

CITY OF NORTH LAUDERDALE
COMMISSION MEETING
TUESDAY, NOVEMBER 13, 2018

MINUTES

The North Lauderdale City Commission met on Tuesday, November 13, 2018 at the Municipal Complex. The meeting convened at 6:00 p.m.

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

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

Attorney Goren stated that Mayor Brady has formally retired as Mayor effective at 12 noon last Thursday. He advised Mayor Brady is a retired citizen of the city and legally retired under Chapter 112 of the Florida Statutes.

3. **APPROVAL OF MINUTES**

a. **October 09, 2018**

Commissioner Graziose moved to approve. Seconded by Commissioner Wood. All in favor.

b. **October 18, 2018**

Commissioner Graziose moved to approve. Seconded by Commissioner Wood. All in favor.

4. **PRESENTATIONS**

a. **City of North Lauderdale - American Heart Association Workplace Health Solutions Award Recipient - (Robert Hill Jr., MPH, Community Impact Director)**

Lindsey Leblang, on behalf of the American Heart Association presented the City of North Lauderdale with the Bronze Award level recognition for the workplace health program which looks at seven health behaviors and factors that affect workplace health. Jennifer Yarmitzky, Human Resource Manager thanked the City Commission, City Manager, Department Heads and the Wellness Committee Members for their participation and all their support.

5. **PROCLAMATIONS** – None.

6. PUBLIC DISCUSSION

Janet Lanni thanked Commissioner Graziose for all his years of service to the community. She described Commissioner Graziose as a man of integrity, kindness with ambition, honor and a friend to all. Ms. Lanni expressed that on behalf of herself and many citizens in the community that he would be missed as a Commissioner.

James Dowling commented on meeting great people throughout his years as a resident in the city and referred specifically to the members of the City Commission. He congratulated the winners of the recent election. He expressed continued support for Mayor Brady and Commissioner Graziose as well as the newly elected officials.

Attorney Goren advised that Vice Mayor Moyle is the acting Mayor as per the City Charter until the successors are sworn into office. He further advised that the certified results for the election will not be available until sometime after November 20, 2018. He briefly explained the recount process under Florida law.

7. QUASI-JUDICIAL ITEMS

a. ORDINANCE – First Reading - VAR- 18-01 Aldi Florida, LLC 1190 S State Rd 7

Requesting a 5.5 foot side setback whereas a 10 foot side setback is required per Section 106-442 (4) of the City of North Lauderdale business district land development regulation code within a general business (B-3) zoning district.

APPLICANT: Aldi Florida, LLC

Attorney read:

AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPROVING AND GRANTING A VARIANCE FROM THE NORTH LAUDERDALE CODE OF ORDINANCES, SECTION 106-442 (4) REGARDING THE REQUIRED 10 FOOT SIDE SETBACK; PROVIDING FOR STIPULATIONS AND CONDITIONS; PROVIDING THAT PROVISIONS NOT VARIED BY THIS ORDINANCE REMAIN IN FULL FORCE AND EFFECT; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

Attorney Goren swore in any members of the public and the Applicant's team that were present. He explained the quasi-judicial process. Tammy Reed-Holguin, Community Development Director presented information based on the back up memorandum for two items; the site plan and variance request. She described the business of operations for Aldi and the location as a current store prototype building. She advised that Aldi plans to employ 15-25 people and they will make an effort to hire employees locally. She provided details on the store hours. Ms. Reed- Holguin advised the proposed use of the parcel is consistent with the master building list and the site does meet the city parking requirements as per code. They are requesting a variance for a 5 1/2 foot setback where 10 feet is required. She explained that Aldi made a purchase of land from Palm Collision to accommodate the store on this piece of property. She stated that even with the purchase of land the building is still not set back 10 feet from the property line. Ms. Holguin-Reed advised that Aldi moved the building a little more and now they only need a 4 1/2 foot variance. She explained part of Aldi's justification is that they are building on what remains of a parcel of land after the Circle K was built. They are also providing

