AGENDA

1. INVOCATION AND PLEDGE OF ALLEGIANCE – Commissioner Lorenzo Wood

2. ROLL CALL
   Mayor Jack Brady
   Vice Mayor David G. Hilton
   Commissioner Jerry Graziose
   Commissioner Rich Moyle
   Commissioner Lorenzo Wood
   City Manager Ambreen Bhatti
   City Attorney Samuel S. Goren
   City Clerk Patricia Vancheri

3. APPROVAL OF MINUTES
   a. June 14, 2016

4. PRESENTATIONS
   a. Davidson Fixed Income Management – Update on City’s Cash and Investment Portfolio (Glenn Scott)

5. PROCLAMATIONS
   a. Park and Recreation Month - July
6. PUBLIC DISCUSSION

7. QUASI-JUDICIAL ITEMS

a. SUBJECT: FIRST HAITIAN BAPTIST CHURCH - 1350 S State Road 7

   i. **ORDINANCE – Second Reading – VARIANCE – VAR 16-01**

      Variances to accommodate the building of a church from Landscaping interior area per Section 102-63 (c).

      - All interested parties are sworn in by City Attorney
      - Motion and second and vote to read title
      - Staff presentation (Tanya Davis-Hernandez)
      - Public Hearing opened
      - Public comments
      - Public Hearing closed
      - Commission motion and second to pass the ordinance on first reading
      - Commission discussion
      - Commission vote

   AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPROVING AND GRANTING VARIANCES FROM THE NORTH LAUDERDALE CODE OF ORDINANCES, SECTION 102-63 (c) TO PERMIT A 6.2 FOOT WIDE LANDSCAPE BUFFER BETWEEN THE BUILDING AND VEHICULAR ACCESSWAYS OR PARKING, AS OPPOSED TO THE 10 FEET REQUIRED BY THE CODE; 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.

   ii. **SITE PLAN APPROVAL – SPR 16-01**

      Final site plan approval to build an 8,144 square foot church in a Community Facility (CF) zoning district.

      - All interested parties wishing to speak on this item are sworn in
      - Staff presentation (Tanya Davis-Hernandez)
      - Public Hearing opened
      - Public comments
      - Public Hearing closed
      - Commission discussion
      - Commission motion and vote

   **MOTION:** To approve the final site plan subject to the conditions outlined in staff memorandum.
b. SUBJECT – HICKORY PLACE DEVELOPERS, LLC – 5460 SW 13 Court

i. **ORDINANCE – Second Reading – VARIANCE - VAR 16-02**

Variances to accommodate the building of 46 townhouses including Setback Requirements per Section 06-330 (b) (1) and (d) (1), Size of Plot per Section 106-323 (b), Plot Area Requirements per Section 106-328 and Open Space Requirements per Section 106-329.

- All interested parties are sworn in by City Attorney
- Motion and second and vote to read title
- Staff presentation (Tanya Davis-Hernandez)
- Public Hearing opened
- Public comments
- Public Hearing closed
- Commission motion and second to pass the ordinance on first reading
- Commission discussion
- Commission vote

AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPROVING AND GRANTING VARIANCES FROM THE NORTH LAUDERDALE CODE OF ORDINANCES, SECTION 106-330 (B) (1) REGARDING FRONT SETBACKS WHERE 25 FEET ARE REQUIRED AND A 16 FOOT SETBACK IS PROVIDED; SECTION 106-330 (D) (1) REGARDING REAR SETBACKS TO PERMIT AN 18 FEET SETBACK WHERE 25 FEET ARE REQUIRED FROM A PROPERTY LINE; SECTION 106-323 (B) SIZE OF PLOT TO ALLOW A PLOT TO BE USED FOR DEVELOPMENT PURPOSES THAT IS 76.33 FEET IN LENGTH WHEREAS 80 FEET IN LENGTH IS REQUIRED, SECTION 106-328 PLOT AREA REQUIREMENTS TO ALLOW A PLOT AREA 3,426.52 SQ. FT. IN SIZE WHEREAS A PLOT AREA OF 3,630 SQ. FT. IS REQUIRED AND SECTION 106-329 OPEN SPACE REQUIREMENTS TO ALLOW 28% OPEN SPACE WHEREAS 30% IS REQUIRED; PROVIDING FOR STIPULATIONS AND CONDITIONS; PROVIDING THAT PROVISIONS NOT VARIED BY THIS ORDINANCE REMAIN IN FULL FORCE AND EFFECT; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

ii. **SITE PLAN APPROVAL SPR 16-03**

Final site plan approval to construct 46 Townhouses in a Residential Medium Density (RM-16) zoning district.

- All interested parties wishing to speak on this item are sworn in
- Motion and second and vote to read title
- Staff presentation (Tanya Davis-Hernandez)
- Public Hearing opened
- Public comments
- Public Hearing closed
- Commission discussion
- Commission motion and vote
MOTION: To approve the final site plan subject to the conditions outlined in staff memorandum.

c. SUBJECT: SPR 16-04 Our Lady Queen of Heaven Cemetery
1500 S State Road 7
The Archdiocese of Miami Catholic Cemeteries

Site plan amendment to add Mausoleums #25 and 26 in the Resurrection Development, located within Community Facilities (CF) zoning district.

- All interested parties wishing to speak on this item are sworn in
- Motion and second and vote to read title
- Staff presentation (Tanya Davis-Hernandez)
- Public Hearing opened
- Public comments
- Public Hearing closed
- Commission discussion
- Commission motion and vote

MOTION: to approve Site Plan Amendment for Our Lady Queen of Heaven Cemetery for the construction of Mausoleums #25 and #26 in the Resurrection Development, located within Community Facilities (CF) zoning district, subject to the eight (8) conditions recommended by staff.

8. ORDINANCES SECOND READING


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

AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, TO APPROVE RENEWAL OF THE SOLID WASTE COLLECTIONS AND DISPOSAL CONTRACT WITH WASTE PRO OF FLORIDA, INC. FOR AN ADDITIONAL FIVE 5 YEARS UNTIL DECEMBER 31, 2021; AUTHORIZING THE CITY MANAGER TO EXECUTE THE RENEWAL OF THE CONTRACT WITH WASTE PRO OF FLORIDA INC., AND FOR
THE APPROPRIATE CITY OFFICIALS TO TAKE ACTION CONSISTANT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

9. BUDGET MATTERS

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

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF NORTH LAUDERDALE, FLORIDA; ESTABLISHING THE ESTIMATED RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

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

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES AND FACILITIES AND PROGRAMS IN THE CITY OF NORTH LAUDERDALE, FLORIDA; PROVIDING FOR PURPOSE AND DEFINITIONS; PROVIDING FOR LEGISLATIVE DETERMINATIONS; ESTABLISHING THE ESTIMATED RATE FOR THE RESIDENTIAL SOLID WASTE COLLECTION SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; DIRECTING THE PREPARATION OF A RESIDENTIAL SOLID WASTE COLLECTION SERVICES SPECIAL ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.
10. CONSENT AGENDA

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

a. **RESOLUTION – Intermedix Contract Renewal**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO AMEND THE CITY’S AGREEMENT WITH ADVANCED DATA PROCESSING, INC., D/B/A ADPI-INTERMEDIX FOR THE COLLECTION OF EMERGENCY PATIENT TRANSPORTATION REVENUE; AND FOR THE USE AND UPDATES OF THE COMPANY’S COMPUTER EQUIPMENT AND SOFTWARE APPLICATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

b. **RESOLUTION - Payment to Broward Sheriff’s Office - Youth Basketball Program**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPROVING AND AUTHORIZING THE EXPENDITURE OF $5,400.00 TO THE BROWARD SHERIFF’S OFFICE TO COVER THE SHERIFF’S FEE FOR THE 2016 YOUTH BASKETBALL PROGRAM AND, PROVIDING AN EFFECTIVE DATE.

11. OTHER BUSINESS

a. **RESOLUTION - Ratification of Metro Broward Professional Fire Fighters (MBPFF) Collective Bargaining Agreement**

- 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, 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 THAT CERTAIN COLLECTIVELY BARGAINED CONTRACT BETWEEN THE CITY OF NORTH
LAUDERDALE AND THE METRO BROWARD PROFESSIONAL FIRE FIGHTERS, LOCAL 3080, EFFECTIVE UPON RATIFICATION AND SIGNATURE OF THE CITY MANAGER AND REPRESENTATIVE OF THE METRO BROWARD PROFESSIONAL FIREFIGHTERS, EFFECTIVE OCTOBER 1, 2015 AND SHALL TERMINATE ON SEPTEMBER 30, 2018; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND, PROVIDING AN EFFECTIVE DATE.

b. **SUBJECT - Date for 2016 Holiday Parade**

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

**MOTION:** To set the date of Saturday, December 10, 2016 as the date for the City’s 39th Annual Holiday Parade.

12. REPORTS

13. COMMISSION COMMENTS

14. CITY MANAGER COMMENTS

15. CITY ATTORNEY COMMENTS

16. ADJOURNMENT

**CONVENE TO WATER CONTROL DISTRICT AND NORTH LAUDERDALE RECREATION FOUNDATION MEETINGS**
CITY OF NORTH LAUDERDALE
COMMISSION MEETING
TUESDAY, JUNE 14, 2016

MINUTES

The North Lauderdale City Commission met on Tuesday, June 14, 2016 at the Municipal Complex. The meeting convened at 6:00 p.m.

1. INVOCATION AND PLEDGE OF ALLEGIANCE – Commissioner Jerry Graziose called for a moment of silence for the incident that happened in Orlando. He gave the invocation and led the pledge.

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

   Mayor Jack Brady
   Vice Mayor David G. Hilton
   Commissioner Jerry Graziose
   Commissioner Rich Moyle
   Commissioner Lorenzo Wood
   City Manager Ambreen Bhatti
   City Attorney Samuel S. Goren
   Jim Cherof
   City Clerk Patricia Vancheri

3. APPROVAL OF MINUTES

   a. May 31, 2016 – Vice Mayor David Hilton moved to approve the Minutes as submitted. Seconded by Commissioner Wood. Minutes approved unanimously by voice vote.

4. PRESENTATIONS – The following Students were called to be recognized by the Commission and receive a Certificate of Recognition. Not all called were present.

   a. Scott Cetoute – Coral Springs High School Senior – Perfect Attendance Award
   b. Coconut Creek High School Top 10% - Graduating Class of 2016 Honorees:
      Veronica Charles; Vania Clerizier; Maria F Cruz Polanco; Cordesia Dukes; Nathalie Fleurilus; Neftali Godinez; Laury Jean Baptiste; Sierra Joseph; Gasline Journalier; Amber Kelley; Dylita Maharaj; Moyandra McIntosh; Digna Rivera; Tyler St.Preux; Schneidine Tanis; Nicolas Vanegas; Akeno Williams
c. **Firefighter/Paramedic Recognition** – The following Firefighter/Paramedics were called to be recognized and receive a Certificate of Recognition. Not all were present.

Battalion Chief Bill McGrath; Lt. Esnell Morales; FF/PM Matthew Hurt; FF/PM Christopher Passino; FF/PM Henry Sessner; FF/PM Christopher Lohberg; FF/PM Matthew Santana

d. **PACE Program (Property Assessed Clean Energy) - Dave Goodman, Managing Director of PACE Corporate Advisors** – Mr. Goodman gave a PowerPoint presentation regarding this program which is basically a financing option for property improvements that allows for emergency efficiency, renewable energy and property hardening. There were brief questions and answers at the end of the presentation. Consensus of the Commission was to direct administration to research the concept further and bring it back in a workshop format. A copy of the PowerPoint is available in the City Clerk’s office.

e. **SR 7 Corridor Study – Demian Miller, Tindale Oliver Project Manager for the Broward Metropolitan Planning Organization** – Mr. Miller gave a PowerPoint presentation regarding the corridor study which was just wrapped up, covering an area south of Miami-Dade County Line to North of Sample Road for the purpose of identifying various kinds of improvements and recommendations. A copy of the PowerPoint presentation if available in the City Clerk’s office.

5. **PROCLAMATIONS** –This item was read out of order after Item 4(c) due to the timeline for Item 4 (d)

a. **Guardian Ad Litem (CASA) – 17th Judicial Circuit - Court Appointed Special Advocates Program** – Clerk read Proclamation into the record proclaiming the month of June as Guardian ad Litem month. Laura Davis, Recruiter, was present to receive the Proclamation and gave a brief explanation of the program which recruits and provides volunteer guardians for foster children and their caregivers. Ms. Davis said volunteers are needed and would be much appreciated if anyone is interested in giving a few hours a month to the program and gave out some information.

6. **PUBLIC DISCUSSION**

Sheila Graham – Hampton Blvd – commented about a situation with her neighbor and a police call that occurred on May 10. Ms. Graham indicated her concerns with the way the call was handled and that she did not feel the officer took the issue seriously, but that she and her daughter are afraid and suffering over the situation and asked for solutions. She was advised to speak to and report the incident to the BSO officer present in Chambers.
At this point, City Manager Bhatty asked to go off the agenda for a few moments to pay tribute to Public Works Director, Mike Shields, who is retiring after 35 years of service to the City of North Lauderdale. Mr. Shields was recognized by Mayor Brady, the Commission, Administration and Staff for his commitment and loyalty to the City. He thanked everyone and said it has been great to work here.

There was a brief intermission after which the regular meeting resumed.

7. ORDINANCES SECOND READING

   a. Ordinance – Second Reading – Amendment to Sec. 78-106. “Meetings, dates, procedures, records, quorum” pertaining to the Community Sustainability Board

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

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AMENDING CHAPTER 78 GENERAL PROVISIONS/ADMINISTRATION, ARTICLE V. COMMUNITY SUSTAINABILITY BOARD Sec. 78-106, ENTITLED “MEETINGS, DATES, PROCEDURES, RECORDS, QUORUM”, TO CHANGE THE NUMBER OF REQUIRED MEETINGS TO EVERY OTHER MONTH; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

Tammy Reed-Holguin, Community Development Director, presented the item based on the backup memorandum. She indicated that this item, before the Commission tonight on second reading was approved on May 31, 2016 on first reading. Public hearing opened; no one spoke. Commissioner Wood moved to adopt. Seconded by Vice Mayor Hilton. No Commission discussion. All in favor by voice vote.

ORDINANCE NO. 16-06-1329 PASSED AND APPROVED UNANIMOUSLY

   b. Ordinance – Second Reading – Amendment to Chapter 82 Building and Building Regulations, Sec. 82-9 Inspections and Licensing of Buildings with Two, Three and Four Residential Units; Chapter 86 Local Business Tax Receipt and Appendix F Fee Schedule Related to Residential Units

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

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AMENDING CHAPTER 82, ENTITLED “BUILDING AND BUILDING REGULATIONS,” ARTICLE I, ENTITLED “IN GENERAL,” SECTION 82-9 THE TITLE OF WHICH IS TO BE AMENDED TO READ “INSPECTION AND
Licensing of Residential Rental Units”; Chapter 86, entitled “Local Business Tax Receipt and Regulations,” Article II, entitled “Local Business Tax Receipt (Local Business Tax Receipt),” Section 86-27, entitled “Local Business Tax Receipt Required” and Appendix F to the City’s Code of Ordinances, “Fee Schedule” to provide for a process for inspection and licensing of single family residential units, and fees for the business tax receipt and the processing and inspection fees; 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 backup memorandum. She commented that as discussed at the last meeting, the purpose of this program is to ensure the safety of the occupants of these housing units by inspecting them for compliance with Minimum Housing Code Standards. Additional licensing will require the business owner to provide valid contact information in the event a nuisance or property management issue arises. The first amendment will expand the current inspection and licensing process for residential rental properties to include single family homes by amending Sec. 82-9. Secondly, Chapter 86 will incorporate a section requiring a local business tax receipt for the rental of all single family homes. A fee for this license and the inspection will be specified in Appendix “F” of the Code, for all residential units. This ordinance was approved on first reading by the City Commission on May 31st and staff recommends approval tonight on second reading, in order to implement this in time for the new licensing schedule starting on October 1, 2016; notices will go out in July. Public hearing opened; no one spoke. Commissioner Graziose moved to adopt. Seconded by Vice Mayor Hilton. No Commission discussion. All in favor by voice vote.

