a Final Fee Resolution or an Annual Fee Resolution.

**Stormwater Service Area** means the geographic area described in the Initial Fee Resolution as may be amended by subsequent resolution, that encompasses all parcels within the City which specially benefit from the Stormwater Management Service and all parcels to which services from the Stormwater Management System are provided.

**Stormwater Service Cost** means the estimated amount for any Fiscal Year of all expenditures and reasonable reserves that are properly attributable to the Stormwater Management Service provided within the Stormwater Service Area under generally accepted accounting principles, including, without limiting the generality of the foregoing, reimbursement to the City for any moneys advanced for the Stormwater Management Service, and interest on any interfund or intrafund loan for such purpose.

**Stormwater Management Utility** means the entity that implements the Stormwater management program of the City.

**Tax Collector** means the Tax Collector of Broward County, the Broward County Division of Financial Management, or other entity which performs tax collection duties in Broward County.

**Tax Roll** means the real property ad valorem tax assessment roll maintained by the Property Appraiser for the purpose of the levy and collection of ad valorem taxes.

**Undeveloped property** means all real property within the city which does not meet the definition of developed property.

**Uniform Assessment Collection Act** means Sections 197.3632 and 197.3635, Florida Statutes, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

Secs. 70-202—70-209. - Reserved.

Sec. 70-210. - Utility established.

There is hereby created and established a stormwater management utility (SMU) program, which shall provide the operational means of implementing and carrying out the functional
requirements of the stormwater management system. The SMU program shall be part of the overall utility systems of the city.

Sec. 70-211. - Customer base.

All real property within the jurisdictional boundaries of the city shall be subject to SMU fees unless specifically exempted. The fees shall apply to all tax-exempt properties, including properties of federal, state, city, and county agencies and nonprofit organizations.

Sec. 70-212. - Utility fee categories.

(a) *Single-family property.* Each single-family property shall be considered 1.0 ERU's for billing purposes.

(b) *Multifamily.* Each multifamily unit shall be considered as 0.6 ERU's for billing purposes.

(c) *Nonresidential property.* The monthly utility fee for all nonresidential properties shall be billed and calculated in accordance with the following formula:

The value of one ERU for non-residential property is hereby determined to be 2,138 square feet of impervious area.

\[
\text{Impervious Area} = 1.0 \text{ ERU's}
\]

In instances where the SMU Fee is not collected by the City pursuant to the Uniform Assessment Collection Act, and where multiple utility customers occupy a developed property, the city shall implement a rational and equitable proration related to the occupancy contained thereon for billing purposes.

The utility fee shall = (number of non-residential ERU's × (rate per ERU))

A minimum value of one (1.0) ERU shall be assigned to each nonresidential property.

Sec. 70-213. - Fee schedule. *Establish ERU rates by resolution.*

*ERU rate.* The fee per ERU billing shall be established by resolution by the City Commission $6.00 per month. ERU fees shall be billed in advance and collected as a separate line item on utility account bills. Separate accounts for stormwater services only may be established if other utilities are not furnished to the property. For those properties subject to SMU fees and not receiving a monthly utility account bill from the city, ERU fees shall be billed in advance on a quarterly basis.

Secs. 70-214—70-219. - Reserved.

Sec. 70-220. - Exemptions.
The following real property located in the city shall be exempt from the imposition of SMU fees:

(1) Undeveloped property.

(2) Paved or improved public rights-of-way.

Secs. 70-221—70-229. - Reserved.

Sec. 70-230. - Enterprise funds.

An SMU enterprise fund (the "fund") account, into which all revenues from SMU utility fees, connection charges, grants, or other funding sources shall be deposited and from which all expenditures related to the SMU shall be paid, is hereby established.

Accounting and reporting procedures shall be consistent with Florida General Law. Expenditures from the fund for activities that are not related to the city SMU shall not be permitted, except for a prorated charge for general government services as is in effect for other city utility operations.

