



**MINUTES OF THE CITY OF LAUDERHILL
COMMISSION WORKSHOP MEETING**

March 16, 2015

7:00 P.M.

A workshop meeting of the Lauderhill City Commission was held at 7:00 p.m. on March 16, 2015, in the City Commission Chambers, 5581 West Oakland Park Blvd., Suites 141-142, Lauderhill, Florida. Mayor Kaplan called the meeting to order. Upon roll call, the following members of the City Commission were present:

Mayor Richard J. Kaplan
Vice Mayor Hayward J. Benson, Jr.
Commissioner M. Margaret Bates
Commissioner Howard Berger
Commissioner Ken Thurston

Also Present:

Charles "Chuck" Faranda, City Manager
Deputy City Manager Desorae Giles-Smith
City Attorney W. Earl Hall
Assistant City Manager/Finance Kennie Hobbs
City Clerk Andrea Anderson

THIS WILL BE A LIMITED AGENDA MEETING. THE ONLY ITEMS TO BE DISCUSSED WILL BE:

- 1. EVALUATION AND APPRAISAL NOTIFICATION LETTER FROM THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY. (REQUESTED BY MAYOR RICHARD KAPLAN)**

Mayor Kaplan referred to the document in the backup, stating he received the subject letter and sent the matter to Mr. Faranda and Mr. Hobbs, and they explained the situation to him. He thought it was important for the entire Commission see the letter.

City Manager Faranda acknowledged receipt of the letter, stating City Planner Earl Hahn would explain why the City should take no action.

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City Planner Early Hahn explained, according to Florida Statute section 163.3191, every seven years local governments should reevaluate their Comprehensive Plan. It used to be a very complicated process, but now it just required the local government to send a letter, advising the State of the changes the local government intended to update its Comprehensive Plan, so the Plan would be consistent with State law. He said if a local government failed to provide an evaluation and appraisal report, under the statute, the penalty was the local government was not allowed to amend its Comprehensive Plan. The City's letter was already prepared and ready to be sent to the State at any time the Commission wished, and if the letter was sent, the City would have one year to adopt all the Plan amendments identified. He indicated, in the past the City had a number of full-time staff monitoring its Comprehensive Plan, including a City planner, associate planner, and a part-time administrative person, and the City needed to hire a consultant to help update the City's Comprehensive Plan. Thus, the cost in staffing, etc. to execute Comprehensive Plan amendments would cost in the range of \$100,000 to \$250,000. He noted if the City failed to institute the amendments to its Comprehensive Plan as stated in the letter to the State, the penalty was not being permitted to do any Plan amendments. Mr. Hahn explained when the economic recession escalated, and City staff recognized there would be budget shortfalls, they processed all the Plan amendments they thought would be needed in the future, so there would be no need to make further amendments. Those amendments included the Unclear 3:14 amendments, the CRA amendments, and a few others.

Mayor Kaplan sought confirmation that the City had no need to make any Plan amendments for the last six years.

Mr. Hahn answered correct.

Mayor Kaplan observed that if City staff saw no needed to institute any Plan amendments, there was no reason to incur costs associated with enacting changes. However, if the day came when staff felt Plan amendments were needed, the City would have to find the funds to spend to regain its authority to make Plan amendments and then carry them out accordingly. He said at that time, if it came, the Plan would be to do a number of Plan amendments to remove the need to do any more in subsequent years.

Mr. Hahn affirmed this to be the case.

Commissioner Bates wished to know if choosing not to respond to the letter would impact the City in any way.

Mr. Hahn answered no, it would not impact the City. If the City chose to act by responding with a letter indicating Plan amendments, the City would be subject to a number of cumbersome processes that involved annual capital improvement upgrades, and other changes, as well as a host of monitoring procedures.

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Commissioner Bates wondered if there was some form of evaluation appraisal that came from the County.

Mr. Hahn said no.

Commissioner Bates inquired if everything the City did regarding its Comprehensive Plan came from the State and not the County.

Mr. Hahn responded the City's future land use elements might be found not in compliance with the County's future land use, but as far as he was aware, there were no real penalties for not doing that. It would just be a matter that the City's land use element was found not in conformance with that of the County's.

Commissioner Thurston asked what would be the need to process a Comprehensive Plan amendment; that is, why would the City need to do it.

Mr. Hahn replied if, for example, the City suddenly decided it wished to allow more residential units in Inverrary, then the City would need to change the land use via an amendment. No area in the City came to mind where the Commission might wish to change Lauderhill's land use map. He noted Lauderhill was a well-developed city, and the areas the City sought to redevelop were located on State Road 7 and Sunrise Boulevard, and those were all along the transit oriented corridors, so there was little need for a Plan amendment. However, if at some point the City wished to increase the density in those areas to allow more development than was already permitted, at that point a Plan amendment would be needed. He felt that was likely, if at all, to be 20 to 30 years in the future.

Commissioner Thurston wished to confirm none of the development the City was doing or planned to do in the near future required any Plan amendments.

Mr. Hahn answered no.

Mayor Kaplan questioned if that was typical of cities that reached a level of maturity similar to that of Lauderhill.

Mr. Hahn affirmed there were many cities that sent letters stating they no longer required comprehensive plan amendments.

Commissioner Bates asked if the City should respond to the letter to state no amendments were necessary rather than sending no response.

Mr. Hahn replied before the first letter came out, he spoke with the plan processor at the State that he knew for over 20 years to let him know the what the City planned to do, and

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the plan processor called him in advance to let him know the letter was begin sent out. The processor told him the same letter was sent out periodically.

Mayor Kaplan reiterated he had no intention of responding to the letter, as he would not know how to, but he brought the letter to the Commission's attention so they could be aware of it in the event the issue arose as to why the City was not in compliance. At this point in time, there was no need for the City to amend its Comprehensive Plan.

