



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Detailed Minutes - Final

City Commission

Rex Hardin, Mayor
Andrea McGee, Vice Mayor
Alison Fournier, Commissioner
Barry Moss, Commissioner
Beverly Perkins, Commissioner
Rhonda Sigerson-Eaton, Commissioner

Gregory P. Harrison, City Manager
Mark Berman, City Attorney
Kervin Alfred, City Clerk

Tuesday, April 23, 2024

6:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

The Honorable Rex Hardin, Mayor called the City Commission meeting to order at 1:00 p.m.

ROLL CALL

Present: Commissioner Alison Fournier
Commissioner Barry Moss
Commissioner Beverly Perkins
Commissioner Rhonda Sigerson-Eaton
Vice Mayor Andrea McGee
Mayor Rex Hardin

INVOCATION

Pastor Branden Jones of Mt. Calvary Baptist Church was unable to attend the meeting, so Brian Anthony Campbell, Senior Minister of the 15th Street Church of Christ offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Kervin Alfred, City Clerk

APPROVAL OF MINUTES

[24-321](#) Regular City Commission Meeting Minutes of April 9, 2024

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Minutes be APPROVED. The motion carried by a unanimous voice vote.

APPROVAL OF AGENDA

Mayor Hardin announced that Item 3 would be stricken from the Consent Agenda and Item 21 would be postponed until the City Commission meeting on May 14, 2024.

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Agenda be APPROVED AS AMENDED. The motion carried by unanimous voice vote.

CONSENT AGENDA DISCUSSION

The Commission may pull items from the Consent Agenda. During Audience to be Heard, a person may speak on any item on the Consent Agenda, which has not been pulled.

Mayor Hardin announced that no items would be pulled under the Consent Agenda for City Commission discussion.

B. PROCLAMATION**[24-315](#) Teacher Appreciation Week Proclamation**

Mayor Hardin acknowledged the educators from the City of Pompano Beach, who educate numerous students in the city. He began by reading a proclamation declaring May 6th through May 10th as Teacher Appreciation Week in Pompano Beach. Mayor Hardin recognized their efforts to ensure that children acquire the knowledge and skills required for success in higher education, careers, and life. In conclusion, he thanked them for their continued dedication and commitment to the education of our students.

Brian Anthony Campbell, who serves as Vice Chair of the Pompano Beach Education Advisory Committee, spoke on behalf of the Committee and Chairwoman, Gwen Leys, to recognize the extraordinary group of educators who helped make Pompano Beach shine. Mr. Campbell explained that Teacher Appreciation Day was established in 1953 after former First Lady Eleanor Roosevelt persuaded Congress to designate a specific day to recognize teachers. In 1984, the National Parent-Teacher Association designated the first week of May as Teacher Appreciation Week.

Mr. Campbell stated that this year, Teacher Appreciation Week is from May 6th to May 10th in Pompano Beach, and they are here to honor all educators, especially those who teach at the public schools in Pompano Beach. He said these educators have gone above and beyond the call of duty to ensure that their students reach their highest potential, and their respective schools have chosen them for the honorable distinction of Teacher of the Year. Therefore, in honor of Teacher Appreciation Week and on behalf of the Education Committee and Chairwoman Leys, he asked everyone to join in recognizing the Teachers of the Year from the public schools of Pompano Beach. He then called the educators who were in attendance and were named Teachers of the Year by their respective schools, and they were as follows:

From Blanche Ely High School: Rory Brown; from Markham Elementary: Sharon A. McIntosh; from Charles Drew Elementary: Alexis Purcell; from Cresthaven Elementary: Kalisa Ward; from Crystal Lake Middle: Janelle Wright; from Cypress Elementary: Sophia Cook; from McNab Elementary: Breanne Adonich; from Northcrest Elementary: Kelly Adamowicz; from Palm View Elementary: Tanisha Aday, from Pompano Beach Elementary: Shamil Foster; from Pompano Beach High School: Dr. Claudia; from Pompano Beach Middle: Daniel Glenn; and from Sanders Park Elementary: Deshaun Sweet Hopkins.