Ordinance No. 16-06-1330 Passed and Approved Unanimously


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

An ordinance of the city of North Lauderdale, Florida, amending Chapter 106 entitled “Zoning”, Article V entitled “General Supplementary Regulations”, Section 106-205 entitled “Temporary Parking or Storage of Unregistered Vehicles” of the North Lauderdale Code of Ordinances, providing for stipulations and conditions; providing that provisions not varied by this ordinance remain in full force and effect; providing for conflicts; providing for inclusion in the code and providing an effective date.
Tammy Reed-Holguin, Community Development Director, presented the item based on the backup memorandum. This Code revision will provide additional regulations in order to provide a permit for the storage of unregistered vehicles on residential properties. The proposed ordinance will specify that the parking space for the operable, unregistered vehicle must be supplemental to the required number of spaces for the residential property, and the unregistered vehicle must be parked on an approved surface within the property lines and not in the swale or on the street. The City Commission approved the proposed ordinance on first reading on May 31st and staff recommends approval tonight on second reading. Public hearing opened; no one spoke. **Commissioner Moyle moved to adopt. Seconded by Commissioner Wood. No Commission discussion. All in favor by voice vote.**

**ORDINANCE NO. 16-06-1331 PASSED AND APPROVED UNANIMOUSLY**

d. Ordinance – Second Reading – Ordinance for the Revision of Section 54-13 of the City Code of Ordinances Pertaining to Dumpster Containment to Specify Materials Allowed for Enclosure and Gate.

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

Attorney read:

**AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AMENDING CHAPTER 54 OF THE CITY’S CODE OF ORDINANCES, ENTITLED “SOLID WASTE”; SPECIFICALLY AMENDING ARTICLE I “IN GENERAL”, SECTION 54-13 “DUMPSTER CONTAINMENT” TO PROVIDE FOR THE REVISION OF THE STANDARDS REPLACING “FENCE” WITH “ENCLOSURE” AND “FENCED” WITH “ENCLOSED”; PERMITTING THE USE OF A CHAIN LINK GATE WITH SLATS TO OBSCURE THE VIEW; PROVIDING FOR FINDINGS AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Tammy Reed-Holguin, Community Development Director, presented the item based on the backup memorandum. She indicated that this revision would provide for the specification of the materials allowed for the enclosure and for the usage of chain-linked gates with slats to obscure the view. The intent of the code is to provide for dumpster enclosures that will completely obscure them from the public eye. Staff has judged it necessary to make some changes in the language by changing “fence” to “enclosure” which helps maintain the goal of keeping dumpster containment areas completely out of sight, and by clarifying that if a chain link gate is used, slats must be installed to obscure the view. The City Commission approved this ordinance on first reading on May 31st and staff recommends approval tonight on second reading. Public hearing opened; no one spoke. **Commissioner Graziose moved to adopt. Seconded by Commissioner Moyle.** Vice Mayor Hilton asked if those who already have chain link fence would be grandfathered in or be required to re-do their enclosure. Ms. Reed-Holguin replied that
they would be required to bring them up to standard if they become damaged and if it is a chain link fence they will be required to put slats in to obscure the view. All in favor by voice vote.

ORDINANCE NO. 16-06-1332 PASSED AND APPROVED UNANIMOUSLY

e. Ordinance – Second Reading – Amendment to Local Business Tax Schedule
Adopted by Ordinance No. 15-05-1310 regarding operating without a local business tax receipt and specific penalty date of January 1st.

Commissioner Wood moved to read. Seconded by Commissioner Moyle. 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, SECTION 4 ENTITLED "LOCAL BUSINESS TAX"; TO PROVIDE FOR REVISIONS TO THE FEES SPECIFIED IN THE SPECIFIC SECTIONS; 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 backup memorandum. She indicated that the revisions will include a penalty for operating without a local business tax receipt and to specify that a penalty of $250 for failure to renew a local business tax receipt will be applied on January 1st. On May 31st the City Commission approved this ordinance on first reading and staff recommends adoption on second reading. Public hearing opened; no one spoke. Commissioner Wood moved to adopt. Seconded by Commissioner Moyle. No Commission discussion. All in favor by voice vote.

ORDINANCE NO. 16-06-1333 PASSED AND APPROVED UNANIMOUSLY

8. CONSENT AGENDA

No items were removed from consent agenda. Vice Mayor Hilton moved to read. Seconded by Commissioner Moyle. Attorney read:

a. RESOLUTION –Installation of Solar Lighting – Hampton Pines Park & Champions Hall

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO CONTRACT WITH EAST COAST BUILDERS AND DEVELOPERS CORPORATION IN AN AMOUNT NOT TO EXCEED $28,000.00 FOR THE INSTALLATION OF 14 SOLAR LIGHT POLES AND; AND PROVIDING AN EFFECTIVE DATE.
RESOLUTION NO. 16-06-6298

b. RESOLUTION - Purchase of Playground Structures for Jaycee Park and TOT Park

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE AUTHORIZING THE EXPENDITURE OF $82,257.43 TO GAME TIME FOR THE PURCHASE OF TWO (2) PLAYGROUND STRUCTURES FOR JAYCEE PARK, AND TOT PARK. FUNDING IS AVAILABLE IN THE 2015-2016 PARKS AND RECREATION DEPARTMENT GENERAL FUND 0017071-546200; AND PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 16-06-6299

Commissioner Moyle moved to approve the consent agenda as read. Seconded by Vice Mayor Hilton. All in favor by voice vote. CONSENT AGENDA APPROVED UNANIMOUSLY.

9. OTHER BUSINESS

a. ORDINANCE - First Reading: Amendment to Chapter 106 “Zoning” Section 106-222 “Location, Character, Size” and Section 106-3 “Definitions” of the City’s Code of Ordinances

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

Attorney read:

AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AMENDING CHAPTER 106 ENTITLED “ZONING”, ARTICLE I ENTITLED “IN GENERAL” SECTION 106-3 ENTITLED “DEFINITIONS” AND ARTICLE VI ENTITLED “OFF-STREET PARKING AND LOADING AND PARKING RESTRICTIONS” AND SECTION 106-222 ENTITLED “LOCATION, CHARACTER, SIZE” OF THE NORTH LAUDERDALE CODE OF ORDINANCES, PROVIDING FOR STIPULATIONS AND CONDITIONS; PROVIDING FOR DEFINITIONS PROVIDING THAT PROVISIONS NOT VARYED BY THIS ORDINANCE REMAIN IN FULL FORCE AND EFFECT; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING AN EFFECTIVE DATE.

Tammy Reed-Holguin, Community Development Director, presented the item based on the backup memorandum. She indicated that staff has been going through the Code in order to refine it and make it more understandable for the residents and anyone pulling a permit. Section 106-222 is one that needed revision with regard to driveways. One thing proposed to be added is a definition of a driveway for a single family residential property that is not in the code right now. Another addition proposed is to require wheel stops if there is landscape or a sidewalk in front of the parking space. Additionally, Ms. Reed-Holguin stated that they want to make it
more specific in terms of when two driveways are allowed, to make it clear that the only time you can have two separate driveways is when the property is a corner lot and accessible from two separate streets, with the width of the two driveways not to exceed 27 feet. Commissioner Moyle moved to approve. Seconded by Commissioner Wood. Commissioner Graziose brought up a discussion about houses that do not have driveways; there are about a dozen in his district. He said when homes were built in 1958 there was a choice of a carport or a driveway; some are gravel or dirt. Ms. Reed-Holguin replied that there is language in the code referencing gravel driveways; staff can look into it and if there are violations, they can be addressed. City Manager Bhatty commented that this is the first reading of the ordinance and we can add a paragraph to the ordinance regarding homes that do not meet the requirements of the driveways. Ms. Reed-Holguin said they will look to see how that will coincide with what is already there in the code. She said part of the revisions is to enforce the code regarding parking citations, but also to advise homeowners of resources and matching grants available for funding to repair driveways, and bring them up to code. No further discussion; all in favor by voice vote.

ORDINANCE APPROVED UNANIMOUSLY ON FIRST READING.

b. ORDINANCE – First Reading – Solid Waste Disposal and Collection Services Contract Renewal with Waste Pro of Florida Inc.

Commissioner Wood moved to read. Seconded by Commissioner Moyle.

Attorney read:

AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, TO APPROVE RENEWAL OF THE SOLID WASTE COLLECTIONS AND DISPOSAL CONTRACT WITH WASTE PRO OF FLORIDA, INC. FOR AN ADDITIONAL FIVE 5 YEARS UNTIL DECEMBER 31, 2021; AUTHORIZING THE CITY MANAGER TO EXECUTE THE RENEWAL OF THE CONTRACT WITH WASTE PRO OF FLORIDA INC., AND FOR THE APPROPRIATE CITY OFFICIALS TO TAKE ACTION CONSISTANT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

George Krawczyk, Assistant Public Works Director, presented the item based on backup memorandum. He advised that based on direction from the Commission at a previous workshop, staff negotiated with Waste Pro on a renewal contract. He highlighted the key points of the renewal of the franchise agreement. The contract will be for an additional five years; end date of December 31, 2021. The franchise fee will remain at 25% and the lump sum payment will remain the same as in the original agreement. There is no increase in residential rates, and there is a clause in the franchise agreement wherein the rates for the collection portion cannot increase for the duration of the contract. However, after three years, at the City’s discretion, an increase may be considered if there is extraordinary or unusual cost of operations. For commercial rates, a customer will see a 4% increase for hauling. All the exhibits and rate sheets are attached to the proposed ordinance. To clarify the “roll-off collection system side” of the contract, there will be a clarification added in the franchise language. All levels of service and pick-ups will remain the same. Administratively, there may be a change in the bulk pickup dates, but that would come
back to commission at a later time for approval. Recycling revenues remain the same at 50% to the City and 50% to Waste Pro. Krawczyk commented that the numbers have been going down so the City and Waste Pro will be promoting more education as to what recyclables are so the trucks won’t be rejected at the disposal sites for contamination. The renewed franchise agreement will be made available for review in the City Clerk’s office. **Commissioner Moyle moved to adopt. Seconded by Vice Mayor Hilton.** Commissioner Wood commented on a workshop put on by Waste Pro in Tamarac that some of the Commissioners attended and he learned a lot more about recycling and reiterated that our residents need to be educated about what can go in the bins. Commissioner Moyle commented about a home in the neighborhood that had a pile of debris left out with dangerous nails and things sticking out and asked that Code go and cite these homes. Raphael Santos addressed that issue reporting that the home was cited. Commission discussion ensued with regard to what is allowed to be put out as bulk and how the code is enforced. Commissioner Graziose also expressed some various concerns and complaints with regard to the pickup of extra bulk. Ken Rivera from Waste Pro addressed the Commission with comments on the various concerns indicating that they take these concerns seriously and outlined some solutions. City Manager Bhatty reiterated that if there is a health and safety issue, staff takes immediate action on it. She also stated the City would work with Waste Pro on a more comprehensive educational program. **No further discussion. All in favor by voice vote.**

**ORDINANCE APPROVED UNANIMOUSLY ON FIRST READING.**

10. **REPORTS**

   a. **Zika Virus and Pool Maintenance - Rafael Santos, Sr. Code Compliance Officer**

   Mr. Santos gave a brief outline and report on a Broward Mosquito Control conference he attended on May 27 for Code Enforcement personnel. He provided a packet of information that the State of Florida and Broward County is doing with regard to working with the Federal government concerning the Zika virus, where it is and how it affects our community. Issues discussed were mosquito control and presentations were made at the meeting. The meeting was attended by the Director of Florida Dept. of Health; over 50 representatives from Broward municipalities including some emergency management personnel. Mr. Santos commented that our City is taking a pro-active approach on mosquito control. Code Officers have been instructed to post Zika Virus flyers on properties that have been issued warning citations to try to spread the information out to the community on how the disease is being transmitted and how to protect yourself and prepare your home. All cases of Zika are reported to have been travel related, with no local cases acquired in Florida. As of June 13th there have been 20 reported cases in Broward contracted out of the state. Broward County has asked the federal government for resources available to control and combat this. Further information is available in the Code Enforcement office, the lobby and Community Development Department for review.
11. COMMISSION COMMENTS

a. Nominations and Motion to approve a voting delegate to represent the City of North Lauderdale at the Annual Business Session of the Florida League of Cities 90th Annual Conference in Hollywood

Vice Mayor Hilton nominated Mayor Brady as the voting delegate. Commissioner Moyle seconded the nomination. All in favor.

Commissioner Moyle – commented that with regard to the signal boxes previously discussed, Public Works should paint over the posters to deface them and maybe they would stop putting those posters on the signal boxes. City Manager Bhatty commented that they had some discussion about that and that Commissioner Graziose followed up on the address of one of the advertisements.

Commissioner Graziose - reported on discussions at the County and other cities about this problem and some cities are drafting an ordinance to allow an agreement between the cities and the venue, thereby putting the pressure on the venue to comply with the ordinance. He also reported the outcome from his contact with the venue on the advertisement wherein contact was made by the promoters of the event who would be required to take the posters down or lose their deposit. The result was that the posters were removed and the boxes cleaned. City Manager reported that they are looking into creating and implementing some wraps that the City can use on the boxes.

Commissioner Graziose also commented that at an MPO Sub-Committee meeting they had discussed the project at 81st and Southgate Blvd. and that FDOT would visit all the sites of the 25 proposed projects they may fund between June 21st and June 23rd, and they would contact the City to make sure there is no right-of-way.

Commissioner Wood – commented on the moment of silence held at the beginning of the meeting for the victims of the Orlando nightclub incident and reminded everyone that there was also an incident just days prior to that wherein Christina Grimmie, a former contestant on The Voice lost her life at the end of a performance in Orlando. Wood commented that we enjoy freedoms in our country but they are being eroded lately due to the acts of violence of others. He said it is a constant battle to be safe in our streets and commended our law enforcement for the jobs they do each day to protect us. He also mentioned that today is Flag Day and we need to respect our flag, educate the public and make sure our values as Americans is supported.

12. CITY MANAGER COMMENTS

City Manager Bhatty invited Fire Chief Rodney Turpel to give a report on a FEMA visit at the fire station today regarding the spending of the grants. Chief Turpel said an exciting thing happened today. They were audited today by FEMA’s Program Specialist, not for a financial audit, but for the inventory and reporting of equipment purchased with the grant. The primary grant that they were looking at was the Health, Safety and Fitness grant. Chief Turpel reported that they were extremely impressed with what this small department has done and accomplished
He commented that the NLFD passed with flying colors and they would like to make us a model and advertise us across the country with regard to what the City has done with grants.

13. CITY ATTORNEY COMMENTS

City Attorney Cherof commented that the County’s agenda items were tabled until the 23rd with the expectation that there will be an Interlocal Agreement drafted through the cooperation of the City and the County.

14. ADJOURNMENT – There being no further discussion, the meeting adjourned at 8:57 and convened to the North Lauderdale Water Control District meeting.

Respectfully submitted,

Patricia Vancheri, City Clerk
PROCLAMATION

Park and Recreation Month

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including The City of North Lauderdale; and

WHEREAS, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation programs increase a community’s economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation areas are fundamental to the environmental well-being of our community; and

WHEREAS, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, the City of North Lauderdale recognizes the benefits derived from parks and recreation resources

NOW THEREFORE, be it resolved that by virtue of the authority vested in me as Mayor of the City of North Lauderdale, I, Jack Brady, together with the City Commission do hereby proclaim the month of July as:

Park and Recreation Month

Dated this 28th day of June, 2016.

_____________________________________

MAYOR JACK BRADY
TO: Mayor and City Commission

FROM: Ambreen Bhaty, City Manager

BY: Tammy Reed-Holguin, Community Development Director

DATE: June 28, 2016

SUBJECT: VAR - 16-01 First Haitian Baptist Church
1350 S State Road 7

APPLICANT: First Haitian Baptist Church

Second reading and Adoption: Variance from Section 102-63 (c); landscaping interior area; to accommodate the building of a church.

BACKGROUND

Tonight the Commission will consider approval of the final site plan for the construction of the First Haitian Baptist Church at 1350 S. State Road 7. To accommodate the new church, the applicant is requesting a variance from the landscaping code. This variance request is being presented on second reading tonight for consideration of approval and is outlined in the table below:

<table>
<thead>
<tr>
<th>TYPE OF VARIANCE</th>
<th>CODE REQUIREMENTS</th>
<th>PROPOSED VARIANCE</th>
<th>VARIANCE REQUESTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 102-63 (c)</td>
<td>10 ft wide landscape strip</td>
<td>6.2 ft. wide landscape strips</td>
<td>3.8 ft. wide landscape strips</td>
</tr>
<tr>
<td>Landscaping interior area</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

ANALYSIS AND FINDINGS

Landscape Interior. Section 102-63 (c) of the City Code requires a 10 foot wide landscape strip around the building to create a buffer between the parking facility and the structure. The applicant is proposing to provide the 10 foot buffer around most of the building with the exception of the west side along the exterior staircase. In an effort to provide a staircase for exiting purposes, the 10 foot buffer was reduced to 6.2 creating the need for the variance.