City Manager Faranda restated that the main issue was if the City responded to the State's letter saying certain amendments would be made to the Comprehensive Plan, as Mr. Hahn stated, it would trigger yearly reporting and the need to hire staff to process the paperwork. At best, if the City did not respond to the State's letter, it sent the message that the City had no proposed amendments to its Comprehensive Plan and that would not trigger any yearly reporting and copious amounts of work for staff. He noted if, at a later date, the City wished to make changes, then all the steps to that end would be made and the staff hired to bring the City back into compliance. For now, there was no need to spend all that money up front, as no amendments were anticipated. Thus, there was no need to respond to the letter in the affirmative or the negative, just let the matter stay as is.

Vice Mayor Benson wondered if the City might send a one-page, brief written response acknowledging receipt of the State's letter.

Mayor Kaplan indicated, as the letter was directly addressed to him, he would prepare a letter acknowledging receipt of the State's letter and that he shared it with the Commission.

Mr. Hahn said a letter acknowledging receipt would not trigger any need for further action by the City.

2. EVALUATION FORMS OF CHARTERED OFFICERS AND ATTORNEY (REQUESTED BY MAYOR RICHARD KAPLAN)

Mayor Kaplan noted all members of the Commission received the subject evaluation forms, though he was unsure if anyone completed them yet. In speaking with City Attorney Hall and City Clerk Anderson, it came down to taking drafts of evaluation forms from a variety of cities and consolidated them. He said the Commission was being asked to give feedback on what they liked or disliked by any methodology they saw fit to use in terms of which questions should or should not be asked in the evaluation forms. The Commission could to edit questions to improve them, but the aim was to get all their comments back to City staff and him, so as to compress the evaluation form into the questions the Commission desired. He indicated an evaluation form would then be generated based on all the feedback and brought back to the Commission for review and approval.

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Commissioner Bates remarked on being totally taken aback by the document in the backup, as she understood the Commission was to pick questions they wished on the evaluation form. However, some of the questions were redundant; for instance, with regard to the questions to evaluate the City Manager and the City Attorney, were they shown the questions to determine which ones applied to them.

Mayor Kaplan affirmed they were shown the questions, and they acknowledged many of the questions were redundant or were not relevant to their job description, and those questions would be deleted from their particular draft evaluation form.

Commissioner Bates wondered why the questions were included in the first place.

Mayor Kaplan said there were different ways to ask questions, as well as questions that were either appropriate or inappropriate to ask; the Commission was being asked to go through the document and indicate whether a question should remain, be revised or removed. A considerable number of the questions came from Lauderhill's forms, and some came from other cities, and the range of questions was quite broad, and the hope was to cut out about 80 percent of what was reflected in the backup to create the finalized evaluation forms. He needed the Commission's input rather than him arbitrarily deciding which categories and/or questions to keep, rephrase or reject. There were a number of Sunshine Law issues he wished to cover.

City Attorney Hall thought the Mayor's matrix asked the Commission to score questions on a scale of one through five, and it might be better to ask them which questions they wished to retain, revise or remove, as it could take time rank each question.

Mayor Kaplan found this alternative acceptable, as he wanted the Commission to determine which questions should be on the evaluation forms by whatever method they felt comfortable and submit their feedback to the City Clerk's Office.

City Attorney Hall commented that City staff would compile the results from the Commission into draft evaluation forms for presentation at the next City Commission workshop.

Mayor Kaplan stated he would not be present for the next workshop, wondering if he could put the matter as an agenda item for the next regular Commission meeting to ensure it was discussed at a public meeting.

City Attorney Hall said this was acceptable.

3. REVIEW OF CHARTER AND PRIVATE SCHOOL REGULATIONS (REQUESTED BY MAYOR RICHARD KAPLAN)

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Mayor Kaplan mentioned receiving from both City Attorney Hall and City Planner Hahn a draft of the charter and private school ordinance, on which the City presently had a six-month moratorium on that expired in June 2015. He noted to for the ordinance to become effective, the following procedure was required: it had to go to the Local Planning Agency (LPA) for one reading; then it had to come to the City Commission and required two readings and further discussion, etc. if desired. The City needed to have some directive in place before the moratorium expired in June. Mr. Hahn thought it would be a good idea for the Commission to review the ordinance before sending it to the LPA, and the ordinance had been sent out to a few other agencies for their comments dealing with accreditation etc., and that feedback was included in the backup.

Vice Mayor Benson noted on the Impact Committee on which he served, there was an issue that was very current with one of the charter schools in Lauderhill, and it appeared there was a lack of control for the youths after school was dismissed for the day. They were congregating at the mall, bus stop, park, etc., and from what he was being told, the administration at the school felt they had no obligation with regard to their students' behavior once they left the school premises. He stated juxtaposing that situation to that of a public school where the teachers and administration tended to usher children along the way until they passed a critical point, so whatever non-school activities they wished to engage tended not to occur. Vice Mayor Benson wondered if there was some way to address this issue in the subject regulation. In the last few days, he had the opportunity to read an agreement the charter school had with the School Board of Broward County. He wondered to what extent Mayor Kaplan was aware that the subject moratorium could be compared with a typical agreement with the School Board, and if whether portions of that agreement could be extracted and included in the City's proposed ordinance.

Jerry Graziose, Chief Fire Official in charge of safety for the Broward County School Board, commented on the issue mentioned by Vice Mayor Benson, stating this was an area in which the School Board was having problems between what he called the traditional public schools and charter schools. Florida State Statute recognized charter schools as public schools, and that they were not exempt from any safety codes. Unfortunately, when charter schools were approached on the matter, they will not acknowledge what safety codes they followed, despite there being only one safety code in Florida when it comes to supervision of students. He said the State Statute mandates, and there were signs at all public schools that the school was responsible to provide supervision of student activities 30 minutes before and after any event; that is, at the start and end of school, at athletic or any other events. Charter school lobbyists in the State were trying everything they could not to have the School District participate in anything, and three years ago charter schools were trying to get out of doing any safety inspections, and they thought their lobbyists passed everything. Mr. Gaziose said, however, they did not realize that the Florida Department of Education required a comprehensive safety inspection of all public educational facilities: fire, safety, casualty and sanitation. Charter school advocates got the State to change the law so the School Board could do no fire inspections, and that burden was placed on the local

