

**REGULAR MEETING OF THE  
COMMISSION OF THE  
CITY OF LAUDERHILL, FLORIDA**

**JULY 13<sup>TH</sup>, 2009**

The City Commission of the City of Lauderhill, Florida, met in regular public session pursuant to the law and rules of said Commission at 7:30 p.m. in the Commission Chambers at 3800 Inverrary Boulevard, Lauderhill, Florida.

Mayor Kaplan called the meeting to order and the Pledge of Allegiance was recited. Upon roll call, the following were determined to be present:

Mayor Richard J. Kaplan  
Vice Mayor Hayward J. Benson, Jr.  
Commissioner M. Margaret Bates  
Commissioner Howard Berger  
Commissioner Dale V.C. Holness

Also Present: W. Earl Hall, City Attorney  
Assistant City Manager, Desorae Giles-Smith  
Police Chief Kenneth Pachnek  
Andrea M. Anderson, City Clerk

Vice Mayor Benson made a motion to:

**ADD:**

#6A. **ORDINANCE NO. 09O-06-127:** AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LAUDERHILL, CHAPTER 12, BUSINESS REGULATIONS, ARTICLE III, CERTIFICATE OF USE AND LOCAL BUSINESS TAX RECEIPT TO ADJUST CERTAIN FEES, TO MODIFY PROVISIONS TO PROVIDE CONSISTENT LANGUAGE RELATIVE TO ISSUANCE OF CITATIONS FOR VIOLATIONS; AND TO PROVIDE LANGUAGE FOR IMPOSITION OF LIENS FOR UNPAID AMOUNTS DUE; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

#15A. **RESOLUTION NO. 09R-07-160:** A RESOLUTION OF THE CITY OF LAUDERHILL APPROVING THE GRANT APPLICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT NOTICE OF FUND AVAILABLE FOR THE NEIGHBORHOOD STABILIZATION PROGRAM 2 (NSP2) UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT, 2009 IN THE AMOUNT OF \$10,000,000.00 AND AUTHORIZING CITY STAFF TO SUBMIT SAME; PROVIDING THAT THERE ARE NO CITY MATCHING FUNDS REQUIRED FOR THIS GRANT; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

## **AMEND:**

#6. **ORDINANCE NO. 090-07-128:** AN ORDINANCE OF THE CITY OF LAUDERHILL AMENDING THE CODE OF ORDINANCES CHAPTER 10, GARBAGE AND TRASH, ARTICLE I, IN GENERAL, SECTION 10-15, UNSANITARY AND/OR UNSIGHTLY CONDITIONS ON PRIVATE PROPERTY, AMENDING TITLE OF CHAPTER; PROVIDING TECHNICAL AMENDMENTS; ADDING PROVISIONS RELATIVE TO UNKEMPT POOLS AND DILAPIDATED FENCES **AND WALLS**; MODIFYING CURRENT RATES APPLICABLE FOR CITY STAFF TO REMEDY CONDITIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY VICE MAYOR HAYWARD J. BENSON, JR.)

#7. **RESOLUTION NO. 09R-07-148:** THE WORD "RECYCEABLE" STANDARD CORRECTED TO READ "RECYCLABLE".

## **REMOVE:**

#8. **RESOLUTION NO. 09R-07-149:** A RESOLUTION OF THE CITY OF LAUDERHILL APPROVING THE ARTWORK DESIGN, FABRICATION & INSTALLATION AGREEMENT BETWEEN THE CITY OF LAUDERHILL AND GEORGETA FONDOS AND "L" ART STUDIO, LLC REGARDING THE INTERIOR DOME SURFACE ABOVE THE CITY COMMISSION CHAMBERS AT THE NEW LAUDERHILL CITY HALL; PROVIDING TERMS AND CONDITIONS; AUTHORIZING CITY MANAGER TO EXECUTE SAID AGREEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

#9. **RESOLUTION NO. 09R-07-150:** A RESOLUTION OF THE CITY OF LAUDERHILL APPROVING THE ARTWORK DESIGN, FABRICATION & INSTALLATION AGREEMENT BETWEEN THE CITY OF LAUDERHILL AND CARLOS AVES REGARDING THE TERRAZZO FLOOR FOR THE SOUTH ENTRANCE AT THE NEW LAUDERHILL CITY HALL; PROVIDING TERMS AND CONDITIONS; AUTHORIZING CITY MANAGER TO EXECUTE SAID AGREEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

#10. **RESOLUTION NO. 09R-07-151:** A RESOLUTION OF THE CITY OF LAUDERHILL APPROVING THE ARTWORK DESIGN, FABRICATION & INSTALLATION AGREEMENT BETWEEN THE CITY OF LAUDERHILL AND GEORGE F. FISHMAN REGARDING THE GLASS TILE MOSAIC ON THE EAST ENTRANCE AT THE NEW LAUDERHILL CITY HALL; PROVIDING TERMS AND CONDITIONS; AUTHORIZING CITY MANAGER TO EXECUTE SAID AGREEMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