access from the Circle K to the Aldi Grocery Store location because these two businesses are too close together for an access to be built from State Rd 7. She referenced a letter of support from Palm Collision in which they are asking for a wall to be built by Aldi which Palm Collision has agreed to maintain. Aldi is working on a traffic study to look at the impact of the trip generation from SW 12 ST to the South of their location. Ms. Reed- Holguin referenced the renderings on the power point presentation which will be consistent with the color theme of the city. She explained that the Planning and Zoning Board did approve the variance request and that Staff added a 4th condition to the recommendation to state the variance is tied to the Aldi application and future use of the building once constructed. Ms. Reed-Holguin stated they are recommending approval of the variance with the (4) conditions and the site plan order with the (11) conditions that are listed in the memorandum. Attorney Goren intervened to note that there is a corresponding preliminary site plan that was discussed in the testimony provided by Ms. Reed-Holguin, referencing item 7b. He stated that each of the items that are being considered under one public hearing will require a separate motion, for both VAR 18-01 and SPR 18-07, which was discussed and proposed by Ms. Reed-Holguin during her presentation. **Commissioner Wood moved to approve VAR 18-01 with the four (4) recommendations. Seconded by Commissioner Graziose.** Commissioner Borgelin expressed his appreciation for the project and that Aldi will be making an effort to hire locally which will benefit the city. Attorney Dickerson, with the law firm of Dunay, Miskel and Backman, LLP, on behalf of the Applicant, agreed to all the information presented by Staff. He stated for the record that they do voluntarily agree to all the conditions for both the VAR 18-01 and the SPR 18-07. He advised that job fairs are held in the local municipalities for the residents to take advantage of employment opportunities. There was no further discussion. **Clerk called roll. All YES.**

ORDINANCE PASSED ON FIRST READING.

b. SUBJECT: Site Plan SPR 18-07Aldi Grocery Store

Preliminary Site Plan approval to construct a grocery store in a General Business (B-3) zoning district.

APPLICANT: Aldi Florida, LLC

MOTION: To approve the preliminary site plan subject to the eleven (11) conditions set forth in staff memorandum.

This item was presented under 7a.

Commissioner Wood moved to approve SPR 18-07 with the eleven (11) conditions. Seconded by Commissioner Graziose. Commissioner Borgelin inquired if people are required to bring their own bags. Attorney Dickerson advised that people have the option to bring their own bags or purchase bags at the Aldi grocery store. There was no further discussion. **Clerk called roll. All YES.**

MOTION PASSED.

8. ORDINANCES SECOND READING

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

a. Ordinance – Second Reading - 2018 Fiscal Year End Budget Amendment

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AMENDING ORDINANCE NO. 17-09-1360 BY WHICH THE CITY COMMISSION DID ADOPT THE BUDGET OF THE CITY OF NORTH LAUDERDALE FOR THE 2017/2018 FISCAL YEAR, TO REVISE THE BUDGET AS DOCUMENTED IN “EXHIBIT A” ATTACHED; PROVIDING FOR CONFLICTS, SEVERABILITY, AND, PROVIDING FOR AN EFFECTIVE DATE.

Susan Nabors, Finance Director, presented the item based on the back up memorandum. She advised there are a few items at the department level that need to be amended for Fiscal Year (FY) 2018 Budget. Ms. Nabors explained that in the Public Works department there were a lot of expenses related to Hurricane Irma which were unbudgeted. There was some unspent money in the Public Works department that will offset the unbudgeted hurricane costs and a net adjustment will only be needed in the amount of \$950,000. The city did set aside some fund balance to cover disaster items which will be utilized to temporarily cover these expenses until reimbursement from FEMA is received to replenish those funds. In the Community Development department there are higher inspection expenses resulting from a higher permitting volume which created an over budget condition. She noted there is an uptake on permitting revenue for FY18 which reached over 1.2 million dollars which is the highest level ever seen by the city for permits. In the Water Control District fund there is a need to adjust the budget for extra funds to complete the canal cleanup project. The grant funds will account for 75% of the money requested but a \$25,000 match will need to be covered by the Water Control District. There was an unbudgeted arbitrage report which is required every five years in the Debt Service fund, which accounts for the principle and interest payments on the outstanding bonds. The report was done by a consultant to make sure the transactions are properly funding the debt service and that the use of the funds still meet the tax exempt status. Ms. Nabors stated that with these four budget amendments the FY18 Budget would be complete. No one spoke during Public Hearing. **Commissioner Graziose moved to approve. Seconded by Commissioner Borgelin.** Commissioner Borgelin questioned what attributed to the increase to the permit department. Ms. Reed-Holguin responded that the increase is attributed to several factors such as new construction, hurricane repairs and the single rental home program inspections. There was no further discussion. **Clerk called roll. All YES.**

