CITY OF NORTH LAUDERDALE
COMMISSION MEETING
TUESDAY, MARCH 27, 2018
REGULAR MEETING – 6:00 p.m.

AGENDA

1. INVOCATION AND PLEDGE OF ALLEGIANCE – Vice Mayor Rich Moyle

2. ROLL CALL

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

3. APPROVAL OF MINUTES

   a. March 13, 2018

4. PRESENTATIONS

   a. Representative Barrington Russell – Legislative Update

   b. Women’s History Month - Exceptional Inspiring Women Awards
      - Requested by Commissioner Wood –
        1. Judge Mary Rudd-Robinson

      - Requested by Commissioner Borgelin –
        1. Andrea Byer-Thomas, Pastor - United Methodist Church
        2. Angela Peguero
        3. Audrey Jones, Capt.
        4. Beverly V. Armstrong
        5. Santia Rivera, Co-Pastor – Centro Cristiano Latino Americano
        6. Danielle E. McGowan – Broadview Elementary
5. PROCLAMATIONS

a. Child Abuse Prevention Month – April (Robert Holroyd, Government Affairs Manager)

b. National Boys and Girls Club Week – April 8-14 (Derrik Brown, Health & P.E. Coordinator)

c. National Library Week – April 8-14 (Katie Reusze, Community Library Manager)

6. PUBLIC DISCUSSION

7. QUASI-JUDICIAL ITEMS

a. SUBJECT: LAND USE AMENDMENT - LUA 18-01
   Off Lease Only Addition
   Folio # 4941 01 42 0011 Southwest corner of 827 S. SR 7

   ORDINANCE: First Reading - Land Use Amendment to the City of North Lauderdale land use map to amend approximately 3.77 gross acres of Residential Low Density-RLD (0 to 5 DU/a) to Commercial (C)

   APPLICANT: Ejola Cook, Off Lease Only Inc.

   ▪ All interested parties wishing to speak on this item are sworn in
   ▪ Staff presentation (Tammy Reed-Holguin)
   ▪ Public Hearing opened
   ▪ Public comments
   ▪ Public Hearing closed
   ▪ Commission discussion
   ▪ Commission motion and vote
AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AMENDING THE NORTH LAUDERDALE COMPREHENSIVE LAND USE PLAN IN ACCORDANCE WITH CHAPTER 163, SECTION 163.3184 OF THE FLORIDA STATUTES, TO PROVIDE THE CHANGE OF APPROXIMATELY 3.773 ACRES OF LAND LOCATED IN THE CITY OF NORTH LAUDERDALE, COUNTY OF BROWARD, STATE OF FLORIDA, TO-WIT: FIRST BAPTIST CHURCH OF NORTH LAUDERDALE 154-35 B POR OF PAR A DESC AS: COMM AT NE COR OF PAR A, S 370 ALG E/L PAR A TO POB, CONT S 509.55, W 325, N 501.68 ALG W/L PAR A, E 324.91 TO POB, BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED IN ATTACHMENT A BE CHANGED FROM RESIDENTIAL LOW DENSITY-RLD (0-5 DU/A) TO COMMERCIAL (C) PROVIDING THAT THE OFFICIAL LAND USE MAP OF THE CITY OF NORTH LAUDERDALE SHALL BE AMENDED TO REFLECT SAID LAND USE CHANGE; DIRECTING STAFF TO TRANSMIT THE AMENDMENT TO THE LAND USE PLAN TO THE BROWARD COUNTY PLANNING COUNCIL WITH INSTRUCTIONS TO TRANSMIT CONCURRENTLY TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR SMALL SCALE REVIEW; PROVIDING FOR CONDITIONS; PROVIDING FOR CONFLICTS; AND, PROVIDING AN EFFECTIVE DATE.

b. **SUBJECT:** **RE-ZONING AMENDMENT - ZLU 18-01**
   
   Off Lease Only Addition
   Folio # 4941 01 42 0011  Southwest corner of 827 S. SR 7

   **ORDINANCE:** **First Reading** - Request to amend the City’s zoning map for the expansion of the existing car inventory lot from a Community Facility (CF) zoning district to a general business district (B-3) zoning district.

   **APPLICANT:** Ejola Cook, Off Lease Only Inc.

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

AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, REZONING 3.77 GROSS ACRES MORE OR LESS OF LAND LOCATED IN THE CITY OF NORTH LAUDERDALE, COUNTY OF BROWARD, STATE OF FLORIDA, TO WIT: FIRST BAPTIST CHURCH OF NORTH LAUDERDALE 154-35 B POR OF PAR A DESC AS: COMM AT NE COR OF PAR A, S 370 ALG E/L PAR A TO POB, CONT S 509.55, W 325, N 501.68 ALG W/L PAR A, E 324.91 TO POB, BROWARD COUNTY, FLORIDA,
BEING MORE PARTICULARLY DESCRIBED IN SECTION 1 BELOW FROM ZONING CLASSIFICATION OF COMMUNITY FACILITY (CF) DISTRICT TO GENERAL BUSINESS (B-3); PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF NORTH LAUDERDALE SHALL BE AMENDED TO REFLECT SAID REZONING; PROVIDING FOR CONFLICTS; AND, PROVIDING AN EFFECTIVE DATE.

c. SUBJECT: Site Plan SPR 18-01 Off Lease Only Inc. Addition
   Folio # 4941 01 42 0011   Southwest corner of 827 S. SR 7

   Preliminary Site plan approval to allow for the expansion of the existing car inventory lot within a future General Business (B-3) zoning district.

   APPLICANT:    Ejola, Cook, Off Lease Only Inc.

   ▪ All interested parties wishing to speak on this item are sworn in
   ▪ Staff presentation (Tammy Reed-Holguin)
   ▪ Public Hearing opened
   ▪ Public comments
   ▪ Public Hearing closed
   ▪ Commission discussion
   ▪ Commission motion and vote

   MOTION: To approve the preliminary Site Plan subject to the thirteen (13) conditions outlined in staff memorandum.

d. SUBJECT: SEU 18-02 Peter Piper, Inc.
   Folio # 4941 11 28 0027 - McNab Road and Avon Lane

   Special Exception Use Permit to allow a restaurant with amusement and entertainment facilities in accordance with City Code Section 6-58 as accessory uses within a (B-3) General Business District.

   APPLICANT:    David Deck, Peter Piper Inc.

   ▪ All interested parties wishing to speak on this item are sworn in
   ▪ Staff presentation (Tammy Reed-Holguin)
   ▪ Public Hearing opened
   ▪ Public comments
   ▪ Public Hearing closed
   ▪ Commission discussion
   ▪ Commission motion and vote
MOTION: To approve the Special Exception Use Permit subject to the six (6) conditions outlined in staff memorandum.

e. **SUBJECT:** Site Plan SPR 18-02 Peter Piper Pizza  
   Folio # 4941 11 28 0027 - McNab Road and Avon Lane

   Preliminary Site Plan approval to allow for a restaurant with amusement and entertainment facilities as accessory uses within a general business (B-3) zoning district.

   **APPLICANT:** David Deck, Peter Piper Inc.

   ▪ All interested parties wishing to speak on this item are sworn in
   ▪ Staff presentation (Tammy Reed-Holguin)
   ▪ Public Hearing opened
   ▪ Public comments
   ▪ Public Hearing closed
   ▪ Commission discussion
   ▪ Commission motion and vote

   **MOTION:** To approve the preliminary Site Plan subject to the sixteen (16) conditions outlined in staff memorandum.

   f. **SUBJECT:** SEU 18-03 North Lauderdale Children’s Academy  
      1051 SW 80th Ave.

   Special Exception Use permit to allow a child daycare facility within a (RM-10) Residential Medium Density zoning district.

   **APPLICANT:** Monica Cruz, North Lauderdale Children’s Academy

   ▪ All interested parties wishing to speak on this item are sworn in
   ▪ Staff presentation (Tammy Reed-Holguin)
   ▪ Public Hearing opened
   ▪ Public comments
   ▪ Public Hearing closed
   ▪ Commission discussion
   ▪ Commission motion and vote

   **MOTION:** To approve the Special Exception Use permit subject to the nine (9) conditions outlined in staff memorandum.
8. OTHER BUSINESS

a. **ORDINANCE – First Reading – Extending Moratorium** on the Issuance of any new Licenses or Permits for Uses that Involve the Cultivation, Processing and Dispensing of Medical Marijuana/Cannabis

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

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, EXTENDING THE MORATORIUM ON THE APPROVAL OR ISSUANCE OF ANY NEW LICENSES OR PERMITS FOR USES THAT INVOLVE THE DISPENSING OF MEDICAL MARIJUANA/CANNABIS WITHIN THE CITY OF NORTH LAUDERDALE UNTIL NOVEMBER 1, 2018, WHICH WAS ENACTED PURSUANT TO ORDINANCE NO. 16-04-1327 ORIGINALLY ADOPTED ON APRIL 26, 2016, AND WAS EXTENDED UNTIL MAY 1, 2017 PURSUANT TO ORDINANCE NO. 16-10-1343 ADOPTED ON OCTOBER 11, 2016, WHICH WAS EXTENDED UNTIL NOVEMBER 1, 2017, PURSUANT TO ORDINANCE NO. 17-04-1350 ADOPTED ON APRIL 25, 2017 WHICH WAS EXTENDED UNTIL APRIL 30, 2018, PURSUANT TO ORDINANCE NO. 17-10-1363 ADOPTED ON OCTOBER 10, 2017 BUT IN NO EVENT LONGER THAN THE TIME NEEDED FOR THE CITY ADMINISTRATION TO COMPLETE A COMPREHENSIVE ANALYSIS OF THE ISSUES RELATED TO THE REGULATION MEDICAL MARIJUANA USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

b. **RESOLUTION - Comprehensive Pay and Classification Plan Amendment** - Fiscal Year 2018

- Motion, second and vote to read
- Attorney reads title
- Staff presentation (Jennifer Yarmitzky/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, AMENDING THE CITY OF NORTH LAUDERDALE COMPREHENSIVE PAY AND CLASSIFICATION PLAN FOR FISCAL YEAR 2017/18, AND HEREBY ESTABLISHING A REVISED PAY AND CLASSIFICATION PLAN FOR FISCAL YEAR 2017/18 COMMENCING ON MARCH 27, 2018; PROVIDING FOR THE ESTABLISHMENT OF A NEW CLASSIFICATION; PROVIDING FOR CONFLICTS; AND, PROVIDING AN EFFECTIVE DATE.
c. **ORDINANCE – First Reading – Fiscal Year (FY) 2018 Budget Amendment**

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

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

d. **RESOLUTION – Urging Support of Concepts and Policies Relating to SROs**

- 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, URGING SUPPORT FOR VARIOUS CONCEPTS RELATED TO SCHOOL RESOURCE OFFICERS OR SCHOOL RESOURCE DEPUTIES AT SCHOOLS THROUGHOUT THE STATE OF FLORIDA; URGING THE FLORIDA LEGISLATURE AND OTHER RESPONSIBLE AGENCIES TO ADOPT RELEVANT STATUTES AND POLICIES RELATED TO THE USE OF SCHOOL RESOURCE OFFICERS; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE SCHOOL BOARD OF BROWARD COUNTY, THE FLORIDA STATE SENATE, THE FLORIDA HOUSE OF REPRESENTATIVES, THE FLORIDA DEPARTMENT OF EDUCATION, GOVERNOR RICK SCOTT, THE BROWARD COUNTY LEAGUE OF CITIES, THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS, AND THE BROWARD COUNTY SHERIFF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.
e. **RESOLUTION - Lending City Stage and Portable Bleachers to Broward Sheriff's Office Southeast Police Motorcycle Rodeo Committee**

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, RECOGNIZING A SPONSORSHIP OR CO-SPONSORSHIP RELATIONSHIP BETWEEN THE CITY OF NORTH LAUDERDALE AND THOSE CHARITIES AND ORGANIZATIONS LISTED IN EXHIBIT “A”, ATTACHED HERETO AND INCORPORATED HEREIN, AS MAY BE AMENDED FROM TIME TO TIME, FOR THE EXPRESSED PURPOSE OF COMPLIANCE WITH SECTION 1-19(C)(5)(A)(4) OF THE BROWARD COUNTY CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

9. **REPORTS**

   a. Memorial Garden/Old Veterans Memorial (Mike Sargis)

10. **COMMISSION COMMENTS**

   a. Request for Ceremonial Items
      - Recognizing Somerset Prep Boys and Girls Basketball Teams on April 10th - Requested by City Staff and City Commission
      - Recognizing Broadview Elementary School Participants at Broadview Bazaar on April 24th - Requested by Commissioner Graziose

11. **CITY MANAGER COMMENTS**

   a. First Strategic Planning/Visionary Workshop – Thursday, March 29 at 9:00 am
   b. Second Strategic Planning/Visionary Workshop - TBD

12. **CITY ATTORNEY COMMENTS**

   a. Update on Section 790.33 F.S. Firearms Super Preemption

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

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

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

3. **APPROVAL OF MINUTES**

   a. **February 27, 2018** – Commissioner Graziose moved to approve. Seconded by Commissioner Wood. City Clerk commented that on Page 3 of the Minutes, there was a correction to change the language from Student Resource Officer to School Resource Officer and to indicate correctly that we had one new School Resource Officer and one Community Service Aide. **Commissioner Graziose amended his motion to include approval with the stated corrections on the record copy of the Minutes. Commissioner Wood seconded the motion. Clerk called roll. Minutes approved by unanimous vote.**

4. **PRESENTATIONS**

   a. **FLC Hometown Health**

   Aaron Carper, Director of FLC Health Program, stated that the Florida Municipal Insurance Trust Annual Hometown Health award recognizes our health members that meet the nine best practices for municipal health promotion. He stated that applications for this award are accepted
once per year by eligible municipalities throughout the State of Florida that actively engage in the Hometown Health Wellness program. The City of North Lauderdale once again is one of four recipients of this award. Mr. Carper said that the City of North Lauderdale has achieved great participation and employee wellbeing; employers play a vital role in creating a workplace that supports a healthy environment and health conscious culture. He thanked Human Resources Manager and the North Lauderdale Wellness Committee and the City Manager for their collaborative efforts regarding this award. Jennifer Yarmitzky, HR Manager, thanked all the Commission, City Manager, Department Heads, Wellness Committee and Employees for their support and stated that this is truly a team effort with participation in programs such as a walking challenge; fruit and vegetable challenge and a couple of “Lunch and Learn” events through our health insurance.

b. Elizabeth Garcia-Beckford – Recognition for having received her Certified Municipal Clerk’s Designation from the IIMC

City Clerk Vancheri commented that through the International Institute of Municipal Clerks, Deputy Clerk Elizabeth Garcia-Beckford, has earned her designation as a Certified Municipal Clerk which is granted to municipal clerks who complete demanding education requirements and who have a record of significant contributions to their local government, community and state. Congratulations were extended to Deputy Clerk Garcia-Beckford, on achieving this milestone, by her family, the City Commission, Administration and Staff. Ms. Garcia-Beckford thanked the Commission and Administration for the opportunity and stated she learned a great deal during the past two and a half years.

5. PUBLIC DISCUSSION

Ian Sargent – Stated he is a North Lauderdale Firefighter and also the District President for Metro Broward Professional Fire Fighters District 7. He reported that negotiations will begin on the 22nd of this month, and he asked to be able to speak individually with the Commission to educate them on the [firefighters] position and explain the contract that they will be presenting.