## **REMAIN ON THE TABLE**

#18. **RESOLUTION NO. 09R-06-129:** A RESOLUTION GRANTING TO THE OWNER, 2555 GROUP CORP., A SPECIAL EXCEPTION USE DEVELOPMENT ORDER, SUBJECT TO CONDITIONS, TO ALLOW AN OUTDOOR VEHICULAR-RELATED USE IN THE

GENERAL COMMERCIAL (CG) ZONING DISTRICT ON AN APPROXIMATE ± .46 ACRE SITE LOCATED ON A PORTION OF SECTION 36, TOWNSHIP 49 SOUTH, RANGE 41 EAST OF BROWARD COUNTY, FLORIDA, MORE COMMONLY KNOWN AS 1189 NORTH STATE ROAD 7, LAUDERHILL FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

*on the agenda*

seconded by Commissioner Bates. The vote was as follows:

Commissioner Bates	Yes
Commissioner Berger	Yes
Vice Mayor Benson	Yes
Commissioner Holness	Yes
Mayor Kaplan	Yes

The following Ordinances were read by title only and Resolutions by resolution number by the City Attorney for approval on the Consent Agenda:

**V. APPROVAL OF MINUTES:**

- A. MINUTES OF THE REGULAR MEETING OF THE CITY COMMISSION, JUNE 29, 2009.

**ORDINANCES & PUBLIC HEARINGS ----- FIRST READING: (AS ADVERTISED IN THE SUN-SENTINEL)**

#1. **ORDINANCE NO. 090-07-129:** AN ORDINANCE AMENDING THE CITY OF LAUDERHILL CODE OF ORDINANCES CHAPTER 2, ADMINISTRATION, ARTICLE II, OFFICERS AND EMPLOYEES, DIVISION 3, RETIREMENT, PART 3, POLICE PENSION PLAN AND TRUST FUND, TO CREATE A SECOND TIER FOR NEWLY HIRED POLICE OFFICERS; AMENDING SECTION 2-75, DEFINITIONS, TO DEFINE THE NEWLY CREATED TIERS AND TO DEFINE EARNABLE COMPENSATION FOR TIER TWO MEMBERS; AMENDING SECTION 2-79, SERVICE RETIREMENT BENEFIT, TO REQUIRE TWENTY-FIVE YEARS OF SERVICE FOR NORMAL RETIREMENT ELIGIBILITY OR THE ATTAINMENT OF AGE 55 AND 10 YEARS OF SERVICE UNDER TIER TWO; AMENDING SECTION 2-79 TO PROVIDE FOR 3% MULTIPLIER FOR A MAXIMUM BENEFIT OF 75% UNDER TIER TWO, AND ALLOWING TIER TWO MEMBERS TO PURCHASE AN INCREASE IN THEIR MULTIPLIER; AMENDING SECTION 2-80, BUY-BACK FOR MILITARY OR PRIOR POLICE SERVICE; AMENDING SECTION 2-82, VESTING AND TERMINATION, TO PROVIDE FOR A SEVEN YEAR VESTING PERIOD UNDER TIER TWO; AMENDING SECTION 2-87.2, COST OF LIVING ADJUSTMENT, TO PROVIDE THAT THE COLA ONLY APPLIES TO TIER ONE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

#4. **ORDINANCE NO. 090-07-132:** AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS PERTAINING TO STUDIO USES; AMENDING SCHEDULE A. LAND USE

CLASSIFICATIONS BY ADDING DEFINITIONS FOR ANCILLARY SUPPORT USE, STUDIO OFFICE USE, STUDIO OPERATIONS, STUDIO PRODUCTION/POST-PRODUCTION USE, STUDIO PROPERTY, STUDIO USE, AND SUPPORT USE; AMENDING SCHEDULE B., PERMITTED AND SPECIAL EXCEPTION USES, SECTION 2., NONRESIDENTIAL DISTRICTS, BY REPEALING AS LAND USE CLASSIFICATIONS BROADCAST STUDIOS WITH NO ANTENNA, COMMERCIAL, RADIO, T.V., MICROWAVE TELECOMMUNICATION FACILITIES, EXCLUDING TRANSMISSION TOWERS AND MOTION PICTURE STUDIO; AMENDING SCHEDULE B., SECTION 2., BY ALLOWING WITHIN THE LIGHT INDUSTRIAL ZONING DISTRICT ANCILLARY SUPPORT USE, STUDIO OFFICE USE, STUDIO OPERATIONS, STUDIO PRODUCTION/POST-PRODUCTION USE, STUDIO PROPERTY, STUDIO USE, AND SUPPORT USE AS A PERMITTED USE AND AS A SPECIAL EXCEPTION USE IN THE GENERAL COMMERCIAL AND COMMERCIAL WAREHOUSE ZONING DISTRICT; REPEALING ARTICLE III., ZONING DISTRICTS, PART 5.0., SPECIAL REGULATIONS FOR SPECIFIC LAND USE CLASSIFICATIONS, SECTION 5.14., COMMERCIAL, RADIO, T.V., MICROWAVE TELECOMMUNICATION FACILITIES, EXCLUDING TRANSMISSION TOWERS; REPEALING ARTICLE III., PART 5.0., SECTION 5.27, MOTION PICTURE STUDIOS; REPEALING ARTICLE III., PART 6.0., SUPPLEMENTAL DISTRICT REGULATIONS, SECTION 6.5., OFF-STREET PARKING STANDARDS AND REQUIREMENTS, SUBSECTION 6.5.3., AMOUNT OF PARKING, PARAGRAPH DD., STUDIO USES; CREATING ARTICLE III., PART 6.0., SECTION 6.5., SUBSECTION 6.5.3., PARAGRAPH DD BY ESTABLISHING PERMANENT AND TEMPORARY PARKING STANDARDS; CREATING ARTICLE III., PART 5.0., REGULATIONS FOR SPECIFIC LAND USE CLASSIFICATIONS, SECTION 5.47., STUDIO USES; CREATING SCHEDULE V., TRANSPORTATION DEMAND MANAGEMENT PLAN IMPLEMENTATION ELEMENTS; PROVIDING FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