ORDINANCE NO. 18-11-1382 PASSED AND APPROVED UNANIMOUSLY

9. OTHER BUSINESS

**a. ORDINANCE – First Reading – Proposed Fee Schedule Revision (Appendix F)
Sec. 3 Building Permit and Related Fees (1) *General e. Registration Fees***

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

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AMENDING APPENDIX F, OF THE CITY OF NORTH LAUDERDALE CODE OF ORDINANCES, ENTITLED "FEES", BY AMENDING ARTICLE I, ENTITLED, "COMMUNITY DEVELOPMENT FEE SCHEDULE", SECTION ENTITLED “BUILDING AND RELATED FEES” TO PROVIDE FOR THE ELIMINATION OF THE FEE FOR CONTRACTOR REGISTRATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

Tammy Reed-Holguin, Community Development Director presented the item based on the back up memorandum. She explained per Florida State Statute the city can no longer charge a fee for contractors to register to do business in the city. The city will continue to require contractors to register, and to be licensed and insured but the city will no longer charge a fee. No one spoke during Public Hearing. **Commissioner Graziose moved to approve. Seconded by Commissioner Wood.** Commissioner Wood inquired on how the statute will impact the department in ensuring contractors are licensed and insured to prevent against unscrupulous contractors. Ms. Reed-Holguin advised they will continue to require contractor registration and to check for licensing and insurance but they will just no longer charge a fee for it. Mr. Dowling, a city resident commented on his experience with drywall work and his five year apprenticeship before he became a journeyman which accounted for his knowledge. He questioned how the contractors will prove they are certified and experienced. Ms. Reed-Holguin advised the city will check for license, insurance and workers compensation but not for experience which would have to be checked by the homeowner. Commissioner Borgelin inquired on the estimated charges the city is absorbing by not charging the contractor registration fee. Ms. Reed- Holguin responded that the amount is minimal. She advised they are going to try to enhance the online process to enable contractors to register themselves which will lessen the impact on the Staff to process the contractor registration and that will also offset the loss of revenue. Commissioner Wood clarified that this is a State Statute and the city will continue to check for licensing, insurance and workman compensation. City Manager Bhatti commented a contractor is still required to be licensed to work. No further discussion. **Clerk called roll. All YES.**

ORDINANCE PASSED UNANIMOUSLY ON FIRST READING

b. RESOLUTION - Agreement with Broward College to permit Paramedic and Emergency Medical Technician Students to Participate in Educational Programs with the North Lauderdale Fire Rescue Department

Commissioner Graziose moved to read. Seconded by Commissioner Borgelin.
Attorney read:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH BROWARD COLLEGE, TO ALLOW EMT AND PARAMEDIC STUDENTS TO RIDE WITH THE NORTH LAUDERDALE FIRE RESCUE DEPARTMENT FOR EDUCATIONAL AND TRAINING PURPOSES; AND PROVIDING AN EFFECTIVE DATE.

Fire Chief Turpel presented the item based on the back up memorandum. He advised this is the third time that he is presenting an agreement for Broward College students to participate in the ride-along program. He explained that Broward Community College has been riding with them for 18 years, and changed to Broward College, now operating as a University. Chief Turpel advised the agreement was reviewed several times with City Attorney Goren, City Manager Bhatti and Human Resource Manager Yarmitzky to best protect our city from liability. He explained the reason they want Broward College to be part of the ride-along program is that they are the only state college that has paramedic and EMT students and all the other schools are private. Broward College also has degree programs for emergency medical science and 60% of all students attend the paramedic program. City Manager Bhatti

commented this is a benefit to both the students and the school. The students receive practical experience and hands on training while they ride-along with experienced paramedics. The students attending Broward College are taught the latest technology and they bring that knowledge to the fire department staff. **Commissioner Graziose moved to approve. Seconded by Commissioner Borgelin.** Commissioner Borgelin inquired if pictures of the students with the paramedics can be presented at a future Commission meeting. Chief Turpel responded that can be done. There was no further discussion. **Clerk called roll. All YES.**