The Proclamation was READ AND PRESENTED INTO THE RECORD.

B. AUDIENCE TO BE HEARD

Mayor Hardin announced that it was time for “Audience To Be Heard”. The following speakers were called to speak before the Commission:

Don Smith, 170 SE 13th Street, Pompano Beach, FL, spoke about the challenges he experienced with his tiki hut located within the site triangle of his property. He discussed the matter with the Building and Zoning Departments and was informed that it would be difficult to rectify it. He stated his tiki does not block any views and wanted to know the next steps to correct the issue.

Comr. Fournier said the requirements are strict for the waterfront properties, and the setbacks make the site triangle challenging. She recommended city staff review the code and see if amendments for tiki huts could be made.

Mayor Hardin agreed with Comr. Fournier’s sentiments and recommended that staff seek input from the Planning and Zoning and Marine Advisory Board regarding the matter.

Comr. Sigerson-Eaton referenced the code and the original intent of the site triangle. She also agreed with Mayor Hardin and Comr. Fournier, for city staff to further review the matter.

Mayor Hardin also asked City Manager Harrison to discuss the matter with staff and pertinent advisory boards.

Vice Mayor McGee agreed with the recommendation to review the code, including looking at the State code.

Eleanor Edgerton, 225 NE 25th Court, Pompano Beach, FL, spoke about rumors regarding the relocation of the E. Pat Larkins Center and expressed strong opposition to its relocation. Mayor Hardin said the E. Pat Larkins Center will remain in its current location.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, spoke about the Tiger Trail Festival, a community event that saw a significant turnout of events and volunteers. He took the opportunity to express his heartfelt gratitude to Assistant City Manager Bosworth and the City Commission for their invaluable support.

Jackie Moreland, 1526 NW 7th Lane, Pompano Beach, FL, expressed displeasure about the pictures located in the City Chamber hallway because they lack diversity. She said there are only two pictures of black citizens, and it is not accurate. She heard back from the city manager but did not hear any plans to remove

them.

Mayor Hardin stated he emailed Ms. Moreland. Ms. Moreland acknowledged receipt but reiterated that no plan was expressed for removal. Mayor Hardin agreed with Ms. Moreland's suggestion.

Ms. Moreland noted that City Manager Harrison stated they would work on it when she spoke to him in the foyer tonight.

Mayor Hardin asked City Manager Harrison about the communication he received about a plan. City Manager Harrison confirmed an email was sent and he would forward it to Ms. Moreland.

Comr. Perkins stated she asked the City Manager to cover it up or take them down until it could be done correctly. City Manager Harrison said the Historic Preservation Board, Historical Society, and Cultural Affairs Department are all working on the project. He clarified it will be reconciled once the project is finished.

Comr. Perkins disagreed with the timeline and reiterated her request.

City Manager Harrison spoke about the original displays and timeline.

A motion made by Commissioner Perkins, seconded by Commissioner Fournier, to remove the pictures in the chamber hallway immediately and replace them with images that reflect the community.

Comr. Moss supported the procedures outlined by the City Manager.

Vice Mayor McGee asked about the history of initially placing the displays in the chamber hallway.

Comr. Moss reiterated his desire for the project to be done in consultation.

Comr. Fournier stated she walked the lobby with the City Manager in 2023 based on resident feedback. She said there has been no action in over a year.

Comr. Moss explained he was not aware of concerns expressed in 2023.

Discussion continued about the history of African Americans within the City and the intent of the original displays.

Mayor Hardin opened public comment.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, shared his memory of the creation of the displays. He suggested that those concerned about the display should bring forth ideas.

Jackie Moreland, 1526 NW 7th Lane, Pompano Beach, FL, said the City Chamber represents everyone and should tell the history of everyone. She said she is willing to help with the work.