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authorities. The only authority the School District had was to approve their educational application, and he just handed City staff the State statute covering that approval. He mentioned charter schools did not provide a safe walk rail plan, they did not provide a plan to Broward Traffic Engineering where there was staff that specifically addressed school-related traffic issues. This was an area of concern for him, as all new public schools the School District built, the Broward County Land Development Code (LDC), there was a section for public schools that did not indicate charter schools were exempt. He said the District would not be allowed to build schools in areas where some charter schools were located if County's LDC was adhered to. In the LDC in 1992 it was agreed that all new schools the District would fund the school zone lights and any offsite improvements. Mr. Gaziose noted there were about 100 charter schools in Broward County at present, and other than the schools built by cities, no school zone flashing lights could be found. Thus, approximately 90 percent of the charter schools in the County did not follow the same traffic guidelines as the traditional public schools; those safety measures were not being enforced. He mentioned when he checked with the charter schools, they were very amenable to what the City was doing, as the burden was being taken away. Most of the burden of enforcing safety measures was on the cities to do everything, and there were numerous State statutes cities were not familiar with. He offered Mayor Kaplan a number of suggestions that were included in the backup for the Commission to consider.

Vice Mayor Benson asked to what extent could the City include in its ordinance language to address charter schools lack of adherence to school safety measures adhered to by regular public schools to assure that they met the City's standards for students' safety.

Mr. Gaziose remarked once a charter school received approval from the School Board, they had to find a site for their school, and for those wishing to locate in Lauderhill, the City could institute certain requirements in the subject ordinance. For instance, with regard to driveways, parent pickups, school buses, etc., in the State requirements for educational facilities, there was a safety code covering all those items, and traditional public schools have to follow those dictates. The City could include in its ordinance that the charter school site plan should be reviewed by Broward County Traffic Engineering for any offsite improvements, such as school zones, crossings, turn lanes. He said oftentimes the Health Department was not aware of a new charter school, as some took over daycare centers, etc., noting the State Requirement for Educational Facilities (SREF) was a document dreaded by all charter schools, and they could often be heard to say they were exempt from its requirements. SREF was an all-inclusive document under Chapter 682 of the Florida Statute.

Vice Mayor Benson inquired to what extent could the SREF be included in the proposed ordinance to ensure existing and/or new charter school applications in the City followed the SREF guidelines.

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Mr. Graziose pointed out the only section of SREF charter schools were exempt from by choice was the building code section, Chapter 423, or they could use the regular building code. The City could impose its regulations on existing charter schools, particularly Chapter Five, the safety section on which the School District offered training classes for local government staff. He said the State had been working on SREF for many years, and he had yet to find an area of safety it did not address.

Vice Mayor Benson commented, in light of Mr. Graziose's dialog, would it not be in the City's best interest to inculcate in the proposed ordinance the measures he suggested.

Mayor Kaplan agreed completely, as no one on the City Commission were experts in school safety. He had been working with City staff on drafting language to require the institution of safety measures for charter schools for the use and safety of the students.

Vice Mayor Benson indicated Mr. Graziose already stated there were existing State regulations already in place that the City could incorporate in the subject regulation. He felt bothered and frustrated what he witnessed taking place with charter schools, and since the Commission has been apprised of the various regulations adhered to by traditional public schools, they should be included in the proposed ordinance.

Mayor Kaplan concurred, stating Mr. Hahn include the information in the ordinance and get City Attorney Hall to review it before presenting it to the City Commission, as the responsibility of monitoring charter school safety fell to local governments.

Vice Mayor Benson said the City should put everything it needed into the ordinance, and if a charter school threatened to take the City to court, they could, and only if directed by a judge, would language be removed. The City should be very assertive on the matter of safety.

Mayor Kaplan thought it was important for the City to be able to defend its position with regard to any dictate it included in the proposed charter/private school ordinance.

Mr. Graziose believed the City's proposed ordinance was a great step.

Mayor Kaplan affirmed it was, as there were several other cities with moratoriums looking to eventually copy and adopt a similar ordinance.

Mr. Graziose affirmed those cities included Hollywood, Davie and Tamarac.

Mayor Kaplan asked for an updated draft of the ordinance, noting the normal process was for the ordinance to be before the LPA before coming to the Commission, and the next LPA meeting would be in April.

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Vice Mayor Benson mentioned applying the possibility of applying to ordinance to existing charter schools.

Mr. Graziose suggested using Chapter Five of the SREF, as that regulation was used every day by the School Board.

Mayor Kaplan stated when retroactively applying the ordinance, the City could not state that from the date the ordinance took effect, all existing charter schools had to take certain action, rather they should be given a period of time within which to come into compliance.

Mr. Graziose concurred.

Mayor Kaplan added in one area of the proposed ordinance, there was language at the end that required new charter schools to have certain insurances in place, and existing charter schools had to come into compliance with insurance requirements by October 1, 2018.

Vice Mayor Benson understood the need to protect the City, and he was confident City Attorney Hall would advise the City Commission accordingly, but he had no desire to be too liberal in allowing a use to exist when the City had the power to control the situation.

Mayor Kaplan asked City staff if there should be a separate ordinance for bringing existing charter schools into compliance, receiving a response from staff that there should be one ordinance.

Commissioner Thurston noticed at the seventh "Whereas" clause, it said March 16th a workshop was held to allow public discussion, asking if the public would be allowed to speak.

Mayor Kaplan opened the discussion to the public.