**ORDINANCES & PUBLIC HEARINGS --- SECOND READING: (AS ADVERTISED IN THE SUN-SENTINEL)**

#6. **ORDINANCE NO. 090-07-128:** AN ORDINANCE OF THE CITY OF LAUDERHILL AMENDING THE CODE OF ORDINANCES CHAPTER 10, GARBAGE AND TRASH, ARTICLE I, IN GENERAL, SECTION 10-15, UNSANITARY AND/OR UNSIGHTLY CONDITIONS ON PRIVATE PROPERTY, AMENDING TITLE OF CHAPTER; PROVIDING TECHNICAL AMENDMENTS; ADDING PROVISIONS RELATIVE TO UNKEMPT POOLS AND DILAPIDATED FENCES AND WALLS; MODIFYING CURRENT RATES APPLICABLE FOR CITY STAFF TO REMEDY CONDITIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY VICE MAYOR HAYWARD J. BENSON, JR.)

#6A. **ORDINANCE NO. 090-06-127:** AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LAUDERHILL, CHAPTER 12, BUSINESS REGULATIONS, ARTICLE III, CERTIFICATE OF USE AND LOCAL BUSINESS TAX RECEIPT TO ADJUST CERTAIN FEES, TO MODIFY PROVISIONS TO PROVIDE CONSISTENT LANGUAGE RELATIVE TO ISSUANCE OF CITATIONS FOR VIOLATIONS; AND TO PROVIDE

LANGUAGE FOR IMPOSITION OF LIENS FOR UNPAID AMOUNTS DUE; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

## **RESOLUTIONS**

### **ADMINISTRATION**

#7. **RESOLUTION NO. 09R-07-148:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL APPROVING THE ADDENDUM TO AMENDED AND RESTATED AGREEMENT FOR COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLED MATERIALS BETWEEN THE CITY OF LAUDERHILL AND WASTE MANAGEMENT, INC. OF FLORIDA TO EXTEND THE AGREEMENT SUBJECT TO ALL OF THE ORIGINAL TERMS, CONDITIONS AND SPECIFICATIONS FOR AN ADDITIONAL ONE (1) YEAR TERM TO EXPIRE DECEMBER 31, 2010; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

### **COMMISSION**

#11. **RESOLUTION NO. 09R-07-152:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION, BROWARD COUNTY MASS TRANSIT AND THE BROWARD COUNTY COMMISSION FAST TRACK THEIR REVIEWS OF THE REMOVAL OF THE SUBJECT MID-BLOCK PEDESTRIAN SIGNAL AND THE RELOCATION OF THE SUBJECT BUS BAY TO THE WEST SIDE OF N.W. 55th AVENUE IN CONNECTION TO THE OAKLAND PARK BOULEVARD TURNPIKE INTERCHANGE EXCHANGE INVESTIGATION; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY COMMISSION)

### **FINANCE**

#13. **RESOLUTION NO. 09R-07-154:** A RESOLUTION APPROVING THE LIST OF SIX (6) CONTRACTORS FOR THE CITY OF LAUDERHILL'S NEIGHBORHOOD STABILIZATION PROGRAM (NSP); PROVIDING FOR THE USE OF THE VARIOUS CONTRACTORS PURSUANT TO THE NSP PROGRAM GUIDELINES; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

#14. **RESOLUTION NO. 09R-07-155:** A RESOLUTION APPROVING THE LIST OF THREE (3) PROJECT MANAGERS FOR THE CITY OF LAUDERHILL'S NEIGHBORHOOD STABILIZATION PROGRAM (NSP); PROVIDING FOR THE USE OF THE VARIOUS PROJECT MANAGERS PURSUANT TO THE NSP PROGRAM GUIDELINES; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