Sec. 70-231. Collection of stormwater utility fee pursuant to the Uniform Assessment Collection Act.

Sections 70-231 through 70-240, shall be known as the "City of North Lauderdale Stormwater Management Utility Fee Uniform Assessment Collection Act Ordinance."

Section 70-232. General and legislative findings.

It is hereby ascertained, determined, and declared that:

(a) Pursuant to Article VIII, Section 2(b), Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, the City 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 legislation in the form of City ordinances.

(b) 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 Stormwater Management Utility Fees by the City.

(c) The purpose of this Ordinance is to (1) provide procedures and standards for the imposition of Stormwater Management Utility Fees under the constitutional and statutory power of the City; (2) authorize a procedure for the funding of Stormwater
Management System, facilities, or programs provided to properties within the Stormwater Service Area; and (3) legislatively determine the special benefit provided to Assessed Property from the Stormwater Utility.

(d) The Florida Legislature has mandated that local governments in the State of Florida, including the City, have the responsibility for developing mutually compatible Stormwater management programs consistent with the rules and regulations of the Florida Department of Environmental Protection, the Federal Clean Water Act, and the water management districts and the Stormwater management programs established and maintained by other local governments.

(e) The Stormwater Management Utility Fees levied and collected hereby are consistent with the authority granted in Section 403.0893, Florida Statutes. That statutory provision is additional and supplemental authority to the constitutional and statutory power of self-government granted to a municipality.

(f) It is hereby ascertained and declared that the Stormwater Utility, the Stormwater Management System, and the Stormwater Improvements provide a special benefit to the Assessed Property based upon the following legislative determinations:

(1) The Stormwater Utility possesses a logical relationship to the use and enjoyment of all Developed property by treating and controlling contaminated Stormwater generated by improvements constructed on Developed property, which resulted in the alteration of such property from its natural state to accommodate such improvements.

(2) The special benefit received by Assessed Property is the control, management and treatment of the Stormwater burden generated by the improvements on Developed Property.

(3) Substantially all of the Stormwater burden managed, controlled, and treated by the Stormwater Utility is generated by Developed property and the amount of Stormwater generated by property in its natural state that is managed, controlled, and treated by the Stormwater Utility is inconsequential.

(4) The City has adopted the Infrastructure Element of the Comprehensive Plan which sets forth goals that make it necessary and essential to construct improvements and extensions to the existing Stormwater system so the collection, storage, treatment, and conveyance of Stormwater within the City adequately protects the health, safety, and welfare of the citizens of the City. The creation and maintenance of the Stormwater Utility is designed to implement the Stormwater sub-element of the Infrastructure Element and other municipal, federal, and state policies mandating Stormwater management programs by local governments.

(a) Unless directed otherwise by the City Commission, Stormwater Management Utility Fees shall be collected pursuant to the Uniform Assessment Collection Act and this Ordinance, and the City shall comply with all applicable provisions thereof. Any hearing or notice required by this Ordinance may be combined with any other hearing or notice required by the Uniform Assessment Collection Act. In lieu of using the Uniform Assessment Collection Act, the City may collect the Stormwater Management Utility Fee through Section 70-6, or by any other method which is authorized by law.

Section 70-234. Use of stormwater utility fees collected through the Ordinance.

The City Commission intends to fund the cost of providing services and capital facilities for the Stormwater management system through the Stormwater Management Utility Fee collected as provided herein. The City Commission has further concluded that periodic determination of revenues earned and expenses incurred in connection with the provision of services and capital facilities for the Stormwater management system will enhance accountability and management control of the City’s Stormwater Utility and will facilitate implementation of the City Commission’s funding policy for the Stormwater management system. Accordingly, proceeds of the Stormwater Management Utility Fee shall be used for payment of the Stormwater Service Cost, the payment of the Capital Cost of Stormwater Improvements, and the payment of debt service on Obligations issued to finance Stormwater Improvements.