Pastor Frank Lloyd mentioned they owned a property for numerous years, believing his father purchased the lot in 1989 when the area was the City of Fort Lauderdale. The plan had been to include a school with the church, and they did have a childcare facility that was now closed. He said the plans were put on hold for some time, and he was now in the process of rejuvenating the church's activities to keep the vision going, and the City was kind enough to allow them to continue their church operations. Members of their church wishing to homeschool their children in order to provide a Christian base to their education, and they were open to doing educational activities at the church, providing the student numbers stayed small. Pastor Lloyd indicated they misunderstood their occupational license they received from the City which stated they were allowed to have a private school/daycare, and they started with five children who were members of the church. Based on the level of improvement witnessed among those children, they wished to increase the number of children and hoped the City would permit them to do so. He indicated they had a

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fire inspection done, and the City's fire marshal told them they could operate a school of up to six children without a fire *Unclear 48:31* station. Ten other parents who were members of the church wished to enroll their children, and believing they were in compliance with the City's code and based on what the fire marshal said, they hired staff to pull a permit to do the pull station for the school would remain in compliance. However, when his staff went to the City to secure the permit, they were informed by City staff the church could not have a school on its premises, as the land was zoned general/commercial. Pastor Lloyd asked City staff what they could do to make the situation work. After much back and forth, during which they were repeatedly told a school was not a permitted use, they now had the children going to a church in the City of Fort Lauderdale, but the parents were not comfortable with this arrangement.

Mayor Kaplan explained the subject item dealt only with charter and private schools, not adult or daycare centers, as the latter was addressed in a separate section of the City's code. If Pastor Lloyd was doing a daycare center, that use was not subject to the moratorium, and it was only when the students reached a certain age that it became an issue. The City could not write exceptions to the moratorium, but provision was written into the proposed ordinance to address situations similar to that cited by Pastor Lloyd, exempting them from some existing codes, though they would have to comply with others. Specifically, if the school would be permitted if it were located in a general/commercial district with a student body of less than 25 children. He noted, however, the ordinance would have to go into effect and the moratorium lifted. Mayor Kaplan suggested Pastor Lloyd follow the process as the ordinance progressed, and that he should attend the LPA meeting to see what opinions were being voiced there.

Mayor Kaplan received no further input from the public.

4. DISCUSSION OF INCENTIVES/INITIATIVES TO BE OFFERED TO HELP SECURE THE PROPOSED JAMAICAN CULTURAL AND RESOURCE CENTER (REQUESTED BY COMMISSIONER HOWARD BERGER)

Commissioner Berger stated he included the subject item on the agenda, as at the last Commission meeting, the members of the dais felt the subject project would be a good fit for Lauderdale. He agreed with Vice Mayor Benson's position that he had no desire to just pass a "feel good" resolution. The City should reach out to the steering committee being formed, the Jamaican Legacy Foundation, to determine if there were any incentives the City could offer them to secure this building being located in Lauderdale. He heard that the City of Miramar intended to reach out to the Foundation on the subject issue, but he was unsure of the exact details. He asked staff to report on what they thought should or could be done in the subject issue.

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Assistant Finance Director Don Giancoli mentioned discussing the subject matter with Commissioner Berger, and after speaking with other City staff, there were a number of impediments to determining what incentives might be available at present. The first issue had to do with the organization being, presumably, a nonprofit entity, which meant the City's typical economic incentives were not available to them; for example, on projects the City worked with in the enterprise zone, incentives were predicated on a refund of taxes paid. If the entity paid no taxes, there was nothing to refund. He said the only exception to that was something called the Community Credit Tax Program, whereby an entity could solicit tax-free donations, and the State would double the value of those donations by giving the corporation or individual making the donation and additional tax credit. The pitfall at present was that there needed to be an entity in place to apply for the credit, and he understood from Commissioner Berger that at this point, there was only a steering committee, so any action had to wait for the steering committee to put together an entity. Mr. Giancoli spoke to the City's grant writer, and her observation was that there were very few grants available for nonprofit cultural type activities, and whatever was available could only be awarded to an entity, and the eligibility qualifications were tailored to a very narrow definition. He said the City Commission could choose to do other things, such as award permit rebates or other offsetting tax revenue, so even if the City received no tax revenue, the area would benefit when the entity improved the property, as that would increase surrounding property values. Mr. Giancoli added if there were more specifics in terms of what the entity was or what they were looking for, it would make it easier for staff to see what incentives were available.

Vice Mayor Benson wished to confirm a steering committee presently existed and could be identified for the City to offer a place to meet, staff support or some type of coordinating effort to help develop the project for the Commission to review in the future. For example, the City could provide staff support and a meeting place at the City's Historical Society building at Wally Elfers Park. He asked if that location could be a drop off and storage point for historic artefacts for future display, and were there persons who could evaluate whether the entity should be public or private, and which had better chance of acquiring grants. After passing the resolution, there had to be some process by which to make something happen.

Commissioner Berger understood that, currently, the president of the Jamaica Legacy Foundation was Garth Rose, the editor of the National Weekly, believing at this point he was the best person for the City to reach out to and collaborate with. If the issue was locating a site for the project, he thought it was best for City staff to reach out to Mr. Rose; for example, they could partner with the developer of the old K-Mart staff to sublease or rent some space.

Commissioner Bates referred to the backup information on the Foundation and their aims, asking if they looked at possible locations in the City of Lauderhill where they could locate their project, or were they looking for vacant land on which to build.

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Commissioner Berger replied, to his knowledge, they had not looked at any sites in Lauderhill. He had a brief discussion with Mr. Rose when the item was on the regular Commission meeting agenda, and the possibility of locating at the K-Mart was mentioned.

Commissioner Bates thought the idea of the project was great, but she failed to see where they could put a ten to 15,000 square foot building in Lauderhill, unless they were doing it with an existing building, and the City had very little vacant land left. Those that were available were prime property, and it was mentioned that the subject property would cost about \$5 million, which was likely to be the cost of any appropriate vacant land in the City.

Commissioner Berger reiterated he was not a part of the foundation, and the goal of the current discussion was to facilitate a dialog between the City and the subject group.

Commissioner Bates sought clarification on what Commissioner Berger desired of the Commission.

Commissioner Berger wished the Commission to direct staff to establish dialog with the subject organization to see what incentives the City could offer.

Commissioner Bates felt a representative of the Foundation should be present to offer their support for whatever Commissioner Berger was proposing and give the Commission some definite answers as to what they were proposing. She was not against the project and would love to see it come to fruition, as many cities had historical sites that addressed a certain demographic in their community.