6. OTHER BUSINESS

a. RESOLUTION - Juan Linares Scholarship Program for North Lauderdale Fire Explorer Program Graduates

Commissioner Graziose moved to read. Seconded by Mayor Brady. Attorney read:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, SUPPORTING THE JUAN LINARES SCHOLARSHIP PROGRAM FOR NORTH LAUDERDALE FIRE EXPLORER PROGRAM GRADUATES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.
Fire Chief Rodney Turpel presented the item, stating that at the last City Commission meeting the Commission was asked for their support to formalize the naming of the Explorer’s Scholarship Fund after Battalion Chief Juan Linares. Tonight the resolution is being presented for adoption to finalize the process to make this scholarship beneficial to the City, residents and the children that will be brought into the Fire Department locally for the future. Chief Turpel said past coordinators, and current coordinator, Lt. Xiste, have worked hard to bring this program together. Some funds have already been donated by the Broadview/Pompano Park Homeowners Association. Chief Turpel stated that they already have some freshmen and sophomores who will be coming up in the program. **Mayor Brady moved to adopt. Seconded by Commissioner Graziose.** Commissioner Graziose commented that the Explorers raised over $500 for the program by selling hot dogs at the [Broadview Community Bazaar] and the Broadview HOA will be supportive and make a contribution to the scholarship fund. He also commented that the first recipient of the scholarship funds went through the program with this assistance and received certification and he hopes other organizations will follow the lead and donate for the children. City Manager Bhatty said in addition to the scholarship fund, the City assists in the Explorer’s tuition through internships. Commissioner Borgelin commented that he had a tour of Station 34 on Bailey Road and was very impressed. Fire Chief Turpel also reported that on April 15th they will participate in competition at the Fire Academy in Coral Springs and extended an invitation to watch them compete. **No further discussion. Clerk called roll; All YES.**

RESOLUTION NO. 18-03-6498 PASSED AND APPROVED UNANIMOUSLY

**b. RESOLUTION – Proposed Resolution Relating to Charter School Transportation**

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

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, URGING THE FLORIDA LEGISLATURE AND OTHER RESPONSIBLE AGENCIES TO ADOPT LEGISLATION AND REGULATIONS THAT PROHIBIT CHARTER SCHOOLS FROM ENTERING INTO AGREEMENTS WITH PARENTS AND GUARDIANS WHICH WAIVE THE CHARTER SCHOOL’S RESPONSIBILITY TO PROVIDE BUS TRANSPORTATION FOR STUDENTS WHO RESIDE MORE THAN TWO (2) MILES FROM THE CHARTER SCHOOL; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE SCHOOL BOARD OF BROWARD COUNTY, THE FLORIDA STATE SENATE, THE FLORIDA HOUSE OF REPRESENTATIVES, THE FLORIDA DEPARTMENT OF EDUCATION, GOVERNOR RICK Scott, THE BROWARD COUNTY LEAGUE OF CITIES, AND THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.
Commissioner Graziose stated that this came to attention when the City was working on the traffic problem between Pinewood Elementary and North Broward Academy of Excellence. Over a million dollars was spent to redesign the entire road. After the project was complete, the Principal of NBAE reported that there was a traffic problem. Commissioner Graziose said he, City Manager and City Attorney reviewed the Charter School agreement with regard to capacity in the original agreement; asked for a breakdown of all the students they had, which was over a thousand and where they were from in Broward County and found that three students were coming from Miami and the school was over capacity from what it was approved for. He spoke about the contract regarding providing bussing and following state guidelines for anyone over two miles and commented that there was a one sentence line item in the contract that said if the Principal had the parents sign an agreement that they would provide transportation then the Charter School would not have to provide school bussing. Commissioner Graziose stated that he approached three School Board Members who were unaware of the loophole. He said he told them about the resolution and they were interested in it. Commissioner Graziose said we are an urban County and when you have only 300-400 kids out of about 1100 that actually live in the City, you get about 600-700 that are being driven it creates traffic problems. He said the schools worked on changing the times to try to offset that, but the impact is on the local government when you have all that traffic and people are complaining they cannot get in and out of their developments. Graziose stated that the School Board members are happy about the resolution and are waiting for it. Also he talked to Margate officials who were unaware and are having trouble with traffic at a school on Coconut Creek Parkway and others like Coral Springs are having trouble. So, Commissioner Graziose said this resolution before them tonight is to address this issue which has an impact on our City. City Manager Bhatty interjected that Charter Schools can go anywhere in the City, such as in shopping centers and neighborhoods, so the reason is that when it is in a shopping center, it can create a problem for other businesses with all the vehicle traffic coming in. She said this resolution will close this loophole and will require Charter Schools to provide bus transportation to avoid the negative impact of traffic into the shopping centers. The issue is for every Charter School throughout Broward County. Commissioner Graziose said while researching this, another item they found out is that the Broward County Land Use Plan has a section about schools and is not specific; it says public schools and doesn’t say “Charter” and Charter schools are public schools. Also, he said there are some state laws that say charter schools are public schools and in the Broward Land Use Plan it says what the conditions should be for a charter school and every school has to submit a traffic plan to Broward County Engineering. He said research found that quite a few charter schools never submitted a traffic plan, nor did any of the cities hold the charter schools to the requirement in the Broward County Land Use Plan Development Code. Commissioner Graziose reported that Coral Springs followed the development code and they have separate driveways and don’t have issues that some have because they are in a shopping center parking lot. He told the cities that contacted him that they have authority within the Broward County Land Use Code to require a plan that is approved by Broward County Traffic Engineering who does that work for all of the cities, and these things are coming to light. **Mayor Brady made a motion to adopt.** Commissioner Wood seconded the motion. Vice Mayor Moyle posed a question to City Attorney; since the charter school is a public school, and public schools do provide transportation for magnet schools, why would charter schools have a different set of rules governing school busses. Attorney Goren replied that there is a reason and deferred to Commissioner Graziose. Commissioner Graziose said the State of Florida legislature and
Broward County are considered to be charter school friendly, and there are guidelines that the School Board members can do too, but he does not believe that some of the charter schools meet all of the qualifications. He said schools are only supposed to be approved in an area where a school is needed, or a program may not be offered in an area, and it does not say in any of the charter school guidelines or statutes that he has seen that you can build them across the street from each other, or across the street from an existing public school and some of this burden needs to go back on the School Board for not just carte blanche approving every permit for a charter school contract. Commissioner Graziose said that as a most recent example, legislature is requiring traditional public schools to provide physical education, but made it optional for charter schools. He said there are differences regarding what a traditional public school is required to do that charter schools are not, such as class size, and that they are less stringent [with charter schools]. There being no further discussion; Clerk called roll. All YES.

RESOLUTION NO. 18-03-6499 PASSED AND APPROVED UNANIMOUSLY
*(During Commission Comments, Commissioner Borgelin made a motion to change his vote, resulting in the item being PASSED AND APPROVED ON A 4-1 VOTE; Commissioner Borgelin dissenting)*

7. REPORTS

   a. Update on Public Emergency Medical Transportation (PEMT) program

Susan Nabors, Finance Director, reported that this program, which is provided by the State, provides supplemental payments to eligible entities that help fund the gap between what is billed for Fire Rescue transport and what Medicaid pays from their insurance for the fixed costs that they pay. Medicaid payments are usually capped out at an amount that is typically a lot lower than what we bill out for a transport. That amount is usually about $200 per transport, when on average a bill is about $775. Last June, it was estimated that the City could receive approximately $40,000. During the late summer and into the fall, the Fire Department and Finance Department worked with our consultant on the program to analyze the revenues, expenditures and transport data relating to this program for 2017. At the end of November, a required report was filed and the end result is that we will finally see some of the money start to come in and this is money that was not budgeted. However, Ms. Nabors reported that this money is coming in at a good time because a rescue vehicle was recently damaged and it is an un-budgeted item that we will have to fund, and this money will be used to help fund the cost of that, as we may get some salvage money back from the truck but not all of it. Ms. Nabors reported that this expense will come forth at a later date, but this revenue can be uses to offset the cost. Commissioner Wood thanked Ms. Nabors and Chief Turpel for trying to recoup some of the funds with this program. City Manager Bhatty interjected that they still may have to come to the Commission to write off some of the unpaid bills, although this will diminish the gap a little bit. Commissioner Graziose asked what the salvage amount was for the vehicle. City Manager Bhatty said the front end was damaged, but we are trying to save the box and Chief Turpel has been in conversations with E-One, the manufacturer. Chief Turpel said we are working on the insurance on the truck, but we may have to pay some money to buy the truck and remount the box on a new chassis. Jennifer Yarmitzky, HR/Risk Manager, reported that the Florida League
of Cities did submit an offer, minus the deductible, of about $61,000; the salvage value is about $2,600 so that would be taken off as well if we keep the vehicle. Ms. Yarmitzky reported that she has asked for a re-evaluation and to get clarification whether the appraisal was just for the cab portion and the chassis, or the entire vehicle including the box, because the box is the most expensive part. She said once she gathers all the information she will share it with City Manager and Fire Chief to make the best decision on how to proceed with fixing or replacing the vehicle. Chief Turpel reported that Fire Rescue trucks cost about $300,000 brand new and Fire Engines are about a half a million and ladder trucks are about a million dollars. He explained that they recently refurbished a 2011 vehicle for about $120,000 and their plan was to refurbish other units, but this was an unforeseen situation and the good news is no one was badly hurt and the box was not touched and could go onto a new chassis after the quotes come in.

b. Parks and Recreation Update

Mike Sargis, Parks and Recreation Director, stated that since February 21st they have registered 248 kids for Summer Camp, which is the highest number ever reported this early for the first 29 days of registration. One reason for such high registration is that our fee of $410 is lower than most neighboring cities for 8 weeks for 35-38 trips; Lauderhill is $560; Margate is $650; Tamarac is $650; Coconut Creek is $1,000 and Coral Springs is $1,029. 75-85% of the registrants are North Lauderdale residents.

Two Egg Hunt events will be held on March 24th; the first at 10:00 am at the Jack Brady Sports Complex for kids 15 and under, with face painting and events until noon; and the second will be an Underwater Egg Hunt at the pool for kids from 5 years old to adult at 2:15 pm. All events are free.

Saturday, March 24th has also been declared as “March for Our Lives Day” by the students of Marjorie Stoneman Douglas. There is also a march at the National Mall in Washington, DC and numerous cities around the country. The walk will begin at 10:30 from City Hall along Rock Island to McNab Road, then along Wyland Wall to 81st Avenue to Hampton Pines Park on Hampton Blvd for a 2.3 miles, at which point walkers will have an option to ride a bus back, or continue to walk back, for a total of about 4 miles. Police and Fire will be involved to escort the event. Coconut Creek High School, North Lauderdale Schools and Boys and Girls Club will be invited to participate and the event will be sponsored by the North Lauderdale Teen Club. Mr. Sargis invited the Commission to join and to pass out flyers in their neighborhoods.

Mr. Sargis reported that they are looking to take a design proposed by a resident in Commissioner Wood’s district for the east side of Kimberly Blvd to make a memorial garden at the Old Veterans’ Memorial. There will also be a stone dedicated to the students from Marjorie Stoneman Douglas, some of whom were laid to rest in North Lauderdale. Later, pavers will be available if anyone wanted to purchase a memorial.

Commissioner Graziose commented that half of the children in his district who go to Boyd Anderson, Oriole, Lauderdale Lakes Middle, Northeast or Park Lakes don’t hear of our events. Mr. Sargis commented that they do call posts for the events, but they will contact the Principals
to see if they will display flyers. Commissioner Wood reported that Superintendent of Schools put out an email regarding that, although we are in support and know the situation at hand, it is a fine line as there is a planned student walkout scheduled for tomorrow at 10:00 am for 17 minutes, and though they can’t discourage the kids, his school’s student body has been told if they do walk out there is a designated area and they must go back in after that.

8. COMMISSION COMMENTS

a. Request for Ceremonial Items - Commissioner Borgelin requested a consensus as discussed at the last meeting for recognizing exceptional women who have contributed to our community as indicated in the backup item, and added an additional name. Mayor Brady said he supports this and the consensus of the Commission was to proceed.

At this time, Attorney Goren interjected that Commissioner Borgelin had a request of the Commission to open up, which is legally permitted under Commission Comments, a motion for reconsideration of Item 6(b). Commissioner Borgelin essentially restated that Motion to Reconsider Item 6(b). Chair Moyle asked if there was a second. Motion died for lack of a second.

Commissioner Borgelin commented that he wished to share some data as it relates to the rich diversity of the City of North Lauderdale. He said, according to the 2010 Census, we have 53.4% African American in the City; 25.8% Hispanic; 16.1% Caucasian; 2.9% Asian and 0.3% Native American and that the data also shows that 18.67% are Creole speaking. He said he is certain this number has increased within the past 8 years. He stated he would like to see a report of the City’s workforce to see how it affects our community to see how we are serving the non-English speaking residents. Commissioner Borgelin asked City Manager to provide the demographics of our workforce to include the number of people who speak another language than English. City Manager replied that in the Code Division we do have Officers who speak Spanish and Creole and also other staff members in City Hall who speak Spanish and Creole, although she does not have a breakdown of the crews that work out on the streets. Commissioner Borgelin stated he will follow up to be responsive to the request that he was asked. City Manager asked the Human Resources Manager to work on a list. City Attorney commented this was a request to the City Manager, not the Commission.

*Commissioner Borgelin stated that he would like to change his vote since there was no reconsideration. Attorney Goren stated that Commissioner Borgelin’s Motion for Reconsideration of Item 6(b) failed for a lack of a second so that matter is at an end. As a matter of Robert’s Rules, before the meeting ends, he has the right, absent objection, to change his vote from a “YES” to a “NO” and let the record reflect the “NO” vote on the Resolution which was adopted which is Resolution #18-03-6499. Vice Mayor Moyle reiterated that Commissioner Borgelin is asking to change his own vote. Attorney Goren stated that on the record, he is changing his vote from yes to no, having failed on the motion to reconsider and there is no reason to offer up his issues for discussion unless the Commission would choose to hear his reason for voting no. City Clerk reiterated for the record that Resolution #18-03-6499 passed on a 4-1 vote; Commissioner Borgelin
dissenting. Attorney Goren stated the record needs to reflect that Commissioner Borgelin changed his vote and that Item 6(b) was moved for reconsideration under Robert’s Rules and failed for a lack of a second.

Vice Mayor Moyle stated that he would like to know why Commissioner Borgelin changed his vote. Attorney Goren said that the Chair could ask and Commissioner Borgelin could reply if he was comfortable, as the motion for reconsideration had already failed. Commissioner Borgelin stated he was comfortable with that and replied that for fairness, he changed his vote because after he voted he wondered how it would weigh on the parents or the school if the resolution says more than two miles, because we can’t expect the school to provide transportation for those that are more than five miles. He said within the five miles yes, he would agree with that, but since it has been found that there are students who live as far as Miami, some parents may say you have to provide that transportation, so he would like to limit it to five miles and no more than that because he would not want the school to feel obligated to go and sign an agreement with parents who live six or seven miles from the City. Vice Mayor Moyle said he doesn’t think we have that option at all. Commissioner Borgelin said before he votes he wants to make sure. Vice Mayor Moyle said he wants to agree with Commissioner Borgelin as his son went to South Plantation High School for the magnet program and he was picked up by a bus every day and it was pretty far. Vice Mayor Moyle said the parents who are bringing their children to attend charter schools pay the same taxes as the rest of us and regular schools, like the magnet schools, have transportation provided for students who are not in the district; so he tends to say Commissioner Borgelin is right; however he doesn’t think we have the option to change anything about that. Commissioner Graziose said the resolution was developed following state law as a charter school is a public school. He said in Florida state law, for any students attending public schools who reside more than two miles, along with other programs that are handled internally such as magnet programs, it is very clear that over two miles the school district is responsible for transportation and that is in the contract that the charter schools have, and unfortunately, they have that one little loophole in there. Commissioner Graziose said generally, charter schools are public schools and they are bound by State law; State law is not 5 miles or 7 miles, it is 2 miles. He said Charter Schools should not be treated differently than traditional schools. Vice Mayor Moyle interjected that they are being treated differently in this case. Commissioner Graziose said by state legislators allowing them a loophole. Vice Mayor Moyle said by transportation not being provided by the District which actually has jurisdiction over a lot of aspects of charter schools. Commissioner Graziose said charter schools are allowed to contract with the District for school bussing and they are allowed also to hire private companies and many charter schools do bus over 2 miles; there are just some that have taken advantage of the loophole which in reality is hurting the municipality. Vice Mayor Moyle said the problem he is seeing is that there is a double taxation going on in that case if the parents are paying for transportation. Commissioner Graziose said no they are not; charter schools get the same funding per student that public schools get, but bussing comes out of the funding. He said the charter schools are a business that have found a way to make more money by putting that loophole in and not providing bussing; it shows the discrepancy that has been going on for years. He said they get the same amount; $7,500 per student and traditional schools pay bus transportation out of that. Vice Mayor Moyle said so that means that the magnet schools have transportation coming out of their budget. Commissioner Wood and Graziose both said that is federal funding and Graziose said he is just going with the State minimum requirements. Broward has gone further by not allowing
elementary students to cross railroad tracks, and they bus students. Commissioner Wood said charter schools get the funding for transportation, called the FTE state issued dollars, and he is not surprised that students are coming from as far south as Miramar; the charter schools are a business and get public school dollars. He said 2.2 miles away from a school triggers transportation be provided and then it goes double lane highway and railroad crossings; most people want to attend neighborhood schools except for magnet schools programs. Commissioner Wood said the situation between Pinewood Elementary and the [North Lauderdale Academy of Excellence] Charter School is always going to be contentious because Pinewood has to offer more to keep their students from leaving. If they go across the street to the Charter school who does not provide transportation, that is one more parent on that roadway to drop students off. Commissioner Wood said they did work with City Manager to alleviate some of the woes by flexing the start times, and said the magnet schools, and the public schools over 2 miles provide busses, but there are not enough busses for charter schools. He further commented on the transportation problem and the FTE dollars from the state. Commissioner Borgelin thanked City Attorney for allowing him to get the information and his colleagues for the education. City Attorney asked if Commissioner Borgelin’s vote was still “NO”. Commissioner Borgelin said it is still “NO” because all he can’t see a parent putting pressure on a school to go all the way to Miami.