Sec. 70-235. Levy and collection of stormwater utility fees pursuant to the Uniform Assessment Collection Act.

(a) Initial fiscal year.

(1) The initial proceeding for collection of the Stormwater Management Utility Fee using the Uniform Assessment Collection Act shall be the City Commission’s adoption of an Initial Fee Resolution. The Initial Fee Resolution shall:

(A) describe the Stormwater Improvement or Stormwater Management Service proposed for funding from the proceeds of the Stormwater Management Utility Fees;

(B) estimate the Capital Cost or Stormwater Service Cost;

(C) describe with particularity the proposed method of apportioning the Capital Cost or Stormwater Service Cost among the parcels of property located within the Stormwater Service Area, such that the owner of any parcel of property can objectively determine the amount of the Stormwater

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Management Utility Fees, based upon its value, use or physical characteristics;

(D) set forth the date, time and location for the City Commission to consider public comments on the adoption of the Final Fee Resolution;

(E) direct the requisite notice be provided to affected property owners for a public hearing to adopt the Final Fee Resolution; and

(F) include specific legislative findings that recognize the equity provided by the apportionment methodology and specific legislative findings that recognize the special benefit provided by the Stormwater Management Service. At its option, the City Commission may adopt separate Initial Fee Resolutions for the Stormwater Management Utility Fee and each separate Stormwater Management Utility Fee.

(2) The City Manager shall prepare, or direct the preparation of, a preliminary Stormwater Management Utility Fee Roll that contains the following information:

(A) a summary description of each parcel of property (conforming to the description contained on the Tax Roll) subject to the Stormwater Management Utility Fee;

(B) the name of the owner of record of each parcel as shown on the Tax Roll;

(C) the number of ERUs attributable to each parcel;

(D) the estimated maximum Stormwater Management Utility Fee to become due in the Fiscal Year for each ERU;

(E) the estimated maximum Stormwater Management Utility Fee to become due in the Fiscal Year for each parcel; and

(F) at the option of the City Commission the Stormwater Management Utility Fee Roll may also include the estimated maximum annual Stormwater Management Utility Fee to become due in any future Fiscal Year for each ERU and each parcel.

(G) at the option of the City Commission, for delinquent parcels, the unpaid Stormwater Utility Management Fees, including delinquency charges, interest and penalties, incurred prior to the use by the City of the Uniform Assessment Collection Act.

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(3) Copies of the Initial Fee Resolution and the preliminary Stormwater Management Utility Fee Roll shall be on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the Stormwater Management Utility Fee be in printed form if the amount of the Stormwater Management Utility Fee for each parcel of property can be determined by use of a computer terminal available for use by the public.

(4) At the time named in the notices, or such time to which an adjournment or continuance may be taken, the City Commission shall conduct a public hearing to receive written objections and hear testimony of interested persons and may then, or at any subsequent meeting of the City Commission, adopt the Final Fee Resolution which shall (A) confirm, modify, or repeal the Initial Fee Resolution with such amendments, if any, as may be deemed appropriate by the City Commission; (B) approve the Stormwater Management Utility Fee Roll, with such amendments as it deems just and right; and (C) determine the method of collection. All objections to adoption of the Final Fee Resolution shall be made in writing, and filed with the Clerk at or before the time or adjourned time of such hearing. The City shall provide notice of the public hearing in accordance with Section 70-236.

(b) Levy of Fee in subsequent years. In years subsequent to the initial year using the Uniform Assessment Collection Act, the process for the levy and collection of the Stormwater Management Utility Fees shall be as follows:

(1) The City Commission shall adopt a Preliminary Fee Resolution, which shall include:

   (A) A brief description of the Stormwater Management System provided by the City;

   (B) The amount of the cost of the Stormwater Management System to be assessed upon specially benefited properties within the City;

   (C) Setting forth the date, time and location for the City Commission to consider public comments on the adoption of the Annual Fee Resolution;

   (D) Directing the City Manager, or his or her designee, to update the Stormwater Management Utility Fee Roll; and,

   (E) Directing the requisite notice be provided to affected property owners for a public hearing to adopt the Annual Fee Resolution.
(2) Copies of the Preliminary Fee Resolution and the preliminary Stormwater Management Utility Fee Roll shall be on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the Stormwater Management Utility Fee Roll be in printed form if the amount of the Stormwater Management Utility Fee for each parcel of property can be determined by use of a computer terminal available for use by the public.