#15A. **RESOLUTION NO. 09R-07-160:** A RESOLUTION OF THE CITY OF LAUDERHILL APPROVING THE GRANT APPLICATION TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT NOTICE OF FUND AVAILABLE FOR THE NEIGHBORHOOD STABILIZATION PROGRAM 2 (NSP2) UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT, 2009 IN THE AMOUNT OF \$10,000,000.00 AND AUTHORIZING CITY STAFF TO SUBMIT SAME; PROVIDING THAT THERE ARE NO CITY MATCHING

FUNDS REQUIRED FOR THIS GRANT; PROVIDING FOR AN EFFECTIVE DATE.  
(REQUESTED BY CITY MANAGER, CHARLES FARANDA)

## **POLICE**

#16. **RESOLUTION NO. 09R-07-157:** A RESOLUTION APPROVING THE DONATION OF FUNDS IN THE AMOUNT OF \$1,400.00 FROM THE STATE LOCAL LAW ENFORCEMENT TRUST FUND (LETF) TO THE NORTHWEST HOMEOWNERS' ASSOCIATION TO SUPPORT DRUG TREATMENT, DRUG EDUCATION OR DRUG PREVENTION, CRIME PREVENTION, SAFE NEIGHBORHOOD, OR SCHOOL RESOURCE OFFICER PROGRAMS IN ACCORDANCE WITH STATE GUIDELINES; PROVIDING FOR PAYMENT FROM BUDGET CODE NUMBER 120-683-9935; PROVIDING FOR AN EFFECTIVE DATE.  
(REQUESTED BY CITY MANAGER, CHARLES FARANDA)

#17. **RESOLUTION NO. 09R-07-158:** A RESOLUTION APPROVING THE DONATION OF FUNDS IN THE AMOUNT OF \$1,400.00 FROM THE STATE LOCAL LAW ENFORCEMENT TRUST FUND (LETF) TO THE ST. GEORGE HOMEOWNERS' ASSOCIATION TO SUPPORT DRUG TREATMENT, DRUG EDUCATION OR DRUG PREVENTION, CRIME PREVENTION, SAFE NEIGHBORHOOD, OR SCHOOL RESOURCE OFFICER PROGRAMS IN ACCORDANCE WITH STATE GUIDELINES; PROVIDING FOR PAYMENT FROM BUDGET CODE NUMBER 120-683-9935; PROVIDING FOR AN EFFECTIVE DATE.  
(REQUESTED BY CITY MANAGER, CHARLES FARANDA)

Commissioner Holness made a motion to approve the consent agenda, seconded by Vice Mayor Benson. The vote was as follows:

Commissioner Bates	Yes
Commissioner Berger	Yes
Vice Mayor Benson	Yes
Commissioner Holness	Yes
Mayor Kaplan	Yes

## **VI. PRESENTATIONS:**

A. PRESENTATION TO THE CITY'S 50<sup>TH</sup> ANNIVERSARY COMMITTEE  
(REQUESTED BY VICE MAYOR HAYWARD J. BENSON, JR.)

Mayor Kaplan and Vice Mayor Benson presented the members of the 50<sup>th</sup> Anniversary Committee with plaques, thanking them for their service in organizing a wonderful celebration honoring the City's 50<sup>th</sup> Anniversary.

## **ORDINANCES & PUBLIC HEARINGS ----- FIRST READING: (AS ADVERTISED IN THE SUN-SENTINEL)**

#2. **ORDINANCE NO. 09O-07-130:** AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS (LDR), ARTICLE IV., DEVELOPMENT REVIEW REQUIREMENTS PERTAINING TO PUBLIC

NOTICE SIGNS AND THEIR RE-ORGANIZATION; RENUMBERING ARTICLE IV., PART 1.0., GENERAL APPLICATION FILING, REVIEW AND FINAL DETERMINATION, SECTION 1.9., PUBLIC NOTICE PROCESSING FEE AS SUBSECTION 1.9.2.; RE-TITLING ARTICLE IV., PART 1.0., SECTION 1.9. AS PUBLIC NOTICE REQUIREMENTS AND REQUIRING POSTED SIGNS BE PROFESSIONALLY PREPARED BY A REPUTABLE SIGN, PRINTING OR SIMILAR COMPANY; CREATING SUBSECTION 1.9.1., MAILED NOTICE; CREATING SUBSECTION 1.9.3., PROPERTY POSTED NOTICE; AMENDING ARTICLE IV., PART 2.0., ZONING MAP AMENDMENTS, SECTION 2.10., PUBLIC NOTICE; AMENDING PART 3.0., PROCEDURES FOR OBTAINING RELIEF FROM THE LAND DEVELOPMENT REGULATIONS, SECTION 3.1., VARIANCES, SUBSECTION 3.1.2., NOTIFICATIONS; AMENDING PART 4.0., SPECIAL EXCEPTION USES, SECTION 4.9., NOTICE OF HEARING; AMENDING PART 5.0., DEVELOPMENT PLAN/SITE PLAN REVIEW, SUBSECTION 5.1.2.; AMENDING PART 8.0., DEVELOPMENT AGREEMENTS, SECTION 8.8., PUBLIC NOTICE REQUIREMENTS; AMENDING PART 9.0., BROWNFIELD REDEVELOPMENT, SECTION 9.8., PUBLIC NOTICE REQUIREMENTS; ADDING CROSS-REFERENCES TO SUBSECTIONS 1.9.1 AND 1.9.3 THROUGHOUT THESE SECTIONS AS APPROPRIATE; PROVIDING FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