Commissioner Berger reiterated, at this point, he wanted City staff to reach out to the Mr. Rose to determine what their needs were, etc. rather than dropping the matter.

Commissioner Bates stated she had no desire to drop the project, and though the article in the backup was well written, she required more facts.

Mayor Kaplan wished to suggest some practical answers to facilitate the possibility of the City putting something in place and move on, as there was not much the Commission could do, as it was not a City project. Several projects came forward previously wishing to locate in Lauderhill, and the City even provided monetary incentives and nothing came to be. He asked the City Manager to direct his staff to reach out to the subject group to determine what exactly was the criteria for the property they were interested in acquiring, how large the site should be and they size of the budget they were working with. Based upon what staff determined their abilities to be, staff could look at the available land within Lauderhill they could potentially use. The only available site was the four to five-acre old K-Mart site that was worth about \$5 million for the land, and at least two major groups were trying to locate their development there. He surmised the Foundation was seeking about a 10,000 square foot building that, at best, would be on about two acres, so the K-Mart site was too large,

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and splitting the acreage in half would be detrimental to any beneficial development of that property. If staff was able to locate possible sites, those could be presented to the Foundation for their consideration, and if they were interested in a particular site, then possible incentives could be explored. If there was no site in Lauderhill that satisfied their needs, further discussion of the project was pointless.

Commissioner Berger agreed, asking staff to update the Commission on what transpired from their dialog with the Foundation representative(s) at a later date.

5. DISCUSSION ON RESTRICTING CHILDREN PLAYING IN THE STREETS AFTER DARK (REQUESTED BY COMMISSIONER HOWARD BERGER)

Commissioner Berger indicated there were residents in one of the City's neighborhoods complaining of their peace and quiet being disturbed by children playing in the street late at night. There was also the safety factor to consider with children playing on dark streets. He wondered if the City should consider instituting some type of restriction on such activities after a certain hour at night.

Mayor Kaplan understood from the Police Chief that the subject issue existed, and residents called the police when it occurred, and if the responding officers drove around addressed the matter if they saw children playing in the streets late at night.

Deputy Chief Allen Siegel replied it depended on the activities the officers observed when they arrived on scene. The City had noise ordinances in place, along with other obstruction-type violations. He said there was a need to strike a happy balance, as there was no desire for communities disrupted, particularly late at night, nothing most of the complaints received in this regard came in after seven or eight o'clock. The first course of action was usually just to try to get the children playing in the streets to go home without the need for any kind of enforcement.

Mayor Kaplan reiterated the normal course of action by residents who felt their peace and quiet were being disrupted was to call the nonemergency police number, and police officers drove tried to calm the situation down. Putting a law in effect might result in officers ticketing minors, and that might not be the best way to proceed. He believed children did certain things whether there was a law in place to prevent the activities or not, and he was unsure what type of regulation the City could pass to change the likelihood of such occurrences.

Commissioner Berger thought if the City put some regulation into effect, it would give the police officers the power to cause such activities to cease; without the regulation, any action by the police officers amounted to a simple request to stop.

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Mayor Kaplan disagreed, as certain actions could be deemed as disturbance of the peace, particularly after certain hours at night, as well as other actions officers could take.

Commissioner Berger mentioned on the side streets in his neighborhood, there were children playing basketball well into the evening after dark.

Mayor Kaplan asked if there were currently State or City rules in place that said if people were involved in activities that disturbed the community, police officers had the ability to address them under those codes.

Deputy Chief Siegel indicated there were both State and City laws in place; there was State laws to restrict the obstruction of the free flow of traffic, and State and City rules were in place to deal with noise nuisances.

Commissioner Bates questioned if there was a nighttime restrictions in place for certain activities.

Deputy Chief Siegel said there was no time restriction on noise related to activities after a certain hour of the day, as much of it had to do with decibel levels and the disruption to the peace and quiet enjoyment of one's home. It depended on whether one was looking at the City ordinance or the State statute. He cautioned the Commission on trying to institute such regulations, as they were speaking about dealing with minors, and there were relationship issues that had to be considered with regard to their futures. The most response from police officers when such complaints were made by residents was to try to get the children involved dispersed and sent home or somewhere else, and this too would be his response.

Mayor Kaplan pointed out it was the parents of these children who bought the basketball hoops and set them up in their driveways, and it appeared the parents did not object to the night activities.

City Manager Faranda thought the issue of discussion was the obstruction of the street, not the situations where the basketball hoops or nets were set up in the driveways. For example, the City received complaints from residents with the extremes, and in one instance there had been makeshift signs that said "slow down, children at play" put up by either the neighborhood children or their parents in the middle of the street. They were not legal, Broward County street signs, and the illegal signs were planted in the roadway to allow the children play, sometimes stopping traffic for several minutes while vehicles waited for them to get out of the road. He said the City had the discretion of the police department to enforce current codes to have such obstructions removed, reiterating residents did complain on a regular basis about children playing in the streets, and some were viable complaints.

Mayor Kaplan continued to feel the City had sufficient laws in place to address such problems, unless Commissioner Berger discovered a loophole such activities were getting

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through that he wished to propose a specific law to change the situation. He asked Deputy Chief Siegel if he thought there was an additional tool the City could institute to address such matters.

Deputy Chief Siegel reiterated laws already existed to address such situations, and it was a sensitive situation that should be dealt with with discretion.

Mayor Kaplan concurred, stating the City could ask its police officers to monitor the situations carefully, the goal being to keep the peace.

Commissioner Berger said he had no specific law to propose, he wished only to ascertain if the Commission wished to entertain the idea of creating a law that said children could not play in the street after certain hours.

Mayor Kaplan indicated that would make such activities a ticketable offense for which a penalty would be assessed, such as up to 60 days in jail and up to a \$500 fine.

Commissioner Berger felt certain no one wanted that to happen to any of the City's children, but the idea was to put some teeth into police officers' ability to address such situations, rather than just a request to cease the activities.