b. Request for Ceremonial Items - Commissioner Wood said for Women’s History Month he would like to recognize Judge Mary Rudd-Robinson. She was the first African American woman to be placed on the bench in Broward County, Florida. Commissioner would said she started her career in the ‘80s and served for 27 years in the Broward County Court system and after her retirement, continues to serve here community by feeding homeless; mentoring young lawyers and high school students who aspire to attend college. He said she is still local land when the Proclamation was read for Women’s History Month, he just wanted to choose one person that we could recognize and he did speak to Judge Robinson by phone and she did confirm that her schedule does allow for her to attend a meeting, if this is approved by consensus of his colleagues. Commissioner Wood said further that it is nice when you can recognize someone for the work they’ve done and she has done a lot in our community as a whole, not just here in North Lauderdale, but to be the first woman to sit on the bench in Broward County and he provided a copy of her bio. He said Judge Zebedee Wright gave [Judge Rudd-Robinson] the highest praise because she met that glass ceiling because it was not easy for a woman of color to make it through the rank and file and become a Judge; she was the first African American female in Broward County. Attorney Goren interjected that absent any objection, and by consensus, the item will be processed through the appropriate channels. Vice Mayor Moyle asked if everyone was in agreement with this particular award. Vice Mayor Moyle said we have a consensus of all five. Commissioner Borgelin said I am in agreement, but just want to say that when he asked for recognizing a lot of people, the question usually asked of him was what have these people done for the City of North Lauderdale. He said he is not against this, but he wants to be fair all around and he is asking to make sure that if he is asked a question of the people he wants to nominate, that all across the board everyone is asked the same question. Commissioner Wood said simply that he has never questioned anything Commissioner Borgelin put on the docket, however, Judge Rudd-Robinson has served this community ad nauseam for 27 years, she is a member of the Links and a mentor to the young women in our
community who are women of tomorrow, who are also seeking college scholarships; so she is a mentor to many young ladies throughout the public school system. Commissioner Wood said after 27 years, she continues to serve, and some of those young ladies live in our City, and she has been a part of the community for many, many years. He said when he moved to Broward in ’92 she was just being appointed to the bench as the first lady to be put in that position, so that is why he chose to honor and recognize her because our Proclamation touched on all women and actually, the City Manager had asked all the ladies in the room that night to stand; this is Women’s History Month, not men’s history month and not over-powering month just to recognize the women – she is a part of our community because we are Broward County. Commissioner Borgelin said he is not against the choice, it is good, but all he is saying is that he doesn’t want to say names, but usually, if it is one on one, he is asked what the people who he is recognizing do specifically for North Lauderdale and all should be asked the same question. Vice Mayor Moyle said, so by consensus, this will take place at the next meeting.

Commissioner Graziose – Reported that the Broadview Community Bazaar did very well and the Tamarac Chamber of Commerce who came by said the event also commented that it was a good event, and that Tamarac also had an event going at the same time. He stated that they will be able to provide the City with donations soon. Commented on attending the Youfit ribbon cutting ceremony yesterday and said it is a very busy location. He also commented that he supports all of the staff and departments and whoever sends him an email or makes statements he will do the research, check to make sure any information is accurate, and will meet with City staff. He also said he supports all City events and his [Broadview] Association also endorses and supports City events.

9. CITY MANAGER COMMENTS - Congratulated Deputy Clerk on her accomplishments. Reminded the Commission about the Neighborhood Design meeting on Wednesday. She also mentioned that they will share some ideas for the Veterans Memorial. Commissioner Graziose interjected that he would like the memorial to reflect that the City is a Purple Heart City and would like something incorporated to that effect. Further, she mentioned the next meeting with the Education Committee, that was formed with the School Principals, will be on March 20 at 10:00 am, and will feature school safety concerns to be addressed by BSO. A Strategic Planning Workshop has also been planned for March 29th in Commission Chambers beginning at 9:00 a.m.

10. CITY ATTORNEY COMMENTS

Attorney Goren asked to present the following items in reverse order regarding Item 10 (a) and 10 (b). Item 10 (b) discussed first, stating that this is a draft and adopt resolution that was adopted by the Commission at the last meeting for a purpose. The timing was critical in Tallahassee and the objective was that there was no Commission meeting between that meeting and this meeting. Attorney Goren reported that he conferred with Commissioner Graziose who raised the issue legally and provided the best legal answer he could. For the record and clarification, Attorney Goren said although Resolution #18-03-6497 was approved in part and
legally at the last meeting, he would read the title and allow the Commission to ratify the resolution and reassign the number. **Commissioner Graziose moved to read. Seconded by Commissioner Wood.** Attorney read:

- b. **RESOLUTION – Ratifying Resolution Calling for Legislator to Enact Gun Control Legislation to Prevent Mass Shootings in America**

_A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, CALLING UPON THE STATE OF FLORIDA GOVERNOR RICK SCOTT, THE FLORIDA HOUSE OF REPRESENTATIVES, THE FLORIDA SENATE, PRESIDENT DONALD TRUMP AND THE FEDERAL GOVERNMENT TO ENACT GUN CONTROL LEGISLATION TO PREVENT MASS SHOOTINGS AND LARGE SCALE HUMAN LOSS OF LIFE AND SUFFERING FROM MASS SHOOTINGS IN AMERICA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE._

Commissioner Graziose moved to approve and ratify the resolution. Seconded by Mayor Brady. No Commission discussion. Clerk called the question; All YES. Attorney Goren reported that the resolution resonated in Tallahassee with the legislation taking action this past week to sign the Marjorie Stoneman Douglas Bill specifically, although it is now being challenged by the NRA which they have a legal right to do; the end result being that the Bill was passed.

**RESOLUTION NO. 18-03-6497 PASSED AND APPROVED UNANIMOUSLY**

- a. **Report/Update on County wide 3/8 City attorney meeting re: Section 790.33, FS, Firearms Super Preemption**

Attorney Goren stated that we are in some very difficult times and the matter of gun management and gun control is a matter which is on the mind of the City Commission by having adopted and ratified that particular Resolution this evening again. For the record, Attorney Goren presented the preamble of Section 790.33 91), FS which is the super preemption statute of the State of Florida, not unlike others around the country, but specific here. He quoted “Except as expressly provided by the State Constitution or general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto. Any such existing ordinances, rules, or regulations are hereby declared null and void.” Attorney Goren stated this is a very creative and wide ranging statute. He said it is a preemptive statute and there are many laws which govern what local government can and cannot do and the legislation was rife this session with bills that would have taken away what is done on this dais by public officials, many of which did not pass. Attorney Goren said there are several reasons why this particular statute is dangerous. He gave an example of the backyard shooting range issue that was passed and modified a few years ago. He pointed out that any regulation in the
city regulating firearms was repealed by the Commission; any signs that you may have seen that say don’t bring guns in the public buildings, etc., you had to repeal them or the Governor could remove you from office back in the day. Attorney Goren stated that this statute now says if you regulate, in any way shape and form, the things that were just read, then each of you individually could be subjected to being removed from office by the Governor; fined up to $5,000 per incident in violation of the statute; and it allows for third party, such as the NRA or manufacturers of the AR15 or any other third party affected by this statute could sue personally or the City collectively. There is a cap on damages of $100,000 per claim for elected officials, but there is no cap on legal fees. He explained what a multiplier is regarding legal fees and said most lawyers who do this type of work get paid between $500-$1,000 per hour. Under this statute, if they succeed in providing success to their client, the Court could award a multiplier of any number that meets the rational test resulting in lawyer’s fees that could be $2,000 an hour. Also, Attorney Goren stated that any claim against the Commission or Commissioners cannot be paid for out of public funds. He stated the statute is very clear, quoting “A person or an organization whose membership is adversely affected by any ordinance, regulation, measure, directive, rule, enactment, order, or policy promulgated or caused to be enforced in violation of this section may file suit against any county, agency, municipality, district, or other entity in any court of this state having jurisdiction over any defendant to the suit for declaratory and injunctive relief and for actual damages, as limited herein, caused by the violation. A court shall award the prevailing plaintiff in any such suit” Further, “If the court determines that a violation was knowing and willful, the court shall assess a civil fine of up to $5,000 against the elected or appointed local government official or officials or administrative agency head under whose jurisdiction the violation occurred”. Attorney Goren said he took an oath to become a lawyer, as the Commission took their oath of office, and swore to God and country, to fulfill the obligation under the Constitution to uphold the laws of the State of Florida; therefore, he cannot allow anyone to violate the law if he knows a law is being violated. Attorney Goren reported that there was a meeting last Thursday of all the City Attorneys of Broward County that was supported by the Broward League of Cities and several proposals were put on the table and there may be some potential challenges to a portion of this statute. The Weiss, Serota firm has been retained to file a lawsuit against the State, either in Federal or State Court, by eight of the cities they represent and they will be offering other cities that may want to sign up with this firm, the fee is about $10,000 to start litigation. Further Attorney Goren stated that he spoke with the lawyer from Everytown, and although they have offered to do the work pro bono for a handful of cities. He outlined the options that the City has in this regard, and has consulted with City Manager, but for the record this evening, is not prepared to recommend anything but a no-cost option to the City. Vice Mayor Moyle asked if this would cause problems regarding this state statute. Attorney Goren replied that he will bring to the next meeting a proposal, called a chilling resolution, which would say that we would like to adopt in the City of North Lauderdale, a regulation governing extra high powered magazines and/or certain other conditions that would otherwise be adoptable by the City but for one thing. Because of that the Commission cannot act and because they cannot act would be asking the Court to help. Attorney Goren said he would not have the Commission adopt a resolution or ordinance that would violate the law; nor could he prepare a document to publicly consider. He said resolutions are one thing; ordinances are legislative pieces that are enactments so with the Commission’s concurrence, absent objection, he will bring back a resolution to the next meeting which essentially sets forth the findings of the chilling resolution that says “but for 790.33” the Commission would otherwise be interested in pursuing
some potential regulation. **Commissioner Graziose made a motion to direct City Attorney to draft a resolution addressing this item to bring back to the next City Commission meeting.** Commissioner Wood seconded the motion. Vice Mayor Moyle commented that after the Marjorie Stoneman Douglas incident, he did some research wanting to find out what the US Supreme Court thought about this and found the “Heller” case and Justice Scalia gave a majority opinion about that case that had to do with a sawed off shotgun which is illegal and the case used the Second Amendment as a basis to challenge the law. Attorney Goren said it was “The District of Columbia v. Heller” which was decided in 2007. Vice Mayor Moyle stated what Judge Scalia said was that he did not believe, as the majority opinion author, that the Second Amendment allowed for dangerous or unusual weapons; he is researching and finding things out that were intended back then that don’t really apply today in terms of militia and that sort of thing. Vice Mayor Moyle said he would like to talk about that when the resolution is brought back. Attorney Goren said he respects the Second Amendment; this statute has severe implications for public officials who want to do what they believe to be the right thing; and as the City’s lawyer he has an obligation to give the best options available to pursue those beliefs. **No further discussion; Clerk called roll. All YES; motion passes.**

11. **ADJOURNMENT** – There being no further business, the meeting adjourned at 7:51 pm.

Respectfully submitted,

Patricia Vancheri, City Clerk
WHEREAS, Florida’s future prosperity depends on nurturing the healthy development of over 4 million children currently residing in our state; and

WHEREAS, the abuse and neglect of children can cause severe, costly and lifelong problems, including physical and mental health problems, school failure and criminal behavior, which affect all of society; and

WHEREAS, research shows that parents and caregivers who have social networks and know how to seek help in times of trouble are more resilient and better able to provide safe environments and nurturing experiences for their children; and

WHEREAS, individuals, businesses, schools, and faith-based and community organizations must make children a top priority and take action to support the physical, social, emotional and educational development and competency of all children; and

WHEREAS, during the month of April, Prevent Child Abuse Florida, in collaboration with the Governor’s Office of Adoption and Child Protection, the Florida Department of Children and Families and the Ounce of Prevention Fund of Florida, will implement Pinwheels for Prevention, a statewide campaign promoting awareness of healthy child development and positive parenting practices; and

NOW, THEREFORE, We, the City Commission of the City of North Lauderdale, Florida hereby proclaim the month of April as

CHILD ABUSE PREVENTION MONTH

and urge all residents to engage in activities whose purpose is to strengthen families and communities to provide the optimal environment for healthy child development.

Dated this 27th day of March, 2018

MAYOR JACK BRADY
PROCLAMATION

National Boys & Girls Club Week
April 8-14, 2018

WHEREAS, the young people of North Lauderdale are tomorrow’s leaders; and many such young people need professional youth services to help them reach their full potential; and

WHEREAS, in 2017, Levine Slaughter/Leo Goodwin Unit served 1,718 youth; of those served were members of families earning less than $20,000 annually, members living in a single family household, or members qualified for free or reduced lunch; and

WHEREAS, Boys & Girls Clubs are places where great futures start. They are at the forefront of efforts in grade progression and graduation, drowning prevention and community service; and

WHEREAS, Boys & Girls Clubs help ensure that our young people keep off the streets, offering them a safe and supportive place to go and providing them with quality programs; and

WHEREAS, Boys & Girls Club said in fostering academic success with a high percentage of members that graduate from high school, are ready for college, trade school, military and or employment; and

WHEREAS, since 1965, the Boys & Girls Clubs of Broward County has been enabling all young people, especially those who need us most, to reach their full potential as productive, caring and responsible citizens.

NOW THEREFORE, We, the City Commission of the City of North Lauderdale, Florida do hereby proclaim April 8 – April 14, 2018 as

NATIONAL BOYS & GIRLS CLUB WEEK

And call on all citizens of the City of North Lauderdale to join in recognizing and commending the Boys & Girls Clubs of Broward County for providing comprehensive, effective services to the young people in our communities.

Dated this 27th day of March, 2018.

____________________________
MAYOR JACK BRADY
Proclamation
NATIONAL LIBRARY WEEK
APRIL 8-14, 2018

WHEREAS, first sponsored in 1958, National Library Week is a national observance sponsored by the American Library Association (ALA) and libraries across the country each April.

WHEREAS, It is a time to celebrate the contributions of our nation's libraries and librarians and to promote library use and support. All types of school, public, and academic libraries participate.

WHEREAS, celebrations during National Library Week include: National Library Workers Day, celebrated the Tuesday of National Library Week (April 10, 2018), a day for library staff, users, administrators and Friends groups to recognize the valuable contributions made by all library workers; and National Bookmobile Day, celebrated the Wednesday of National Library Week (April 11, 2018), a day to recognize the contributions of our nation's bookmobiles and the dedicated professionals who make quality bookmobile outreach possible in their communities; and

WHEREAS, libraries offer a broad range of print and electronic materials, expert assistance in research, reader’s advisory, e-government, and children’s services as well as programs vital to jobs, health education and other needs, and

WHEREAS, libraries bring together community members to enrich and shape the community while continuing to grow and evolve in order to provide for their needs and helps individuals make informed decisions by promoting unrestricted access to information and serving as a center for life-long learning; and

WHEREAS, libraries; librarians; library staff; the Friends of the North Lauderdale Saraniero Branch Library and supporters across America are celebrating National Library Week.

NOW, THEREFORE, We, the City Commission of the City of North Lauderdale, Florida hereby proclaim April 8 through April 14, 2018 as

NATIONAL LIBRARY WEEK

in the city of North Lauderdale and encourage all residents to visit their local library to take advantage of their resources and services and recognize all they do to make our community a place of excellence.