Vice Mayor Benson indicated he pulled the subject item to compliment staff on moving forward with such a recommendation. It sought to give uniformity to the conduct of the City's business with regard to alerting the public on what was happening with a given piece of property. He recalled a time when a similar issue came up, as a sign was posted on some property, and he removed the sign, brought it to a Commission meeting, suggesting the City to do something different in terms of informing the public.

Planning and Zoning Director Earl Hahn commented the ordinance had been brought forward by Assistant City Manager Desorae Giles-Smith.

Commissioner Holness echoed commendations to staff, stating this was a move in the right direction to enhance the aesthetic appearance of the City. He suggested going a step further and employing the practice used in other cities of using a standardized sign, possibly displaying the All-American City logo.

Mayor Kaplan opened the discussion to the public and received no input.

Vice Mayor Benson made a motion to approve Ordinance No. 09O-07-130, seconded by Commissioner Holness. The vote was as follows:

Commissioner Bates	Yes
Vice Mayor Benson	Yes
Commissioner Berger	Yes
Commissioner Holness	Yes
Mayor Kaplan	Yes

#3. **ORDINANCE NO. 09O-07-131: AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS ARTICLE III., ZONING DISTRICTS, PART 3.0., BASE OR UNDERLYING ZONING DISTRICTS, SECTION 3.5., RECREATION ZONING DISTRICTS, SUBSECTION 3.5.3., REGIONAL PARK; AMENDING PARAGRAPH B., PERMITTED PRINCIPAL USES AND STRUCTURES, TO ALLOW A CULTURAL AND PERFORMING ARTS CENTER, LIBRARY, MUSEUM AND SIMILAR USES AS A PERMITTED USE; AND AMENDING PARAGRAPH D., SPECIAL EXCEPTION USES AND STRUCTURES, TO REPEAL CULTURAL ARTS CENTER AND LIBRARY AS A SPECIAL EXCEPTION USE.** (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

Vice Mayor Benson sought assurance the City was being careful not to overlook any obstacle to getting the library and Cultural Arts Center built in a timely manner. If there were any other outstanding items and/or issues to be addressed, it was preferable to resolve them as soon as possible. He reminded the Commission the City got the architect to accept the notion of liquidated damages, and he did not wish the architect to be in a position to say there would have been no delays had it not been for the need for some type of action, such as the subject ordinance. Staff was urged to ensure the path was clear in terms of what the City needed to have in place for construction of both facilities to progress unimpeded.

Mr. Hahn remarked there was one issue with regard to parking he discussed with City Attorney Hall. The staff decided to handle the matter by waiting to see the number of seats the facility would house finalized, then amend the code at that time; this was the only outstanding issue of which he was aware.

City Attorney Hall affirmed this to be the case, noting the interlocal agreement with Broward County would dedicate 150 parking spaces at the Central Regional Park.

Commissioner Bates observed in the background information in the backup, Westlake was mentioned as the builder selected by the Commission; she thought they were the architect.

City Attorney Hall believed that was a typographical error; Westlake was the architect.

Mayor Kaplan, referring to section two of the ordinance, special exception two, wished to know if there was a difference between an indoor auditorium and a performing arts center auditorium, wondering if they were one in the same.

Mr. Hahn answered: not necessarily. An auditorium could be, for example, any large hall that might or might not have fixed seating; a performing arts center auditorium was generally an indoor facility with fixed seating and special acoustic designs.

Mayor Kaplan asked if the City Attorney would recommend there be special language in section D1: special exception, clarifying the terms to prevent any direct conflict in the interpretation of what constituted a performing arts center.

City Attorney Hall understood the issue but this amendment was not before the Commission at present. He would bring the matter back to the Commission with language addressing the Mayor's concerns. In City staff's discussions with the representatives of the Bobby Jones Gospel Complex, they discovered they were also building an auditorium that would not be

equipped to accommodate performances. Thus, they would be two different facilities catering to different uses.

Mayor Kaplan opened the discussion to the public and received no input.