Rodrick Phillips, 2620 NW 10th Street, Pompano Beach, FL, agreed with the comments and suggested other ethnicities should also be represented. The mural should represent everybody.

Tundra King, Pompano Beach, FL, said the dais should not go after each other. She said every resident has a right to come up and express their feelings and thoughts. She stated there are two parts of Pompano Beach, east of Dixie and west of Dixie. She noted the community west of Dixie seems to get scraps. She said the City continues to be divided.

Vicente Thrower, Pompano Beach, FL, mentioned that the City website does not accurately reflect the community. He pointed out that the legacies of E. Pat Larkins and Carl Weaver should be recognized.

Mary Phillips, 384 NW 19th Street, Pompano Beach, FL, agreed the displays should be removed and recommissioned. She also agreed the displays should be more reflective of the entire city.

Quentin Thompkins, 436 NW 19th Street, Pompano Beach, FL, agreed with Ms. Phillips. He also pointed out that while streets can be named after people, individuals are not acknowledged in the City Chamber. He also emphasized that the residents represent all the communities and urged the commissioners to adopt a more positive attitude than the one they currently display on the dais.

Mayor Hardin closed public input and invited further Commission discussion on the motion.

Comr. Moss reiterated his position, emphasizing that the process must be done carefully and correctly.

Comr. Perkins thanked Ms. Moreland for bringing the topic to their attention.

Comr. Fournier agreed it is time to modernize it and is growing impatient that nothing has happened.

Mayor Hardin also thanked Ms. Moreland and agreed that addressing the City's diversity is important.

Vice Mayor McGee remarked that most agreed to update it but agreed with Comr. Moss' sentiments. She also said that a proper timeline and procedure are needed.

The motion failed by the following vote:

Yes: Fournier
Perkins

No: Moss
Sigerson-Eaton
McGee

Hardin

Marquise Smith, 1320 NW 24th Avenue, Pompano Beach, FL, thanked City Manager Harrison for his outreach regarding the speed bumps and road paving in her neighborhood. She spoke about an issue near the rental property owned by her family, including a homicide in the alleyway, which resulted in them losing their long-term tenant. She said the lot across the street was also not being managed. She asked if construction fencing could be erected so it looks better.

Mayor Hardin referred Ms. Smith to Code Compliance Director Mario Sotolongo and requested that BSO be looped in to address Ms. Smith's property trespassing.

Janice Simmons, Pompano Beach, FL, spoke about installing speed bumps and cars racing on her street. Mayor Hardin asked Ms. Simmons to contact Major Elwood or City Manager Harrison to investigate the matter.

Rodrick Phillips, 2620 NW 10th Street, Pompano Beach, FL, spoke about chaos at polling sites, specifically at the E. Pat Larkins Center, and asked for help. He said they need to be more mindful during voting.

Comr. Moss said he has personally witnessed the issues expressed by Mr. Phillips. He recommended assigning a police officer to the site.

Comr. Perkins also agreed with Mr. Phillips and spoke about closing off the whole area for voting. She was told it could not be done. She suggested resolving the chaos as much as possible.

Mayor Hardin stated it is a sensitive issue.

Comr. Perkins suggested the chaos is typically caused by four people.

Mayor Hardin asked if they could declare a street or area not open to pedestrians.

Major Elwood said they could look into it but are limited on staffing law enforcement at polling places due to laws and regulations. He mentioned law enforcement may have to be at a certain distance from polling locations.

C. CONSENT AGENDA

Mayor Hardin requested a motion to Approve/Adopt Items 1, 2 and 4-7 under the Consent Agenda.

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, to approve the Consent Agenda. The motion carried by a unanimous voice vote.

1. [24-285](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND LIVING WATER SURF SCHOOL LLC TO PROVIDE INSTRUCTION IN OCEAN AWARENESS AND SURFING FUNDAMENTALS TO CHILDREN AGES FIVE TO SIXTEEN AT NORTH OCEAN PARK; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$4,125 in revenue)

(Staff Contact: Mark A. Beaudreau)

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, to approve the Consent Agenda Item. The motion carried by a unanimous voice vote.