Dated this 27th day of March, 2018

MAYOR JACK BRADY
TO: Mayor and City Commission

FROM: Ambreen Bhatt, City Manager

BY: Tammy Reed-Holguin, Community Development Director

DATE: March 27, 2018

SUBJECT: LAND USE AMENDMENT - LUA 18-01

PROJECT NAME: Off Lease Only Addition

PROJECT LOCATION: Folio # 4941 01 42 0011
Southwest corner of 827 S. SR 7

PROJECT DESCRIPTION: Land Use Amendment to the City of North Lauderdale land use map to amend approximately 3.77 gross acres of Residential Low Density-RLD (0 to 5 DU/a) to Commercial (C)

APPLICANT: Ejola Cook, Off Lease Only Inc.

Tonight we are presenting a request from Off Lease Only Inc. to change the Land Use Plan designation of the subject property from Residential Low Density (RLD) Use (0-5 DU/acre) to Commercial (C) use to be able develop approximately 3.77 acres of land adjoining their existing operation to expand the car lot. The City Commission will also be considering tonight a petition to rezone the property and the site plan request regarding the same site in conjunction with this land use change request.

Background:

This property is currently an underutilized, vacant site that was acquired by Off Lease Only Inc. from Calvary Chapel Church, which owns the remaining piece of property along Kimberly Boulevard to the South. According to the applicant the new land use will provide compatibility with existing surrounding commercial uses and make the land more economically viable. The parcel will be incorporated into the current development to provide extra space needed for inventory by the applicant. Thus, the amendment will further Objective 1 of the City’s Future Land Use Plan Element, which is “to achieve and maintain a stable and diversified mixture of land uses by attracting infill development.”

In order to meet the criteria required for a land use amendment process, the applicant has submitted a detailed Impact Analysis Study pertaining to sanitary sewer, potable water, drainage,
solid waste, recreation/open space, traffic circulation, mass transit, compatibility and public education. The analysis was provided by VHB consultants on behalf of the applicant.

**Impact Analysis:**

The impact analysis below takes into consideration the reduction of 3.77 acres of Low Density Residential use and the increase of 3.77 acres of Commercial use. The analysis takes into consideration the maximum potential build-out of the property as a commercial use. The actual impact for this project is anticipated to be less since no building construction is proposed. The following has been reviewed by the City’s Public Works Department and Community Development Department for consistency with current operational standards. The full report is on file in the Community Development Department.

- **Sanitary Sewer Analysis:** Based on the assumption that this site could support 18 dwelling units, the sanitary sewer usage would be 4,770 gallons per day. Using only 37,700 square feet of commercial space the proposed amendment will result in about 3,770 gallons per day and a decrease of 1,000 gallons per day. Broward County will have adequate wastewater treatment plant capacity to serve future demand, including the proposed development of the subject property.

- **Potable Water Analysis:** The City Water Plant can support 7.55 million gallons per day and is only committed to 3.0 million gallons per day.

- **Drainage:** The amendment site is within the South Florida Water Management District (SFWMD) C-14 basin. The SFWMD regulates the quantity and quality of water discharge to this primary canal system. There are no improvements currently planned for the drainage system. The proposed development will comply with the on-site water area requirements as well as all other City, County and SFWMD regulations. The City of North Lauderdale’s Capital Improvement Element of the adopted Comprehensive Plan indicates the following drainage levels of service: Roads: 10-year, 1-day event for centerline or crowns; Buildings: First floor 100-year flood elevation; Storm sewers: 25-year, 3-day event for drainage facilities; 100-year, 3-day event for finished floor elevations.

- **Solid Waste:** Based on the assumption that this site could support 18 dwelling units, the solid waste usage would be 160 lbs./day. The proposed amendment will result in usage of 1,508 lbs./day; an increase of 1,348 lbs./day. The current and proposed landfill capacity is sufficient to meet county-wide demand for the next fifteen years.

- **Recreation & Open Space:** The proposed amendment will result in a decrease in demand for parks and recreation acreage. The City of North Lauderdale currently maintains a sufficient inventory of parks to accommodate the requirements. In addition, the development proposed will be
adding Commercial land use and removing Residential land use which
lightens the burden on park capacity.

- **Traffic Circulation:** The proposed amendment will result in a net increase of
  38 vehicle trips per day. However, the traffic associated with the proposed
  use is estimated to be less than 1.0% of the capacity on these roadway
  segments.

- **Public Education:** The proposed amendment will result in a decrease in
  demand for educational facilities as no new residences or residents will be
  attracted. There is no impact created on public education.

- **Historic Resources:** According to the Broward County Comprehensive Plan
  and the City of North Lauderdale Comprehensive Plan, the subject property
  does not contain historic sites.

- **Natural:** There are no archaeological sites listed on the Florida Master Site
  File on or adjacent to the amendment site. There are no wetlands on or
  adjacent to the amendment site. There are no endangered or threatened species
  or species of special concern known to inhabit the amendment site. The
  amendment site is not located within a wellfield protection zone of influence.
  The amendment site has been or will be de-mucked and filled to the
  appropriate elevation for development. The required permits will be obtained
  for any necessary dredge and fill activities.

In addition, the purchase of the land by a for-profit entity will put the parcel back on the City’s
tax role generating new tax revenue and the additional inventory of cars will generate sales tax
revenue.

The Staff and Administration have reviewed the proposed use and determined that it would be
compatible with surrounding existing uses. In addition, based on the detailed impact analysis
listed above, it has been determined that there is adequate potable water, sanitary sewer, drainage
and solid waste capacity to serve this project. The project will create a positive impact on the
surrounding area and will expand an existing successful use. The proposed use will not
negatively impact the cultural resources of the area. Therefore, staff recommends approval of
the land use amendment to the City Commission subject to the conditions and restrictions
outlined in reports, backup and minutes.

The Planning and Zoning Board met on Tuesday, March 6th, 2018 and voted unanimously in
favor of recommending approval of the land use amendment for transmittal purposes to the City
Commission.
**RECOMMENDATION:**
Should the City Commission concur with the recommendation of Administration and Planning & Zoning Board and wish to approve the land use amendment for transmittal purposes only to the Department of Economic Opportunity, it is recommended that approval be subject to the following conditions:

1. All terms, conditions and provisions imposed by the City Commission, Planning and Zoning Board and staff shall be met.
2. The land use amendment is contingent upon the rezoning approval by the City Commission.
3. This approval is contingent upon obtaining preliminary site plan approval.
4. The approval is contingent upon obtaining land use amendment approval from the County Commission thereby alleviating the need for the assignment of flex and/or reserve units and the State Department of Economic Opportunity, and all other applicable agencies.
5. Proper plat note amendment approval shall be obtained from the County Commission.

A motion is in order as follows:

“To approve the proposed land use amendment to the City of North Lauderdale Comprehensive Plan and Land Use map for transmittal purposes only to change approximately 3.77 gross acres of Residential Low Density (RLD) use (0 to 5 dwelling units/acre) to Commercial (C) and to transmit the proposed amendment to the Florida Department of Economic Opportunity (DOE) and Broward County Planning Council for small scale review pursuant to Chapter 163, Florida Statutes”.
AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AMENDING THE NORTH LAUDERDALE COMPREHENSIVE LAND USE PLAN IN ACCORDANCE WITH CHAPTER 163, SECTION 163.3184 OF THE FLORIDA STATUTES, TO PROVIDE THE CHANGE OF APPROXIMATELY 3.773 ACRES OF LAND LOCATED IN THE CITY OF NORTH LAUDERDALE, COUNTY OF BROWARD, STATE OF FLORIDA, TO-WIT: FIRST BAPTIST CHURCH OF NORTH LAUDERDALE 154-35 B POR OF PAR A DESC AS: COMM AT NE COR OF PAR A, S 370 ALG E/L PAR A TO POB, CONT S 509.55, W 325, N 501.68 ALG W/L PAR A, E 324.91 TO POB, BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED IN ATTACHMENT A BE CHANGED FROM RESIDENTIAL LOW DENSITY-RLD (0-5 DU/A) TO COMMERCIAL (C) PROVIDING THAT THE OFFICIAL LAND USE MAP OF THE CITY OF NORTH LAUDERDALE SHALL BE AMENDED TO REFLECT SAID LAND USE CHANGE; DIRECTING STAFF TO TRANSMIT THE AMENDMENT TO THE LAND USE PLAN TO THE BROWARD COUNTY PLANNING COUNCIL WITH INSTRUCTIONS TO TRANSMIT CONCURRENTLY TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR SMALL SCALE REVIEW; PROVIDING FOR CONDITIONS; PROVIDING FOR CONFLICTS; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission, after public hearing, due consideration, and being fully advised in the premises is desirous of changing the land use designation on the City’s Future Land Use Plan for the property described herein, and

WHEREAS, the City Commission of the City of North Lauderdale deems said land use change 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 ORDAINED 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. That the North Lauderdale Comprehensive Land Use Plan be amended to provide that certain real property located in the City of North Lauderdale, Broward County, Florida, described as:

THAT CERTAIN PROPERTY KNOWN AS “TO-WIT: FIRST BAPTIST CHURCH OF NORTH LAUDERDALE 154-35 B POR OF PAR A DESC AS: COMM AT NE COR OF PAR A, S 370 ALG E/L PAR A TO POB, CONT S 509.55, W 325, N 501.68 ALG W/L PAR A, E 324.91 TO POB, BROWARD COUNTY, FLORIDA,”
Be changed from Residential Low Density-RLD (0 to 5 DU/a) to Commercial (C)

SECTION 3. That the Official Land Use Map of the City of North Lauderdale has been officially adopted, and is in effect at the passage hereof, be and the same is amended hereby, to the extent of and in accord with the land use amendment hereby granted, said amendment to be shown on said Official Map as revised.

SECTION 4. That the City Commission hereby transmits the amendment of the City of North Lauderdale’s Land Use Plan to the Florida Department of Economic Opportunity (DEO) for small scale review pursuant to Chapter 163, Florida Statutes.

SECTION 5. That a condition of the adoption of this ordinance shall be to obtain the recertification of the Land Use Change by the Broward County Planning Council.

SECTION 6. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

SECTION 7. All ordinances or parts of ordinances, resolutions or part of resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

SECTION 8. This ordinance shall take effect immediately upon its passage.


PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ON THE SECOND AND FINAL READING, THIS ___ DAY OF ________________________, 2018.

CITY OF NORTH LAUDERDALE, FLORIDA

APPROVED AS TO FORM: ____________________
MAYOR JACK BRADY

SAMUEL S. GOREN, CITY ATTORNEY ____________________
VICE MAYOR RICH MOYLE

ATTEST: ____________________
PATRICIA VANCHERI, CITY CLERK
FIRST BAPTIST CHURCH OF NORTH LAUDERDALE 154-35 B POR OF PAR A
DESC AS: COMM AT NE COR OF PAR A, S 370 ALG E/L PAR A TO POB, CONT S
509.55, W 325, N 501.68 ALG W/L PAR A, E 324.91 TO POB, BROWARD COUNTY,
FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL A; THENCE
SOUTH 01°42'30" EAST, ALONG THE EAST LINE OF SAID "A", 370.00 FEET TO
THE POINT OF THE BEGINNING; THENCE CONTINUE SOUTH 01°42'30" EAST
ALONG SAID EAST LINE, A DISTANCE OF 509.55 FEET; THENCE SOUTH
89°40'44" WEST, A DISTANCE FO 325.00 FEET TO A POINT ON THE WEST LINE
OF SAID PARCEL “A”; THENCE NORTH 01°42'30" WEST, ALONG THE WEST
LINE OF SAID PARCEL “A”, A DISTANCE OF 501.68 FEET; THENCE NORTH
88°17'30" EAST, A DISTANCE OF 324.91 FEET TO THE POINT OF THE
BEGINNING. SAID LANDS SITUATE LYING AND BEING IN BROWARD COUNTY,
FLORIDA CONTAINING 164,244 SQUARE FEET (3.77 ACRES) MORE OR LESS
TO: Mayor and City Commission
FROM: Ambreen Bhatti, City Manager
BY: Tammy L. Reed-Holguin, Community Development Director
DATE: March 27, 2018
SUBJECT: ZLU 18-01

PROJECT NAME: Off Lease Only Addition
PROJECT LOCATION: Folio # 4941 01 42 0011
Southwest corner of 827 S. SR 7

PROJECT DESCRIPTION: First Reading: Request to amend the City’s zoning map for
the expansion of the existing car inventory lot from a
Community Facility (CF) zoning district to a general business
district (B-3) zoning district.

APPLICANT: Ejola Cook, Off Lease Only Inc.

Off Lease Only Inc. is proposing to construct an addition to their existing car inventory lot at
their business located at 827 S. State Road 7. The subject property was previously owned by
Calvary Chapel Church of Ft. Lauderdale and is currently vacant. In order to construct the
development, the applicant submitted a request to rezone approximately 3.77 +/- gross acres of
Community Facility (CF) District to General Business (B-3) District. The specific extent of the
anticipated use is explained in Attachment A, and made a part of this report.

Both the site plan of the addition to the Off Lease Only site and a request to change the land use
will also be presented to City Commission tonight. The rezoning will accommodate additional
inventory to the site which will increase the property value, generate permit revenue and
generate sales tax revenue. The commercial zoning is consistent with the surrounding zoning of
the existing business. The new inventory lot will also be fronted by the existing church on the
south end (CF), a neighborhood on the west and partially on the east (RM-10) as well as the
existing Off Lease business (B-3) on the north and partially on the east sides. Adequate
buffering between the commercial use and the CF and residential uses will be required as part of
the site plan.

As mentioned previously, in addition to the rezoning request, the applicant has submitted a land
use amendment to also be heard tonight. The land use amendment is a request to change the land
use from Residential Low Density (R-LD) to Commercial (C), thereby allowing the property to
be developed to accommodate this addition to the Off Lease project. This change in land use is
considered a small-scale amendment under State Law. It will need to be adopted by the City Commission and transmitted to the Florida Department of Economic Opportunity (DOE) and Broward County. The request for rezoning is consistent with the proposed land use.

On March 6, 2018 the Planning and Zoning Board met as the City Commission’s Advisory Board and unanimously recommended approval of the request for rezoning with the 7 conditions listed below.

**RECOMMENDATION:**
Should the Commission concur with the recommendation of Administration and the Planning and Zoning Board, approval on first reading of the attached Ordinance is subject to the following conditions:

1. All terms, conditions and provisions imposed by the City Commission, Planning and Zoning Board and staff shall be met.
2. The rezoning approval is contingent upon the preliminary and final site plan approval by the City Commission.
3. The approval is contingent upon obtaining land use amendment approval by the County Commission and the State Department of Economic Opportunity and all other applicable agencies.
4. The plat with proper plat notes must support the development.
5. The applicant shall present satisfactory legal documents to constitute evidence of the unified control of the entire area.
6. The applicant shall provide agreements, contracts, covenants and sureties acceptable to the City for completion of the development according to the final site plan and for continuing operation and maintenance of the entire project.
7. The applicant shall bind their successors in title to any commitments made under the unified control documents and all other applicable agreements including the developer’s agreement.
ORDINANCE NO. ______________

AN ORDINANCE OF THE CITY OF NORTH LAUDERDALE, FLORIDA, REZONING 3.77 GROSS ACRES MORE OR LESS OF LAND LOCATED IN THE CITY OF NORTH LAUDERDALE, COUNTY OF BROWARD, STATE OF FLORIDA, TO WIT: FIRST BAPTIST CHURCH OF NORTH LAUDERDALE 154-35 B POR OF PAR A DESC AS: COMM AT NE COR OF PAR A, S 370 ALG E/L PAR A TO POB, CONT S 509.55, W 325, N 501.68 ALG W/L PAR A, E 324.91 TO POB, BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED IN SECTION 1 BELOW FROM ZONING CLASSIFICATION OF COMMUNITY FACILITY (CF) DISTRICT TO GENERAL BUSINESS (B-3); PROVIDING THAT THE OFFICIAL ZONING MAP OF THE CITY OF NORTH LAUDERDALE SHALL BE AMENDED TO REFLECT SAID REZONING; PROVIDING FOR CONFLICTS: AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission, after public hearing, due consideration, and being fully advised in the premises is desirous of rezoning certain property located in the City of North Lauderdale from zoning classification Community Facility (CF) to zoning classification General Business (B-3).