(3) During its budget adoption process, the City Commission shall adopt an Annual Fee Resolution. The Final Fee Resolution shall constitute the Annual Fee Resolution for the initial Fiscal Year. The Annual Fee Resolution shall approve the Stormwater Management Utility Fee Roll for such Fiscal Year. The Stormwater Management Utility Fee Roll shall be prepared in accordance with the Preliminary Fee Resolution, as confirmed or amended by the Annual Fee Resolution. The City shall provide notice to the owners of such property in accordance with Section 70-236 hereof and conduct a public hearing prior to adoption of the Annual Fee Resolution; provided that should the City use the Uniform Assessment Collection Act, a public hearing is necessary only when such is required under the Uniform Assessment Collection Act.

(c) The adoption of the Final Fee Resolution or Annual Fee Resolution shall be the final adjudication of the issues presented (including, but not limited to, the apportionment methodology, the rate of assessment, the adoption of the Stormwater Management Utility Fee Roll and the levy and lien of the Stormwater Management Utility Fees) unless proper steps are initiated in a court of competent jurisdiction to secure relief within twenty (20) days from the date of City Commission adoption of the Final or Annual Fee Resolution. The Stormwater Management Utility Fees for each Fiscal Year shall be established upon adoption of the Annual Fee Resolution. The Stormwater Management Utility Fee Roll, as approved by the Final Fee Resolution or Annual Fee Resolution shall be delivered to the Tax Collector or such other official as the City Commission, by Resolution, deems appropriate.

(d) Upon adoption of the Annual Fee Resolution for each Fiscal Year, Stormwater Management Utility Fees to be collected under the Uniform Assessment Collection Act shall constitute a lien against Assessed Property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the City Commission of the Annual Fee Resolution and shall attach to the property included on the Stormwater Management Utility Fee Roll as of the prior January 1, the lien date for ad valorem taxes.

Sec. 70-236. Notice.
(a) Notice by publication.

When a public hearing is required under the Uniform Assessment Collection Act, the City Manager shall cause to be published once in a newspaper of general circulation within the City a notice stating that a public hearing of the City Commission will be held on a certain day and hour, not earlier than twenty (20) calendar days from such publication, at which hearing the City Commission will receive written comments and hear testimony from all interested persons regarding adoption of the Final or Annual Fee Resolution and approval of the Stormwater Management Utility Fee Roll. The form of the published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act for purposes of the Stormwater Management Utility Fees.

(b) Notice by mail.

When a public hearing is required under the Uniform Assessment Collection Act, the City Manager shall cause to be provided notice of the proposed Stormwater Management Utility Fees by mail to the owner of each parcel of property subject to the Stormwater Management Utility Fees. The form of such notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. The notice shall be mailed by either first class mail, or by use of the Annual Truth in Millage Notices mailed by the Property Appraiser, at least twenty (20) calendar days prior to the hearing to each property owner, at such address as is shown on the Tax Roll at the time the notices are prepared for mailing. Notice shall be deemed mailed upon delivery thereof to the possession of the U.S. Postal Service. Failure of the owner to receive such notice due to mistake or inadvertence shall not affect the validity of the Stormwater Management Utility Fee Roll, nor release or discharge any obligation for the payment of a Stormwater Management Utility Fee imposed by the City Commission pursuant to this Ordinance.

Sec. 70-237. Collection of Stormwater Management Utility Fees from government property.