Enactment No: RES. No. 2024-107

2. [24-263](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND HOLA MUNDO!, LLC TO PROVIDE A BILINGUAL SUMMER CAMP FOR BOYS AND GIRLS AGES FOUR TO THIRTEEN YEARS AT THE MAIN PUBLIC BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$3,000 in revenue)

(Staff Contact: Mark A. Beaudreau)

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, to approve the Consent Agenda Item. The motion carried by a unanimous voice vote.

Enactment No: RES. No. 2024-108

3. [24-303](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE LAW OFFICES OF STEVEN A. SCHAET, LLC TO PROVIDE LEGAL SERVICES TO REPRESENT INDIGENT DEFENDANTS CHARGED WITH VIOLATIONS OF CITY ORDINANCES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Maximum \$25,000.00 per fiscal year)

(Staff Contact: Mark E. Berman)

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Resolution / Consent Agenda be STRICKEN. The motion carried by a unanimous voice vote.

4. [24-317](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE PARTIAL RELEASES FROM WATER WELL FIELD RIGHTS AND EASEMENT AGREEMENTS AND FROM WATER AND SEWER AGREEMENTS WITHIN TRACT "A" OF THE 2606 PALM AIRE PLAT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: A. Randolph Brown)

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, to approve the Consent Agenda Item. The motion carried by a unanimous voice vote.

Enactment No: RES. No. 2024-109

5. [24-318](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN UNDERGROUND EASEMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FLORIDA POWER & LIGHT COMPANY TO FACILITATE UNDERGROUND CONVERSION OF OVERHEAD FACILITIES LOCATED AT 2800 NE 24TH STREET NEAR EXCHANGE CLUB PARK; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, to approve the Consent Agenda Item. The motion carried by a unanimous voice vote.

Enactment No: RES. No. 2024-110

6. [24-264](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING LAMAR "PAUL" FISHER, JR. TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, TO FILL THE UNEXPIRED TERM OF RICHARD

KLOSIEWICZ, AS APPOINTEE OF COMMISSIONER RHONDA SIGERSON-EATON; SAID TERM TO BE CONCURRENT WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Kervin Alfred)

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, to approve the Consent Agenda Item. The motion carried by a unanimous voice vote.

Enactment No: RES. No. 2024-111

7. [24-312](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING KENNETH COLLINS TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF GWENDOLYN LEYS, ALTERNATE 1; SAID TERM TO EXPIRE ON JULY 1, 2025; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Kervin Alfred)

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, to approve the Consent Agenda Item. The motion carried by a unanimous voice vote.

Enactment No: RES. No. 2024-112

D. REGULAR AGENDA

QUASI-JUDICIAL PROCEEDING

Mark E. Berman, City Attorney, advised that Item 8 is listed under Quasi-Judicial Proceeding and is quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

Kervin Alfred, City Clerk, placed under oath all individuals, including staff, addressing the City Commission in the following matters.

8. [24-308](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE POMPANO AT WEST ATLANTIC PLAT LYING ON THE NORTHWEST CORNER OF W. ATLANTIC BLVD. AND N. ANDREWS AVE. AND SOUTH OF DR. MARTIN LUTHER KING, JR. BLVD.; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, introduced the item and stated it is a proposed plat for an 8.6-acre property adjacent to the Wawa at the northwest corner of Atlantic Boulevard and North Andrews Avenue. This site has industrial land use and zoning, and the proposed plat restricts the property to 178,000 square feet of warehouse use.

Ms. Dolan indicated that a 70,383-square-foot warehouse is currently on the site and will be demolished. The plat includes shared access for both the subject property and the Wawa from Atlantic Boulevard. The Planning & Zoning Board unanimously recommended approval of the plat with four conditions, which have been met. City staff also recommends approval of the item.