Per the guidelines and criteria contained in Section 106-79 of the City Code, a variance shall not be granted unless the City’s governing body determines the following:

1. That special circumstances exist affecting the land involved preventing the reasonable use of such land.
2. That the circumstances, which cause the hardship, are peculiar to the property, such that they clearly constitute marked exceptions to other properties in the district.
3. That the hardship is not an economical hardship.
4. That the hardship is not self-created.
5. That the variance is the minimum variance that will make possible the reasonable use of the property and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff has reviewed the application in light of the guidelines and criterion listed above and determined that it reasonably meets the guidelines established for granting a variance, and will enable the reasonable use of this property. This determination is based upon the following facts:

- Since the variance is for a portion of the west side of the building facing State Road 7, staff and our landscape consultant have worked with the applicant to ensure there will be adequate landscape coverage and the requested variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

- The staircase serves as an additional emergency route for the organization; therefore the variance request will enable the installation of this additional exist. It is considered a minimum variance that will make possible the reasonable use of the property.

On May 3, 2016, the Planning and Zoning Board met and recommended approval of this variance with a 4-0 vote to the City Commission.

The City Commission approved the request for variance on first reading May 31, 2016.

**RECOMMENDATION:**

The City Administration recommends City Commission’s consideration and approval, on second reading, of the attached ordinance to grant the requested variance from the City of North Lauderdale Code of Ordinances to facilitate the construction of a new church by reducing a portion of the width of landscape strip buffer from 10 feet to 6.2 feet within a proposed Community Facility (CF) Zoning District subject to the following conditions:

1. That all applicable approvals by the City, County, State and other regulatory agencies be provided to the City of North Lauderdale prior to the issuance of permits.
2. In the event that any problems arise, as a result of the operation of this establishment, such as noise, parking, traffic, and/or other nuisances, the applicant shall make all improvements required to mitigate these nuisances so as not to negatively impact adjacent commercial/residential areas.
3. The applicant shall comply with all provisions contained in Chapter 102 “Vegetation” of the City Code and shall submit a final landscaping plan for review prior to City Commission approval.
ORDINANCE NO. __________________

AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPROVING AND GRANTING VARIANCES FROM THE NORTH LAUDERDALE CODE OF ORDINANCES, SECTION 102-63 (c) TO PERMIT A 6.2 FOOT WIDE LANDSCAPE BUFFER BETWEEN THE BUILDING AND VEHICULAR ACCESSWAYS OR PARKING, AS OPPOSED TO THE 10 FEET REQUIRED BY THE CODE; 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.

WHEREAS, Section 102-63 (C) of the City Code requires a minimum 10 feet wide landscape buffer between the building and the accessway or parking area; and

WHEREAS, First Haitian Baptist Church has applied for a variance to allow 6.2 feet wide landscape buffer; and

WHEREAS, the Planning and Zoning Board recommended approval of said variance request on May 3rd, 2016; and

WHEREAS, if the City Commission is desirous of granting the requested variances from the requirements of the aforecited Ordinance and associated Landscape Regulations and/or applicable provisions thereof to said legal titleholder(s) as they apply to the property in question.

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

Section 1: That pursuant to an application properly filed for a variance from the requirements of, Section 102-63 (C) of the North Lauderdale Code, variances are and the same are hereby granted from the requirements for the project located at 1350 S Sr. 7, North Lauderdale, Florida.

Section 2: That the petitions for variances filed by the City of North Lauderdale are hereby granted to the City the same to inure to the benefit of the present and future titleholder(s) to said property.

Section 3: That all other requirements of the North Lauderdale Code of vegetation and landscape regulations are not otherwise varied by the terms of this Ordinance and shall be in full force and effect and fully applicable to the property.
Section 4: That all applicable approvals by the City, County, State and other regulatory agencies are provided to the City of North Lauderdale prior to the issuance of permits and that the applicant meets all conditions set forth by said regulatory agencies, including but not limited to the City engineer and Broward County Traffic Engineering Department.

Section 5: That all Ordinances, or parts of Ordinances, Resolutions or parts of Resolutions, in conflict herewith be and the same are repealed to the extent of such conflict.

Section 6: That this Ordinance shall take effect immediately upon adoption.

PASSED on first reading by the City Commission of the City of North Lauderdale, Florida, this 31st day of May, 2016.

PASSED on second reading by the City Commission of the City of North Lauderdale, Florida, this _______ day of ____________, 2016.

APPROVED AS TO FORM:

______________________________
CITY ATTORNEY SAMUEL S. GOREN

______________________________
MAYOR JACK BRADY

______________________________
VICE MAYOR DAVID G. HILTON

ATTEST:

______________________________
PATRICIA VANCHERI, CITY CLERK
From: First Haitian Baptist Church of North Lauderdale
To: Community Development Department City of North Lauderdale
Date: April 20, 2016

Community Development Department City of North Lauderdale, Florida
Re: Variance request of the property located at 1350 S. State Rd. 7 (US 441) N.
Lauderdale, FL.
This letter serves to represent our request for the variances of the above reference
property, allowing for the reasonable use of our property. Our architect and his
engineering have designed the property to the variance laws of the city of North
Lauderdale. It is our intent to demolish the existing 1 story wood framed building and
build a new 2 story C.B.S Sanctuary and fellowship hall with architectural features
reflective of the North Lauderdale/ State Rd. 7/ US 441 Corridor Master Plan. The new
design provides above and beyond the 10 feet requirement around the building. We have
10 – 13 feet on the North side of the building; we have 13 feet on the East side, 14.3 feet
on sections of the West side and 22 feet on the South side of the building. We are
requesting that the City grant us 3.8 feet on the west side of the stair case. We would like
to thank you in advance for the approval of our request, which will allow the
redevelopment of the property.

Respectfully yours

Willem Philippi, Pastor
TO: Mayor and City Commission

FROM: Ambreen Bhatti, City Manager

BY: Tammy Reed Holguin, Community Development Director

DATE: June 28, 2016

SUBJECT: Site Plan SPR 16-011350 S State Road 7 (First Haitian Baptist Church)

Final site plan approval to build an 8,144 square foot church in a Community Facility (CF) zoning district.

APPLICANT: First Haitian Baptist Church

Tonight we are presenting the final site plan for approval for construction of the new First Haitian Baptist Church to be located at 1350 S. State Road 7. The preliminary site plan was approved by the City Commission on May 31, 2016. As you heard at that time, the applicant is proposing to demolish the existing structure and build a two story, 8,144 square foot church which will provide a sanctuary and a fellowship hall. The specific extent of the anticipated use is explained in Attachment A, and made a part of this report.

BACKGROUND
The applicant has been operating a place of worship from this location since 2003 as a non-conforming use. In 2008 they submitted a site plan to demolish the existing structure and build a new church. During this process, the property was rezoned to a Community Facility (CF) zoning use to accommodate the proposed use. Since then the site plan has expired and the applicant has submitted a new site plan application in March of 2016; their proposed plan significantly reduced the original building from 14,473 square feet to 8,144 square feet. This reduction brought their parking needs down and allowed the applicant to provide the required parking on site. The new floor plans will have 4,247 square feet on the first floor for the worship center and 3,897 square feet on the second floor for multipurpose uses. This new site plan still boasts all the striking architectural features such as a covered canopy, decorative pillars and palm trees around the building to soften the building appearance. The current building will be demolished, which is much smaller in size, since it was originally a Pizza Hut restaurant. To accommodate the new building, the applicant is requesting one variance from the City code for landscaping. The variance request is also being presented this evening.

On Tuesday May 3rd, 2016 the Planning and Zoning board recommended the item for approval to the City Commission with a vote of 4-0.
The City Commission approved the preliminary site plan on May 31st, 2016 and tonight the applicant is seeking final site plan approval.

**Recommendation:**
City Administration recommends approval of the final site plan subject to the following conditions:

1. The applicant shall comply with applicable City Codes and Florida Building Codes.
2. All terms, conditions and provisions imposed by the Planning and Zoning Board, City Commission, DRC and Staff including all life, health and safety Codes pertaining to this development shall be met prior to the issuance of building permits.
3. The DRC, Planning and Zoning Board and City Commission reserve the right to impose any additional requirements deemed necessary during subsequent approval reviews.
4. Copies of all applicable permits and approvals by other regulatory agencies shall be provided to the City prior to issuance of building permits.
5. All conditions required by Code and/or set forth by the City engineer shall be met.
6. In the event that any problems arise, as a result of the operation of this establishment, such as noise, parking, traffic, and/or other nuisances, the applicant shall make all improvements required to mitigate these nuisances so as not to negatively impact adjacent areas.
7. This site plan approval is subject to the variance approval (VAR 16-01) that is being reviewed concurrent with this request.
8. Photometric Plan approval by staff is required, along with the installation of the decorative pedestrian light(s) per City guidelines.
9. The applicant shall comply with all provisions contained in Chapter 102 “Vegetation” of the City Code and shall submit detailed landscaping plans for landscaping permit.
10. Prior to the issuance of building permits, the applicant shall provide a written verification that all County impact fees associated with this project have been paid.
11. Prior to the issuance of the Certificate of Occupancy by the City Building Department, the applicant shall pay all applicable assessment and impact fees to the City.
12. If necessary, proper easements will be dedicated to the City of North Lauderdale.
13. The plat note amendment must be completed prior to issuance of any building permits.
April 21, 2016

Community Development Department City of North Lauderdale

This letter serves to represent our request to the City of North Lauderdale for allowing the use of the above reference property. Our architect and Engineering Consultants have designed the project and reduced the footprints of the building from a 3-story building to a 2-story building to allow the required parking spaces of the Code and Ordinances, so as not to request a variance for parking. It is our intent to demolish the existing 1 story wood framed building and build a new 2-story C.B.S. Sanctuary and fellowship hall with architectural features reflective of the North Lauderdale/State Rd 7/US 441 Corridor Master Plan. Please refer to architectural site plan for all dimensions and square footages of the building.

The new design will have sufficient amount of parking spaces to accommodate the church adepts. The use of the Sanctuary will be a non-incidental use with the use of the Fellowship Hall/Banquet areas. We would like to thank you in advance for the approval of our letter, which will allow the redevelopment of the property.

ORDER OF SERVICES

Sunday: Sunday school 9:00 am – 10:30 am; Worship service 11:00 am – 12:00 am

Tuesday: Bible Study 7:00 pm – 9:30 pm

Friday: Prayer Service 7:30 pm – 9:00 pm

Respectfully yours,

[Signature]

Dr. William Philippi, Pastor
Second reading and Adoption: Variances to accommodate the construction of 46 townhouses including Setback Requirements per Section 106-330 (b) (1) and (d) (1), Size of Plot per Section 106-323 (b), Plot Area Requirements per Section 106-328 and Open Space Requirements per Section 106-329.

APPLICANT: Hickory Place Developers, LLC.

Tonight the Commission is considering final approval of the site plan from the applicant who is seeking to construct 46 townhomes located at 5460 S.W. 13th Court. To accommodate the construction of the new proposed townhome development, the applicant is also requesting several variances which the Commission will consider on second reading tonight for approval. The applicant is requesting a variance from the front yard setbacks, rear yard setbacks, plot area requirements, open space requirements, and size of plot requirements to accomplish their goal. The requests are outlined in the table below:

<table>
<thead>
<tr>
<th>TYPE OF VARIANCE</th>
<th>CODE REQUIREMENTS</th>
<th>PROPOSED</th>
<th>VARIANCE REQUESTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 106-323 (b) Size of Plot</td>
<td>80 ft. in length</td>
<td>76.33 ft. in length</td>
<td>3.67 ft. in length</td>
</tr>
<tr>
<td>Section 106-328 Plot Area Requirements</td>
<td>3 Bedroom or larger unit requires 3,630 sf per unit</td>
<td>3,426.52 sf per unit</td>
<td>203.28 sf per unit</td>
</tr>
<tr>
<td>Section 106-329 Open Space Requirements</td>
<td>30 %</td>
<td>28%</td>
<td>2% open space</td>
</tr>
<tr>
<td>Section 106-330(b)(1) Front Yard Setbacks</td>
<td>25 ft.</td>
<td>18 ft.</td>
<td>7 feet</td>
</tr>
<tr>
<td>Section 106-330(d)(1) Rear Yard Setbacks</td>
<td>25 ft.</td>
<td>16 ft.</td>
<td>9 feet</td>
</tr>
</tbody>
</table>
ANALYSIS AND FINDINGS

1. **Setbacks.** Section 106-330 (b) (1) of the City Code requires front setback for structures not less than 25 feet in depth. According to the site plan, 18 feet setback is being proposed from the front property line to the structure.

2. **Setbacks.** Section 106-330 (d) (1) of the City Code requires a rear setback for two story structures not less than 25 feet in depth. According to the site plan, 16 feet setback is being proposed from the property line to the structure.

3. **Size of Plot.** Section 106-323 (b) of the City Code requires a plot of at least 80 feet in length minimum. The applicant is requesting a variance to allow a plot 76.33 feet in length to construct the proposed site.

4. **Plot area requirements.** Section 106-328 of the City Code requires an individual plot area of 3,630 Sq Ft per a three bedroom unit. The applicant is requesting a variance of 203.28 Square foot per unit, therefore, the total plot area per unit would be 3,426.52 Sq Ft.

5. **Open space requirements.** Section 106-329 of the City Code requires that 30 percent open space or 47,286 Sq Ft. of open space be provided on site. The applicant is asking for a waiver of 2 percent or 2,430 Sq. Ft, which would still leave 28 percent open space or 44,856 Sq Ft.

Per the guidelines and criteria contained in Section 106-79 of the City Code, a variance shall not be granted unless the City’s governing body determines the following:

1. That special circumstances exist affecting the land involved preventing the reasonable use of such land.
2. That the circumstances, which cause the hardship, are peculiar to the property, such that they clearly constitute marked exceptions to other properties in the district.
3. That the hardship is not an economical hardship.
4. That the hardship is not self-created.
5. That the variance is the minimum variance that will make possible the reasonable use of the property and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff has reviewed the application in light of the guidelines and criterion listed above and makes the following finds:

- The layout of the property does not allow for a 25 foot front setback due to the overall width of the property.
- The layout of the property does not allow for a 25 foot rear setback because of the overall width of the property.
- Due to the size of the parcel and rear setback requirement the maximum amount of usable space in property depth is 76.33 Sq Ft.
• The applicant maintains that 3,630 Sq Ft. per three bedroom unit is unrealistic and that modifying the units to be two bedrooms would be a waste of useable space. Therefore the request to allow 3,426.52 Sq Ft. per three bedroom unit is being made. The burden of proof lies with the applicant to justify the variance.

• 30 percent open space is required within the RM-16 zoning district. The applicant is requesting to allow 28 percent; a 2 percent difference. Staff believes this could be achieved with some modification to the site, however acknowledges that the applicant wishes to make the best use of the space. Therefore, the burden of proof lies with the applicant to justify the requested variance.

On March 31, 2016 the Development Review Committee met and after considerable review and discussion by the City’s staff, the applicant and the City’s consulting group Calvin, Giordano & Associates, Inc., recommended approval of the redesigned plan that includes the above requests for variances.

The Planning and Zoning Board met on May 3rd, 2016 and with a vote of 3 to 1 approved the variances for recommendation to the City Commission.

The City Commission approved the proposed variances on first reading on May 31st.