Vice Mayor Benson made a motion to approve Ordinance No. 09O-07-131, seconded by Commissioner Holness. The vote was as follows:

Commissioner Bates	Yes
Vice Mayor Benson	Yes
Commissioner Berger	Yes
Commissioner Holness	Yes
Mayor Kaplan	Yes

**#5. ORDINANCE NO. 09O-07-133: AN ORDINANCE OF THE CITY COMMISSION OF LAUDERHILL, FLORIDA AMENDING THE LAND DEVELOPMENT REGULATIONS PERTAINING TO CORRECTIONAL AND JUDICIAL FACILITIES; AMENDING SCHEDULE A., LAND USE CLASSIFICATIONS BY ADDING A LAND USE CLASSIFICATION AND DEFINITION FOR CORRECTIONAL AND JUDICIAL FACILITY; AMENDING SCHEDULE B., PERMITTED AND SPECIAL EXCEPTION USES, BY ADDING CORRECTIONAL AND JUDICIAL FACILITIES AS A LAND USE CATEGORY AND BY ADDING AN ASTERISK IN THE COMMUNITY COMMERCIAL, GENERAL COMMERCIAL AND COMMUNITY FACILITY ZONING DISTRICTS; AMENDING ARTICLE III., ZONING DISTRICTS, PART 5.0., SPECIAL REGULATIONS FOR SPECIFIC LAND USE CLASSIFICATIONS, BY CREATING SECTION 5.13, CORRECTIONAL AND JUDICIAL FACILITIES; ADDING SUBSECTION 5.13.1., PROHIBITED USE; AMORTIZATION AND ALLOWING EXISTING CORRECTIONAL AND JUDICIAL FACILITY USES IN THE COMMUNITY COMMERCIAL, GENERAL COMMERCIAL ZONING AND COMMUNITY FACILITY DISTRICTS TO CONTINUE AS A LEGAL NONCONFORMING USE UNTIL DECEMBER 31<sup>ST</sup>, 2014; PROVIDING FINDINGS AND CONCLUSIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY COMMISSIONER DALE V.C. HOLNESS)**

Mayor Kaplan sought clarification if a probation office was a place to which people came, did business and left rather than a facility for retention or holding anyone in a cell.

City Attorney Hall was aware arrests were sometimes made at the probation office and the City's police were often called upon to make such arrests.

Mayor Kaplan understood arrests could occur anywhere in the City. However, he did not wish to see the Sheriff's Office being given permission by the City to create an on-site jail.

City Attorney Hall responded this would not be the case, stating City staff was moving in the opposite direction of such an occurrence.

Mayor Kaplan wished to be assured the present site would not be used as a temporary holding facility for arrested individuals, as it seemed to be the case by the way the ordinance was written, and the City's code prohibited such use. The language indicated the applicant sought to extend their lease for another five years to continue their present practices.

Police Chief Kenneth Pachnek remarked the facility was not utilized as a jail site, but if someone were arrested, they would be held there until the police arrived to pick them up. Thus, the confinement was temporary; this was not a holding facility.

Mayor Kaplan inquired if staff was completely comfortable the wording of the ordinance did not grant the right to create a holding facility for the next five years.

City Attorney Hall answered: yes. He had been working with Ms. Baker, the property owner, and the City had the current tenants sign an addendum to their leases to further commit them to vacate the subject premises at the end of the lease.

Mayor Kaplan queried if the site contained any "behind bars" accommodations in which to place violators and, if not, was the applicant proposing to create such a site.

Chief Pachnek stated they did not and would not create such a site.

City Manager Faranda commented there had been some serious issues at the subject site where violators knowing they were going to jail endeavored to evade arrest. He had been assured by the applicant they would not be holding people, as there was no adequately secure detention room. This would only serve to stress the City's police department, increasing the calls for service at Lauderhill taxpayers' expense. The applicant indicated the City's conditions as set forth in the ordinance would be met, though he hoped there was some way for the agreement to be revoked if they were not. The Lauderhill Police Department could attest to the burden created through its records of the number of calls for service generated from the subject facility. He recognized these were tough economic times and the City wished to work with its businesses but, without the conditions, the use could constitute a serious drain on the City's resources and actually cost to help provide the parole officer. These assurances need to be on the record to ensure certain past activities did not recur.

Mayor Kaplan questioned the type of language staff could include in the ordinance to make the agreement revocable if the conditions of the agreement were violated.

City Attorney Hall believed it possible, recommending an amendment to the language in Section 5.13, section four to include a revocation clause accordingly.

Vice Mayor Benson made a motion to amend Ordinance No. 09O-07-133 as stated by the City Attorney, seconded by Commissioner Bates. The vote was as follows:

Commissioner Bates	Yes
Vice Mayor Benson	Yes
Commissioner Berger	Yes
Commissioner Holness	Yes
Mayor Kaplan	Yes

Vice Mayor Benson stated he had similar concerns with the proposed ordinance, citing a personal experience at the subject site when he went there just to observe. He had a questionable confrontation with a deputy sheriff that wished to know what he was looking for and if he was some form of inspector. He did not reveal he was an elected official and

found the deputy's attitude officious and irritating. This kind of attitude led him to feel reluctant to do business with such entities, though he recognized the need for such facilities. He believed further clarity was needed in the last underlined sentence located on page four of the ordinance at the top of the page just before section five, where it stated: Thereafter, the land use shall cease and be abandoned.