WHEREAS, the City Commission of the City of North Lauderdale deems said rezoning to be in the best interests of the City of North Lauderdale and the inhabitants thereof.

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

Section 1: That certain real property located in the City of North Lauderdale, Broward County, Florida, described as:

FIRST BAPTIST CHURCH OF NORTH LAUDERDALE 154-35 B POR OF PAR A DESC AS: COMM AT NE COR OF PAR A, S 370 ALG E/L PAR A TO POB, CONT S 509.55, W 325, N 501.68 ALG W/L PAR A, E 324.91 TO POB, BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID PARCEL A; THENCE SOUTH 01°42’30” EAST, ALONG THE EAST LINE OF SAID “A”, 370.00 FEET TO THE POINT OF THE BEGINNING; THENCE CONTINUE SOUTH 01°42’30” EAST ALONG SAID EAST LINE, A DISTANCE OF 509.55 FEET; THENCE SOUTH 89°40’44” WEST, A DISTANCE OF 325.00 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL “A”; THENCE NORTH 01°42’30” WEST, ALONG THE WEST LINE OF SAID PARCEL “A”, A
DISTANCE OF 501.68 FEET; THENCE NORTH 88°17'30" EAST, A DISTANCE OF 324.91 FEET TO THE POINT OF THE BEGINNING. SAID LANDS SITUATE LYING AND BEING IN BROWARD COUNTY, FLORIDA CONTAINING 164,244 SQUARE FEET (3.77 ACRES) MORE OR LESS

be and the same is hereby rezoned from the zoning classification Community Facility (CF) to zoning classification General Business (B-3).

Section 2: That this rezoning is subject to all terms, conditions and provisions imposed by the City Commission, Planning and Zoning Board, DRC and Staff.

Section 3: That the Official Zoning Map of the City of North Lauderdale as the same has been officially adopted, and is in effect at the passage hereof, be and the same is amended hereby to the extent of and in accord with the rezoning hereby granted, said amendment to be shown on said Official Map as revised.

Section 4: That all ordinances or parts of ordinances, resolutions, or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 5: That this ordinance shall take effect immediately upon final adoption.

PASSED and ADOPTED on first reading by the City Commission of the City of North Lauderdale, Florida this ________ day of _____________________, 2018.

PASSED and ADOPTED on second reading by the City Commission of the City of North Lauderdale, Florida this ________ day of _____________________, 2018.

APPROVED AS TO FORM:

________________________________________________________________________
CITY ATTORNEY SAMUEL S. GOREN                                      MAYOR JACK BRADY

________________________________________________________________________
ATTEST:  VICE MAYOR RICH MOYLE

________________________________________________________________________
CITY CLERK PATRICIA VANCHERI
Off-Lease Only
Inventory Expansion
North Lauderdale, Florida

PREPARED FOR
Off-Lease Only, Inc.
827 South SR 7
North Lauderdale, Florida 33068

PREPARED BY
VHB
225 East Robinson Street, Suite 300
Orlando, Florida 32801
407.839.4006

January 2018
1. SUBJECT PROPERTY

The 3.77-acre subject parcel is located west of S. SR 7, north of Kimberly Boulevard and south of the City of North Lauderdale city limits (Exhibit A). The subject parcel is owned by Off Lease Only, Inc. and is adjacent to an existing Off Lease Only vehicle sales business.

2. REZONING REQUEST

The applicant is requesting a rezoning from CF: Community Facilities to B-3: Regional Business District in conjunction with an associates Land Use Plan Amendment application to change the Future Land Use designation from Residential Low Density to Commercial.

3. EXISTING AND PROPOSED USES

Currently, the subject parcel is currently vacant and has a Residential Low Density (R-LD) FLU designation and a CF: Community Facilities zoning designation.

The Applicant proposes a Commercial (C) FLU designation and a B-3: Regional Business District zoning designation.

The current future land use and zoning designations for adjacent properties are provided in Table 1 below. The current and proposed future land use and zoning classifications are depicted in Exhibits B through G.

<table>
<thead>
<tr>
<th></th>
<th>City FLU</th>
<th>City Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Commercial</td>
<td>B-3: Regional Business District</td>
</tr>
<tr>
<td>East</td>
<td>Commercial/Residential Medium Density</td>
<td>B-3: Regional Business District, PUD: Planned Unit Development</td>
</tr>
<tr>
<td>South</td>
<td>Residential Low Density</td>
<td>CF: Community Facilities</td>
</tr>
<tr>
<td>West</td>
<td>Residential Low Density</td>
<td>RS-5: Single Family Residential</td>
</tr>
</tbody>
</table>

The existing uses for the subject property and adjacent properties are provided in Table 2 below.

<table>
<thead>
<tr>
<th></th>
<th>Existing Use</th>
</tr>
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<tbody>
<tr>
<td>Subject</td>
<td>Vacant</td>
</tr>
<tr>
<td>North</td>
<td>Vehicle Sales — Vehicle Storage</td>
</tr>
<tr>
<td>East</td>
<td>Vehicle Sales and Storage/Residential</td>
</tr>
<tr>
<td>South</td>
<td>Place of Worship</td>
</tr>
<tr>
<td>West</td>
<td>Residential</td>
</tr>
</tbody>
</table>
The amendment site is proposed to be used for vehicle storage in conjunction with the vehicles sales business on the adjacent parcels to the north and east. Based upon the proposed future land use and the Broward County Planning Council standard of 10,000 square feet per acre for non-residential uses, the subject property could be developed with 37,700 square feet of commercial use; however, there is no building development proposed on the subject parcel.

4. **JUSTIFICATION STATEMENT**

The applicant is requesting a rezoning from CF: Community Facilities to B-3: Regional Business District in conjunction with an associates Land Use Plan Amendment application to change the Future Land Use designation from Residential Low Density to Commercial. The requested rezoning will allow for vehicle storage in conjunction with the existing vehicle sales business operating on adjacent parcels to the north of east of the subject property.

The proposed zoning and uses furthers the following goals, objectives and policies of the North Lauderdale Land Use Plan:

**Objective 1:** To achieve and maintain a stable and diversified mixture of land uses by:
- attracting infill development including residential, non residential and community facilities to achieve buildout of the currently vacant parcels by 2010;
- encouraging the full utilization of existing nonresidential and recreational developments to maintain an average annual commercial vacancy rate of less than 5%;
- assisting in the stabilization, revitalization and/or redevelopment of existing neighborhoods, particularly the five target neighborhoods, and target commercial corridors to continue to eliminate blighting influences by the year 2025.

**Policy 1.1:** Development a Future Land Use Plan the provides for diversity of land uses to meet the needs of the residents and businesses and addresses the compatibility of adjacent land uses.

**Objective 2:** Future development and redevelopment will be controlled through the land development regulations which will be used to encourage infill development, rehabilitation, revitalization and the optimal utilization of existing land uses, infrastructure, services and natural resources.

**Objective 3:** The economic base shall be preserved and enhanced through planning, development and redevelopment activities which increase the valuation of the land and promote expansions of existing businesses and industries.
The subject parcel is proposed to expand an existing vehicle sales and storage operation along SR 7/US 441. SR 7/US 441 is a Commercial corridor through Broward County. The east side of US 441 is designated as an Activity Center. South of the subject parcel is a church as well as a commercial development located at the intersection of Kimberly Boulevard and US 441. The proposed zoning is compatible with the existing commercial uses along the US 441 corridor and consistent with the City of North Lauderdale’s Comprehensive Plan.
TO: Mayor and City Commission
FROM: Ambreen Bhatti, City Manager
BY: Tammy Reed – Holguin, Community Development Director
DATE: March 27, 2018
SUBJECT: Site Plan SPR 18-01
PROJECT NAME: Off Lease Only Inc. Addition
PROJECT LOCATION: Folio # 4941 01 42 0011 Southwest corner of 827 S. SR 7

PROJECT DESCRIPTION: Preliminary Site plan approval to allow for the expansion of the existing car inventory lot within a future General Business (B-3) zoning district.

APPLICANT: Ejola, Cook, Off Lease Only Inc.

Off Lease Only Inc., as the City Commission may recall, has an existing car dealership at 827 S. State Road 7. Tonight, we are presenting a site plan for approval to add to the existing location by expanding the inventory lot. The site was previously owned by Calvary Chapel and is currently underutilized and vacant. Off Lease Only will incorporate the site into their existing operation to provide additional inventory of pre-owned cars. They are proposing renovations to the property that include landscaping upgrades, paving of the vacant lot and parking lot improvements.

In an effort to build a project consistent with the City’s plan for the 441/SR 7 Commercial Redevelopment Overlay District, the applicant has included several features to enhance the site and complement the existing area. The project will include a new parking lot and additional landscape islands to provide more landscape features. The applicant has been very cognizant of their residential neighbors to the west and south and will install the required 6 foot high CBS wall to provide a buffer between the uses and to conceal the FDOT standard guard rail which secures the property. There is an onsite guard house to provide security and the Broward Sheriff’s office will provide off duty security at night.

The specific extent of the anticipated use is explained in Attachment A, and made a part of this report.

The Planning and Zoning Board met on March 6th, 2018 and recommended approval of the site plan with the 12 conditions below. Final site plan approval is contingent upon approval of the pending land use and rezoning items.
RECOMMENDATION:

If the City Commission concurs with the recommendation of approval from the Administration and the Planning and Zoning Board, a motion is in order for the City Commission to approve the preliminary 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. Photometric Plan approval by staff is 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.
9. 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.
10. Prior to the issuance of the Certificate of Completion by the City Building Department, the applicant shall pay all applicable assessment and impact fees to the City.
11. If necessary, proper easements will be dedicated to the City of North Lauderdale.
12. Applicant will be responsible for the installation and maintenance of a 6 foot high CBS wall bordering all residential zoning districts within the scope of this site plan.
13. Final site plan approval is contingent upon approval of the pending land use and rezoning items.
AGENT AUTHORIZATION FORM

FOR PROJECTS LOCATED IN BROWARD COUNTY FLORIDA

I, WE, (PRINT PROPERTY OWNER NAME) Ejola Cook, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT’S NAME), VHB, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, Site Plan Approval, Re-zoning and Land Use Change, AND TO APPEAR ON MY/OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION.

Date: 1/31/18
Signature of Property Owner
Print Name Property Owner

Date:________
Signature of Property Owner
Print Name Property Owner

STATE OF FLORIDA
COUNTY OF Broward:

I certify that the foregoing instrument was acknowledged before me this 31 day of January, 2018, by Ejola Cook. He/she is personally known to me or has produced identification and did/could not take an oath.

Witness my hand and official seal in the county and state stated above on the 31 day of January, in the year 2018.

LENORA GRAY
Notary Public
My Commission Expires: 6/21/18

Legal Description(s) or Parcel Identification Number(s) are required:

PARCEL ID #: 4941 01 42 0011 & 4941 01 34 0010

LEGAL DESCRIPTION:

4941 01 42 0011: FIRST BAPTIST CHURCH OF NORTH LAUDERDALE 154-35 B POR OF PAR A DESC AS: COMM AT NE COR OF PAR A, S 370 ALG EL PAR A TO POB, CONT S 509.55, W 325, N 501.88 ALG WL PAR A, E 324.91 TO POB

4941 01 34 0010: KELLEY PLAT 136-38 B PARCEL "A"
Tonight we are presenting a request from Peter Piper, Inc. for a Special Exception Use permit (SEU 18-02) to allow a proposed restaurant to incorporate family entertainment into their business plan. This request is made in accordance with Article IV Special Exception Uses and Article III Game Machines and Billards Section 6-59 that permits entertainment centers that cater to families as a secondary use. The City Commission will also consider the site plan for this project this evening and approval of the site plan is contingent upon approval of the SEU.

**Background:**
The applicant is building a 7,540 square foot restaurant located on one of the remaining outparcels in front of the Walmart at 7900 W. McNab Road. Their floor plan shows 4,200 square feet for the customer service area that includes dining and entertainment. The entertainment accessory use will provide approximately 40 arcade style games for family entertainment in an area that accommodates no more than 40 square feet per device per Section 6-59 (c) (3) of the City Code of Ordinances.

The applicant is requesting the hours of operation of 11:00 A.M. to 10:00 P.M. Monday through Sunday. The proposed use is a restaurant with a primary target demographic of children under 13 years of age and families. This company is owned by the same national group as Chuck E. Cheese franchise. Upon approval of the SEU, applicant must adhere to Section 106-156 and Section 6-59 of the City Code of Ordinances.

**Economic Analysis**
The economic impact would be beneficial to the City of North Lauderdale. The proposed restaurant/entertainment use represents a $1.5 million dollar investment in the City. Peter Piper Pizza plans to hire 8 full time employees and 25 part time employees. Peter Piper Pizza also employs many outside vendors to manage the game machines, IT services etc. The business would also add to the diversity of
businesses available in the area for the residents by providing a new and unique restaurant/entertainment facility for families.

Traffic Analysis
This parcel is part of a master planned development and has a recorded developer’s agreement. As part of this approval a comprehensive traffic analysis was provided for the entire development. Part of this traffic study approval is for 114,110 square feet of additional shopping center space of which, including this project, only a total of 53,156 square feet has been built leaving 60,944 square feet for future development. Therefore, this project is within the anticipated traffic impact based on the original traffic study for the WalMart Plaza. Finally, the project meets or exceeds all parking requirements providing the required 70 parking spaces on site as well as a recorded parking easement agreement with Walmart for any customers who may park off site.

The Planning and Zoning Board met on Tuesday, March 6th, 2018 and voted in favor of recommending approval of the SEU to the City Commission. Staff wishes to inform the City Commission that at this Planning and Zoning Board hearing on March 6th the Board asked the applicant about security measures Peter Piper takes to ensure safety of the children as well as if there were parents to kids supervision ratio. The applicant’s legal counsel stated that there is a security guard at the front door who controls the entrance and exit. Additionally, the applicant’s counsel stated that it was unknown if there was an adult to child ratio required by the Peter Piper store operations but that a written response would be filed by the applicant.

Recommendation
Should the City Commission concur with the recommendation of approval from Administration and the Planning and Zoning Board, approval of the proposed SEU permit is subject to the following conditions:

1. That the applicant complies with all applicable codes of the City regarding the development and operation of a restaurant as the primary use.
2. That all terms, conditions, and provisions imposed by the City Commission, Planning and Zoning Board, and staff, including all life, health, and safety Codes pertaining to this facility are met prior to commencing, and during operation.
3. That the applicant adheres to the hours of operation stated in the letter of intent.
4. In the event that outside parking problems arise as a result of the operation of this establishment, such as noise, parking, traffic and/or other nuisances, the applicant makes all improvements required to mitigate these nuisances so as not to negatively impact adjacent commercial and residential area.
5. Applicant shall obtain proper approvals such as Certificate of Occupancy and Local Business Tax Receipt from the City.
6. That the applicant supplies a cross access parking agreement with Walmart recorded in the Broward County public records in perpetuity.
MOTION:

If the City Commission concurs with this request, a motion is in order as follows:

“To approve the Special Exception Use Permit allowing a restaurant as a primary use with amusement and entertainment facilities as secondary uses in accordance with City Code Sections 6-58 and 6-59 as accessory uses within a (B-3) General Business District.”
PETER PIPER, INC.
1707 Market Place Blvd.
Suite 200
Irving, TX 75063

Authorization and Letter of Representation

PETER PIPER, INC. hereby authorizes the law firm of DUNAY, MISKEL AND BACKMAN, LLP, to represent PETER PIPER, INC. at any meetings and public hearings necessary in connection with their matters with the City of North Lauderdale, FL., and hereby authorizes the firm of DUNAY, MISKEL AND BACKMAN, LLP, to process all required applications associated with the Land Use, Zoning, Site Plan and Special Exception approvals associated with the PETER PIPER PIZZA.

PETER PIPER, INC.

By: [Signature]
Name and Title of Person Signing
To: Tammy L. Reed-Holguin, Community Development Director
From: Dwayne L. Dickerson, Esq.
Date: January 8, 2018
Re: Justification Narrative related to Site Plan and Special Exception Use Approvals for Peter Piper Pizza Restaurant

As you are aware, the law firm of Dunay, Miskel and Backman, LLP represents Arena North Lauderdale Shoppes, LLC (“Arena”) who is the owner of the Wal-Mart shopping center outparcel located on the southwest corner of West McNab Road and Avon Lane (“Outparcel”) within the City of North Lauderdale ("City"), Florida. The Outparcel property consists of +/- 1.12 acres and is identified by the Broward County Property Appraiser as Property Identification/Folio Number 494111280027. As part of the development of the Wal-Mart shopping center, Peter Piper, Inc. (“Peter Piper”) is proposing to construct a one story +/- 7,540 square foot Peter Piper Pizza restaurant on the Outparcel. The Peter Piper Pizza restaurant will have approximately forty (40) mechanical amusement and entertainment devices (i.e. games) as a secondary use to the restaurant use. The games will mostly be geared towards children under the age of thirteen (13) years old.