**RECOMMENDATION:**

The Administration recommends approval of the variances on second reading tonight and should the City Commission concur, a motion is in order to approve the attached ordinance granting the proposed variances to facilitate the construction of a new townhome development by reducing setbacks, plot area, the size of the plot, and open space requirements within a proposed Residential Multifamily Medium Density (RM-16) Zoning District subject to the following conditions:

1. That all applicable approvals by the City, County, State and other regulatory agencies be provided to the City of North Lauderdale prior to the issuance of permits.
2. In the event that any problems arise, as a result of the operation of this establishment, such as noise, parking, traffic, and/or other nuisances, the applicant shall make all improvements required to mitigate these nuisances so as not to negatively impact adjacent commercial/residential areas.
3. The applicant shall comply with all provisions contained in Chapter 102 “Vegetation” of the City Code and shall submit a final landscaping plan for review prior to City Commission approval.
ORDINANCE NO. __________________

AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPROVING AND GRANTING VARIANCES FROM THE NORTH LAUDERDALE CODE OF ORDINANCES, SECTION 106-330 (B) (1) REGARDING FRONT SETBACKS WHERE 25 FEET ARE REQUIRED AND A 16 FOOT SETBACK IS PROVIDED; SECTION 106-330 (D) (1) REGARDING REAR SETBACKS TO PERMIT AN 18 FEET SETBACK WHERE 25 FEET ARE REQUIRED FROM A PROPERTY LINE; SECTION 106-323 (B) SIZE OF PLOT TO ALLOW A PLOT TO BE USED FOR DEVELOPMENT PURPOSES THAT IS 76.33 FEET IN LENGTH WHEREAS 80 FEET IN LENGTH IS REQUIRED, SECTION 106-328 PLOT AREA REQUIREMENTS TO ALLOW A PLOT AREA 3,426.52 SQ. FT. IN SIZE WHEREAS A PLOT AREA OF 3,630 SQ. FT. IS REQUIRED AND SECTION 106-329 OPEN SPACE REQUIREMENTS TO ALLOW 28% OPEN SPACE WHEREAS 30% IS REQUIRED; PROVIDING FOR STIPULATIONS AND CONDITIONS; PROVIDING THAT PROVISIONS NOT VARIED BY THIS ORDINANCE REMAIN IN FULL FORCE AND EFFECT; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 106-330 (B) (1) and 106-330 (D) (1) of the City Code requires a minimum 25 feet setback from the front and rear property line; and

WHEREAS, Hickory Place Developers LLC. has applied for a variance to allow 18 feet front setback and 16 foot rear setback from the property lines; and

WHEREAS, Section 106 – 323 (B) requires the size of the plot to be 80 foot in depth and the applicant is requesting 76.33 feet to be allowed; and

WHEREAS, Section 106-328 Plot Area Requirements requires each plot to be 3,630 Sq. Ft per three bedroom unit and the developer is requesting 3,426.52 Sq Ft. of area per three bedroom unit; and

WHEREAS, Section 106-329 Open Space Requirements requires that 30% open space be maintained, the applicant has requested to allow 28% open space; and

WHEREAS, the Planning and Zoning Board recommended approval of said variance request; and

WHEREAS, the City Commission is desirous of granting the requested variances from the requirements of the aforecited Ordinance and associated Zoning Regulations and/or applicable provisions thereof to said legal titleholder(s) as they apply to the property in question.

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

Section 1: That pursuant to an application properly filed for variances from the requirements of, Section 106-330 (B) (1) and (D) (1), Section 106-323(B), Section 106 – 328 and Section 106-329 of the
North Lauderdale Code, variances are and the same are hereby granted from the requirements for the project located at 5460 SW 13th Court, North Lauderdale, Florida.

Section 2: That the variances are hereby granted to inure to the benefit of the present and future titleholder(s) to said property.

Section 3: That all other requirements of the North Lauderdale Code of Ordinances and associated zoning regulations are not otherwise varied by the terms of this Ordinance and shall be in full force and effect and fully applicable to the property.

Section 4: That all applicable approvals by the City, County, State and other regulatory agencies are provided to the City of North Lauderdale prior to the issuance of permits and that the applicant meets all conditions set forth by said regulatory agencies, including but not limited to the City engineer and Broward County Traffic Engineering Department.

Section 5: That all Ordinances, or parts of Ordinances, Resolutions or parts of Resolutions, in conflict herewith be and the same are repealed to the extent of such conflict.

Section 6: That this Ordinance shall take effect immediately upon adoption.

PASSED on first reading by the City Commission of the City of North Lauderdale, Florida, this 31st day of May, 2016.

PASSED on second reading by the City Commission of the City of North Lauderdale, Florida, this 28th day of June, 2016.

APPROVED AS TO FORM:

___________________________________
CITY ATTORNEY SAMUEL S. GOREN

___________________________
MAYOR JACK BRADY

___________________________
VICE MAYOR DAVID G. HILTON

ATTEST:

_________________________________
PATRICIA VANCHERI, CITY CLERK
April 11, 2015  
Tammy Reed-Holguin  
Director of Community Development  
City of North Lauderdale  
701 Southwest 71st Avenue  
North Lauderdale, Florida 33068

Subject: Request for Variances for Plot Size, Plot Area, Opens Space and Front and Rear Setbacks  
Hickory Place Project  
5460 SW 13 Ct

Herewith is an application requesting the following variances:

1. A variance for Plot Size per Section 106-330(b) of the City code to allow a 23.33’ x 76.33’ where the code requires 20’ x 80’. Whereas the required plot depth is longer, the proposed width is wider and provides for a large area (1,780.78 sf) than the required plot size (1,600 sf). The variance of 3.67’ is being sought.

2. A variance for Plot Area per Section 106-328 of the City code to allow an area of (157,620 sf/46 units = 3,426.52 where the code requires 3,630 sf for three bedroom or larger units. The difference in square footage is only 203.28 sf where reducing the units to two bedrooms would give an overstatement of 704.52 sf.

3. A variance for OpenSpace per Section 106-329 of the City code to allow 44,856 sf where (157,620 x 30%) 47,286 is required. The difference is square footage is only a difference of 2,430 sf.

4. Variance of Section 106-330 (b)(1) of the City to allow a 18 foot front yard setback where the code requires a 25 foot setback for the north and south buildings and the north three (3) units of the west and east buildings. The 25 foot setback is achieved if measured to the living spaces of all units.

5. Variance of Section 106-330 (d)(1) of the City to allow a 16 foot rear yard setback where the code requires a 20 foot setback for the north and south buildings only. A variance of Section 106-330(d)(1) of the City. The variance of 9 feet is being requested.

This request is being submitted in conjunction with a site plan application for the development of 8 building containing 46 townhome units.

Per the guide lines and criteria contained in Section 206-79 of the City Code, a variance shall not be granted unless the city’s governing body determines the following:

814 South Military Trail, Deerfield Beach, FL 33442  
TEL: 954.972.3959  
FAX: 954.972.4178  
www.carnahan-proctor.com
1. That special circumstances exist affecting the land involved preventing the reasonable use of such land.
2. That the circumstances, which cause the hardship, are peculiar to the property, such that they clearly constitute marked exceptions to other properties in the district.
3. That the hardship is not an economical hardship.
4. That the hardship is not self-created.
5. That the variance is the minimum variance that will make possible the reasonable use of the property and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The site plan shows the situation of the requested variance and we feel that the city’s governing body will agree that we have met the variance criteria.

The site is limited by the deep of the site (201.50 feet), which is equally divided to provide a centered access roadway. All other requirements have been met. The previously approved project provided on-street parking however the proposed design provides more safety and gives a more private ownership feel. A strict adherence to the code would return the site to a similar look and feel of the previously approved site plan. The approval of this request will allow the development of a neighborhood enhancement as the site has long been a visual eye sore. This variance is the minimum variance without creating a need for variances in other area that will make possible the reasonable use of the property and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

I hope this package of materials provide you with everything you need to complete your review of this request. Please contact me if you require any additional information.

Sincerely,
Carnahan, Proctor and Cross, Inc.

Regina Bobo-Jackson, P.E.
Senior Project Engineer
CITY OF NORTH LAUDERDALE
COMMUNITY DEVELOPMENT DEPARTMENT

TO: Mayor and City Commission
FROM: Ambreen Bhatt, City Manager
BY: Tammy Reed - Holguin, Community Development Director
DATE: June 28th, 2016
SUBJECT: SPR 16-03 Hickory Place
5460 SW 13 Court

Final site plan approval to construct 46 attached townhouse units (8 buildings) in a Residential Multi-Family Medium Density (RM-16) zoning district.

APPLICANT: Hickory Place Developers, LLC.

Tonight we are presenting the final site plan for approval for construction of 46 townhome units by Hickory Place Developers, LLC, on 3.83 acres of land to be located at 5460 SW 13 Court. The preliminary site plan was approved by the City Commission on May 31, 2016. The City’s zoning designation for this parcel is RM-16, which permits up to 16 units per gross acre. Tonight we are presenting the final site plan for approval by the City Commission. The Commission will also consider on second reading an Ordinance approving the applicant’s request for five variances (VAR 16-02) in order to accommodate the development of this project. The specific extent of the anticipated use is explained in Attachment A, and made a part of this report.

Background:
This project was originally approved in 2003 under the name of Villas at Hickory Place. The infrastructure was installed; however the project was abandoned and fell into foreclosure. Tonight Hickory Place Developers, LLC are seeking approval to complete this project and add market rate housing to North Lauderdale’s housing stock.

The applicant has revised the floor plans by adding a one car garage to each unit, advising this will make the units more appealing and provide some storage for the homeowners. All of the units have been increased from a combination of 2 and 3 bedrooms to all 3 bedrooms. The development boasts striking red roof tiles and architectural features similar to other new housing developments along the State Road 7 corridor. The site meets all parking requirements by providing 138 spaces in the form of two per townhome unit outside and then a one car garage on the bottom floor of the units. The units are two stories. There are four centralized mail cabinets and garbage will be individual pick up. The property will be landscaped to enhance the building features and one main entry sign will be posted at the first entrance of the property. All accessways are located off SW 13 Street. A 6 foot high masonry wall will provide a buffer to the
North, East and West side. The south end of the property, along the Our Lady Queen of Heaven, will have a chain link fence with slats. This has been coordinated and approved by OLQH, the adjacent property owner. An HOA (Homeowner’s Association) has been established to manage the common areas of the property.

The Development Review Committee met twice, including a landscape architect from Calvin, Giordano and Associates, once on January 14, 2015, where the committee provided the applicant with comments and on March 31st, 2016. After the second review and discussion, staff recommended approval of the site plan to the Planning and Zoning Board subject to the conditions listed below.

The Planning and Zoning Board Met on May 3rd, 2016 and voted 4-0 to recommend approval of the site plan to the City Commission.

The City Commission met and approved the preliminary site plan on May 31st, 2016.

**RECOMMENDATION:**
City Administration recommends approval of the final site plan subject to the following conditions:

1. The applicant shall comply with applicable City Codes and Florida Building Codes.
2. All terms, conditions and provisions imposed by the Planning and Zoning Board, City Commission, DRC and Staff including all life, health and safety Codes pertaining to this development shall be met prior to the issuance of building permits.
3. The DRC, Planning and Zoning Board and City Commission reserve the right to impose any additional requirements deemed necessary during subsequent approval reviews.
4. Copies of all applicable permits and approvals by other regulatory agencies shall be provided to the City prior to issuance of building permits.
5. All conditions required by Code and/or set forth by the City engineer shall be met.
6. In the event that any problems arise, as a result of the operation of this establishment, such as noise, parking, traffic, and/or other nuisances, the applicant shall make all improvements required to mitigate these nuisances so as not to negatively impact adjacent areas.
7. This site plan approval is subject to the variance approval (VAR 16-02) that is being reviewed concurrent with this request.
8. Photometric Plan approval by staff is required.
9. The applicant shall comply with all provisions contained in Chapter 102 “Vegetation” of the City Code and shall submit detailed landscaping plans for landscaping permit.
10. Prior to the issuance of building permits, the applicant shall provide a written verification that all County impact fees associated with this project have been paid.
11. Prior to the issuance of the Certificate of Occupancy by the City Building Department, the applicant shall pay all applicable assessment and impact fees to the City.
12. If necessary, proper easements will be dedicated to the City of North Lauderdale.
13. Park and Recreation Impact Fees shall be paid pursuant to Section 98-82 of the City Code, prior to issuance of any building permits.
14. The applicant will provide 2 pedestrian lights along south west 13 Street, based on the pedestrian lighting design provided by the City.
Hickory Place Developers, LLC.
10194 NW 47th Street
Sunrise, Florida 33351
Tel (954) 739-9691 - Fax (954) 739-9907

April 21, 2016

Mrs. Tammy Reed-Holquin
Community Development Director
CITY OF NORTH LAUDERDALE
701 SW 71st Street
North Lauderdale, Florida 33068

RE: Letter of Intent - Site Plan Review for The Townhomes At Hickory Place:

Dear Mrs. Reed-Holquin:

Hickory Place Developers, LLC., the applicant, is hereby requesting your favorable review and approval of the site plan entitled “North Lauderdale Townhouses” as prepared by Design Odyssey, Inc. as the Architect, and Carnahan, Proctor & Cross Inc, as the Engineer.

The subject property is presently vacant and located on the east side of State Road 7 and south side of SW 13th Street within Section 6-54-42, City of North Lauderdale, Broward County, Florida. It is legally described as Parcel “A” of HICKORY PLACE according to the plat thereof as recorded in Plat Book 24 at Page 32 of the Public Records of Broward County Florida, less the north 12 feet thereof.

It is the intent of the owner to construct a total of forty-six (46) townhouse dwelling units. Each unit will have three bedrooms, two and a half baths and a one (1) car garage with 1,359 square feet of living area and total square footage of 1,566 square feet. The units have been designed with young individuals and families in mind to allow a reasonably priced quality town home within the North Lauderdale City limits.

The proposal site plan has been designed within the parameters of the City of North Lauderdale zoning code, creating a total of forty-six (46) townhouse dwelling units (a density of 11.98 units/acre; where 16 units/acre are permitted under the RM-16 zoning district); with approximately 70,703 sq. ft (46.3%) of open green and common space; complying with the required 138 parking spaces by providing 138 parking spaces. Five (5) feet wide sidewalks have been created throughout the Community leading to the existing public sidewalk along the south side of SW 13 Street.
The property will be surrounded by a decorative six (6) feet high PVC fence. Landscaping and irrigation has been designed in accordance with the criteria under Section 102. A homeowners association will be created to maintain the open space landscape and irrigation areas as well as the surrounding decorative fence. A common mail-box kiosk will be erected to receive the delivery of the prospective home owner’s mail.

Accordingly, we feel that our proposed site plan has met the standards set forth by City of North Lauderdale and hereby respectfully request your approval of our Community site plan.

Sincerely,

[Signature]

Eric L. Haynes
Principal/Developer
Our Lady Queen of Heaven Cemetery is an existing facility located at 1500 S. State Road 7. A master plan for the development of the cemetery has been in place since 1998 and was previously extended for five years by the Commission in November of 2015. Tonight the applicant is requesting to amend the site plan by adding Mausoleums #25 and #26 in the Resurrection Development.

Background
On February 24, 1998, the City Commission approved Site Plan SPR 98-01 for construction of a new Mausoleum Complex. At that time, Staff requested a Master Plan for the development of the cemetery, as required by Chapter 98, Article II and Section 98-31 of the City’s Code of Ordinances. According to Section 98-31 a master plan is required for all developments that are intended to be developed in phases. Per the applicant’s request, and based on anticipated sales, a three and five year phasing Master Site Plan SPR 98-06 was developed, submitted and approved by City Commission on June 30, 1998. On September 12, 2005, the Master Plan and the site plan were renewed under SPR 05-05. This approval allowed for the building of the Chapel Mausoleum phases IV and V.

The Master Plan and site plan expired and The Archdiocese of Miami Catholic Cemeteries requested and received a second renewal of the Master plan and approval of the site plan, which allowed for the construction of mausoleum # 24 in November 2015. That mausoleum is currently under construction in the Resurrection Development within an existing ground burial area, according to the applicant; the proposed new mausoleums are needed based on increased sales. The specific extent of the anticipated use is explained in Attachment A, and made a part of this report.
The Development Review Committee made up of staff and consultants have reviewed the submitted plans to add mausoleums # 25 and # 26. The group has taken into consideration that resurrection development exists with mausoleum # 24 almost completed and the proposal meets all the requirements. Therefore approval of the site plan amendment is recommended.

**RECOMMENDATION:**
The City Administration recommends City Commission approval of the Site Plan Amendment for Our Lady Queen of Heaven Cemetery to construct Mausoleums #25 and #26 in the Resurrection Development subject to all following conditions:

1. The applicant shall comply with all applicable City Codes and Florida Building Codes regarding such developments.

2. All terms, conditions, and provisions imposed by the City Commission, Planning and Zoning Board, DRC and Staff, including all life, health, and safety codes pertaining to this development shall be met prior to the issuance of building permits.

3. The DRC, Planning and Zoning Board and City Council reserve the right to impose any additional requirements deemed necessary during subsequent approval reviews.

4. Copies of all applicable permits and approvals by other regulatory agencies (including environmental agencies) shall be provided to the City of North Lauderdale prior to the issuance of building permits.

5. The applicant shall obtain proper approvals such as Certificate of Occupancy.

6. Prior to the issuance of building permits, the applicant shall provide written verification that all County impact fees associated with this project have been paid.