Mr. Hahn said the sentence meant, effective January 1, 2015, the present occupants had to vacate the subject premises absolutely.

Commissioner Berger wished to know the likelihood of the applicant or an entity desiring a similar use being able to occupy office space, such as the facilities currently occupied by City Hall.

City Attorney Hall replied the ordinance contained a modifier that said: agencies that are for correctional or judicial services. Thus, they provided other services other than just arrests, and it would depend on the use, with the decision being on a case-by-case analysis.

Commissioner Berger wondered how staff would make such a determination, as he had no wish to restrict occupancy by a solid government agency seeking commercial office space.

City Attorney Hall reiterated the state agencies were those responsible for correctional or judicial services. These were the limiting terms for federal and state agencies.

Commissioner Holness commented the applicant had occupied the subject premises for about five years, though he did not deny the negative occurrences and the need to mitigate them as much as possible. He pointed out the facility provided support programs to people living in the Lauderhill community, as well as administrative programs through the courts, such as for first-time offenders trying to get their lives back on track.

Cynthia Baker, owner of the subject site, stated the subject lease would end August 31, 2015 not 2014, as the present lease did not expire until 2010. She noted most of the people served by the facility were first-time offenders attending various programs. The number of incidents requiring calls for police service decreased considerably, as they made efforts to secure the facility.

City Manager Faranda did not doubt efforts were being made, but issues remained and calls for service were being sent to BSO rather than Lauderhill Police; though this did not tap the City's resources as much, it was imperative for control to be maintained. The City's police department would be diligent and watchful for any occurrences getting out of control.

Ms. Baker intimated all the conditions, etc. mentioned by Mr. Hahn and Mr. Hall were incorporated in the lease.

Vice Mayor Benson wished to know how rigorous the City could be in delineating in the ordinance if the prohibitions were broken, the agreement could be revoked, and was it possible to have this done before the ordinance came back for second reading.

City Attorney Hall explained, in such circumstances, the Commission would give direction as to the language they desired and staff would execute it accordingly.

Commissioner Holness requested an amendment in the ordinance to change the date of the lease's expiration from August 31, 2014, to August 31, 2015.

Commissioner Holness made a motion to amend the expiration date in the Ordinance No. 09O-07-133 as stated above, seconded by Commissioner Bates. The vote was as follows:

Commissioner Bates	Yes
Vice Mayor Benson	Yes
Commissioner Berger	Yes
Commissioner Holness	Yes
Mayor Kaplan	Yes

Mayor Kaplan opened the discussion to the public and received no input.

Commissioner Holness made a motion to approve Ordinance No. 09O-07-133 as amended, seconded by Commissioner Bates. The vote was as follows:

Commissioner Bates	Yes
Vice Mayor Benson	No
Commissioner Berger	Yes
Commissioner Holness	Yes
Mayor Kaplan	Yes

## **RESOLUTIONS**

#12. **RESOLUTION NO. 09R-07-153:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL REQUESTING THAT THE BROWARD COUNTY METROPOLITAN PLANNING ORGANIZATION (MPO) PLACE THE OAKLAND PARK BOULEVARD TURNPIKE INTERCHANGE ON THE MPO LONG RANGE TRANSPORTATION PLAN; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY COMMISSION)

Mayor Kaplan noted in section two of the resolution where it listed the various agencies to which copies of the resolution would be sent, the Florida Turnpike Authority was left out. He wished a motion to amend the language to include them in that list of agencies.

Commissioner Bates made a motion to amend Resolution No. 09R-07-153, seconded by Vice Mayor Benson. The vote was as follows:

Commissioner Bates	Yes
Vice Mayor Benson	Yes
Commissioner Berger	Yes
Commissioner Holness	Yes
Mayor Kaplan	Yes

Mayor Kaplan opened the discussion to the public and received no input.

Commissioner Holness made a motion to approve Resolution No. 09R-07-153 as amended, seconded by Vice Mayor Benson. The vote was as follows:

Commissioner Bates	Yes
Vice Mayor Benson	Yes
Commissioner Berger	Yes
Commissioner Holness	Yes
Mayor Kaplan	Yes

**#15. RESOLUTION NO. 09R-07-156: A RESOLUTION APPROVING THE LIST OF FIVE (5) REALTORS FOR THE CITY OF LAUDERHILL'S NEIGHBORHOOD STABILIZATION PROGRAM (NSP); PROVIDING FOR THE USE OF THE VARIOUS REALTORS PURSUANT TO THE NSP PROGRAM GUIDELINES; PROVIDING FOR AN EFFECTIVE DATE. (REQUESTED BY CITY MANAGER, CHARLES FARANDA)**

Mayor Kaplan questioned if the City needed five realtors, as the two lowest ranked firms appeared to rate very low in comparison to the top three.

Finance Director Kennie Hobbs remarked, based on Commissioner Holness' feedback at the last Commission meeting, the ranking committee recommended the use of all five realtors. The City Attorney reviewed all the City's real estate contracts.