Mayor Hardin invited the Applicant to provide input; however, the Applicant declined. He then invited the public to provide input on the item.

Ed Philips, 384 NW 19th Street, Pompano Beach, FL, stated that since the proposed plat is near a residential neighborhood, he asked if any safeguards would be taken to minimize the dust flying over the residential areas.

Ms. Dolan replied that this is just a plat, so there is no imminent construction. However, the Applicant does have an approved site plan. She explained that standard dust and erosion control measures will be implemented once the Applicant receives a building permit. This is a routine precaution for all development projects.

Mr. Phillips added that he hoped the Applicant's builder would consider hiring people from the neighborhood as the goal at one point was 15-18% local participation.

Mayor Hardin closed public input and invited further Commission discussion on the item.

Comr. Perkins inquired about the traffic and congestion in the area since the property is located next to a Wawa. Ms. Dolan responded that they have combined their access points to have only one point of access. There will be no multiple driveways, and no additional traffic will come out of two different locations.

Comr. Perkins confirmed her understanding that the request is for a plat; however, she asked if the warehouse to be built on the site is a one-story or two-story structure. Ms. Dolan replied that it is a one-story warehouse. Comr. Perkins then asked about the type of warehouse constructed on the site. Ms. Dolan responded that it is a private distribution warehouse.

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Resolution / Quasi-Judicial be ADOPTED. The motion carried by the following roll call vote:

Yes: Fournier
Moss
Perkins
Sigerson-Eaton
McGee
Hardin

Enactment No: RES. No. 2024-113

END OF QUASI-JUDICIAL PROCEEDING

9. [24-307](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING AN ADDITIONAL THREE-MONTH EXTENSION OF THE ZONING IN PROGRESS DECLARATION REGARDING CHAPTER 2023-17, LAWS OF FLORIDA, KNOWN AS THE LIVE LOCAL ACT; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services, introduced the item and explained Zoning in Progress (ZIP). She clarified they are asking for a 3-month extension of this ZIP so they can continue to enforce regulations before adoption. She began her presentation by providing background about the Live Local Act. The Live Local Act gives projects the highest residential density in the City code and the highest height within a mile of the site to any multi-family rental project with at least 40% affordable housing in an Industrial, commercial, or mixed-use district. She added that it allows projects to be mixed-use but only requires it in cities with less than 20% commercial and industrial land, noting that Pompano Beach is only 8.6% commercial but 21% industrial. Finally, the Act requires no administrative approval of affordable housing projects approved under this law. Ms. Dolan displayed a map showing the ½ mile tax credit buffer areas and ½ mile grocery store service areas, demonstrating a lack of overlap. She summarized the updated definition of grocery store.

Ms. Dolan stated the Planning and Zoning Board recommended approval of these code amendments on October 25, 2023. Staff will need to modify the regulations for the amendments made in the 2024 Legislative Session if it is signed by the Governor. Additionally, staff recommends approval of a 3-month extension of the Zoning in Progress, approved by the Planning and Zoning Board on October 25, 2023.

Mayor Hardin requested that a copy of the presentation be sent to the City Commission.

Mayor Hardin invited public comment on the item.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, said this will have economic ramifications for the City. He suggested a community workshop so it could be understood thoroughly. He spoke about affordable housing and HUD guidelines.

Mayor Hardin closed public input and invited further Commission discussion on the motion.

Comr. Fournier asked for further clarification about the map and new development. Ms. Dolan clarified they cannot require mixed-use except in mixed-use districts, even now.

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Resolution / Regular Agenda be ADOPTED. The motion carried by the following roll call vote:

Yes: Fournier

Moss

Sigerson-Eaton

McGee

Hardin

No: Perkins

Enactment No: RES. No. 2024-114

10. [24-297](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE CONSTRUCTION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND WEEKLEY ASPHALT PAVING, INC. FOR ASPHALTIC CONCRETE PAVEMENT SURFACING; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$1,400,000)

(Staff Contact: Robert McCaughan)

Robert McCaughan, Public Works Director, introduced the item and stated that this is a Resolution to approve a first amendment to the Agreement with Weekley Asphalt Paving, primarily used to implement the City's 5-Year Paving Plan. He stated that the financial impact is more of an estimate.