7. Separate Site Plan approval to construct mausoleums along north property line will be required.

8. The applicant shall comply with all provisions contained in Chapter 102 “Vegetation” of the City Code and shall submit detailed landscaping plans for landscaping permit.

If the City Commission concurs with Administration’s recommendation, a motion is in order for “Approval of Site Plan Amendment for Our Lady Queen of Heaven Cemetery for the construction of Mausoleums #25 and #26 in the Resurrection Development, located within Community Facilities (CF) zoning district.”
June 2, 2016

Ms. Tanya Davis-Hernandez
City of North Lauderdale
Community Development Department
701 S.W. 71st Avenue
North Lauderdale, Florida 33068

Re: Our Client No.: 3-91
Our Lady Queen of Heaven Cemetery
Catholic Cemeteries of the Archdiocese of Miami
Letter of Intent for Site Plan Approval of Mausoleum #25 and #26
1500 South State Road 7, North Lauderdale, Florida 33068

Dear Ms. Davis-Hernandez:

It is with pleasure that I submit this Letter of Intent on behalf of The Most Reverend Thomas G. Wenski, Archbishop of the Archdiocese of Miami and Catholic Cemeteries of the Archdiocese of Miami, Inc. I am submitting this Letter of Intent for approval of a modified site plan for Our Lady Queen of Heaven Cemetery located at 1500 South State Road 7, North Lauderdale, Florida 33068.

Consistent with the Five Year Site Development Plan and Site Plan approved on November 17, 2015, the Applicant requests the addition of Mausoleum #25 and #26 to the site plan. The application modifying the approved site plan is otherwise consistent with the previously approved plans.

We look forward to working with you to process this Application through to approval. Please advise if you have questions or if additional documentation is required for your review.

Thank you.

Very truly yours,

Maura Fitzgerald Jennings
TO: Mayor and City Commission
FROM: Ambreen Bhatti, City Manager
BY: George Krawczyk, Director of Public Works/Utilities
     Mike Shields, Emeritus Director of Public Works/Utilities
DATE: June 28, 2016
SUBJECT: Second Reading and Adoption: Solid Waste Disposal and Collection Services
         Contract Renewal with Waste Pro of Florida Inc.

The item before you tonight is for your consideration and adoption on second reading of the attached ordinance to approve the contract renewal with Waste Pro of Florida, Inc. “Waste Pro” for Solid Waste Collection and Disposal Services.

The City Commission approved this Ordinance on first reading on June 14, 2016.

As you know, Waste Pro of Florida Inc. is the City’s current trash collection and disposal vendor. The City entered into a 5 year contract for this service per City Ordinance 11-11-1259 in 2011, which is due to expire on December 31, 2016. Based upon the Commission’s direction to renew the current contract, staff has been in contact with Waste Pro in recent months. Following are the highlights of the renewed contract:

- New term for the contract is for an additional 5 years and shall expire at the end of December 31, 2021.
- Franchise fee remain the same at 25% for Commercial and Residential hauling
- Residential rates increased from $10.65 to $11.08 per month. However, the staff was able to reduce some Administrative costs and therefore, the annual rate for residents shall remain the same at $216.02 (see attached Exhibit A)
- Residential rate increase for collection portion of the garbage assessment cannot increase for duration of the contract. However, after 3 years, the City at its discretion may consider a rate increase if there is an extraordinary and unusual cost of operations
- Commercial rates will increase by 4% for each category (see attached Exhibit A)
- The term “roll off collection system” to be added in the Franchise Language in Section 1 Paragraph 1 and Section 9 Paragraph 1
- Level of service remains the same
- Recycling revenues split remains the same at 50% to the City and 50% to Waste Pro.

The renewed Franchise Agreement is available in the City Clerk’s office for public review.
**RECOMMENDATION:**

The City Administration recommends Commission’s consideration and approval of the second reading of the attached Ordinance authorizing the City Manager to renew the Solid Waste Collections and Disposal Contract with Waste Pro of Florida, Inc. for additional 5 years until December 31, 2021.
AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, TO APPROVE RENEWAL OF THE SOLID WASTE COLLECTIONS AND DISPOSAL CONTRACT WITH WASTE PRO OF FLORIDA, INC. FOR AN ADDITIONAL FIVE (5) YEARS UNTIL DECEMBER 31, 2021; AUTHORIZING THE CITY MANAGER TO EXECUTE THE RENEWAL OF THE CONTRACT WITH WASTE PRO OF FLORIDA INC., AND FOR THE APPROPRIATE CITY OFFICIALS TO TAKE ACTION CONSISTANT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Lauderdale ("City") provides solid waste and recycling collection and disposal services to the residents and businesses located within the City; and

WHEREAS, the current City contract for solid waste and recycling collection and disposal services was authorized pursuant to the published Request for Proposal ("RFP") No. 11-05-329 in 2011; and

WHEREAS, the current contract with Waste Pro of Florida Inc. expires on December 31, 2016; and

WHEREAS, the current contract with Waste Pro of Florida Inc. provides for the ability of the parties to renew the contract for an additional five (5) year term; and

WHEREAS, the proposed rate schedule for the renewal of the contract is attached hereto as Exhibit “A”, and incorporated herein by reference; and

WHEREAS, Waste Pro of Florida, Inc. and the City desire to renew the original Contract for Solid Waste and Recycling Collection and Disposal ("Contract") to effectuate the provision of solid waste and recycling collection and disposal services for an additional five (5) years, up to and including December 31st, 2021; and
WHEREAS, the City Commission hereby determines the renewal of the Contract to be in the best interests of the health, safety and welfare of the citizens and residents of the City of North Lauderdale;

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

Section 1. The foregoing "WHEREAS" clauses are ratified as being true and correct and are hereby incorporated herein.

Section 2. The City Commission of the City of North Lauderdale does hereby approve the renewal of the Contract for Solid Waste and Recycling Collection and Disposal with Waste Pro of Florida, Inc., which is attached hereto as Exhibit “A” and incorporated herein, to providing for certain solid waste and recycling collection and disposal services. The renewal shall be for an additional five (5) year period, up to and including December 31, 2021.

Section 3. The City Manager of the City of North Lauderdale, is hereby authorized and directed, on behalf of the City of North Lauderdale, to execute and to otherwise enter into the Contract for Solid Waste/Recycling Collection Disposal Services by and between the City of North Lauderdale and with Waste Pro of Florida, Inc. for refuse and trash removal services, including recycling services in the City of North Lauderdale.

Section 4. The City Manager of the City of North Lauderdale, or her designee, be and the same is hereby authorized and directed to do all things necessary and expedient in order to effectuate the execution of the Contract for Solid Waste/Recycling Collection Disposal Services, including, but not limited, to the appropriating, budgeting, and implementation of each of the terms, conditions, and provisions, thereof, so as to best protect the health, safety, and welfare of the
citizens and residents of North Lauderdale, in accordance with the Charter and Code of Ordinances of the City of North Lauderdale, Florida.

Section 5. All other terms, conditions, and provisions, shall be as set forth in the Contract for Solid Waste/Recycling Collection and Disposal Services, attached hereto and made a specific part hereof.

Section 6. Severability. If any clause, section or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 7. Conflicts. That all Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are repealed to the extent of such conflict.

Section 8. Effective Date. That this Ordinance shall take effect immediately upon adoption.

PASSED on First reading by the City Commission of the City of North Lauderdale, Florida, this 14th day of June, 2016.

PASSED on Second reading by the City Commission of the City of North Lauderdale, Florida, this 28th day of June, 2016.

APPROVED AS TO FORM:

__________________________  __________________________
CITY ATTORNEY SAMUEL S. GOREN      MAYOR JACK BRADY

__________________________
ATTEST:  VICE MAYOR DAVID G. HILTON

__________________________
PATRICIA VANCHERI, CITY CLERK
FINANCE DEPARTMENT
MEMORANDUM

TO: Honorable Mayor and City Commission

FROM: Ambreen Bhatti, City Manager

BY: Susan Nabors, Finance Director

DATE: June 28, 2016

SUBJECT: Preliminary Fire/Rescue Special Assessment Rate

In November, 2015, the City Administration engaged Government Services Group, Inc., (GSG) to review City’s Fire/rescue Special Assessment rates and provide a five (5) year plan. As a result of their review, GSG issued an Assessment Program Memorandum in May 2016, in which it recommended a revised rate structure that provided for the full funding of the fire assessment over the next five years. GSG’s methodology allows for smooth and natural adjustments to the assessment rates that correspond to the Fire/Rescue Department’s fluctuating operational costs (such as health insurance, fuel, and capital costs). The assessment for the year beginning October 1, 2016 will be the first year of the five (5) year plan. A copy of the Fire Assessment Five (5) Year Plan is on file at the City Clerk’s Office for public review.

RECOMMENDATION:

The City Administration recommends Commission’s consideration and approval of the attached Preliminary Fire Rescue Rate Resolution reflecting an annual adjustment to our current year fire assessment rate for Single Family residents to $197 (from $178 – an increase of $19 over the prior year) and the multi-family residents, including fire inspections, to $334 (from $383 – a decrease of $49 over the prior year). The Commercial, Industrial-Warehouse and Institutional Property Use Categories will also experience their respective proportional changes. The resolution also schedules our City’s public hearing on these fire/rescue assessment rates for Wednesday, September 14, 2016, at 6:00 p.m.
RESOLUTION NO. ________________

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY OF NORTH LAUDERDALE, FLORIDA; ESTABLISHING THE ESTIMATED RATE FOR FIRE RESCUE ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

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

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

SECTION 1. RECITALS.

The legislative findings set forth in the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct, and are hereby incorporated herein and made a part hereof.
SECTION 2. AUTHORITY.

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

SECTION 3. PURPOSE AND DEFINITIONS.

This Resolution constitutes the Preliminary Rate Resolution as defined in the Ordinance, which initiates the annual process for updating the Assessment Roll and directs the imposition of fire rescue assessments for the fiscal year beginning October 1, 2016.

SECTION 4. DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Non-Residential Property” means, collectively, Commercial Property, Industrial/Warehouse Property, and Institutional Property.

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

“Property Use Categories” means, collectively, Residential Property and all categories of Non-Residential Property.

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

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

“State Database” means the incident data specific to the City derived from the FFIRS Incident Reports maintained by the Florida State Fire Marshal.
“Tax Parcel” means a parcel of property located within the City to which the Property Appraiser has assigned a distinct ad valorem property tax identification number.

SECTION 5. PROVISION AND FUNDING OF FIRE RESCUE SERVICES.

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

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

SECTION 6. IMPOSITION AND COMPUTATION OF FIRE RESCUE ASSESSMENTS.
Fire rescue assessments shall be imposed against all tax parcels within the property use categories. All EMS costs have been removed from the fire rescue assessed costs, and all EMS calls have been removed from the historical call data used to allocate those costs among real property within the City. The fire rescue assessments shall be computed in the manner described herein and the May 2016 Assessment Program Memorandum from Government Services Group.

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

AUTHORITY

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

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

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

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

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

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

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

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

IMPOSITION AND COLLECTION

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

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

APPORTIONMENT

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

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

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

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

RESIDENTIAL PARCEL APPORTIONMENT

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

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

NON-RESIDENTIAL PARCEL APPORTIONMENT

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

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

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

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

VACANT PROPERTY

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

SECTION 8. COST APPORTIONMENT AND PARCEL APPORTIONMENT METHODOLOGIES.

8.1 Cost Apportionment:

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

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

8.1.3 A demand percentage is determined for each property use category by calculating the percentage that incident reports allocated to each property use category bear to the total number of incident reports documented for all property use categories within the sampling period.
8.1.4 Assessable property use categories are: residential, commercial, industrial/warehouse, and institutional.

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

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

8.2 Parcel Apportionment Methodology

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

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

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

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

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

9.1 The fire rescue assessed costs to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment and the Parcel Apportionment for the Fiscal Year commencing October 1, 2016, is the amount determined in the Estimated Fire Rescue Assessment Rate Schedule, attached hereto as Appendix “B.” The approval of the Estimated Fire Rescue Assessment Rate Schedule by the adoption of this Preliminary Rate Resolution determines the amount of the fire rescue assessed costs. The remainder of such fiscal year budget for fire rescue services, facilities, and programs, as well as all EMS costs, shall be funded from available City revenue other than fire rescue assessment proceeds.

9.2 The estimated fire rescue assessments specified in the Estimated Fire Rescue Assessment Rate Schedule are hereby established to fund the specified fire rescue assessed costs determined to be assessed in the Fiscal Year commencing October 1, 2016.

9.3 The estimated fire rescue assessments established in this Preliminary Rate Resolution shall be the estimated assessment rates applied by the Assessment Coordinator in the preparation of the updated Assessment Roll for the Fiscal Year commencing October 1, 2016 as provided in Section 10 of this Preliminary Rate Resolution.
SECTION 10.ANNUAL ASSESSMENT ROLL.

10.1 The Assessment Coordinator is hereby directed to prepare, or cause to be prepared, an updated Assessment Roll for the Fiscal Year commencing October 1, 2016, in the manner provided in the Ordinance. The updated Assessment Roll shall include all Tax Parcels within the Property Use Categories. The Assessment Coordinator shall apportion the estimated fire rescue assessed cost to be recovered through fire rescue assessments in the manner set forth in this Preliminary Rate Resolution. A copy of this Preliminary Rate Resolution, the Ordinance, and the updated Assessment Roll shall be maintained on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the updated Assessment Roll proposed for the Fiscal Year beginning October 1, 2016 be in printed form if the amount of the fire rescue assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

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

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

SECTION 11.AUTHORIZATION OF PUBLIC HEARING.

There is hereby established a public hearing to be held at 6:00 p.m. on September 14, 2016, in City Commission Chambers of City Hall, 701 Southwest 71st Avenue, North Lauderdale, Florida, at which time the City Commission will receive and consider any comments on the fire rescue assessments from the public and affected property owners and consider imposing fire rescue assessments for the fiscal year beginning October 1, 2016 and collecting such assessments on the same bill as ad valorem taxes.

SECTION 12. NOTICE BY PUBLICATION.

The Assessment Coordinator shall publish a notice of the public hearing authorized by Section 11 of this Preliminary Rate Resolution in the manner and time provided in the Ordinance. The notice shall be published no later than August 25, 2016, in substantially the form attached hereto as Appendix “D.”

SECTION 13. NOTICE BY MAIL.

The Assessment Coordinator shall ensure that proper and timely notice is provided to the Owners of Assessed Property though use of the TRIM notices forwarded by the Property Appraiser’s Office to Property Owners within the City in a manner consistent with the requirements of the Ordinance.
SECTION 14. APPLICATION OF ASSESSMENT PROCEEDS.

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

SECTION 15. EFFECTIVE DATE.

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


APPROVED AS TO FORM:

__________________________________  __________________________
CITY ATTORNEY SAMUEL S. GOREN       MAYOR JACK BRADY

______________________________  __________________________
VICE MAYOR DAVID G. HILTON

ATTEST:

______________________________
CITY CLERK PATRICIA VANCHERI
## APPENDIX A
### FIXED PROPERTY USE CODES

<table>
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<th>Fixed Property Use</th>
<th>Fixed Property Use Description</th>
<th>Category Assigned</th>
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<td>PRE-SCHOOL</td>
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<td>DAY CARE-IN COMMERCIAL PROPERTY</td>
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<td>CARE OF THE AGED/NURSING STAFF</td>
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APPENDIX B

ESTIMATED FIRE RESCUE ASSESSMENT RATE SCHEDULE

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

The estimated fire rescue Assessed Costs to be assessed for the fiscal year commencing October 1, 2016, is $4,124,040. Additional fire rescue proceeds may be received and the fire rescue assessed costs to be assessed may be adjusted as a result of reclassification of Assessed Property or inclusion of parcels not included on the preliminary Assessment Roll.