Mayor Kaplan felt the low scores of the bottom two realtors seemed to indicate a deficiency in their ability to do the job required. It was one matter if this did not pose any potential liability or problems for Lauderhill; however, if there was a situation that might arise whereby their method of conducting business caused problems for the City, consideration should be given as to whether they should be approved.

Mr. Hobbs restated, as all real estate contracts were reviewed by the City Attorney, the City was assured all pertinent information would be included. The inclusion of all five realtors was at the direction of the Commission to allow full participation; this could be changed if they so desired.

Mayor Kaplan continued to express discomfort allowing the two lowest ranked realtors to conduct business on the City's behalf, asking City Manager Faranda for his input.

City Manager Faranda understood the process of selection desired by the Commission was to open the field to as many realtors as possible; a realtor scoring low in the ranking could identify a viable property and create a good contract for the City. He was not comfortable with such low scores, but the City Attorney would be examining all contracts, and he could support opening the field to more realtors, despite their ranking, as this was not likely to negatively affect the City.

Commissioner Holness believed the task assigned to the five realtors required no super technical skills; they were to go out into the Lauderhill community and identify foreclosed/abandoned properties for purchase. Their potential success was the motivation, and the City Attorney would be reviewing all contracts; thus, there appeared to be little room to create problems for the City.

Vice Mayor Benson found he could accept Commissioner Holness' assessment, as this was his profession and his knowledge, therefore, was extensive. It was also possible one or more of the reviewers on the selection committee were just harder to please.

Commissioner Bates echoed sentiments of agreement, stating she was comfortable knowing the City Attorney would review all the contracts.

Commissioner Berger commented the ranking of the realtors were of little value to him, as he was unaware of the ranking criteria.

Mr. Hobbs indicated the backup documents contained all that information.

Commissioner Berger questioned why there were three rankers for the selection of realtors, and five for the project manager and contractor positions.

Mr. Hobbs replied less expertise was required for the selection of the realtors than the other two positions.

Mayor Kaplan opened the discussion to the public and received no input.

Commissioner Holness made a motion to approve Resolution No. 09R-07-156, seconded by Vice Mayor Benson. The vote was as follows:

Commissioner Bates	Yes
Vice Mayor Benson	Yes
Commissioner Berger	Yes
Commissioner Holness	Yes
Mayor Kaplan	Yes

**COMMUNICATIONS FROM THE MAYOR AND OTHER PUBLIC OFFICIALS 9.00 P.M.  
OR IMMEDIATELY BEFORE ADJOURNMENT, WHICHEVER SHALL FIRST OCCUR:**

City Attorney Hall wished members of the Commission an enjoyable summer break.

Commissioner Berger mentioned receiving a letter from Grace Tabernacle Church on 1050 Northwest 43 Avenue, Plantation, about a Town Hall meeting on Saturday, July 25, 2009, 9:30 a.m. to 10:30 a.m. They wished to invite community leaders from the cities of Lauderhill and Plantation, as well as parishioners from around South Florida. He reminded everyone to support Lauderhill businesses, stating Killer Cuts Barber Shop opened in Lauderhill some four or five months ago. They would be having a customer appreciation day on Saturday, July 18, 2009, from 2:00 p.m. with the ribbon cutting at 3:00 p.m. There would be food, music and giveaways; they were located on West Oakland Park Blvd. next to Publix.

Commissioner Bates commended the 50<sup>th</sup> Anniversary Committee for the good work they did in organizing the City's celebrations. She wished everyone an enjoyable summer.

Vice Mayor Benson wished his fellow members of the Commission a great summer break, and the rest of the Lauderhill community a restful summer.

Commissioner Holness encouraged everyone to shop Lauderhill first, stating a list of the City's businesses could be found on the Lauderhill Chamber of Commerce's website at [www.thelauderhillchamber.com](http://www.thelauderhillchamber.com). He reminded everyone the Chamber held its monthly breakfast on the first Friday of each month at 8:00 a.m. at the Inverrary Hotel; it was a great networking opportunity for businesses.

Mayor Kaplan remarked on Tuesday, July 14, 2009, at 10:00 a.m., the City would commence its annual budget workshop meetings. The Commission received the proposed budget for Fiscal Year 2009/2010, and there would be a review of the entire budget. Anyone from the public was welcome to attend and give feedback if desired. On Thursday, July 9, 2009, he was invited to speak to Broward County's Smart Growth Organization, as they were trying to educate the public and governments on how to operate their cities wisely. Of particular interest was energy concepts, and what they referred to as "smart growth", which was similar to Lauderhill's Green Initiatives Program. He said a brochure of the City's program had been sent out with the City's newsletter, both via email and regular mail; further information on the program could be found at a link on the City's website or at [www.lauderhill-fl.gov/green](http://www.lauderhill-fl.gov/green). The Smart Growth Organization believed Lauderhill's Green Initiatives Program was a best practice program and was very impressed with the steps the City had taken.

### **ADJOURNMENT**

Meeting adjourned at 8:47 p.m.