RESOLUTION NO. 18-11-6577 PASSED AND APPROVED UNANIMOUSLY

10. REPORTS

a. Update on Complete Streets and Other Localized Initiatives Program (CSLIP) application to MPO for 81st Avenue project (Tammy Reed-Holguin/George Krawczyk)

Community Development Director, Tammy Reed-Holguin and Public Works Director George Krawczyk presented updated information on the CSLIP project. Ms. Reed-Holguin advised they hired Carnahan, Proctor and Cross to prepare technical drawings, to perform traffic counts for the roundabouts that are being proposed and to prepare a cost estimate. She presented the cross sections from the engineering firm which includes pedestals for signalization, a multi-use pass for pedestrians and bike lanes. Mr. Krawczyk reviewed the proposed round-about concepts at the two locations with spacing designed to accommodate the traffic flow. Ms. Reed-Holguin advised that the estimate of the project came in under two million dollars and indicated that another requirement of the grant is to have public involvement. She advised that 755 letters were sent by mail to residents within 300 radius of the project. There were 84 responses to the letters and they are still receiving responses from residents. The majority of the public were supportive of the project and most of the comments were due to concerns with increases in property taxes. She clarified this is a grant that has nothing to do with the city's general revenue or the property tax fund. Ms. Reed-Holguin advised the grant application requires the Applicant to have ownership of the right-away to apply for the grant. However, the city does not have ownership of the north or south end of the right of way which is still owned by Broward County. A resolution could be obtained from that entity certifying that they will dedicate it to the city or provide authorization to have it done in their right of way but there is not enough time to obtain the resolution to apply for the grant. They are working with the city attorney's office for a title search to submit with the grant application. They are recommending keeping all the documentation they have gathered to submit a complete application at the next round of funding rather than submit an incomplete application at this time. Ms. Bhatti advised they conducted a lot of historical research on the ownership of the property. She stated she is glad they were able to catch this right now to submit a correct application in a complete format when the submittal cycle opens again rather than have the application rejected now. Commissioner Graziose inquired if the narrowing down the lanes to a single lane from each direction has changed. Mr. Krawczyk responded that yes, that has changed due to the traffic volume and two lanes are needed. Commissioner Graziose advised he would bring up the application at the MPO meeting tomorrow morning in case there is any other information. Ms. Bhatti noted the deadline to submit the application is tomorrow. She also advised that Public Works Director, George Krawczyk, and Community Development Specialist, Andrew Disbury, would be attending the MPO meeting as well.

11. COMMISSION COMMENTS

Commissioner Wood spoke on the Alliance Membership that was approved at the last meeting. He requested consensus to have Assistant Community Development Director, Katherine Randall, and

Community Development Director, Tammy Reed- Holguin as representatives for the city for this membership. Commissioner Wood also expressed interest in representing the city and attending the meetings. There was consensus by the City Commission to have Ms. Randall, Ms. Reed-Holguin and Commissioner Wood represent the city at the Alliance meetings.

Commissioner Borgelin expressed thanks to the city for the work being done on Kimberly Blvd. He also thanked the city, Commissioners, and City Clerk Vancheri for making it possible to attend the National League of Cities Conference. He mentioned a Youth Summit representing the City of Miramar at the conference and commented that he would like to see the city get involved with the Summit. He reminded everyone of the upcoming Burnham Woods event as well as the Tamarac and North Lauderdale Chambers event. Commissioner Borgelin encouraged the newly elected officials to take advantage of the class being offered by the Institute for Elected Municipal Officials on January 25-27, 2018 which will provide basic courses on effective council techniques and budget and accounting information.

Vice Mayor Moyle expressed sadness at Mayor Brady's absence at the Commission meeting. He wished Mayor Brady well on his retirement and extended many blessings to him and his family. He also expressed that Commissioner Graziose not being on the Commission going forward will leave a huge hole for all the work he has done during his time on the Commission and that he will be missed as well.