SECTION B-2. ESTIMATED FIRE RESCUE ASSESSMENTS. The estimated fire rescue assessments to be assessed and apportioned among benefited parcels pursuant to the cost apportionment and parcel apportionment to generate the estimated fire rescue assessed cost for fiscal year commencing October 1, 2016, are hereby established as follows for the purpose of this Preliminary Rate Resolution:

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<th>NON-RESIDENTIAL PROPERTY USE CATEGORIES</th>
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<td>$23,140</td>
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<td>$24,960</td>
</tr>
</tbody>
</table>

SECTION B-3. EXEMPT PROPERTIES. No Fire Assessment shall be imposed upon a parcel of Government Property or portions of Building whose use is wholly exempt from ad valorem taxation under Florida law. No assessment shall be imposed on vacant (unimproved) property. Any shortfall in the expected Fire Rescue Assessment proceeds due to any reduction or exemption from payment
of the Fire Rescue Assessments required by law or authorized by the City Commission shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the Fire Rescue Assessments. It is the legislative determination of the City Commission that in the event a court of competent jurisdiction determines any exemption or reduction by the City Commission improper or otherwise adversely affects the validity of the Fire Rescue Assessment imposed for this Fiscal Year, the sole and exclusive remedy shall be the imposition of a Fire Rescue Assessment upon each affected Tax Parcel in the amount of the Fire Rescue Assessment that would have been otherwise imposed save and except for such reduction or exemption afforded to such Tax Parcel by the City Commission.
APPENDIX C

PARCEL APPORTIONMENT METHODOLOGY

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

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

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

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

1. Tax Parcels with a Building Area of equal to or less than 1,999 square feet;
2. Tax Parcels with a Building Area between 2,000 square feet and 3,499 square feet;
3. Tax Parcels with a Building Area between 3,500 square feet and 4,999 square feet;
4. Tax Parcels with a Building Area between 5,000 square feet and 9,999 square feet;
5. Tax Parcels with a Building Area between 10,000 square feet and 19,999 square feet;
6. Tax Parcels with a Building Area between 20,000 square feet and 29,999 square feet;
7. Tax Parcels with a Building Area between 30,000 square feet and 39,999 square feet;
8. Tax Parcels with a Building Area between 40,000 square feet and 49,999 square feet;
9. Tax Parcels with a Building Area equal to or greater than 50,000 square feet.
(C) As to each non-residential Property Use Category, multiply the number of Tax Parcels categorized in:

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

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

(E) Divide the product of subsection (A) of this Section relative to each of the non-residential Property Use Categories by the sum of the products for each non-residential Property Use Category described in subsection (D) of this Section. The resulting quotient expresses a dollar amount adjusted or weighted per square foot of improved area to be used in computing Fire Rescue Assessments on each of the respective non-residential Property Use Categories.
(F) For each of the non-residential Property Use Categories, multiply the resulting quotients from subsection (A) of this Section by each of the respective products in subsections (C)(1) through (C)(9) of this Section. The resulting products for each non-residential Property Use Category expresses a series of gross dollar amounts expected to be funded by all Tax Parcels in the respective non-residential Property Use Categories in each of the square footage categories in subsection (B) of this Section.

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

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

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

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

The hearing will be held at 6:00 p.m., on September 14, 2016, in the City Commission Chambers, 701 Southwest 71st Avenue, North Lauderdale, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If a person decides to appeal any decision made by the City Commission with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the City Clerk’s office at (954) 597-4706, at least seven days prior to the date of the hearing.

The assessment for each parcel of property will be based upon each parcel’s classification and the total number of billing units attributed to that parcel. The following table reflects the proposed fire rescue assessment schedule.
<table>
<thead>
<tr>
<th>RESIDENTIAL PROPERTY USE CATEGORIES</th>
<th>Rate Per Dwelling Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family</td>
<td>$197</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>$334</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NON-RESIDENTIAL PROPERTY USE CATEGORIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Classification (in square foot ranges)</td>
</tr>
<tr>
<td>&lt; 1,999</td>
</tr>
<tr>
<td>2,000 - 3,499</td>
</tr>
<tr>
<td>3,500 - 4,999</td>
</tr>
<tr>
<td>5,000 - 9,999</td>
</tr>
<tr>
<td>10,000 - 19,999</td>
</tr>
<tr>
<td>20,000 - 29,999</td>
</tr>
<tr>
<td>30,000 - 39,999</td>
</tr>
<tr>
<td>40,000 - 49,999</td>
</tr>
<tr>
<td>&gt;= 50,000</td>
</tr>
</tbody>
</table>

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

The assessments will be collected on the ad valorem tax bill to be mailed in November 2016, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property, which may result in a loss of title.

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

CITY CLERK, CITY OF NORTH LAUDERDALE
FINANCE DEPARTMENT
MEMORANDUM

TO: Honorable Mayor and City Commission

FROM: Ambreen Bhatti, City Manager

BY: Susan Nabors, Finance Director

DATE: June 28, 2016

SUBJECT: Preliminary Solid Waste Assessment Rate

The City entered into a 5-year contract with Waste Pro for solid waste collection and disposal services in 2011. This contract is due to expire on December 31, 2016. Based upon the Commission’s direction to renew the current contract, staff has been in negotiations with Waste Pro in recent months. The new term for the contract is for an additional 5 years and shall expire on December 31, 2021. Residential rates increased from $10.65 to $11.08 per month. However, the staff was able to reduce some Administrative costs and therefore, the annual rate for residents shall remain the same at $216.02.

The City Commission instituted an assessment for solid waste collection and disposal. The program has been a great success and has helped to streamline the payment process for the waste hauler as well as expedite the payment of revenue to the City. The collection of the residential solid waste assessment for FY 2017 will follow the same uniform collection rules as it did in FY 2016. The assessment will be collected by the county and remitted to the City. Under the assessment, the residential property owner will pay a lump sum annual fee of $216.02 with their property tax bill, which is the same as in FY 2016. The assessment will be for the fiscal year beginning October 1, 2016.

RECOMMENDATION:

The City Administration recommends Commission’s consideration and approval of the attached Preliminary Solid Waste Rate Resolution reflecting an annual unit cost for residential solid waste collection of $216.02. The resolution also schedules our City’s public hearing on the solid waste assessment rate for Wednesday, September 14, 2016, at 6:00 p.m.
CITY OF NORTH LAUDERDALE

RESOLUTION NO. ______________

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES AND FACILITIES AND PROGRAMS IN THE CITY OF NORTH LAUDERDALE, FLORIDA; PROVIDING FOR PURPOSE AND DEFINITIONS; PROVIDING FOR LEGISLATIVE DETERMINATIONS; ESTABLISHING THE ESTIMATED RATE FOR THE RESIDENTIAL SOLID WASTE COLLECTION SERVICES ASSESSMENT FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; DIRECTING THE PREPARATION OF A RESIDENTIAL SOLID WASTE COLLECTION SERVICES SPECIAL ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

WHEREAS, City staff has reviewed the budget for Residential Solid Waste Collection Services, for residential units that receive Residential Solid Waste Collection Services from the City through the Franchise Agreement to ensure that the Residential Solid Waste Collection
Services Special Assessment meets the legal requirements for special benefit and fair apportionment; and,

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

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

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

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

SECTION 3. PURPOSE. This Resolution constitutes the Preliminary Assessment Resolution as defined in the Ordinance which initiates the process for developing the Residential Solid Waste Collection Services Special Assessment Roll and directs the imposition of a Residential Solid Waste Collection Services Assessment as described hereinafter, for the Fiscal Year beginning October 1, 2016. Its purpose is to provide procedures and standards for the imposition of a Residential Solid Waste Collection Services Assessment for all Residential units that receive Residential Solid Waste Collection Services under the general home rule powers of a municipality to impose special assessments, and to authorize a procedure for the funding of Residential Solid Waste Collection Services for these residential properties, facilities, or programs providing special benefits to Assessed Properties within the City.

SECTION 4. DEFINITIONS. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance and Resolution 12-06-5872 (the “Initial Assessment Resolution”). Unless the context indicates otherwise, words imparting
the singular number, include the plural number, and vice versa. As used in this Resolution, the following terms shall have the following meanings unless the context hereof otherwise requires:

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

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

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

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

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

"Residential Property" means those Tax Parcels with a Code Description designated as Single-Family "Residential" within the Improvement Codes and those otherwise designated as “Residential” within the Improvement Codes that receive residential Solid Waste Collection
Services from the City through the Franchise Agreement; provided that multi-family residential properties with more than four (4) units are not included in the definition of “Residential Property” for purposes of the Residential Solid Waste Collection Special Assessment.

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

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

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

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

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property located within the City will be benefited by the City's provision of Residential Solid Waste Collection Services for properties, facilities, and programs in an amount not less than the
Residential Solid Waste Collection Services Assessment imposed against such parcel, computed in the manner set forth in this Preliminary Assessment Resolution.

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

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

AUTHORITY

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

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

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

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

SPECIAL BENEFIT

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

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

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

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

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

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

IMPOSITION AND COLLECTION

7.10  The Residential Solid Waste Collection Services Assessments to be imposed
pursuant to this Preliminary Assessment Resolution shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.

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

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

APPORTIONMENT

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

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

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

7.16 Unoccupied Residential units in the City may not receive residential Solid Waste
Collection Services during such time as the Residential unit is unoccupied. The City cannot know which Residential units are unoccupied at the time the assessments are levied. Therefore, it is fair and reasonable to impose the special assessment on all Residential units designated on the Improvement Codes and which are expected to or actually receive Residential Solid Waste Collection Services. Upon payment of the special assessment, should an owner of an Assessed Property provide documentation deemed acceptable to the City verifying that its Residential unit was unoccupied for a portion of the Fiscal Year commencing on October 1, 2016, the City will refund a pro-rated amount of the paid assessment. “Unoccupied” shall mean a minimum continuous period of three (3) months. It is fair and reasonable to impose this minimum period of time in order to balance the City’s administrative costs associated with a review of documentation and potential refunding with the fairness to owners of Assessed Residential units, and unoccupied Residential units derive some benefit from the provision of Residential Solid Waste Collection Services to neighboring Residential units, which avoids blight and health and safety issues associated with the accumulation of solid waste in the surrounding areas and neighborhood.

**SECTION 8. COST APPORTIONMENT METHODOLOGY.** The Franchise Agreement provides for an annual charge to the Assessed Properties for the Residential Solid Waste Collection Services provided by the City through its Franchise Agreement. The Residential Solid Waste Collection Services Assessed Costs include other costs associated with the Residential Solid Waste Collection Special Assessment, which are then allocated to the Assessed Properties in addition to the annual charge in the Franchise Agreement to determine the Assessment Amount. The Assessment Amount is then multiplied by the number of Residential units on such Tax Parcel. For the Fiscal Year commencing October 1, 2016, the annual charge per Residential Unit in the City is $216.02.
SECTION 9. DETERMINATION OF RESIDENTIAL SOLID WASTE COLLECTION ASSESSED COSTS; ESTABLISHMENT OF ANNUAL RESIDENTIAL SOLID WASTE COLLECTION ASSESSMENT RATES.

(A) The Residential Solid Waste Collection Service Assessed Costs to be assessed and apportioned among Assessed Properties pursuant to the Cost Apportionment for the Fiscal Year commencing October 1, 2016, is the amount determined in the manner described in Section 8 above, and in the Estimated Residential Solid Waste Collection Services Assessment Rate Schedule, attached hereto as Appendix A. The approval of the Estimated Residential Solid Waste Collection Services Assessment Rate Schedule by the adoption of this Preliminary Assessment Resolution determines the amount of the Residential Solid Waste Collection Services Assessed Costs.

(B) The estimated Residential Solid Waste Collection Services Assessments specified in the Estimated Residential Solid Waste Collection Services Assessment Rate Schedule are hereby established to fund the specified Residential Solid Waste Collection Services Assessed Costs determined to be assessed in the Fiscal Year commencing October 1, 2016.

(C) The estimated Residential Solid Waste Collection Services Assessments established in this Preliminary Assessment Resolution shall be the estimated assessment rates applied by the Assessment Coordinator in the preparation of the updated Residential Solid Waste Collection Services Special Assessment Roll for the Fiscal Year commencing October 1, 2016, as provided in Section 10 of this Preliminary Assessment Resolution.

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

(A) The Assessment Coordinator is hereby directed to prepare, or cause to be prepared, a
Residential Solid Waste Collection Services Special Assessment Roll for the Fiscal Year commencing October 1, 2016, in the manner provided in this Preliminary Assessment Resolution. The Assessment Coordinator shall apportion the estimated Residential Solid Waste Collection Service Assessed Cost to be recovered through Residential Solid Waste Collection Services Assessments in the manner set forth in this Preliminary Assessment Resolution. A copy of this Preliminary Assessment Resolution, the Ordinance, and the Residential Solid Waste Collection Services Special Assessment Roll shall be maintained on file in the office of the City Clerk and open to public inspection. The foregoing shall not be construed to require that the Residential Solid Waste Collection Services Special Assessment Roll proposed for the Fiscal Year commencing October 1, 2016 be in printed form if the amount of the Residential Solid Waste Collection Services Assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

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

SECTION 11. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 6:00 p.m., on September 14, 2016, in City Commission Chambers of North Lauderdale City Hall, 701 Southwest 71st Avenue, City of North Lauderdale, Florida, at which time the City Commission will receive and consider any comments on the
Residential Solid Waste Collection Services Assessment from the public and affected property owners and consider imposing the Residential Solid Waste Collection Services Assessment and collecting such assessments on the same bill as ad valorem taxes.

SECTION 12. NOTICE BY PUBLICATION. The City Manager, or her designee, shall publish notice of the public hearing authorized by Section 11 hereof, in the manner and time provided within the Ordinance. The notice shall be published no later than August 25, 2016, in substantially the form attached hereto as Appendix C.

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

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

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

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

SECTION 17. SEVERABILITY. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in
part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

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

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, THIS 28th DAY OF JUNE, 2016.**

__________________________________
MAYOR JACK BRADY

ATTEST: VICE MAYOR DAVID G. HILTON

__________________________________
PATRICIA VANCHERI, City Clerk

APPROVED AS TO LEGAL FORM
BY CITY ATTORNEY:

__________________________________
SAMUEL S. GOREN, ESQUIRE

SSG: MDC
APPENDIX A

ESTIMATED RESIDENTIAL SOLID WASTE COLLECTION SERVICES ASSESSMENT RATE SCHEDULE

SECTION A-1 DETERMINATION OF RESIDENTIAL SOLID WASTE COLLECTION SERVICES ASSESSED COSTS. The estimated Residential Solid Waste Collection Services Assessed Costs to be assessed for the Fiscal Year commencing October 1, 2016, is $1,818,240.

SECTION A-2 ESTIMATED RESIDENTIAL SOLID WASTE COLLECTION SERVICES ASSESSMENTS. The estimated Residential Solid Waste Collection Services Assessments to be assessed and apportioned among benefitted parcels pursuant to the Cost Apportionment Methodology to generate the estimated Residential Solid Waste Collection Services Assessed Cost for the Fiscal Year commencing October 1, 2016, are hereby established as follows for the purpose of this Preliminary Assessment Resolution:

RESIDENTIAL UNITS: $216.02 PER UNIT
APPENDIX B

FORM OF NOTICE TO BE PUBLISHED

To be published no later than August 25, 2016

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

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

The hearing will be held at 6:00 p.m., on September 14, 2016, in City Commission Chambers of North Lauderdale City Hall, 701 Southwest 71st Avenue, City of North Lauderdale, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the City Commission within 20 days of this notice. If a person decides to appeal any decision made by
the City Commission with respect to any matter considered at the hearing, such person will need
a record of the proceedings and may need to ensure that a verbatim record is made, including the
testimony and evidence upon which the appeal is to be made. In accordance with the Americans
with Disabilities Act, persons needing a special accommodation or an interpreter to participate in
this proceeding should contact the Clerk of the City at (954) 597-4706, at least seven days prior
to the date of the hearing.

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

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

The assessments will be collected by the Tax Collector on the ad valorem tax bill to be
mailed in November 2016, as authorized by section 197.3632, Florida Statutes. Failure to pay
the assessments will cause a tax certificate to be issued against the property, which may result in
a loss of title.

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

CITY CLERK
CITY OF NORTH LAUDERDALE.
The North Lauderdale Fire Rescue Department has been utilizing Intermedix Corporation for Fire Rescue Emergency Medical Service (EMS) transport billing since North Lauderdale’s inception as Emergency Medical Service provider back in 1998. North Lauderdale has maintained a very successful relationship with Intermedix over these past years and would like to continue this relationship into the future.

Intermedix services 95% of the local Fire Rescue agencies in South Florida and has built an entire network of billing avenues with all 16 hospitals in Broward County. They are able to produce state of the art billing through real time generation of reports that our firefighter paramedics produce on each run. They are the only vendor that can produce such a product network and billing schematic in Florida. Intermedix also provides computer equipment and software applications under the current established with North Lauderdale Fire Rescue. Intermedix Corporation is a local based company with their main headquarters in Fort Lauderdale. We consider them a sole source vendor in this area.