Mayor Hardin invited public input on the item.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, stated he is pleased with paved roads. He asked about the schedule for road paving, specifically in the northwest community.

Mayor Hardin closed public input and invited further Commission discussion on the item.

Mayor Hardin asked Mr. Phillips to email Mr. McCaughan for the paving map. Mr. McCaughan explained where to find the 5-year paving plan map on the City website.

Mayor Hardin said they all want the streets to look better than they currently look. He described a process used a few years ago that did not last as hoped.

Comr. Fournier said the 5-Year Paving Plan should also be shared on social media. She recommended paving neighborhood by neighborhood.

Comr. Moss asked if roads are paved every five years. Mr. McCaughan clarified that roads are paved every closer to every 15-20 years. He noted their roads hold up better than roads in the northeast with weather changes. Mr. McCaughan further explained the Pavement Condition Index (PCI) used to score roads.

Comr. Moss inquired about striping and road markings. Mr. McCaughan confirmed it is the County's responsibility to refresh the markings.

Comr. Sigerson-Eaton said a county commissioner told her the City is responsible for the striping. She asked about road repairs. Mr. McCaughan confirmed they fill potholes and patches when needed.

Vice Mayor McGee asked about the neighborhood referenced earlier. Mr. McCaughan explained they simply did not get to the neighborhood due to funding availability. He further described the FY 2025 drainage plan for NE 26th Avenue that will potentially repave some of the streets to the west in that neighborhood. In the FY 2026 budget, funding would be added to complete the area.

Vice Mayor McGee inquired about why one side of the road may appear to have different asphalt. Mr. McCaughan explained it could be due to patching or paving after utility work that only affected one side.

Vice Mayor McGee asked about recurring potholes. Mr. McCaughan stated it may be an underlying issue that needs to be checked and fixed.

Comr. Perkins asked about the assessment. Mr. McCaughan explained the city-wide assessment that was completed and assigned a numerical value based on the road condition at that time. Comr. Perkins stated some roads in the northwest area have not been paved in 40-50 years. She will provide Mr. McCaughan with the road names.

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Resolution / Regular Agenda be ADOPTED. The motion carried by the following roll call vote:

Yes: Fournier
 Moss
 Perkins
 Sigerson-Eaton
 McGee
 Hardin

Enactment No: RES. No. 2024-115

11. [24-316](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AMENDMENT 2 TO LOAN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, RELATING TO THE REVOLVING LOAN AGREEMENT NO. DW062480 FOR DRINKING WATER FACILITIES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$9,200,000 Financed over the maximum SRF 20-Year term)

(**Staff Contact:** A. Randolph Brown)

Randy Brown, Utilities Director, stated that this item pertains to a SRF loan for the C-51 Reservoir Project. The loan is no different than the other SRF loans, and the document includes an amortization table.

Mayor Hardin sought public input on the item and invited further Commission discussion. However, no one commented on the item.

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Resolution / Regular Agenda be ADOPTED. The motion carried by the following roll call vote:

Yes: Fournier
 Moss
 Perkins
 Sigerson-Eaton
 McGee
 Hardin

Enactment No: RES. No. 2024-116

12. [24-269](#) **P.H. 2024-30: (PUBLIC HEARING 2ND READING)**
 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE SERVICE CONTRACT

FOR POST DISASTER EMERGENCY CATERING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND PICCADILLY HOLDINGS RESTAURANTS, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: APRIL 9, 2024

(Staff Contact: Mark A. Beaudreau/Kimberly Spill-Cristiano)

Mark Beaudreau, Recreation Director, presented the item, stating there have been no changes since the first reading.