The Outparcel is located within the B-3 General Business zoning district. Pursuant to Code of Ordinances (“Code”) Section 6-58, mechanical amusement and entertainment devices (indoor) shall be allowable as a secondary use in a B-2 or B-3 zoning district as a special exception use in conjunction with establishments in which the primary income is derived from serving food (i.e. restaurants), which means more than sixty percent (60%) of its monthly gross receipts is earned or received from the sale of food. The proposed Peter Piper Pizza restaurant anticipates having no less than seventy percent (70%) of its monthly gross receipts earned or received from the sale of food. Special exception use approval is governed by Chapter 106, Article IV of the Code.

**INTENDED HOURS OF OPERATION**

The proposed hours of operation for Peter Piper Pizza are as follows:

Monday: 11:00am – 10:00pm
Tuesday: 11:00am – 10:00pm
Wednesday: 11:00am – 10:00pm
Thursday: 11:00am – 10:00pm
Friday: 11:00am – 11:00pm
Saturday: 10:00am – 11:00pm
Sunday: 11:00am – 10:00pm
TYPE OF VEHICLES WHICH WILL UTILIZE THE SITE

Peter Piper anticipates that customers will use regular personal vehicles to visit the Peter Piper Pizza restaurant. Peter Piper is not proposing the use of buses or vans for transportation of visitors to or from their site.

TRAFFIC IMPACT ANALYSIS

A Traffic Impact Analysis/Statement was prepared for the Peter Piper Pizza restaurant and is attached hereto. The Traffic Impact Analysis/Statement concluded that the previously approved traffic study for the Wal-Mart shopping center included the approval of a 185,900 square foot discount supercenter (Wal-Mart) and 114,100 square feet of additional shopping center development to account for outparcel developments. Of the 114,100 square feet approved for future outparcel developments, only a total of 53,156 square feet has been built or proposed (7,381 square foot AutoZone, 6,162 square foot Burger King and 39,613 square feet of previously proposed retail space); therefore, 60,944 square feet of outparcel development remains vested for future outparcel developments.

PUBLIC FACILITY IMPACT ANALYSIS

The Wal-Mart supercenter is existing and the proposed design and construction of the Peter Piper Pizza restaurant is in conformance with the City’s Code as shown on the detailed site plans attached hereto.

ECONOMIC IMPACT ANALYSIS

Peter Piper intends to invest approximately $1,500,000 into the development of the Peter Piper Pizza restaurant. Peter Piper Pizza typically employs eight (8) full-time employees and twenty-five (25) part-time employees, not to mention the multiple vendors they utilize for service work monthly including, but not limited to, maintenance, alarms, pest control, IT, etc.

Further, Arena intends to spend an additional +/- $1,500,000 in total alone to accommodate the Peter Piper Pizza development.
January 4, 2018

Mr. Gregory D. Wifong, P.E.
Kimley-Horn and Associates, Inc.
445 24th Street, Suite 200
Vero Beach, FL 32960

Re: Restaurant Outparcel Development
Traffic Statement
North Lauderdale, Florida

Dear Mr. Wifong:

We have completed a traffic statement for the proposed outparcel development at the Walmart located on the southwest quadrant of the McNab Road and Avon Lane in the City of North Lauderdale. The proposed outparcel development includes a total of 7,540 square feet of restaurant space.

The previously approved traffic study (dated May 2011) for the Walmart development included a 185,900 square-foot free-standing discount supercenter (Walmart) and 114,100 square-feet of shopping center to account for outparcel developments. The Institute of Transportation Engineer’s (ITE’s), Trip Generation Manual, 9th Edition, describes the shopping center land use (Land Use: 820 Shopping Center) as “Many shopping centers... include outparcels (peripheral buildings or pads located on the perimeter of the center adjacent streets and major access points.)”

A 7,381 square-foot AutoZone and 6,162 square-foot Burger King have been constructed on existing outparcels. Additionally, In November 2018, a traffic statement was prepared for a 39,613 square feet of retail space. Therefore, accounting for the constructed (13,543 square feet), previously proposed retail space (39,613 square feet), and currently proposed retail space (7,540 square feet) a total 53,404 square feet of outparcel development remains vested, to-be-constructed.

If you have any questions regarding this analysis, please feel free to contact me.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Adrian K. Dabkowski, P.E., PTOE
Associate
EXHIBIT "A"

Site Plan
CITY OF NORTH LAUDERDALE
COMMUNITY DEVELOPMENT DEPARTMENT

TO: Mayor and City Commission
FROM: Ambreen Bhatti, City Manager
BY: Tammy Reed-Holguin, Community Development Director
DATE: March 27, 2018
SUBJECT: Site Plan SPR 18-02
Preliminary site plan approval to allow for a restaurant with amusement and entertainment facilities as accessory uses within a general business (B-3) zoning district.

Folio # 4941 11 28 0027 - McNab Road and Avon Lane

APPLICANT: David Deck, Peter Piper Inc.

Peter Piper Inc. is proposing to build a restaurant that is 7,540 square feet, on 1.21 acres of vacant land located on the East end of the new Walmart site on McNab Road. The City Commission will also be considering tonight a request for a Special Exception Use permit for the accessory use of family amusement and entertainment within the restaurant.

Background:
The proposed development includes a restaurant with family amusement and entertainment facilities. It provides a family friendly restaurant atmosphere to dine, hold parties and to play arcade games. The restaurant’s core demographic is children under the age of 13 year olds and their families. This is a new use for the City and is anticipated to be frequented by the many families within and near the City. The hours of operation are Monday through Sunday 11 am till 10 pm. The restaurant will also contain 40 arcade games. The proposed restaurant/entertainment use represents a $1.5 million dollar investment in the City. Peter Piper Pizza plans to hire 8 full time employees and 25 part time employees. Peter Piper Pizza also employs many outside vendors to manage the game machines, IT services and other services.

The City’s professional planners reviewed the site plan and verified that the site meets all required City Code parking requirements by providing 117 spaces including 3 ADA spaces where according to Section 106-223 (a)(17) of the City Code of Ordinances 70 parking spaces including 3 ADA spaces are required. There are 70 parking spaces on site and the developer has obtained an additional 47 spaces across the driveway on Walmart’s parking lot through a cross access easement agreement. This document is recorded in the Broward County records as instrument number 114226966 and must exist in perpetuity according to Section106-222 (17) of the City Code and in order for the calculation of one space per 60 square feet of customer service area to be used. All required building setbacks are met and the site provides the required 24 foot - 2 lane two way street to exit and enter the facility. There is one entrance to the site from within
the provided access road. There is no direct access to the site from McNab Road. As part of this approval a comprehensive traffic analysis was provided for the entire development. Part of this traffic study approval is for 114,110 square feet of additional shopping center space of which, including this project, only a total of 53,156 square feet has been built leaving 60,944 square feet for future development. Therefore, this project is within the anticipated traffic impact based on the original traffic study for the WalMart Plaza.

In an effort to build a project consistent with the City’s plan for the McNab Road Redevelopment Overlay District; staff requested that the applicant include architectural features and a color palette to match or at a minimum complement the Wal-Mart and other outparcel buildings and sites to provide a cohesive look for the development. The applicant has met this request as demonstrated in the attached color rendering.

The proposed use of the parcel is consistent with the Master Business List that allows restaurants in B-2 and B-3 zoning districts. Given the limited vacant, commercial space within the City, Staff always encourages developers to consider a diversification of uses. The Peter Piper Pizza would be the first type of restaurant with amusement and entertainment facilities within the City.

The specific extent of the anticipated use is explained in Attachment A, and made a part of this report.

The Development Review Committee met on January 2nd, 2018 for a formal review. After considerable review and discussion, the Committee recommended approval of the site plan to the Planning and Zoning Board with direction to the applicant to work staff to finalize the site plan. The applicant has continued to work with the staff and at this time has responded to all staff comments.

The Planning and Zoning Board met on March 6th, 2018 and recommended approval of the proposed site plan to the City Commission with the 16 attached conditions.

**RECOMMENDATION:**

If the City Commission concurs with the Planning and Zoning Board and staff’s recommendation, a motion is in order to approve the proposed preliminary 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 developer will incorporate architectural features and a color palette to match or at a minimum complement the Wal-Mart and other outparcel buildings and sites to provide a cohesive look for the development as indicated in the color rendering submitted for site plan approval.
4. The DRC, Planning and Zoning Board and City Commission reserve the right to impose any additional requirements deemed necessary during subsequent approval reviews.
5. Copies of all applicable permits and approvals by other regulatory agencies shall be provided to the City prior to issuance of building permits.
6. All conditions required by Code and/or set forth by the City engineer shall be met.
7. 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.
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. Upon the purchase of the outparcel, the applicant shall provide a copy of the executed cross access easement agreement to provide for vehicular and pedestrian access across and through the parcel owned by Walmart Stores, Inc. development.
13. The applicant acknowledges and agrees to abide by the rules of the Property Association created by the primary property owner, Walmart, which runs with the land and governs owners of the Property, or portions of the Property, including, but not limited to, the use, condition and maintenance of the Property as well as coordination of signage and building elevations.
14. The cross access easement agreement which provides for off-site parking in perpetuity shall be recorded in the Broward County public records.
15. If necessary, proper easements will be dedicated to the City of North Lauderdale.
16. Site plan approval is contingent upon approval of the Special Exception Use permit (18-01) for the accessory use.
Authorization and Letter of Representation

PETER PIPER, INC. hereby authorizes the law firm of DUNAY, MISKEL AND BACKMAN, LLP, to represent PETER PIPER, INC. at any meetings and public hearings necessary in connection with their matters with the City of North Lauderdale, FL, and hereby authorizes the firm of DUNAY, MISKEL AND BACKMAN, LLP, to process all required applications associated with the Land Use, Zoning, Site Plan and Special Exception approvals associated with the PETER PIPER PIZZA.

PETER PIPER, INC.

By: ___________________________

Name and Title of Person Signing
To: Tammy L. Reed-Holguin, Community Development Director
From: Dwayne L. Dickerson, Esq.
Date: January 8, 2018
Re: Justification Narrative related to Site Plan and Special Exception Use Approvals for Peter Piper Pizza Restaurant

As you are aware, the law firm of Dunay, Miskel and Backman, LLP represents Arena North Lauderdale Shoppes, LLC (“Arena”) who is the owner of the Wal-Mart shopping center outparcel located on the southwest corner of West McNab Road and Avon Lane (“Outparcel”) within the City of North Lauderdale (“City”), Florida. The Outparcel property consists of +/− 1.12 acres and is identified by the Broward County Property Appraiser as Property Identification/Folio Number 494111280027. As part of the development of the Wal-Mart shopping center, Peter Piper, Inc. (“Peter Piper”) is proposing to construct a one-story +/− 7,540 square foot Peter Piper Pizza restaurant on the Outparcel. The Peter Piper Pizza restaurant will have approximately forty (40) mechanical amusement and entertainment devices (i.e. games) as a secondary use to the restaurant use. The games will mostly be geared towards children under the age of thirteen (13) years old.

The Outparcel is located within the B-3 General Business zoning district. Pursuant to Code of Ordinances (“Code”) Section 6-58, mechanical amusement and entertainment devices (indoor) shall be allowable as a secondary use in a B-2 or B-3 zoning district as a special exception use in conjunction with establishments in which the primary income is derived from serving food (i.e. restaurants), which means more than sixty percent (60%) of its monthly gross receipts is earned or received from the sale of food. The proposed Peter Piper Pizza restaurant anticipates having no less than seventy percent (70%) of its monthly gross receipts earned or received from the sale of food. Special exception use approval is governed by Chapter 106, Article IV of the Code.

INTENDED HOURS OF OPERATION

The proposed hours of operation for Peter Piper Pizza are as follows:

Monday: 11:00am – 10:00pm
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Wednesday: 11:00am – 10:00pm
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Friday: 11:00am – 11:00pm
Saturday: 10:00am – 11:00pm
Sunday: 11:00am – 10:00pm
TYPE OF VEHICLES WHICH WILL UTILIZE THE SITE

Peter Piper anticipates that customers will use regular personal vehicles to visit the Peter Piper Pizza restaurant. Peter Piper is not proposing the use of buses or vans for transportation of visitors to or from their site.

TRAFFIC IMPACT ANALYSIS

A Traffic Impact Analysis/Statement was prepared for the Peter Piper Pizza restaurant and is attached hereto. The Traffic Impact Analysis/Statement concluded that the previously approved traffic study for the Wal-Mart shopping center included the approval of a 185,900 square foot discount supercenter (Wal-Mart) and 114,100 square feet of additional shopping center development to account for outparcel developments. Of the 114,100 square feet approved for future outparcel developments, only a total of 53,156 square feet has been build or proposed (7,381 square foot AutoZone, 6,162 square foot Burger King and 39,613 square feet of previously proposed retail space); therefore, 60,944 square feet of outparcel development remains vested for future outparcel developments.

PUBLIC FACILITY IMPACT ANALYSIS

The Wal-Mart supercenter is existing and the proposed design and construction of the Peter Piper Pizza restaurant is in conformance with the City’s Code as shown on the detailed site plans attached hereto.

ECONOMIC IMPACT ANALYSIS

Peter Piper intends to invest approximately $1,500,000 into the development of the Peter Piper Pizza restaurant. Peter Piper Pizza typically employs eight (8) full-time employees and twenty-five (25) part-time employees, not to mention the multiple vendors they utilize for service work monthly including, but not limited to, maintenance, alarms, pest control, IT, etc.

Further, Arena intends to spend an additional +/- $1,500,000 in total alone to accommodate the Peter Piper Pizza development.
Tonight we are presenting the applicant’s request for a Special Exception Use permit (SEU 18-03) to allow a childcare business located at 1051 SW 80th Ave. This request is made in accordance with Article IV Special Exception Uses; Section 106-156 that allows uses not intended for a zoning district to be permitted as special exception uses if they are limited as to number, area, location, operational characteristics, or relation to the neighborhood or vicinity permitted uses, and would not adversely affect the public health, safety, comfort, appearance, morals and general welfare. The request is also consistent with respect to permitted uses in multifamily residential districts listed within the City’s Comprehensive Plan.

**Background:**
The property is currently vacant but the previous use of this property was also a childcare service. The 3,121 square foot existing building would be purchased by the applicant to provide child care to children from the ages of six weeks to 5 years old during the day and provide afterschool care to children six years old to twelve years old in the afternoon and evening. The applicant states that the business will fill a need for extended weekday care for families who work later and weekend care.

The applicant is requesting the hours of operation of 7:00 A.M. to 10 P.M. Monday through Friday and Saturday from 8am till 6 pm. The facility will be closed on Sunday. Upon approval of the SEU, the applicant must adhere to Section 106-156 of the City Code of Ordinances regarding special exception uses.

**Economic Analysis**
Based on information provided by the applicant the proposed daycare use will be creating 15 jobs and 2 ancillary maintenance positions as well as additional housekeeping jobs. This would also increase the tax revenue for the City. The applicant is proposing to purchase the property which is currently valued at
approximately $557,470 according to the Broward County Property appraiser’s website. This is a significant investment in the location and the City. Finally, this will occupy the property, which has been vacant for quite some time.

**Traffic/ Parking Analysis**

Based on the information provided by the applicant for the proposed daycare use of 3,132 square feet of space, the parking requirement for the daycare according to the Section 106-223 (a) (31) of the City’s Code is 8 spaces. The applicant intends to provide 10 parking spaces one of which will be handicap accessible and the other will be used for storage of a 15 passenger van. These are existing conditions and the property has vehicle access from both the East and West.

The Planning and Zoning Board met on March 6th, 2018 and recommended the SEU for approval to the City Commission.