The current contract with Intermedix Corporation is up for renewal and, through discussions; the Administrative staff was able to amendment the current contact to reflect the renewal a more favorable new rate and new equipment for its fire-rescue personnel.

Intermedix currently charges North Lauderdale an 8% fee on collected accounts. This is broken down to 6% utilized for collections and 2% utilized for the use and updates of the company’s computer equipment and software applications. Under the renewed and amended contract, Intermedix is offering a reduction to 6.75% total, 5% for billing and 1.75% for computer equipment and software applications.

The City also uses Intermedix’s TripTix reporting system since 2010, and is satisfied with its performance. This system assists the City’s Firefighter Paramedics by streamlining the report processes and its integration with Intermedix’s billing services makes the service invaluable in promoting the department’s efficiency. Fire Administrative staff negotiated 2 new computers (tough books) for each of our rescue trucks.
These two (2) amendments are for a 3 year period with 2 -1 year automatic renewals. The CITY desires to enter into this agreement to allow the continuation of its use of CONTRACTOR’s services at the benefit of reduction in CONTRACTOR’S service fees, nunc pro tunc, May 11, 2016. The City Attorney’s Office have reviewed the Agreements and approved as to legal form.

RECOMMENDATION

The City Administration recommends Commission’s consideration and approval of the attached resolution authorizing the City Manager to take all necessary steps to execute the attached two (2) amendments for a three (3) year period with two (2) – one (1) year automatic renewals to the City’s agreement with Advanced Data Processing, Inc., D/B/A ADPI-Intermedix for the collection of emergency patient transportation revenue and for the use of the company’s computer equipment and software applications.
RESOLUTION NO. ___________________

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AUTHORIZING AND DIRECTING THE CITY MANAGER TO AMEND THE CITY’S AGREEMENT WITH ADVANCED DATA PROCESSING, INC., D/B/A ADPI-INTERMEDIX FOR THE COLLECTION OF EMERGENCY PATIENT TRANSPORTATION REVENUE; AND FOR THE USE AND UPDATES OF THE COMPANY’S COMPUTER EQUIPMENT AND SOFTWARE APPLICATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 1st, 2007, CITY and CONTRACTOR entered into an Agreement for Emergency Medical Transport Billing and Collection Services (the “Agreement”); and

WHEREAS, on February 26, 2010, CITY and CONTRACTOR agreed to renew the Agreement to provide for an additional one year period; and

WHEREAS, on May 11, 2010, CITY and CONTRACTOR agreed to extend the Agreement for an additional, renewable, 3 year period; and

WHEREAS, the CITY desires to enter into an agreement to allow continuation of its use of CONTRACTOR’s services at the benefit of reduction in CONTRACTOR’S service fees, nunc pro tunc, May 11, 2016;

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

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and incorporated herein by this reference.

SECTION 2: The City Commission hereby authorizes and directs the City Manager to enter into and execute the appropriate amendments to the agreements by and between the City of North Lauderdale and Advanced Data Processing, Inc., for patient transport billing and collection services, effective June 28, 2016, nunc pro tunc, May 11, 2016.

SECTION 3: That the funds for said service shall be provided from the Fire Fund budget.

SECTION 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.
SECTION 6. This Resolution shall become effective upon adoption.

PASSED and ADOPTED by the City Commission of the City of North Lauderdale, Florida, this ____ day of June, 2016.

APPROVED AS TO FORM:

_________________________________
SAMUEL S. GOREN, CITY ATTORNEY

______________________________
MAYOR JACK BRADY

ATTEST:

______________________________
VICE-MAYOR DAVID G. HILTON

_________________________________
PATRICIA VANCHERI, CITY CLERK
FIRST AMENDMENT
TO THE AGREEMENT BETWEEN
THE CITY OF NORTH LAUDERDALE, FLORIDA
AND
ADVANCED DATA PROCESSING, INC.
FOR TRIPTIIX ELECTRONIC FILED DATA SYSTEM

This FIRST AMENDMENT (“First Amendment”) to the Agreement between the City of North Lauderdale, Florida, located at 701 Southwest 71st Avenue, North Lauderdale, Florida 33068 (hereinafter referred to as “CITY”), and Advanced Data Processing, Inc. for (dba Intermedix-ADPI), whose address is 6451 North Federal Highway, Suite 1000, Fort Lauderdale, FL 33308 (hereinafter referred to as “CONTRACTOR”), for a Triptix Electronic Filed Data System, is made and entered into this ___ day of June, 2016.

WHEREAS, CITY and CONTRACTOR by way of CITY’s Resolution No. 10-05-5584 dated May 11, 2010, are parties to the Agreement for TripTix Electronic Field Data System (the “Agreement”) effective as of June 1, 2010; and

WHEREAS, CITY and CONTRACTOR mutually agree that the Agreement was extended through May 31, 2016, and wish to extend the Agreement an additional three (3) years with two (2) additional one (1) year extensions, nunc pro tunc, May 11, 2016.

WHEREAS, The CITY desire to enter into this Second Amendment to allow continuation of its use of CONTRACTOR’S services at the benefit of a reduction in the CONTRACTOR’S service fees.

NOW THEREFORE, CITY and CONTRACTOR agree to amend the Agreement as follows:

1. Section 5.01 (TERM) of the Agreement is deleted in its entirety and replaced with the following:

   “5.01. TERM. This Agreement shall be effective for an initial three-(3) year period, commencing on the Effective Date unless terminated as provided in Article V (the “Initial Term”). Following the expiration of the Initial Term, subject to the payment of all fees due hereunder, this Agreement shall this Agreement shall renew, at the CITY’s sole discretion, for two (2) additional one (1) year terms. (“Renewal Terms”; collectively, the Initial Term together with any Renewal Terms are the “Term”). Each Renewal Term shall commence automatically unless either party provides the other party with written notice of termination of this Agreement as provided in Section V. All terms and conditions hereof shall remain in full force and effect during the Term unless this Agreement is amended in a writing executed by each Party hereto.

2. Schedule 2.01 (Rates of Compensation; Collection Efforts) is revised as follows:

   “Total system cost (Hardware & Software, includes 2 units, no spare): 1.75% of Net Collections.”
3. Capitalized terms not otherwise defined in this Amendment shall have the meanings ascribed to such terms in the Agreement. All terms and conditions of the Agreement are hereby ratified and shall remain in full force and effect except to the extent this Amendment expressly modifies or is inconsistent with the terms and conditions of the Agreement, in which case the terms of this Amendment shall be controlling.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates hereinafter written.

Executed by the CITY this _____ day of ________________, 2016.

NORTH LAUDERDALE, FLORIDA

(SEAL)

By: ________________________________
    CITY MANAGER

ATTEST:

By: ________________________________
    CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: ________________________________
    CITY ATTORNEY

Executed by the Association this _____ day of ________________, 2016.

ADVANCED DATA PROCESSING, INC.
(d/b/a ADPI-Intermedix)

By: ________________________________
Print Name: __________________________
Title: _______________________________

WITNESS:

(CORPORATE SEAL)

By: ________________________________
Printed Name:

By: ________________________________
Printed Name:
SECOND AMENDMENT
TO THE AGREEMENT BETWEEN
THE CITY OF NORTH LAUDERDALE, FLORIDA
AND
ADVANCED DATA PROCESSING, INC.
FOR RESCUE AMBULANCE AND RELATED SERVICES

This SECOND AMENDMENT (“Second Amendment”) to the Agreement between the City of North Lauderdale, Florida, located at 701 Southwest 71st Avenue, North Lauderdale, Florida 33068 (hereinafter referred to as “CITY”), and Advanced Data Processing, Inc. (dba Intermedix-ADPI) whose address is 6451 North Federal Highway, Suite 1000, Fort Lauderdale, FL 33308 (hereinafter referred to as “CONTRACTOR”), for Rescue Ambulance and Related Services, is made and entered into this ____ day of June, 2016, (the Effective Date, nunc pro tunc, May 11, 2016.

WHEREAS, CITY and CONTRACTOR are parties to the Agreement for Rescue Ambulance Billing & Related Professional Services (the “Agreement”) effective as of March 1, 2007 as amended; and

WHEREAS, CITY and CONTRACTOR mutually agree that the Agreement extended and was in effect from March 1, 2011 through February 29, 2016 and wish to renew the Agreement an additional three (3) years with two (2) additional one (1) year extensions, commencing nunc pro tunc, May 11, 2016.

WHEREAS, The CITY desire to enter into this Second Amendment to allow continuation of its use of CONTRACTOR’S services at the benefit of a reduction in the CONTRACTOR’S service fees.

NOW THEREFORE, CITY and CONTRACTOR agree to amend the Agreement as follows:

1. Section 3 (Time of Performance) of the Agreement is deleted in its entirety and replaced with the following:

“5.01. TERM. This Agreement shall be effective for a three-(3) year period, commencing on March 1, 2016, and shall terminate on February 28, 2019, (“Initial Term”) unless terminated as provided in Section 12 of the Agreement. Following the expiration of the Initial Term, subject to the payment of all fees due hereunder, this Agreement shall renew, at the CITY’s sole discretion, for two (2) additional one (1) year terms. (“Renewal Terms”; collectively, the Initial Term together with any Renewal Terms are the “Term”). Each Renewal Term shall commence automatically unless either party provides the other party with written notice of termination of this Agreement as provided in Section 12. All terms and conditions hereof shall remain in full force and effect during the Term unless this Agreement is amended in a writing executed by each Party hereto.

2. Subsection 4.03 (a) of Section 4 (Compensation and Method of Payment) is revised as follows:
“4.03 (a) Five percent (5%) of all monies collected by CONTRACTOR during the month, excluding Medicaid accounts which shall be invoiced pursuant to Florida Statute § 409.913(9). This Statute stipulates that CONTRACTOR is to include on the same invoice an amount of eleven dollars ($11.00) per processed Medicaid account during the month.”

3. Capitalized terms not otherwise defined in this Amendment shall have the meanings ascribed to such terms in the Agreement. All terms and conditions of the Agreement are hereby ratified and shall remain in full force and effect except to the extent this Amendment expressly modifies or is inconsistent with the terms and conditions of the Agreement, in which case the terms of this Amendment shall be controlling.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates hereinafter written.

Executed by the CITY this _____ day of _____, 2016.

NORTH LAUDERDALE, FLORIDA
(SEAL)

By: ______________________________
CITY MANAGER

ATTEST:

By: ______________________________
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: ______________________________
CITY ATTORNEY

Executed by the Association this _____ day of __________________, 2016.

ADVANCED DATA PROCESSING, INC. (d/b/a ADPI-Intermedix)

By: ______________________________
Print Name: _______________________
Title: ______________________________

WITNESS: __________________________ (CORPORATE SEAL)

By: ______________________________
Printed Name: ____________________

By: ______________________________
Printed Name: ____________________
CITY OF NORTH LAUDERDALE
PARKS AND RECREATION DEPARTMENT

TO: Mayor and City Commission
FROM: Ambreen Bhatti, City Manager
BY: Michael Sargis, Parks and Recreation Director
DATE: June 28, 2016

SUBJECT: Payment to Broward Sheriff’s Office - Youth Basketball Program

In October 2001, the City entered into an agreement with the Broward Sheriff’s Office (BSO) for police services in North Lauderdale. During the negotiation process, the Sheriff and his representatives stressed that by merging with the Sheriff’s Office, the City would keep its hometown police feeling while seeing a vast improvement in public safety related services.

Along with the police service, the Sheriff’s Office also agreed to work closely with the Parks and Recreation Department to run youth athletic programs in the City. The deputies assigned to the fields are from BSO’s Countywide Operations, and are not paid by the City as a part of our staffing contract with the Broward Sheriff’s Office.

The current year’s City Youth Basketball program has attracted 120 participants. The City charges $90 per participant for basketball, which covers all costs for the league. A portion of this fee ($45) goes to the Sheriff’s office to cover league operating costs. The Broward Sheriff’s Office completes background checks on all coaches in accordance with State Law and the City’s policies; purchases player uniforms; affiliation fees; provides accident insurance for all players, coaches, and umpires; and also provides a Deputy at the field for every game and practice.

Funding to pay this fee is available in the program budget as it is taken from the program registration fee.

120 Participants @ $45.00 = $5,400.00

TOTAL AMOUNT OWED TO BSO $5,400.00

RECOMMENDATION:

The City Administration recommends Commission consideration and approval of the attached resolution authorizing the City to pay $5,400.00 to the Broward Sheriff’s Office to cover the Sheriff’s fee for the 2016 Youth Basketball program.
RESOLUTION NO. ____________________

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, APPROVING AND AUTHORIZING THE EXPENDITURE OF $5,400.00 TO THE BROWARD SHERIFF’S OFFICE TO COVER THE SHERIFF’S FEE FOR THE 2016 YOUTH BASKETBALL PROGRAM AND, PROVIDING AN EFFECTIVE DATE.

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

Section 1: That the City Commission does hereby approve and authorize the expenditure of $5,400.00 to the Broward Sheriff’s Office to cover the Sheriff’s fee for the 2016 Youth Basketball Program.

Section 2: Funding is available in the Program Budget.

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

PASSED and ADOPTED by the City Commission of the City of North Lauderdale, Florida this 28th day of June, 2016.

APPROVED AS TO FORM:

________________________________________
CITY ATTORNEY SAMUEL S. GOREN

________________________________________
MAYOR JACK BRADY

________________________________________
VICE MAYOR DAVID G. HILTON

ATTEST:

________________________________________
CITY CLERK PATRICIA VANCHERI
The Metro Broward Professional Firefighters (MBPFF) Collective Bargaining Agreement (CBA) contract was ratified by MBPFF membership on June 22, 2016 by majority vote. This Agreement is consistent with the Commission’s approved Comprehensive Pay Plan and contains no substantial changes to the MBPFF Collective Bargaining Agreement that was previously ratified in May 2012. A copy of the final draft of the Metro Broward Professional Firefighters (MBPFF) CBA is available for public review in the City Clerk’s office.

A few of the highlights of this bargaining Agreement are:

- **Article 17** Temporary Upgrading: Increases temporary upgrade pay for Captain and Driver Engineer from 5% to 10%.

- **Article 18A** Disciplinary Appeals: Section 3 - added to provide provisions for disciplinary appeals in accordance with the Revised Florida Arbitration Code.

- **Article 33** Work Week: Section 3 - language changed to reflect hours worked in excess of 48 hours in a 7 day work week shall be paid at a rate of one and one half. *Deleted language re: first 5 hours of additional shift to be paid at regular rate of pay.*

- **Article 35** Salaries and Wages City of North Lauderdale Approved Comprehensive Pay Plan: Section 1 - 3% salary adjustment retroactive to October 1, 2015. Years 2 and 3 of the CBA term, employees will receive the same percentage base wage increase as established in the Pay Plan. Section 5 - deleted due to department restructuring Field Training Officers are no longer used.

- **Article 46** Retiree Benefit Fund: New article added to establish a Retiree VEBA Benefit Fund to be used by bargaining unit retirees for health insurance premiums and medical expenses.

- **Article 47** Terms of Agreement: 3 Year contract term – October 1, 2015 through September 30, 2018.
RECOMMENDATION:

The City Administration recommends Commission’s consideration and approval of the attached resolution ratifying the Metro Broward Professional Fire Fighters (MBPFF) Collective Bargaining Agreement, to be effective October 1, 2015 and shall terminate on September 30, 2018.
RESOLUTION NO. ____________

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 THAT CERTAIN COLLECTIVELY BARGAINED CONTRACT BETWEEN THE CITY OF NORTH LAUDERDALE AND THE METRO BROWARD PROFESSIONAL FIRE FIGHTERS, LOCAL 3080, EFFECTIVE UPON RATIFICATION AND SIGNATURE OF THE CITY MANAGER AND REPRESENTATIVE OF THE METRO BROWARD PROFESSIONAL FIREFIGHTERS, EFFECTIVE OCTOBER 1, 2015 AND SHALL TERMINATE ON SEPTEMBER 30, 2018; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND, PROVIDING AN EFFECTIVE DATE.

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

Section 1: That the collectively bargained contract, be and the same is hereby accepted by the City Commission of the City of North Lauderdale, Florida, and that the City Manager of the City of North Lauderdale, be and the same, is hereby authorized, on behalf of the City, to execute and otherwise enter into said employment contract by and between the City of North Lauderdale and the Metro Broward Professional Fire Fighters, Local 3080.

Section 2: That the City Manager of the City of North Lauderdale, Florida, be and the same is hereby authorized to do all things necessary and expedient in order to effectuate the execution of the collectively bargained employment contract.