12. CITY MANAGER COMMENTS

a. Upcoming Events:

- **Saturday, November 17 - Business Give Back 11:30-3:30 PM at Hampton Pines Park**

City Manager Bhatti reminded everyone present of the upcoming Business Give Back event hosted by the North Lauderdale and Tamarac Chambers of Commerce.

- **Thursday, November 22 (Thanksgiving day)- 8:00 am in City Hall parking lot**
 - Meal give-away-7 churches requested 697 meals
 - Assistance to load vehicles requested

City Manager Bhatti advised that this event has been held for several years and the city works with the Brigade, a non-profit organization, to provide the meals. Commissioner Wood commented that there were several meals that were not picked up last year. He emphasized having a confirmed list of participating churches. Ms. Bhatti advised that the list of participants would be confirmed. She also mentioned that Commissioner Borgelin mentioned there is another church that is interested in participating with this program which the city will add to the list.

- **Saturday, November 24 – Winterfest – Field 4 Jack Brady Sports Complex**

Ms. Bhatti noted the time of the event is 5pm and referenced the event flyer with details.

- **Saturday, December 8 – CNL Holiday Parade and Tree Lighting**

Ms. Bhatti commented they are hoping for no rain. She advised the Grand Marshall for the parade will be Channel 10 news anchor, Calvin Hughes.

- **Saturday, December 8 – Tamarac North Lauderdale Chamber of Commerce Holiday Gala – 7-12 pm**

Ms. Bhatti noted that the Gala takes place directly after the City Parade and briefly mentioned to officials on the arrangements to attend both events.

- **Saturday, December 15 – Grand Opening - NAPA Auto Parts at 1375 S. State Road 7 - 8 am - 6pm with ribbon cutting at 9:00 AM**

Ms. Bhatti advised the Commission and Staff have been invited to NAPA Auto Parts ribbon cutting.

City Manager Bhatti was reminded by Commissioner Wood regarding the discount prescription card offered by the city through the National League of Cities membership. She described the savings in terms of cost offered with the program. Commissioner Wood explained the background on becoming a National League of Cities member after he received information on the membership while attending a Florida League of City's Conference. He spoke on the advantages of the prescription discount card which is offered one per family household and also covers pets. He encouraged all the residents to pick up the prescription discount card.

Commissioner Borgelin inquired if the city sports teams will be showcased at the city parade. Mike Sargis, Parks and Recreation Manager confirmed the city soccer teams will be participating in the parade. He advised the football program in the city, the Boys & Girls Club, and all the city schools have been invited to participate as well as 10 high school marching bands. Mr. Sargis stated he is waiting for a response from a few of the schools and that he will continue to contact them regarding their participation in the city parade.

13. CITY ATTORNEY COMMENTS

Attorney Goren updated on the (11) approved Charter Amendments that were passed and adopted by a high percentage of the voters. He described the Charter Amendment item regarding the 48 hour rule which requires local governments that hold sunshine meetings to either post and publish their Agenda within 48 hours of the meeting unless there is an emergency that requires them to deliver it separately. Attorney Goren read the title of the resolution of the proposed amendment to the Charter of Broward County enacting a new Section 1.07, Posting of Notices, Agendas and Back up Materials. He noted that the city has always posted the Agenda well in advance of the City Commission meeting. He indicated he would be briefing the Commission on the other Charter items in the near future.

Attorney Goren advised there is a League of Cities Boot Camp training for newly elected officials. He stated under the Broward County Ethics Code newly elected officials are required to have their ethic training hours within 120 days of their election. He explained that newly elected officials require 8 hours of ethics training per calendar year and that existing officials only require 4 per year. Attorney Goren provided information on the upcoming ethic training events scheduled for November 29, 2018 by the Inspector General, and the Broward League of Cities ethics training scheduled for November 30, 2018 in which he would be a presenter and or moderator. Attorney Goren noted as per the ethics code your city attorney needs to provide training.

14. ADJOURNMENT – There being no further discussion the meeting adjourned at 7:24 pm.

Respectfully submitted,

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