**Recommendation**

Should the City Commission concur with the recommendation for approval from Administration and the Planning and Zoning Board, approval of the proposed SEU permit is subject to the following conditions:

1. That the applicant complies with all applicable codes of the City regarding the development and operation of a childcare business as the primary use.
2. That all terms, conditions, and provisions imposed by the City Commission, Planning and Zoning Board, and staff, including all life, health, and safety Codes pertaining to this facility are met prior to commencing, and during operation.
3. That the applicant adheres to the hours of operation stated in the letter of intent.
4. In the event that outside parking problems arise as a result of the operation of this establishment, such as noise, parking, traffic and/or other nuisances, the applicant makes all improvements required to mitigate these nuisances so as not to negatively impact adjacent residential area.
5. Applicant shall obtain proper approvals such as Certificate of Occupancy and Local Business Tax Receipt from the City.
6. Applicant shall provide a six foot high fenced in playground area in accordance with local and state codes.
7. The applicant adheres to all related and applicable fire codes.
8. Conformity to and with standards of all regulatory agencies overseeing day care operations.
9. Site must maintain safe pedestrian and vehicular traffic flow conditions.

**MOTION:**

If the City Commission concurs with this request, a motion is in order as follows:

“To approve the Special Exception Use Permit allowing a daycare business in accordance with Section 106-297 “Uses Permitted” of the City Code of Ordinances in a Residential Medium (RM-10) zoning district and the City’s Comprehensive Plan.”
City Of NORTH LAUDERDALE
COMMUNITY DEVELOPMENT DEPARTMENT

TO: Planning and Zoning Board

BY: Andrew Disbury, Planner

THROUGH: Monica Cruz, Owner

DATE: February 9, 2018

SUBJECT: 1051 SW 80th Ave North Lauderdale FL 33068

APPLICANT: Monica Cruz, Our Children’s Workshop

As the applicant I am requesting a Special Exemption Use permit to allow a childcare facility to operate at 1051 SW 80th Avenue within a free standing building. This request is made in accordance with Article IV Special Exemption Uses, Section 106-136 that allows uses not intended for a zoning district to be permitted as a special exception use if they are limited as to number, area, location, operational characteristics, or relation to the neighborhood or vicinity permitted uses, and would not adversely affect the public health, safety, comfort, appearance, morals and general welfare. North Lauderdale Children’s Academy is proposing a childcare facility that will be open from 7:00 a.m. till 10:00 p.m. Monday through Friday, Saturday from 8:00 a.m. till 6:00 p.m. Children from the ages of six weeks through five years of age will be cared for throughout the day. In the afternoon children six years of age to twelve years of age will be care for within our afterschool program. We are offering families extended care and weekend care in order to fulfill the need for childcare for families who work later. We will be offering services all year long and close for major holiday. We are also going to provide summer camp and holiday camp for school aged children when public schools are closed. The facility has 3132 square footage of which will be divided classrooms, bathrooms, and common areas. Children will be maintained inside with adequate outdoor time subject to half hour in the morning and a half hour in the later part of the afternoon.
Economic Analysis

The economic impact would be beneficial to the city of North Lauderdale based on job creation and ability to leave children in a daycare in order to work. North Lauderdale Academy will also be offering extended care and weekend care so parents are able to adopt longer shifts. Additionally North Lauderdale Children’s Academy will be offering 15 teaching positions.

Traffic/ Parking Analysis

Based on the information provided by the city staff for the proposed childcare use of 3,132 sq. ft. There is a required one parking space per 400 sq. ft. A total of eight spaces are required for this particular parcel. The property currently has 10 spaces one of which will be allocated for handicap and one space allocated for school van leaving eight required spaces available. Property currently in compliance. The traffic impact is nominal based on the property being a corner unit with accessibility to a two way tree and capability to enter the property coming from both east and west. The traffic impact is minimal based on property location.
February 5, 2018

To Whom it May Concern:

FCB REO Florida Holdings is the owner of the property located at 1051 SW 80th Ave, North Lauderdale, Fl. Monica Cruz is hereby authorized to apply for a Special Exemption on behalf of FCB REO Florida Holdings, LLC. Please feel free to contact me with any questions or concerns.

Sincerely,

[Signature]

[Name]
FCB REO Florida Holdings, LLC
Manager

STATE OF FLORIDA

COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me this 5 day of February, 2018 by [Name] as [Title] of FCB REO Florida Holdings, LLC, a Delaware limited liability company.

[Signature]
Notary Public

My Commission Expires:

Personally Known [ ] or Produced Identification [ ]

Type of Identification Produced: Driver’s License [ ] Other [ ]
Proposed Vehicle parked on premises

(1) Space   15 passenger van
(1) Space   Designated Handicap Parking

Total of 10 spaces

See Attachment

Accessible parking spaces are eight (8) feet wide; van-accessible spaces are eleven (11) feet wide.
Floor Plan
CITY OF NORTH LAUDERDALE
COMMUNITY DEVELOPMENT DEPARTMENT

TO: Mayor and City Commission
FROM: Ambreen Bhatt, City Manager
BY: Tammy L. Reed-Holguin, Community Development Director
DATE: March 27, 2018
SUBJECT: First Reading: Ordinance Extending Moratorium on the Issuance of any new Licenses or Permits for Uses that Involve the Cultivation, Processing and Dispensing of Medical Marijuana/Cannabis

Tonight, staff is presenting an Ordinance on first reading for your consideration that will extend the moratorium on the issuance of any new licenses or permits for uses that involve the cultivation, processing and dispensing of medical marijuana/cannabis for an additional six months (until November 1, 2018) from the current expiration date of April 30, 2018.

BACKGROUND:
On April 26, 2016, the City Commission approved Ordinance No. 16-04-1327 instituting the moratorium in response to the approval of House Bill 1313 regarding the medical use of Cannabis for terminally ill patients. The moratorium was extended for six months, until May 1, 2017, by Ordinance No. 16-10-1343 on October 11, 2016. The moratorium was extended again in April 2017 by Ordinance No. 17-04-1350 since the State legislators had not yet taken action on the bill. On June 13, 2017, the Commission was advised in Memorandum No. 2017-043 and during the Commission meeting by the City Attorney that the State had approved legislation (Senate Bill 8-A now known as F.S. Chapter 2017-232) that basically gave cities two options regarding medical marijuana; ban the dispensaries or allow them with very minimal ability to regulate them. In order to provide additional time to research this new legislation and analyze its potential impact, the Commission approved Ordinance No. 17-10- 1363 on October 10, 2017 extending the moratorium until April 30, 2018.

During this time, the City’s professional staff has actively monitored actions taken by municipalities within Broward County. There is no comparable community who has legalized medical marijuana that can provide data on the impact of the industry since the business is very new in Florida and the States that have this industry have a very different philosophy and level of legalization. The attached spreadsheet was recently updated by Broward County Planning Directors Council. There are thirteen municipalities who have banned these establishments and eight others who have adopted regulations and allow them. Their ordinances may need amendment to come into compliance with the legislation that was ultimately adopted, Senate Bill 8-A now known as Chapter 2017-232. At this time there are an additional 10 cities that have temporary moratoriums in effect.
The City’s professional planning staff requests that the moratorium be extended to allow time to set up a workshop to present the current legislation to the Commission and discuss the two options with them. Once the Commission provides direction, the staff will prepare an Ordinance for their consideration pertaining to medical marijuana dispensaries within the City.

**RECOMMENDATION:**
The City Administration recommends City Commission’s consideration of the attached Ordinance on extending the moratorium for an additional six months to November 1, 2018, on the issuance of building permits and local business tax receipts for uses that involve the cultivating, processing, and dispensing of medical marijuana/cannabis throughout the City.
## STATUS OF MEDICAL MARJUANA ZONING REGULATIONS - Dec. 2017

<table>
<thead>
<tr>
<th>Municipality</th>
<th>Ban/Moratorium</th>
<th>Regulating Use</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coconut Creek</td>
<td>Ban</td>
<td>Regulate</td>
<td>Ord. 2017-9 adopted 4/13/17 - may amend for SB-8A in 1/18</td>
</tr>
<tr>
<td>Cooper City</td>
<td>In effect</td>
<td>Ordnance 14-10-4</td>
<td>Moratorium extended to 1/17/18 (Ord. 2017-10)</td>
</tr>
<tr>
<td>Coral Springs</td>
<td>Ban</td>
<td>Regulate</td>
<td>Ordinance pending</td>
</tr>
<tr>
<td>Davie</td>
<td>Ban</td>
<td>Ordinance adopted 11/1/17</td>
<td>8/15/17 Commission revised ordinance (voting not to ban)</td>
</tr>
<tr>
<td>Deerfield Beach</td>
<td>Ban</td>
<td>Regulate</td>
<td>Moratorium in effect 180 days</td>
</tr>
<tr>
<td>Fort Lauderdale</td>
<td>In effect</td>
<td>Ordn. adopted 6/7/2017 - may need to amend for SB-8</td>
<td></td>
</tr>
<tr>
<td>Hallandale Beach</td>
<td>Ban</td>
<td>Regulate</td>
<td>Ord. 2017-296 adopted 9/13/2017</td>
</tr>
<tr>
<td>Hollywood</td>
<td>Ban</td>
<td>Regulate</td>
<td>City has existing separation of 1/2 mile for pharmacies</td>
</tr>
<tr>
<td>Lauderdale-By-The-Sea</td>
<td>Ban</td>
<td>2nd reading on 9/13/2017</td>
<td></td>
</tr>
<tr>
<td>Lauderdale Lakes</td>
<td>Ban</td>
<td>1st reading 11/6/2017</td>
<td></td>
</tr>
<tr>
<td>Lauderhill</td>
<td>In effect</td>
<td>No Commercial Area</td>
<td></td>
</tr>
<tr>
<td>Lazy Lake</td>
<td>Ban</td>
<td>Moratorium 2017-0948</td>
<td></td>
</tr>
<tr>
<td>Lighthouse Point</td>
<td>Ban</td>
<td>Moratorium expires 4/6/18; Staff directed to draft Ord. to ban 12/18/17</td>
<td></td>
</tr>
<tr>
<td>Margate</td>
<td>Ban</td>
<td>Ordn. Approved 11/27/2017</td>
<td></td>
</tr>
<tr>
<td>Miramar</td>
<td>In effect</td>
<td>Moratorium - City intends to extend to 5/18</td>
<td></td>
</tr>
<tr>
<td>North Lauderdale</td>
<td>Ban</td>
<td>Moratorium effective until 10/30/18 - City intends to regulate</td>
<td></td>
</tr>
<tr>
<td>Oakland Park</td>
<td>Ban</td>
<td>Moratorium Ord. 2014-15; City intends to ban</td>
<td></td>
</tr>
<tr>
<td>Parkland</td>
<td>In effect</td>
<td>Moratorium effective until 12/31/17</td>
<td></td>
</tr>
<tr>
<td>Pembroke Park</td>
<td>Ban</td>
<td>2nd reading on 9/6/17</td>
<td></td>
</tr>
<tr>
<td>Pembroke Pines</td>
<td>Ban</td>
<td>Ord. 2520 adopted 10/2014</td>
<td></td>
</tr>
<tr>
<td>Plantation</td>
<td>In effect</td>
<td>6 mo. moratorium approved 7/25/17 (Ord. 2017-61)</td>
<td></td>
</tr>
<tr>
<td>Pompano Beach</td>
<td>Ban</td>
<td>Ord. 2017-009 adopted 7/27/2017</td>
<td></td>
</tr>
<tr>
<td>Sea Ranch Lakes</td>
<td>Ban</td>
<td>Moratorium effective until 1/28/18</td>
<td></td>
</tr>
<tr>
<td>Southwest Ranches</td>
<td>Ban</td>
<td>6 mo. moratorium approved 5/3/17 (Ord. 2017-52)</td>
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</tr>
<tr>
<td>Sunrise</td>
<td>In effect</td>
<td>Moratorium extended to 1/2018</td>
<td></td>
</tr>
<tr>
<td>Tamarac</td>
<td>In effect</td>
<td>Ord. adopted 2016 regulating locations (City may amend)</td>
<td></td>
</tr>
<tr>
<td>West Park</td>
<td>In effect</td>
<td>Ordnance pending 1/2018</td>
<td></td>
</tr>
<tr>
<td>Weston</td>
<td>In effect</td>
<td></td>
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<tr>
<td>Unincorporated (BMSD)</td>
<td>Regulate</td>
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</table>

**Total:** 13 10 8

Prepared by EPGMD/Planning & Development Management Division
ORDINANCE NO. __________________

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, EXTENDING THE MORATORIUM ON THE APPROVAL OR ISSUANCE OF ANY NEW LICENSES OR PERMITS FOR USES THAT INVOLVE THE DISPENSING OF MEDICAL MARIJUANA/CANNABIS WITHIN THE CITY OF NORTH LAUDERDALE UNTIL NOVEMBER 1, 2018, WHICH WAS ENACTED PURSUANT TO ORDINANCE NO. 16-04-1327 ORIGINALLY ADOPTED ON APRIL 26, 2016, AND WAS EXTENDED UNTIL MAY 1, 2017 PURSUANT TO ORDINANCE NO. 16-10-1343 ADOPTED ON OCTOBER 11, 2016, WHICH WAS EXTENDED UNTIL NOVEMBER 1, 2017, PURSUANT TO ORDINANCE NO. 17-04-1350 ADOPTED ON APRIL 25, 2017 WHICH WAS EXTENDED UNTIL APRIL 30, 2018, PURSUANT TO ORDINANCE NO. 17-10-1363 ADOPTED ON OCTOBER 10, 2017 BUT IN NO EVENT LONGER THAN THE TIME NEEDED FOR THE CITY ADMINISTRATION TO COMPLETE A COMPREHENSIVE ANALYSIS OF THE ISSUES RELATED TO THE REGULATION MEDICAL MARIJUANA USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on April 26, 2016, the City Commission adopted Ordinance No. 16-04-1327 (the “Ordinance”), thereby approving a moratorium on the approval or issuance local business tax receipts and building permits for uses that involve the cultivation, processing, and dispensing of medical marijuana/cannabis within the City of North Lauderdale (the “City”); and

WHEREAS, specifically, on October 11, 2016 the City Commission adopted Ordinance 16-10-1343 effectively extending the moratorium on the approval or issuance local business tax receipts and building permits for uses that involve the cultivation, processing, and dispensing of medical marijuana/cannabis for an additional six-months until May 1, 2017; and

WHEREAS, specifically, on April 25, 2017 the City Commission adopted Ordinance 17-04-1350 effectively extending the moratorium on the approval or issuance local business tax receipts and building permits for uses that involve the cultivation, processing, and dispensing of medical marijuana/cannabis for an additional six-months until November 1, 2017; and
WHEREAS, specifically, on October 10, 2017 the City Commission adopted Ordinance 17-10-1363 effectively extending the moratorium on the approval or issuance local business tax receipts and building permits for uses that involve the cultivation, processing, and dispensing of medical marijuana/cannabis for an additional six-months until April 30, 2018; and

WHEREAS, during the 2017 Special Legislative Session, the Florida Legislature passed Senate Bill 8-A, related to the usage of medical marijuana and associated dispensaries; and

WHEREAS, Governor Scott signed Senate Bill 8-A into law on June 23, 2017, now known as Chapter 2017-232, Laws of Florida, which substantially amends Section 381.986, Florida Statutes, which provides that “a county or municipality may, by ordinance, ban medical marijuana treatment center dispensing facilities from being located within the boundaries of the county or municipality;” and

WHEREAS, a county or municipality who does not ban dispensing facilities may determine by ordinance the criteria for the location of, and other permitting requirements that do not conflict with state law or Department of Health rules but may not enact ordinances that are more restrictive than rules pertaining to licensed pharmacies; and

WHEREAS, the City Administration requests an additional six (6) month extension, which is November 1, 2018, to the City’s moratorium to allow sufficient time to prepare a presentation to present the Commission with their rational, legal options during a workshop; and

WHEREAS, the City Commission finds that extending the moratorium on the approval or issuance local business tax receipts and building permits for uses that involve the cultivation, processing, and dispensing of medical marijuana/cannabis within the City is in the best interests of the citizens and residents of the City.
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA THAT:

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

SECTION 2. The temporary moratorium on the approval or issuance local business tax receipts and building permits for uses that involve the dispensing of medical marijuana/cannabis within the City is hereby extended for a period of an additional six months, which is until November 1, 2018, to allow time to prepare a presentation to the Commission clearly outlining their legal options with the goal of preparing an Ordinance consistent with the direction received from the Commission and with actions taken by the State of Florida regulating the cultivation, processing, and dispensing of medical marijuana/cannabis. Ordinance Nos. 16-04-1327, 16-10-1343, 17-04-1350 and 17-10-1363 adopted on April 26, 2016, October 11, 2016, April 25, 2017 and October 10, 2017 respectively, are hereby incorporated herein by reference, and shall remain in full force and effect for the duration of this moratorium.