Mayor Kaplan observed where it was determined that activities were disturbing the peace, there were penalties the police could enforce, though officers used their discretion to avoid escalating the situation.

Deputy Chief Siegel affirmed this to be the case.

Commissioner Berger hoped the City's youths would show respect for the law and oblige officers' request to disperse and go home if asked to cease nighttime activities that disturbed the peace of their neighborhoods.

6. DISCUSS C51 RESERVOIR (REQUESTED BY CITY MANAGER CHARLES FARANDA)

City Manager Faranda commented one of the things the South Florida Water Management District (SFWMD) imposed on cities was to lower the allowable consumption of water cities could pump from their wells. Cities had to find solutions to figure out how to provide potable sufficient water to its residents. He said one solution was to install millions of dollars' worth, specifically \$40 million in Lauderhill, of reverse osmosis water treatment plants to take the water out of the Floridian aquifer, as that water needed a lot more treatment than that coming out of the aquifers the City currently tapped into. Some innovative persons owning rock quarries east of Lake Okeechobee and north of Southern Boulevard in Palm Beach

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County quarried out the rock, and the area was unique in the state, as the water then percolated back up enough for them to make a reservoir. He said this would be a cheaper alternative to the City building its own facility, and it would allow the City to gain additional water for local consumption. This was something his staff was investigating, and he wished to make the Commission aware of their investigation. City Manager Faranda mentioned a consortium had been formed for which memberships were being sold, and the City could purchase additional water on a buy-as-you-go type of arrangement. The City would have to ante in for a certain amount, and the fees were significantly better than building a \$40 million aquifer. In the coming weeks, he would send the Commission information to peruse and familiarize themselves with, and at a later date he would sit with them to speak more specifically on the details and numbers involved. He said, for now, it appeared there might be a reasonable alternative to providing the water for the City's future needs.

Vice Mayor Benson asked if the new source was not connected to the Biscayne Aquifer.

City Manager Faranda responded it was not.

Vice Mayor Benson found this amazing and wondered how they could not be connected.

City Attorney Hall commented the way the owner explained the situation to the City Manager and he was that the area they owned was quite solid, and they could capture the water before it was pumped out to the ocean. Currently, annually, the State pumped water into the Atlantic Ocean, and the owners said they would hold that water in Palm Beach County, and use the cities as canals to allow it to come down to South Florida.

Mayor Kaplan mentioned Broward County put together a Water Task Force Committee, and this was one of the proposals they kept putting out, questioning how much more water was the City looking to have supplied to Lauderhill.

City Manager Faranda was unsure of the exact figure, but it was a significant amount.

Martin Cala, City Engineer said the City's permit for water from the Floridian Aquifer the City was for four million gallons, in addition to the amount of water currently coming from the Biscayne Aquifer, but staff felt two million gallons was an adequate amount for the City. Thus, it would be a swap; rather than taking it from the Floridian Aquifer, the reservoir would recharge the Biscayne Aquifer, and the City would get an additional two million gallons from the Biscayne Aquifer.

Mayor Kaplan explained the reason for his question was there was a new technology being developed that did not require drilling for water, rather it took water from out of the air, but that technology was currently up to 250,000 gallons a day.

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Albert Carbon of Palm Beach Aggregates, the owner of the abovementioned quarry in Palm Beach County, introduced himself, noting he was once the utilities director for Fort Lauderdale.

Vice Mayor Benson observed that the arrangement would be such that the water that was being proposed was not currently a part of the Biscayne Aquifer, asking how that separation was made.

Mr. Carbon responded that the water would eventually become a part of the Biscayne Aquifer, as the way the process worked was that the rock pits that had been excavated was a unique geological formation in Florida that was impervious. Thus, during the wet periods of the year, the rock pits were able to catch storm water that currently went out to the ocean; it was referred to as the C51 Reservoir, as it was capturing water from the C51 Basin, which discharges on a daily basis approximately 250 gallons daily to a Lake Worth lagoon. He said their aim was to capture about 35 million gallons a day of that water during the wet periods, discharge it back into the canal system that was hydrologically connected to the Biscayne Aquifer. The SFWMD would discharge the water into the canal systems during the dry periods, thus the aim was twofold, as the additional water would keep the canals at wet weather depths, thereby keeping the salt water intrusion barrier to the east, as well as recharging the Biscayne Aquifer to allow for additional water to be accessed by cities.

Vice Mayor Benson inquired why not just recharge the Biscayne Aquifer.

Mr. Carbon indicated it went back to the City Manager's point that in 2006, the SFWMD passed what was referred to as the Regional Water Availability Rule, capping the amount of water city utilities could take from the Biscayne Aquifer, reserving additional water for environmental purposes. Palm Beach Aggregates and the SFWMD identified water above and beyond that reserved for the environment, as the Rule specifically identified storm water capture as an alternative water supply, along with treating wastewater, or go to the Floridian Aquifer. The cheapest method was the storm water capture.

Vice Mayor Benson felt baffled that the Biscayne Aquifer could just be recharged directly and additional water retrieved by cities.

Mr. Carbon agreed that the Biscayne Aquifer could be recharged directly, but they were unable to get a consumptive use permit from the SFWMD to extract that water. Thus, the City had a consumptive use permit that was issued in 2008 capping the amount of water the City could extract through its well fields at eight million gallons a day, and the City could not go above that amount, unless it identified alternative water supplies. The permit identified alternative sources as the Floridian Aquifer, and that would be changed out for the storm water capture.

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Vice Mayor Benson observed that the coalition the owners of the quarry sought to form could use all the captured water would be used to recharge the Biscayne Aquifer and have the rule restricting how much water each city could take changed.

Mayor Kaplan explained the problem was that the rule capping what each city could take was set by the SFWMD, and it would require them to change that rule, and as they were unwilling to change the rule, it was necessary to go around the rule. He mentioned one of the issues that came up regarding the C51 Reservoir as the canal system and trying to get through certain environmentally sensitive areas and other issues regarding property rights, asking if those situations had been resolved.