Section 3: That this Resolution shall take effect upon the signature of the City Manager and the Representative of the Metro Broward Professional Fire Fighters and shall be effective October 1, 2015 and shall terminate on September 30, 2018.

PASSED and ADOPTED by the City Commission of the City of North Lauderdale, Florida, this 28th day of June, 2016.

APPROVED AS TO FORM:

____________________________
CITY ATTORNEY SAMUEL S. GOREN

____________________________
MAYOR JACK BRADY

____________________________
ATTEST: VICE MAYOR DAVID HILTON

____________________________
PATRICIA VANCHERI, CITY CLERK
As we begin a busy series of summer programs, the Parks and Recreation Department has set its sight on the Winter Holiday Calendar and in particular a date for the 2016 Holiday Spirit Parade.

In order to set a parade date that doesn’t conflict with Commission travel plans or other Holiday plans, and to assure that we can get High School Bands to perform, we are proposing to hold the City’s Holiday Parade on Saturday, December 10, 2016. Over the next few weeks, we will be working with the City Manager, Public Works/Utilities Department and the Broward Sheriff’s Office on some route options for the Commission to review and approve. We look forward to reviewing these route options with the Commission in September, 2016.

If the Commission concurs with this date, we ask that the Commission make a motion to approve the following.

**MOTION:**
A motion of the City Commission setting Saturday, December 10, 2016 as the date for the City’s 39th Annual Holiday Parade.
AGENDA

1. CALL TO ORDER – Chairman Moyle

2. ROLL CALL
   Chairman Rich Moyle
   Secretary Jack Brady
   Supervisor David G. Hilton
   Supervisor Jerry Graziose
   Supervisor Lorenzo Wood
   Administrator George Krawczyk
   City Attorney Goren
   City Clerk Vancheri

3. APPROVAL OF MINUTES
   a. June 14, 2016

4. RESOLUTION - Preliminary Water Control District Rate

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

A RESOLUTION OF THE NORTH LAUDERDALE WATER CONTROL DISTRICT, RELATING TO THE PROVISION OF WATER CONTROL AND DRAINAGE SERVICES, FACILITIES AND PROGRAMS (THE “WATER MANAGEMENT SYSTEM”) WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR WATER MANAGEMENT SYSTEM ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

5. ADJOURNMENT
The North Lauderdale Water Control District met at the Municipal Complex on Tuesday June 14, 2016 immediately following the regular City Commission meeting.

1. CALL TO ORDER – Chairman Moyle called the meeting to order at 8:57 p.m.

2. ROLL CALL – Clerk called roll. All present.
   - Chairman Rich Moyle
   - Secretary Jack Brady
   - Supervisor David Hilton
   - Supervisor Jerry Graziose
   - Supervisor Lorenzo Wood
   - Administrator Michael Shields
   - City Attorney Jim Cherof
   - City Clerk Patricia Vancheri

3. APPROVAL OF MINUTES
   a. October 27, 2015 – Supervisor Hilton moved to approve the Minutes as submitted. Secretary Brady seconded. Minutes approved unanimously by voice vote.

4. ELECTION OF CHAIRMAN & SECRETARY
   - Call from Chair for Board Member nominations – Secretary Brady made a motion to keep the same slate of officers. Seconded by Supervisor Hilton. No discussion. All in favor by voice vote.

5. GENERAL DISCUSSION
   a. Discussion and possible motion to appoint George Krawczyk to replace Administrator Shields due to his retirement. Supervisor Hilton made the motion. Secretary Brady seconded the motion. No discussion. All in favor by voice vote. Supervisor Hilton made the motion. Secretary Brady seconded the motion. No discussion. All in favor by voice vote.
b. **Change in Signatories for Water Control District – all Financial Institutions**

Supervisor Hilton moved to read. Seconded by Supervisor Wood. Attorney read:

**A RESOLUTION OF THE NORTH LAUDERDALE WATER CONTROL DISTRICT, FLORIDA AUTHORIZING AND DIRECTING THE ADMINISTRATOR TO AMEND THE LIST OF AUTHORIZED SIGNERS FOR ALL ACCOUNTS WITH FINANCIAL INSTITUTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

Supervisor Hilton moved to approve the signatories. Supervisor Wood seconded the motion. No discussion. All in favor by voice vote.

**RESOLUTION NO. 16-06-01 PASSED AND APPROVED UNANIMOUSLY**

6. **General Discussion** – Chairman Moyle commented that Mike Shields has been instrumental in the Water Control District since its inception under the City’s jurisdiction and he has done a spectacular job with the canals; particularly after Wilma. He said Mr. Shields was very much appreciated and will be missed personally and professionally.

7. **ADJOURNMENT** – There being no further business, the meeting adjourned at 9:02 p.m.

Respectfully submitted,

Patricia Vancheri, City Clerk
To: Chairman and Board of Supervisors  
North Lauderdale Water Control District  

From: Ambreen Bhatti, City Manager  

By: George Krawczyk, District Administrator  
Susan Nabors, Finance Director  

Date: June 28, 2016  

Subject: Preliminary Water Control District Rate Resolution  

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

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

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

**Rate Analysis:** The Administration supports maintaining the prior year assessment rate of $55.15 per Unit to provide the necessary funding for the District’s operational costs. This will be the eleventh year in a row with no increase in the WCD assessment rate.

**Recommendation:**

The Administration recommends the Board of Supervisors’ consideration and approval of the attached preliminary rate resolution relating to the provision of Water Control and Drainage Services, Facilities and Programs (the “Water Management System”) within the geographical boundaries of the District; establishing the estimated assessment rate for Water Management System Assessments for the fiscal year beginning October 1, 2016; directing the preparation of an assessment roll; authorizing a public hearing and directing the provision of notice thereof.
RESOLUTION NO. ________________

A RESOLUTION OF THE NORTH LAUDERDALE WATER CONTROL DISTRICT, RELATING TO THE PROVISION OF WATER CONTROL AND DRAINAGE SERVICES, FACILITIES AND PROGRAMS (THE “WATER MANAGEMENT SYSTEM”) WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE DISTRICT; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR WATER MANAGEMENT SYSTEM ASSESSMENTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

WHEREAS, as a result of Chapter 2005-316, Laws of Florida, the boundaries of the DISTRICT now includes all property that benefit from the Water Management System operated by the DISTRICT, and therefore can be assessed for the benefits those properties receive from the Water Management System; and,
WHEREAS, the DISTRICT is authorized to impose non-ad valorem special assessments pursuant to section 189.05, Florida Statutes, and the Special Acts; and

WHEREAS, the Board of Supervisors of the DISTRICT finds that the cost of operation for the Water Management System in the DISTRICT during fiscal year 2016-2017 will be $687,040; and

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

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

WHEREAS, the Board of Supervisors for the DISTRICT finds that there are 11,551 Assessable Units within the DISTRICT.

NOW, THEREFORE, BE IT RESOLVED BY THE DISTRICT:

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

SECTION 2. AUTHORITY. This Resolution is adopted pursuant to the provisions of Chapter 63-661, as amended by Chapter 82-273, Laws of Florida, Chapter 94-428, Laws of Florida, House Bill 1875 (adopted in 1997), Chapter 2005-316, Laws of Florida, (collectively, the “Special Acts”), Chapters 189 and 298, Florida Statutes, and other applicable provisions of law.
SECTION 3. PURPOSE AND DEFINITIONS. This Resolution constitutes the Preliminary Rate Resolution which initiates the annual process for imposing the annual special assessments, as authorized in the SPECIAL ACTS and Chapter 189, Florida Statutes, updates the Assessment Roll and directs the re-imposition of Water Management System Assessments for the Fiscal Year beginning October 1, 2016. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the SPECIAL ACTS, and Chapters 189 and 197, Florida Statutes. Unless the context indicates otherwise, words imparting the singular number include the plural number, and vice versa.

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

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

(B) It is hereby ascertained, determined and declared that each assessable unit located within the DISTRICT will be benefited by the DISTRICT’S provision of a Water Management System in an amount not less than the Water Management System Assessment imposed against such unit, computed in the manner set forth herein, and in the SPECIAL ACTS and Chapters 189 and 286, Florida Statutes.
SECTION 5. IMPOSITION AND COMPUTATION OF WATER MANAGEMENT SYSTEM ASSESSMENTS. Water Management System Assessments shall be imposed upon all assessable units within the District. Water Management System Assessments shall be computed in the manner set forth in the SPECIAL ACT.

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

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

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

(C) Units: Assessable Units shall be calculated on a per acre basis. Each tract or parcel of land within the DISTRICT that is less than one acre shall be assessed as one full acre (one unit). Each tract or parcel of land of more than one (1) acre, which contains a fraction of an acre, shall be assessed at the nearest whole number of acres, a fraction of one-half (1/2) acre or more shall be assessed as a full acre.
SECTION 7. DETERMINATION OF WATER MANAGEMENT SYSTEM ASSESSED COSTS; ESTABLISHMENT OF ANNUAL WATER MANAGEMENT SYSTEM ASSESSMENT RATES.

(A) The Water Management System Assessed Costs to be assessed and apportioned among benefited parcels pursuant to the Cost Apportionment for the Fiscal Year commencing October 1, 2016, is $687,040. The Assessable Unit Apportionment for the Fiscal Year commencing October 1, 2016, is $55.15 per Unit. The approval of the Estimated Water Management System Rate Schedule by the adoption of this Preliminary Rate Resolution determines the amount of the Water Management System Assessed Costs. The remainder of such Fiscal Year budget for water control and drainage services, facilities, and programs shall be funded from available DISTRICT revenue other than Water Management System Assessment proceeds.

(B) The estimated Water Management System Assessments specified herein are hereby established to fund the costs of the Water Management System to be assessed in the Fiscal Year commencing October 1, 2016.

(C) The estimated Water Management System Assessments established in this Preliminary Rate Resolution shall be the estimated assessment rates applied by the Broward County Property Appraiser in the preparation of the updated Assessment Roll for the Fiscal Year commencing October 1, 2016 as provided in this Preliminary Rate Resolution.

SECTION 8. ANNUAL ASSESSMENT ROLL.

(A) The Broward County Property Appraiser is hereby directed to prepare, or cause to be prepared, an updated Assessment Roll for the Fiscal Year commencing October 1, 2016, in the manner provided herein and Section 197.3632, Florida Statutes. The updated Assessment Roll
shall include all units within the DISTRICT. The Broward County Property Appraiser shall apportion the estimated Water Management System Costs to be recovered through Water Management System Assessments in the manner set forth in this Preliminary Rate Resolution. A copy of this Preliminary Rate Resolution, the SPECIAL ACT, and the updated Assessment Roll shall be maintained on file in the office of the Agency Clerk of the DISTRICT and open to public inspection. The foregoing shall not be construed to require that the updated Assessment Roll proposed for the Fiscal Year beginning October 1, 2016, be in printed form if the amount of the Water Management System Assessment for each parcel of property can be determined by the use of a computer terminal available to the public.

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

SECTION 9. AUTHORIZATION OF PUBLIC HEARING. There is hereby established a public hearing to be held at 5:01 p.m. on September 14, 2016, in City Commission Chambers of North Lauderdale City Hall, 701 Southwest 71st Avenue, North Lauderdale, Florida, at which time the Board of Supervisors of the DISTRICT will receive and consider any comments on Water Management System Assessments from the public and affected property owners and consider imposing Water Management System Assessments for the Fiscal Year beginning October 1, 2016 and conducting the assessments on the same bill as non ad valorem taxes.
SECTION 10. NOTICE BY PUBLICATION. The Clerk of the Board of Supervisors shall publish notice of the public hearing authorized by Section 9 of this Preliminary Rate Resolution in the manner and time provided in section 197.3632(4)(b), Florida Statutes. The notice shall be published no later than August 25, 2016, in substantially the form attached hereto as Appendix A.

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

SECTION 12. APPLICATION OF ASSESSMENT PROCEEDS. Proceeds derived by the DISTRICT from the Water Management System Assessments will be utilized for the provision of water control and drainage services, facilities, and programs as authorized in the SPECIAL ACT. In the event there is any fund balance remaining at the end of the Fiscal Year, such balance shall be carried forward and used only to fund water control and drainage services, facilities, and programs.
SECTION 13. EFFECTIVE DATE.

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

PASSED, ADOPTED, AND APPROVED THIS 28th DAY OF JUNE, 2016

________________________________
DISTRICT CHAIRPERSON

APPROVED AS TO FORM:

________________________________
DISTRICT SECRETARY

SAMUEL S. GOREN
DISTRICT ATTORNEY

ATTEST:

________________________________
CLERK TO THE BOARD
OF SUPERVISORS
APPENDIX "A"

FORM OF NOTICE TO BE PUBLISHED

Published No Later than August 25, 2016

NORTH LAUDERDALE WATER CONTROL DISTRICT

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

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

The hearing will be held at 5:01 p.m., on September 14, 2016, in the City Commission Chambers, 701 Southwest 71st Avenue, North Lauderdale, Florida, for the purpose of receiving public comment on the proposed assessments. All affected property owners have a right to appear at the hearing and to file written objections with the Board of Supervisors of the North Lauderdale Water Control District within 20 days of this notice. If
a person decides to appeal any decision made by the Board of Supervisors with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Office of the Clerk of the Board of Supervisors, through the North Lauderdale City Clerk’s Office at (954) 597-4706, at least seven days prior to the date of the hearing.

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

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

The assessments will be collected on the ad valorem tax bill to be mailed in November 2016, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

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

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

Tuesday, June 28, 2016
Immediately Following North Lauderdale City Commission Meeting

1. ROLL CALL

   President Jack Brady
   Treasurer David G. Hilton
   Secretary Lorenzo Wood
   Director Rich Moyle
   Director Jerry Graziose
   Executive Director Michael Sargis
   Foundation Attorney Samuel S. Goren
   Foundation Clerk Patricia Vancheri

2. APPROVAL OF MINUTES

   a. March 29, 2016

3. OLD BUSINESS

   a. Budget Report – Susan Nabors, Chief Financial Officer

4. NEW BUSINESS

   a. Audit Report – Susan Nabors, Chief Financial Officer
   b. Request to Make Payment of $500 to Grau and Associates for Audit
   c. Authorize (2) $1,000 Scholarships Staff Members to FRPA State Conference

5. BOARD COMMENTS

6. ADJOURNMENT

Board of Directors
Michael Sargis, Executive Director   Jack Brady, President   Lorenzo Wood, Secretary   David G. Hilton, Treasurer
Board Members Rich Moyle and Jerry Graziose, Samuel S. Goren, Board Attorney
North Lauderdale Recreation Foundation is a 501 3C Registered Not for Profit Corporation
The North Lauderdale Recreation Foundation met at the Municipal Complex on Tuesday, March 29, 2016. The meeting convened at 7:32 p.m.

1. ROLL CALL – Clerk called roll. All present:
   President Jack Brady
   Treasurer David G. Hilton
   Secretary Lorenzo Wood
   Director Rich Moyle
   Director Jerry Graziose
   Executive Director Michael Sargis
   Foundation Attorney Samuel S. Goren
   Foundation Clerk Patricia Vancheri

2. APPROVAL OF MINUTES

   a. March 8, 2016 – Secretary Wood moved to approve the Minutes as submitted. Seconded by Treasurer Hilton. Minutes approved unanimously by voice vote.

3. OLD BUSINESS

   a. Budget Report

   Susan Nabors, Chief Financial Officer, presented the Profit and Loss Statement for the Foundation, along with the Balance Sheet, through March 28, 2016. Income for the year is $3,425; expenses were $34,953 and currently in the bank is $101,617. There is a liability of $75,000 which will be addressed tonight, which will leave a balance of $26,000.

4. NEW BUSINESS

   a. Approval of a Donation to the City of North Lauderdale of $75,000 for a New Bus

   Mr. Sargis commented that after numerous conversations last year about the purchase of a new bus, inadvertently, the Foundation neglected to actually cut the check to the City for the purchase of the bus which was previously authorized. This was discovered during an audit that this money was pledged and not paid. Secretary Wood moved to approve payment of $75,000 to the City of North Lauderdale for the bus donation. Director Moyle seconded the motion. Motion passed unanimously by voice vote.
b. **Authorize Treasurer Hilton to Sign Checks** – Director Moyle moved to approve. Seconded by Secretary Wood. **Motion passed unanimously by voice vote.**

5. **BOARD COMMENTS** – No discussion.

6. **ADJOURNMENT** – Meeting adjourned at 7:38 p.m.

Respectfully submitted,

Patricia Vancheri, Foundation Clerk