Mayor Hardin sought public input on the item and invited further Commission discussion. However, no one commented on the item.

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Ordinance / Regular Agenda be ADOPTED. The motion carried by the following roll call vote:

Yes: Fournier

Moss

Perkins

Sigerson-Eaton

McGee

Hardin

Enactment No: ORD. No. 2024-29

13. [24-236](#) **P.H. 2024-26: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO RENEW THE SERVICE CONTRACT FOR POST DISASTER EMERGENCY CATERING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND DRC EMERGENCY SERVICES, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: APRIL 9, 2024

(Staff Contact: Mark Beaudreau/Kimberly Spill-Cristiano)

Mark Beaudreau, Recreation Director, presented the item, stating there have been no changes since the first reading.

Mayor Hardin sought public input on the item and invited further Commission discussion. However, no one commented on the item.

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Ordinance / Regular Agenda be ADOPTED. The motion carried by the following roll call vote:

Yes: Fournier
Moss
Perkins
Sigerson-Eaton
McGee
Hardin

Enactment No: ORD. No. 2024-30

14. [24-279](#) **P.H. 2024-31: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR DISASTER DEBRIS RECOVERY SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CROWDER-GULF JOINT VENTURE, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: APRIL 9, 2024

(Staff Contact: Russell Ketchem)

Russell Ketchem, Director of Environmental Services, presented the item, stating this is the second reading of the proposed Contract with Crowder Golf as primary for debris recovery services, to which there have been no changes since the first reading.

Mayor Hardin sought public input on the item and invited further Commission discussion. However, no one commented on the item.

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Ordinance / Regular Agenda be ADOPTED. The motion carried by the following roll call vote:

Yes: Fournier
Moss
Perkins
Sigerson-Eaton
McGee
Hardin

Enactment No: ORD. No. 2024-31

15. [24-281](#) **P.H. 2024-32: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR DISASTER DEBRIS RECOVERY SERVICES BETWEEN THE CITY OF POMPANO BEACH AND DRC EMERGENCY SERVICES, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: APRIL 9, 2024

(Staff Contact: Russell Ketchem)

Russell Ketchem, Director of Environmental Services, presented the item, stating this is the second reading of the proposed Contract with DRC Emergency Services, LLC, as secondary for debris recovery services, to which there have been no changes since the first reading.

Mayor Hardin sought public input on the item and invited further Commission discussion. However, no one commented on the item.

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Ordinance / Regular Agenda be ADOPTED. The motion carried by the following roll call vote:

Yes: Fournier
Moss
Sigerson-Eaton
McGee
Hardin

No: Perkins

Enactment No: ORD. No. 2024-32

16. [24-206](#) P.H. 2024-29: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.3708, "DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT," TO PROVIDE ALTERNATIVE PUBLIC PARKING IN EXCHANGE FOR HEIGHT BONUS OPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: APRIL 9, 2024

(Staff Contact: Max Wemyss)

Max Wemyss, Development Services Department, introduced the item and stated there were no changes since the first reading.

Mayor Hardin invited public input on the item.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, expressed concern about height bonuses and asked about the benefit. He also asked about parking. Mr. Wemyss explained that the standard size for parking spaces is 9'x 18', but there is a section in the code for reduced parking spaces within structures. He added that the standard spaces must be double-striped.

Mr. Wemyss continued, stating the maximum height currently permitted is 105 feet. He noted this particular item is for the provision of public parking spaces, which permits two floors for a minimum of 100 public parking spaces. Mr. Phillips suggested minimizing parking meter fees for residents.

Mayor Hardin closed public input and invited further Commission discussion on the item.

Comr. Fournier reiterated her concern from the previous meeting about layering height bonuses close to neighborhoods with no minimum definition of open or green space. She suggested there was more work to do in defining green space.

Vice Mayor McGee asked if requests would still be considered case-by-case. Mr. Wemyss confirmed there would need to be an agreement executed by the City Commission to guarantee this particular bonus.

