

**MINUTES OF A SPECIAL REGULAR MEETING  
CITY COMMISSION  
FORT LAUDERDALE, FLORIDA  
September 12, 2008**

Meeting was called to order at 10:30 a.m. by Mayor Naugle on the above date, in the 8<sup>th</sup> floor conference room of City Hall, 100 North Andrews Avenue.

Roll call showed:

Present: Commissioner Christine Teel  
Vice Mayor Charlotte E. Rodstrom  
Commissioner Carlton B. Moore  
Commissioner Cindi Hutchinson  
Mayor Jim Naugle

Also Present: City Manager           George Gretsas  
City Auditor                 John Herbst  
City Clerk                    Jonda K. Joseph  
Senior Assistant  
City Attorney                Paul Bangel

**FIRE RESCUE SPECIAL ASSESSMENT – FISCAL YEAR 2007-2008**

**PH-01**

**Public hearing to consider increasing fire rescue assessments against assessed property located in the City of Fort Lauderdale for fiscal year October 1, 2008 – September 30, 2008; approving rate of assessment and assessment roll – provision of fire rescue services.**

Commissioner Moore questioned how a public hearing could be held at 11 a.m. on a Friday to consider increasing a fee. He thought it must be 5 p.m. The Senior Assistant City Attorney advised that the statute concerning an after 5 p.m. meeting has to do with adoption of the budget and millage rate. Commissioner Moore preferred to hold this meeting after 5 p.m. The merit of the statute is that when the community will be impacted with a fee or tax, they should have the opportunity to be present.

Commissioner Hutchinson requested an explanation as to why this date. Allyson Love, Director of Budget and Management, explained the statute provides if the fee is changed, residents must be notified. If the City was to use the TRIM notice as that mechanism, it could not be held before September 12. It must be done before September 15 because the City has to notify the Property Appraiser. Mayor Naugle noted some 80,000 notices were sent out by Broward County. Evening meetings are inconvenient for some people. It is not fair to have all meetings at night.

In response to Vice Mayor Rodstrom, Mayor Naugle indicated this is the final meeting on the assessment.

Commissioner Moore believed the majority are available after hours, which was the intent of the statute. Mayor Naugle noted there was one individual expressing concern at the evening meeting for the property tax and one individual wishes to speak today, so it has not made a difference.

Jeff Justinak, Assistant Fire Rescue Chief, Administration, added a notice was published also in the Sun Sentinel. He presented slides on the matter. A copy of the slides is attached to these minutes. The fee for commercial, industrial and institutional is based on square footage; residential is a flat fee. A study conducted for the City by Government Services Group concludes there is support for \$245 for this fiscal year and \$265 commencing through fiscal year 2010-11. A fee increase to \$135 is recommended.

Bill Hayden, 724 Pennsylvania Avenue, said he is a resident of Melrose Park. He opposed the fee. He noted the definition of a fee according to Webster's dictionary and commented that the vast majority of residents will never take advantage of the Fire Rescue Department's services. He questioned what singles out this department from all others to assess a fee for professional services. He noted the definition of a tax according to Webster's. He interpreted a fee as a voluntary payment only due and payable when services are rendered which he did not think the City administration would consider. This is really a tax. He opposed the increase.

There were no other comments from the public. Commissioner Moore noted that 100% of the public who have attended this meeting are against this.

Commissioner Moore asked about continuing the meeting to the 16<sup>th</sup> so that it could be at 6 p.m. The Senior Assistant City Attorney indicated the statute requires this to occur between January 1 and September 15.

In response to Commissioner Moore, Assistant Fire Chief Justinak indicated the increase will mean a total of \$19,786,000 from the current \$14,421,000. The request is for about half of what is allowable under state law. In response to further question by Commissioner Moore, Ms. Love indicated that a millage .1683 would be needed to collect \$19,000,000. A millage rate increase is not an option available at this point.

Mayor Naugle announced the proposed assessment rate will be \$135 annually for each residential property and for non-residential properties shall be as shown on the detailed rate schedule provided in the assessment resolution.

Commissioner Hutchinson introduced the following resolution:

#### RESOLUTION NO. 08-205

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE CITY; ESTABLISHING THE RATE OF ASSESSMENT INCLUDING AN INCREASE IN THE ASSESSMENT RATE IMPOSED IN THE PRIOR YEAR; REIMPOSING FIRE RESCUE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED IN THE CITY OF FORT LAUDERDALE, FLORIDA; APPROVING THE ASSESSMENT ROLL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

In response to Vice Mayor Rodstrom's question, the Senior Assistant City Attorney noted that in order to raise the millage rate, there would have to be re-notice and he was not

certain how that would square with the public hearing requirements and the date set for the final adoption.

Vice Mayor Rodstrom asked the percentage increase of the fire assessment. Mr. Love indicated it is a 43.6% increase. Vice Mayor Rodstrom agreed with Mr. Hayden that this is a tax; she noted before the ordinance was adopted, the needs were funded from the General Fund. She opposed the increase.

In response to Mayor Naugle, Commissioner Hutchinson pointed out that Fort Lauderdale's fee amount is 22<sup>nd</sup> in Broward County. Commissioner Moore questioned what other cities are holding their meetings today at 11 a.m. He opposed the fee.

The City Auditor clarified that the budget does not have to be adopted next week. If the millage was changed, there would need to be readvertising and certain legal requirements if the budget is not adopted before the end of September. He offered the information for clarification, not to recommend it.

In response to Mayor Naugle, Assistant Fire Chief Justinak indicated that Broward County's fire assessment fee is \$190. Commissioner Moore did not see that had anything to do with the City's deliberations.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Teel, Hutchinson, and Mayor Naugle. NAYS: Vice Mayor Rodstrom and Commissioner Moore.

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Phil Thornburg, Director of Parks and Recreation, indicated that staff would like to solicit donations for the benefit of Haiti. He requested authorization to do so. In response to Commissioner Teel, Mr. Thornburg indicated it would not include monetary contributions, but rather clothing and non-perishable food. There is a designated drop-off point at a church that will handle transportation. In response to the Senior Assistant City Attorney, Mr. Thornburg indicated the request is for authority to place donation boxes at various City locations.

**Motion** made by Commissioner Moore and seconded by Commissioner Hutchinson to authorize the City Parks and Recreation Department to solicit as noted above. Roll call showed: YEAS: Commissioners Teel, Vice Mayor Rodstrom, Commissioner Moore, Commissioner Hutchinson and Mayor Naugle. NAYS: None.

There being no other matters to come before the Commission, the meeting was adjourned at 11:26 a.m.

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Jim Naugle  
Mayor

ATTEST:

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Jonda K. Joseph  
City Clerk