(a) City-owned Property. Unless directed otherwise by the City Commission, the City will be responsible for its Stormwater Management Utility Fee. Evidence of payment for such may be by a transfer of City funds into the Stormwater Utility Fund.

(b) Government Property owned by a Government entity other than the City. Unless exempt under state or federal law, Government Property located in the City owned by a governmental entity other than the City shall be responsible for the Stormwater Management Utility Fee applicable to its property, but such may not be collected on the tax rolls pursuant to the Uniform Assessment Collection Act. The City will bill the Stormwater Management Utility Fee applicable to government properties on utility bills.
Sec. 70-238. Revisions to Stormwater Management Utility Fees.

(a) If any Stormwater Management Utility Fee levied and collected under the provisions of this Ordinance is either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the City Commission is satisfied that any such Stormwater Management Utility Fee is so irregular or defective that the same cannot be enforced or collected, or if the City Commission has failed to include any property on the Stormwater Management Utility Fee Roll that should have been so included, the City Commission may take all necessary steps to impose a new Stormwater Management Utility Fee against any such property, following as nearly as may be practicable the provisions of this Ordinance, and in case such second Stormwater Management Utility Fee is annulled, the City Commission may obtain and impose other Stormwater Management Utility Fees until a valid Stormwater Management Utility Fee is imposed.

(b) Any irregularity in the proceedings in connection with the levy of any Stormwater Management Utility Fee under the provisions of this Ordinance shall not affect the validity of the same after the approval thereof, and any Stormwater Management Utility Fee as finally approved shall be competent and sufficient evidence that such Stormwater Management Utility Fee was duly levied, that the Stormwater Management Utility Fee was duly made and adopted, and that all other proceedings adequate to such Stormwater Management Utility Fee were duly had, taken and performed as required by this Ordinance; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby. Notwithstanding the provisions of this Section 70-238, any party objecting to a Stormwater Management Utility Fee imposed pursuant to this Ordinance must file an objection with a court of competent jurisdiction within the time periods prescribed in Section 70-235(c) of this Ordinance.

(c) No act of error or omission on the part of the City Commission, City Manager, Property Appraiser, Tax Collector, City Clerk, or their respective deputies, employees or designees, shall operate to release or discharge any obligation for payment of any Stormwater Management Utility Fee imposed by the City Commission under the provisions of this Ordinance.

(d) The number of ERUs attributed to a parcel of property may be corrected. Any such correction which reduces a Stormwater Management Utility Fee shall be considered valid from the date on which the Stormwater Management Utility Fee was imposed and shall in no way affect the enforcement of the Stormwater Management Utility Fee imposed under the provisions of this Ordinance. Any such correction which increases a Stormwater Management Utility Fee or imposes a Stormwater Management Utility Fee on omitted property shall first require notice to the affected owner in the manner described in Section 70-236(b) hereof, providing the date, time,
and place that the City Commission will consider confirming the correction and offering the owner an opportunity to be heard.

(e) The City Commission may provide by Resolution each year a process for considering mitigation or exemptions of parcels from the Stormwater Management Utility Fee based on criteria established in such Resolution.

(f) After the Stormwater Management Utility Fee Roll has been delivered to the Tax Collector, any changes, modifications or corrections thereto shall be made in accordance with the procedures applicable to errors and insolvencies for ad valorem taxes.

Sec. 70-239.  Applicability.

This Ordinance and the City’s authority to impose Stormwater Management Utility Fees pursuant hereto shall be applicable throughout the City.

Sec. 70-240.  Alternative method.

This Ordinance shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence. This Ordinance, being necessary for the welfare of the inhabitants of the City, shall be liberally construed to effect the purposes hereof.

Secs. 70-231-241—70-249. - Reserved.

Sec. 70-250. - Request for adjustment.