Mr. Carbon replied as far as getting the water through the main canal systems from the C51 Reservoir down to the Hillsboro Canal into the canal separating the water conservations areas to the urban divide line, they could get the water to that point, as well as to the C14 and C12 canals, and to New River. For the City's specific well field, Lauderhill would have to do a model to determine if that water could get to the City's specific well field.

Mayor Kaplan sought clarification if the water was unable to get to the City's well field, Lauderhill could not go through the proposed system.

Mr. Carbon affirmed if the water could not reach the City's well field, Lauderhill could not be a part of the proposed agreement, in which there were several steps cities had to go through to qualify.

Mayor Kaplan remarked the water from the C51 Reservoir was not specifically tagged and into everyone's system, wondering if everyone would be able to draw on that water supply.

Mr. Carbon responded unless they agreed to participate in the project, they would not get an additional allocation from the Biscayne Aquifer through the SFWMD, based on the levels set by the latter in 2006.

Mayor Kaplan commented when various cities started pulling the water as it came through and the water was channeled off to different sides, a sufficient supply of water might not get all the way to the City.

Mr. Carbon replied this was the reason the City would do a model specific to Lauderhill's well field, and that model would take into account how adjacent cities would be affected by the City's access. Thus, the City would have to take into account models for adjacent or nearby well fields, for environmental sensitive lands, etc.

Mayor Kaplan observed the City had to determine, depending on who the quarry owners sold rights to, if they impacted Lauderhill's ability to draw.

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Mr. Carbon pointed out if the City did it first, adjacent cities would have to model over Lauderhill's. For the Commission's information, thus far only the City of Sunrise has put in a letter of interest, as well as Broward County for some of their eastern well fields, so Sunrise might be the city that might affect Lauderhill's.

Mayor Kaplan thought the City of Sunrise was already producing so much water, they were able to sell to other municipalities.

Mr. Carbon indicated the Floridian Aquifer was not yielding what the City of Sunrise expected it to yield, so they were looking at the C51 Reservoir as an alternate.

City Manager Faranda reiterated City staff would supply the Commission with additional information on the proposed project, but for now City staff sought authorization from the Commission to draft the letter of interest and get it in place. On the surface, it looked very promising, though it did appear illogical, as pointed out by Vice Mayor Benson.

7. DISCUSS FUNDING CITY CENTERS/PAC (REQUESTED BY CITY MANAGER CHARLES FARANDA)

City Manager Faranda mentioned, as discussed at the 2015 Retreat, City staff discussed coming up with some main street type districts in the City's downtown area, as well as a mechanism to fund the PAC (Performing Arts Center), etc. His staff and he sought additional discussion with the Commission as to the funding sources for these projects, such as COU (certificate of use) fees, particularly for the PAC and the districts they thought would enhance the business districts, as well as some ad valorem fees. The latter could not be done until the next budget cycle, as the City had to do proper advertising. He distributed handouts to the Commission that explained some of the numbers, noting in the discussions it was agreed that anything related to the businesses would be scaled towards the size of the business and not just be one set fee.

Vice Mayor Benson wished to know if any funds were available at present.

Assistant City Manager/Finance Hobbs answered no, it would all be newly sourced monies. He went on to review the contents of the handout, stating the two funding options available to the City in 2015 would be the COU fees, and a potential increase in the ad valorem. The proposed non-ad valorem fee could not take effect until the Fiscal Year 2017.

Mayor Kaplan recalled when the idea of the City's downtown area was discussed, it was spoken of in more broad terms, whereby the City would have three districts: downtown, midtown and uptown. He asked if the proposed funding would be used only for the downtown area, which was slated to be the State Road 7 area, or was the intention to create the three separate districts and use the funds for all three.

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Mr. Hobbs replied the funds were to go to all three districts.

Mayor Kaplan thought it might be more accurate to call it either a business development fee or a downtown/midtown/uptown business development fee.

Vice Mayor Benson asked what expenses were detailed under administrative, as the handout showed that to be a little over \$500,000.

Mr. Hobbs explained that was for the costs associated with the contract with PFM.

City Manager Faranda affirmed those costs were directly related to the operations contract with PFM that the City Commission approved several months ago.

Mr. Hobbs added the operations contract with PFM was a full-service contract, so they would be responsible for the complete maintenance of the PAC.

Deputy City Manager Giles-Smith explained the City agreed to pay PFM \$240,000 a year to help the City with the administrative costs, including help in booking acts, and any type of administrative task, such as ticketing, etc. Included in the agreement was employees, such as a general manager, box office manager, assistants, and other staff needed to running the PAC. She said attached to the agreement was a budget that spelled out how the costs, asking if Vice Mayor Benson wished a copy of the contract for edification.

Vice Mayor Benson noted he was having difficulty with the administrative costs detailed in the handout, particularly when he was being told the City would be paying for the operations as well.

City Manager Faranda clarified the operational costs were the electrical, water, and sewer costs.

Mr. Hobbs added the operational costs were all the maintenance and overhead items that went along with the PAC building. For example, if the air conditioning broke, the City would approve the vendor to do the work, but that cost would be passed onto PFM.

Mayor Kaplan thought it would still be helpful to see in the contract how these aspects of managing the PAC were defined.

Vice Mayor Benson referred to the proposed non-ad valorem revenue that could amount to \$353,000.

Mr. Hobbs stated the proposed non-ad valorem tax would generate \$353,460 in revenue, and the COU fees was expected to generate \$525,000.

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Vice Mayor Benson expressed concern over the ad valorem and the non-ad valorem numbers shown in the handout. Staff appeared to be suggesting for the non-ad valorem fees, each commercial unit in the City of Lauderhill, depending on their square footage, would be contribute a certain amount of fees, and each household would pay \$10.

Mr. Hobbs answered correct.

Vice Mayor Benson said on residents' tax notice, they would see that they were paying \$10 for the operation of the PAC.

Mr. Hobbs clarified the \$10 would be towards the development of the three business districts.

Vice Mayor Benson observed each household would be asked to pay into a business district.