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

SECTION 4. Notwithstanding the time limit on the moratorium herein established, in the event the City Commission finds that additional time is needed for staff to conclude its review of regulations related to the cultivation, processing, and dispensing of medical
marijuana/cannabis, within the City and the drafting of regulations of those businesses then the term of this agreement may be extended for an additional one hundred and eighty (180) days.

**SECTION 5.** All ordinances or parts of ordinances, resolutions or part of resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

**SECTION 6.** This ordinance shall take effect immediately upon its passage.


PASSED ADOPTED BY THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, ON THE SECOND AND FINAL READING, THIS _____ DAY OF __________________, 2018.

CITY OF NORTH LAUDERDALE, FLORIDA

APPROVED AS TO FORM: ____________________

MAYOR JACK BRADY

SAMUEL S. GOREN, CITY ATTORNEY

VICE MAYOR RICH MOYLE

ATTEST:

PATRICIA VANCHERI, CITY CLERK
CITY OF NORTH LAUDERDALE
HUMAN RESOURCES DEPARTMENT

TO: Mayor and Commission
FROM: Ambreen Bhatti, City Manager
BY: Jennifer Yarmitzky, Human Resources Manager
     Susan Nabors, Finance Director
DATE: March 27, 2018

SUBJECT: Comprehensive Pay and Classification Plan Amendment - Fiscal Year 2018

The City Administration is recommending an amendment to the City’s Comprehensive Pay and Classification Plan Fiscal Year 2018. This update to the Plan relates to the addition of one Senior Accountant position in the Finance Department.

On July 11, 2017 the Commission approved the Comprehensive Pay and Classification Plan for Fiscal Year 2018. It had been more than ten years since the City of North Lauderdale had major damage from a hurricane. Over the same period as the economic downturn occurred, staff with broad FEMA grants knowledge left employment at the City and that skill set was not completely replaced. In the last year and half there have been two hurricanes that have impacted the City of North Lauderdale – Matthew in October 2016 and Irma in September 2017. This has created a significant amount of additional detailed accounting, process management, documentation, discussions and monitoring. It is important to have committed staff to perform the oversight of the grants process to ensure timely submission for reimbursement and to maximize the amount to the city. In addition, the utility billing management and review of detailed transactions has generated additional workload related to posting of transactions, reconciliations, customer contact and banking matters. At the time the Commission approved the Comprehensive Pay and Classification Plan, City Administration was not aware of the added need that these matters created.

We believe this additional work can be done by creating one Senior Accountant position within the Finance Department. In addition to the primary functions of grants management and utility billing, the candidate filling this position will be knowledgeable in financial reporting, financial analysis, audits and internal controls. This will provide added assistance in completing the year-end audit and comprehensive annual financial report, internal audit of processes and transactions and balance out workloads in the department. The Senior Accountant position is a Grade 66 [$53,827 - $92,173] and will first be advertised as an in-house promotional opportunity.

The Finance Department principally serves the City internally and is therefore supported by the General Fund. If the Commission approves this new position, a budget amendment will be required to appropriate funds in the Finance Department budget in FY 2017/2018 for the salary and benefits of this position for the remaining half a year. The amount to be appropriated is $50,000 and would come from General Fund Balance.

RECOMMENDATION
The Administration recommends City Commission’s consideration and approval of the attached Resolution amending the City’s FY 2017/18 Comprehensive Pay and Classification Plan to create one Senior Accountant (Grade 66) position in the Finance Department.
RESOLUTION NO. ______________

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, AMENDING THE CITY OF NORTH LAUDERDALE COMPREHENSIVE PAY AND CLASSIFICATION PLAN FOR FISCAL YEAR 2017/18, AND HEREBY ESTABLISHING A REVISED PAY AND CLASSIFICATION PLAN FOR FISCAL YEAR 2017/18 COMMENCING ON MARCH 27, 2018; PROVIDING FOR THE ESTABLISHMENT OF A NEW CLASSIFICATION; PROVIDING FOR CONFLICTS; AND, PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of North Lauderdale recognizes the need to update its approved Comprehensive Pay and Classification Plan, based on the recommendation of the City Manager, and desires to implement the amended plan effective March 27, 2018.

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

Section 1: That the City of North Lauderdale’s FY 2017/18 Comprehensive Pay and Classification Plan, be amended to create one Senior Accountant (Grade 66) position.

Section 2: That all Resolutions, or parts of Resolutions, Ordinances or parts of Ordinances, in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

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 27th day of March 2018.

APPROVED AS TO FORM:

CITY ATTORNEY SAMUEL S. GOREN

_______________________________
MAYOR JACK BRADY

_______________________________
VICE MAYOR RICH MOYLE

ATTEST:

_______________________________
PATRICIA VANCHERI, CITY CLERK
FINANCE DEPARTMENT
MEMORANDUM

To: Honorable Mayor and City Commission

From: Ambreen Bhatti, City Manager

By: Susan Nabors, Finance Director

Date: March 27, 2018

Subject: First Reading: Fiscal Year (FY) 2018 Budget Amendment

Background:
The City Administration has recommended an amendment to the City’s Comprehensive Pay and Classification Plan for FY 2018. The amendment is to add one Senior Accountant position in the Finance Department.

If approved by the Commission, a budget amendment is required to appropriate funds in the Finance Department budget in FY 2017/2018 for the salary and benefits of this position for the remaining half a year. The amount to be appropriated is $50,000 and would come from General Fund Balance.

RECOMMENDATION:
The Administration recommends Commission’s consideration and approval on first reading of the attached ordinance amending Ordinance No. 17-09-1360 by which the City Commission adopted the budget of the City of North Lauderdale for the 2017/2018 fiscal year, to revise the budget as documented in Exhibit “A” and provided herein.
ORDINANCE NO. ______________

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

WHEREAS, the City Commission for the City of North Lauderdale adopted the 2017/2018 Fiscal Year Budget for the City of North Lauderdale through the adoption of Ordinance 17-09-1360; and,

WHEREAS, the City Commission desires to amend Ordinance 17-09-1360 to reflect revisions to the budget for the 2017/2018 Fiscal Year Budget; and,

WHEREAS, the City Commission finds it to be in the best interest of the residents and citizens of the City of North Lauderdale to amend the Fiscal Year 2017/2018 budget as provided herein.

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

Section 1: That the foregoing “Whereas” clauses are adopted as if fully set forth herein.

Section 2: That Ordinance 17-09-1360 as amended, did adopt the Budget of the City of North Lauderdale for the 2017/2018, and the Budget adopted thereby be and the same is hereby amended to cause and reflect revisions to said Budget as set forth in Exhibit “A”.

Section 3: That the City Commission finds it to be in the best interest of the residents and citizens of the City of North Lauderdale to amend the Fiscal Year 2017/2018 budget as provided herein.

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

Section 5: Should any section or any provision of this Ordinance or portion hereof, any paragraph, sentence, or work be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remainder of this Ordinance.

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 this 27th day of March 2018.

APPROVED AS TO FORM:

_______________________________
CITY ATTORNEY SAMUEL GOREN

_______________________________
MAYOR JACK BRADY

_______________________________
VICE MAYOR RICH MOYLE

ATTEST:

_______________________________
PATRICIA VANCHERI CITY CLERK
## EXHIBIT A

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<td>Revised 2018 Budget for General Fund (001) Revenues</td>
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<table>
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<td>Revised 2018 Budget for General (001) Expenditures</td>
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RESOLUTION NO. 2018-____________

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, URGING SUPPORT FOR VARIOUS CONCEPTS RELATED TO SCHOOL RESOURCE OFFICERS OR SCHOOL RESOURCE DEPUTIES AT SCHOOLS THROUGHOUT THE STATE OF FLORIDA; URGING THE FLORIDA LEGISLATURE AND OTHER RESPONSIBLE AGENCIES TO ADOPT RELEVANT STATUTES AND POLICIES RELATED TO THE USE OF SCHOOL RESOURCE OFFICERS; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO THE SCHOOL BOARD OF BROWARD COUNTY, THE FLORIDA STATE SENATE, THE FLORIDA HOUSE OF REPRESENTATIVES, THE FLORIDA DEPARTMENT OF EDUCATION, GOVERNOR RICK SCOTT, THE BROWARD COUNTY LEAGUE OF CITIES, THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS, AND THE BROWARD COUNTY SHERIFF; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on February 14, 2018, a mass shooting occurred at Marjory Stoneman Douglas High School in Parkland, Florida killing 17 students, teachers, and coaches, and wounding 14 others, 5 with life-threatening injuries; and,

WHEREAS, the need for School Resource Officers also known as School Resource Deputies is abundantly clear, and can insure the safety of students, teachers, and administrators at all school campuses in the State of Florida; and,

WHEREAS, the City Commission for the City of North Lauderdale urges the Florida legislature and other responsible agencies to adopt legislation and regulations that support the use of School Resource Officers, including minimum training requirements, required staffing on school campuses, and minimum student to School Resource Officer ratios,

WHEREAS, the City Commission for the City of North Lauderdale finds that the use of School Resource Officers are in the best interest of the health, safety, and welfare of citizens and residents of the City of North Lauderdale.
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE
CITY OF NORTH LAUDERDALE, THAT:

SECTION 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as
being true and correct and incorporated by reference.

SECTION 2. The City Commission of the City of North Lauderdale hereby urges the
Florida legislature and other responsible agencies to adopt legislation and regulations that
provide as follows:

A. The Sheriff, City, and school should each have a contact list of back up officers who
can serve when the School Resource Officer is off campus;
B. Schedule all training classes and meetings for School Resource Officers during
teacher work days, winter/spring/summer breaks, or other days the school is closed to
students;
C. Hire properly trained retired police officers or properly trained veterans as School
Resource Officers;
D. Utilize either the term “School Resource Officer” or “School Resource Deputy” when
referring to this program;
E. Insure full compensation to municipalities that pay for their own School Resource
Officers;
F. School Resource Officers should be required to stay on campus, and not be required
to direct traffic or address other activities off campus;
G. The School Resource Officer and other properly trained personnel should be stationed
at the entrance/exit to campus at least 20 minutes before the school gates are opened
for dismissal in order to monitor the area.

SECTION 3. The City Clerk is hereby directed to transmit a copy of this resolution to
the School Board of Broward County, the Florida State Senate, the Florida House of
Representatives, The Florida Department of Education, Governor Rick Scott, the Broward
County League of Cities, and the Broward County Board of County Commissioners, and the
Broward County Sheriff.

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 27th day of March 2018.

APPROVED AS TO FORM:

_______________________________
CITY ATTORNEY SAMUEL S. GOREN

_______________________________
MAYOR JACK BRADY

_______________________________
VICE MAYOR RICH MOYLE

ATTEST:

_______________________________
PATRICIA VANCHERI, CITY CLERK
TO: Mayor and City Commission

FROM: Ambreen Bhatti, City Manager

BY: Michael Sargis, Parks and Recreation Director

DATE: March 27, 2018

SUBJECT: Lending City Stage and Portable Bleachers to Broward Sheriff’s Office
Southeast Police Motorcycle Rodeo Committee

The Broward County Sheriff’s Office has once again requested the use of our Show Mobile Stage and two Large Portable Bleachers for the Southeast Police Motorcycle Rodeo Committee’s annual “Safety Trials” event from Wednesday, April 18th thru Saturday, April 21st, 2018. The event will be held at the Pompano City Center (Copans Road and Federal Highway) and our stage will be used for event entertainment. With the exception of last year, due to a conflict with NL Days, the City has provided the stage for this event since 2012. The event was extremely well attended by the public as well as police departments from as far north as Prince George County Maryland. Our stage will be placed in the middle of the Pompano City Center and will provide great visibility for the City of North Lauderdale. If approved, this would be the fourth year that we will be providing the stage to the Sheriff’s Office for this event.

Southeast Police Motorcycle Rodeo Committee, a non-profit organization, will be conducting the “Safety Trials” event. This is an annual police motorcycle skills event that benefits the Concerns of Police Survivors (COPS) and the Muscular Dystrophy charities. COPS is a national organization that benefits the children of police officers who are killed in the line of duty. This event is a large fundraiser for these charities and is also the largest police motorcycle safety skills event held in the Southeastern United States. It attracts a large segment of the police community as well as the civilian public. The training courses are set up to enhance the daily riding skills of the motorcycle officer. The courses are intricate and very demanding and are used in the Police Motorcycle Enforcement Rider School.

In accordance with City Policy, the rental cost of the stage will be $1,000 per day totaling $4,000, plus some staff costs (set-up, breakdown, and staff time during event). Since the City has a relationship with the Sheriff’s Office, BSO is requesting that the Commission waive all costs associated with the rental. The City is requiring a liability and property certificate of insurance for the stage from the Southeast Motorcycle Committee to safe guard all the parties. Additionally, the Sheriff’s Office will be transporting the stage to and from the site so the City does not have to tie up staff and vehicles for the better part of the day.

For the City to provide this equipment, which entails the waiver of costs/fees, and will benefit a non-profit organization – Southeast Police Motorcycle Rodeo to raise funds, the Commission
needs to adopt the attached resolution for disclosure purposes per Broward Code of Ethics for elected municipal officials.

Over the next few weeks the staff will be working with the Sheriff’s Office to finalize all the details regarding the pick-up, set-up and return of the stage.

**RECOMMENDATION:**

The City Administration recommends that Commission take the following action

- Motion to approve the waiver of approximately $4,000 in costs/fees associated with the rental of the North Lauderdale Stage and Bleachers to assist the Broward County Sheriff’s Office and the Southeast Police Motorcycle Rodeo from Wednesday, April 18th thru Saturday, April 21st, 2018.

- Motion to adopt the attached resolution for disclosure purposes per Broward Code of Ethics for elected municipal officials.
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH LAUDERDALE, FLORIDA, RECOGNIZING A SPONSORSHIP OR CO-SPONSORSHIP RELATIONSHIP BETWEEN THE CITY OF NORTH LAUDERDALE AND THOSE CHARITIES AND ORGANIZATIONS LISTED IN EXHIBIT “A”, ATTACHED HERETO AND INCORPORATED HEREIN, AS MAY BE AMENDED FROM TIME TO TIME, FOR THE EXPRESSED PURPOSE OF COMPLIANCE WITH SECTION 1-19(C)(5)(A)(4) OF THE BROWARD COUNTY CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 11, 2011, the Board of County Commissioners of Broward County, Florida, adopted Ordinance No. 2011-19 (the “Code of Ethics”), which implemented a Code of Ethics for elected municipal officials; and

WHEREAS, the Code of Ethics establishes certain conditions and disclosure obligations on elected officials who engage in fundraising on behalf of charitable organizations; and

WHEREAS, Section 1-19(C)(5)(A)(4) of the Code of Ethics provides that the additional obligations shall not apply to an elected official who raises funds for those charities and events which are sponsored by elected official’s municipality; and

WHEREAS, the City of North Lauderdale has a rich history of sponsoring charitable organizations within the community and seeks to reaffirm the sponsorship relationships with those entities listed in Exhibit “A”, attached hereto and incorporated herein, as may be amended from time to time, to ensure compliance with the Code of Ethics; and

WHEREAS, the City Commission finds that the sponsorship of charities and events organized by and promoted by those entities listed on Exhibit “A” is in the best interest of the health, safety, and welfare of the residents and citizens of the City of North Lauderdale.

NOW, THEREFORE, be it resolved by the City Commission of the City of North Lauderdale, Florida:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. The City Commission of the City of North Lauderdale, Florida, hereby approves and affirms the City of North Lauderdale’s sponsorship relationship with those entities listed in Exhibit “A”, attached hereto and incorporated herein, as may be amended from time to
time, for the expressed purpose of ensuring compliance with the Code of Ethics for elected municipal officials.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. 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 5. This Resolution shall become effective immediately upon its passage and adoption.


__________________________________
MAYOR JACK BRADY

___________________________________
VICE MAYOR RICH MOYLE

ATTEST:

___________________________________
PATRICIA VANCHERI, City Clerk

APPROVED AS TO LEGAL FORM
BY CITY ATTORNEY:

___________________________________
SAMUEL S. GOREN, ESQUIRE
EXHIBIT A

- Southeast Police Motorcycle Rodeo