Any Fee collected by the City by means other than the Uniform Assessment Collection Act may be adjusted as follows:

All requests for adjustment of the stormwater utility fee shall be submitted to the SMU director and shall be reviewed as follows:

(1) All requests shall be in writing and set forth in detail the grounds upon which an adjustment is sought.

(2) Adjustment requests made during the first calendar year that the fee is imposed shall be reviewed by the Stormwater Management Utility Director within a one-year period from the date of submission. Adjustments resulting from such requests shall be retroactive to the effective date of this article.

(3) All adjustment requests received after the first calendar year that the fee is imposed shall be reviewed by the Stormwater Management Utility Director within a four-month period from the date of submission. Adjustments resulting from such requests shall be retroactive to the date of submission of the adjustment request.
(4) The customer or property-owner requesting the adjustment may be required, at his own cost, to provide supplemental information to the Stormwater Management Utility Director, including survey data and engineering reports prepared by either a registered professional land surveyor or professional engineer. Failure to provide such information may result in a denial of the adjustment request.

(5) The Stormwater Management Utility Director shall provide the person requesting the adjustment with a written determination of the request within the time provided herein. Any adjustments shall be prorated monthly.

Sec. 70-251. Appeal process.

(6) Any customer or property owner who disputes the result of a request made to the SMU director for adjustment may petition in writing to the manager for a review of said charges. The decision of the manager shall be final.

Sec. 70-260. Enforcement and penalties.

(a) Should the City not collect the Stormwater Management Utility Fee pursuant to the Uniform Assessment Collection Act, or when the City is not able to use the that collection method for a certain property, collection shall be enforced as follows:

(1) Bills shall be payable at the same time and in the same manner and subject to the same penalties as set forth in section 70-6 as it may now exist, or as it may be later amended, for other city utility services. Nonpayment of any portion of the stormwater utility fee shall be considered as nonpayment of all other city utilities appearing on the bill and may result in the city's termination of all utility services appearing on the bill.

(2) Pursuant the Florida General Law, the city shall have a lien for delinquent or unpaid stormwater management services charges, which lien shall be prior to all other liens on such property except to tax liens. Enforcement and foreclosure of said liens shall be as provided by Florida General Law. Interest on the unpaid balance shall be the highest rate as authorized by Florida General Law.

(b) The City shall have the right to record a lien for unpaid Stormwater Management Utility Fees in the public records of Broward County, Florida.

(c) The City shall have the right to appoint or retain an agent to foreclose and collect all delinquent Stormwater Management Utility Fees in the manner provided by law. All costs, fees and expenses, including reasonable attorney fees and title search expenses related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the City may be the purchaser to the same extent as an individual person or corporation. The City may join in one foreclosure action the collection of

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Stormwater Management Utility Fees against any or all property assessed in accordance with the provisions hereof. All delinquent property owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City and its agents, including reasonable attorney fees, in collection of such delinquent Stormwater Management Utility Fees and any other costs incurred by the City as a result of such delinquent Stormwater Management Utility Fees including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.

(d) In lieu of foreclosure, any delinquent Stormwater Management Utility Fee and costs, fees, and expenses attributable thereto, may be rolled into the Fee for such parcel in a subsequent fiscal year, and collected pursuant to the Uniform Assessment Collection Act; provided however, that (1) notice is provided to the owner in the manner required by law and this Ordinance; and (2) any existing lien of record on the affected parcel for the delinquent Stormwater Management Utility Fee is supplanted by the lien resulting from certification of the Stormwater Management Utility Fee Roll to the Tax Collector.

Secs. 70-261—70-269. - Reserved.

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. 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, 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 7. This Ordinance shall become effective immediately upon its passage and adoption.


________________________________________
MAYOR ANA M. ZIADE

________________________________________
VICE MAYOR SAMSON BORGELIN

APPROVED AS TO FORM:

________________________________________
CITY ATTORNEY SAMUEL GOREN

ATTEST:

________________________________________
PATRICIA VANCHERI, CITY CLERK