Mr. Hobbs said some of the funding would go to the PAC, but others would go to cover the improvement costs in the areas in which each business district would be located. This included: landscaping, gateway/entryway improvements, a façade program for some of the businesses to develop the image for their business district.

City Manager Faranda concurred, stating the City had yet to come up with a design aesthetic for each of the business districts that would have to be presented to the public and Commission for feedback, etc. and, later, approval. For example, along 441, the PAC was a part of the development of the downtown section, so some of the funding could go to the PAC.

Vice Mayor Benson moved to the proposed increase to the ad valorem tax by .1361 as another source, asking how much that would break down to each household contributing.

Mr. Hobbs replied a house with a taxable value of \$150,000 would contribute \$20 via the proposed ad valorem tax increase.

Vice Mayor Benson noticed going the ad valorem route cost each household more than if the City chose to go with the fee and non-ad valorem route.

Mr. Hobbs indicated City staff was proposing going the route of a combination of all three: the ad valorem, the non-ad valorem, and the COU.

Vice Mayor Benson asked if the matter could be placed on a Commission agenda for discussion.

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City Manager Faranda indicated the item was placed on the Commission workshop agenda for discussion purposes only to provide an exchange of ideas, etc. At the Retreat, one of the matters discussed was that all the funds could be collected through ad valorem, but the only problem was not everyone in the City paid ad valorem tax. He said the fund could come only from COUs, a combination of the three or of two, or the City could simply say it was not going to provide other services, to free up the funding to cover development costs for the proposed business districts. A combination of all three funding sources would share the wealth of who paid for it. He stated, accounting wise, the easiest way for the City raise the funds would be via ad valorem taxes.

Vice Mayor Benson commented what was noticeably missing was the suggestion of forming a foundation by whom revenues could be generated.

City Manager Faranda stated his staff was looking into raising funds on that level, and Deputy City Manager Giles-Smith was having discussions about setting up a foundation for fundraising purposes.

Vice Mayor Benson questioned if there were any paradigms the City Commission and staff could look at that might shed some light on the probability of the success of foundations or some other fundraising entity.

City Manager Faranda felt City staff had done some research in that area.

Deputy City Manager Giles-Smith informed the Commission staff had investigated what other cities and performing art centers had done with regard to their fundraising practices and, it depended on the funding structure. Lauderhill's PAC was funded by the City, while others had no governmental support, so every dollar had to come from either ticket sales or donations. She said in such instances, the foundation served as the main fundraising board for the facility, but in cases such as Lauderhill's where the facility was city-run, the foundation provided support, such as underwriting a particular performance. They also gave support to the PAC in acquiring programming that catered to the means and tastes of the local community. Some of the cities staff looked at included Miramar, that originally had Broward Center for the Performing Arts managing their facility, but its management was now in-house only, and their budget was over \$3 million a year, with about 30 city staffers running their facility. Miramar wanted to look at Lauderhill's management contract to learn how the City was managing its PAC, as Miramar's Cultural Center was getting too costly.

Vice Mayor Benson asked if Miramar had a foundation for their Center.

City Attorney Hall affirmed they did, stating he recently spoke to the executive director of the Miramar Cultural Center last week, and the Miramar Cultural Trust was struggling, and the executive director asked if Lauderhill had an opening, as she was interested in working for the City. Once he met with Ms. Giles-Smith to go over how Miramar operated their facility,

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they would bring the information back to the Commission for a workshop to determine the best way for the City to manage and operate its PAC. He felt the Lauderhill Cultural Trust would function better independent of the City Commission and staff, with the Commission appointing members to the Board outside of City staff. The Lauderhill Cultural Trust was established per the Broward County contract that required the City to set up a trust for fundraising purposes, but the Commission needed to take action to formalize it, determining how many board members there should be, how were they to be appointed. Those independent individuals would then become that 501c(3) board and do fundraising for the PAC.

Vice Mayor Benson wanted to discuss the subject item as a single workshop agenda item.

Commissioner Bates wished to know how staff came up with the numbers for fees paid by commercial, relating it to the businesses' square footage, etc., as indicated on page three of the handout.

Mr. Hobbs clarified the handout stated commercial businesses between 20,000 and 29,999 square feet would pay \$500 each, and there were 23 such businesses in the City that met those criteria. Thus, from those 23 businesses, the staff anticipated collecting \$11,500.

Commissioner Bates restated her question as to how staff, for instance, determined the amount to be collected from the 23 businesses was \$500.

Mr. Hobbs responded staff modeled the method off of the fire fee, looking at the square foot of the structure, and from that they came up with a base cost, and increased it incrementally based on a variety of categories.

Commissioner Bates explained her reason for asking was due to what took place with the nursing homes, etc. complaining about having to pay so much money per year for their licenses, and she did not want to see that happen again with the subject efforts. The Commission needed to be able to explain to businesses why they were paying a fee to support the PAC and why that fee was set at a specific number.

Mr. Hobbs clarified the fee was not being collected to operate the PAC, it was to cover the cost to develop the three business districts, and there would be some benefit to commercial uses in each area of the City, and the PAC happened to be located in one of the districts.

City Manager Faranda understood the need for a methodology that explained how the fees were calculated. In discussions with the Chamber, the latter was looking for a main street and downtown environment, as this would be beneficial for the development of business, as they would create some identity that could be a resource for further development. He reiterated staff used models already used by the City that held up in court as they related to

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fees, such as the fire fee, and they expanded for the use in the subject instance as a good starting point. They had not applied a real scientific method to the calculations at the current stage of the process, and he agreed that being able to explain the process of calculation in more detail was the better route to take.

Commissioner Thurston mentioned the revenue category of \$340,327, asking if staff could provide the Commission with a breakdown of how that number was arrived at, as the Commission might have some thoughts on how to increase revenue. This would reduce the need to tax as much.

8. PUBLIC ANNOUNCEMENTS AND NOTICES

NONE

9. ADJOURNMENT:

The meeting was adjourned at 9:03 p.m.