Comr. Sigerson-Eaton asked for the additional height. Mr. Wemyss replied 24 feet. He further described an example of an additional height if located next to a park. Comr. Sigerson-Eaton said parking supports the success of small businesses.

Mayor Hardin asked about granting the bonuses. Mr. Wemyss explained the open space designation, including both publicly and privately owned, and further noted that the City Commission always has the right to say no.

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Ordinance / Regular Agenda be ADOPTED. The motion carried by the following roll call vote:

Yes: Moss

Sigerson-Eaton

McGee

Hardin

No: Fournier

Perkins

Enactment No: ORD. No. 2024-33

Meeting went into Recess at 8:13 p.m.

Meeting Reconvened at 8:17 p.m.

17. [24-268](#) **P.H. 2024-33: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONSTRUCTION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND ART SIGN CO., INC. TO PROVIDE SIGN DESIGN, BUILDING, FABRICATION AND INSTALLATION FOR VARIOUS TYPES OF SIGNS FOR THE CITY ON AN AS-NEEDED BASIS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: APRIL 9, 2024

(Staff Contact: Tammy Good/Matthew Kudrna)

Matthew Kudrna, Project Manager, presented the item, stating this is the second reading and there have been no changes since the first reading.

Mayor Hardin closed public input and invited further Commission discussion on the item.

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Ordinance / Regular Agenda

be ADOPTED. The motion carried by the following roll call vote:

Yes: Fournier

Moss

Perkins

Sigersson-Eaton

McGee

Hardin

Enactment No: ORD. No. 2024-34

18. [24-286](#) **P.H. 2024-34: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR THE ADOPTION OF THE AMENDMENTS TO THE POMPANO BEACH COMPREHENSIVE PLAN BASED UPON THE EVALUATION AND APPRAISAL REPORT LETTER, WHICH ADDRESSES THE NEWLY REQUIRED 10 AND 20 YEAR PLANNING HORIZONS; AUTHORIZING THE TRANSMITTAL OF THE COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item and explained that the City is required by Chapter 163.3191 Florida Statutes and Rule 73C-49 to submit an evaluation and an appraisal report letter, known as the EAR, to the state every seven years. This report identifies any changes in population projections, City direction, or state legislation that may necessitate updates to the Comprehensive Plan. The City adopted Rule 73C-49 in 2017, with a deadline of January 1, 2024, for the seven-year evaluation report. However, this deadline no longer aligns with the adoption date of the Comprehensive Plan, which occurred in October 2020. As a result, the City is not required to update the plan, as our population projections remain accurate, with only a 5 percent variance from the comp plan projections.

Additionally, Ms. Dolan explained that the only amendments to the Florida Statute since the adoption of the Comprehensive Plan in 2020 that require an update to the City's plan can be found in Chapter 163.31775, Paragraph 8. These amendments change the required planning horizons from a five-year period to ten and twenty-year periods. The City's data and analysis for the 2020 plan looked specifically at the 2020 horizon, and no deficiencies in public infrastructure were identified for the five-year horizon. Therefore, the planning horizon can be changed simply, as it was only referenced twice in the goals, objectives, and policies. Also, provisions in the introduction to the transportation element and Policy 07A.0202 in the potable water sub have been modified to be consistent with the revisions to the two planning horizons.

Finally, Ms. Dolan noted that on March 27, 2024, the Planning & Zoning Board unanimously recommended approval of the EAR-based amendments, and staff has also recommended their approval.

Mayor Hardin sought public input on the item and invited further Commission discussion. However, no one commented on the item.

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Ordinance / Regular Agenda be APPROVED FIRST READING. The motion carried by the following roll call vote:

Yes: Fournier

Moss

Perkins

Sigerson-Eaton

McGee

Hardin

19. [24-296](#) **P.H. 2024-35: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.4209., "INSTITUTIONAL HEALTH CARE USES," TO MODIFY THE STANDARDS FOR AMBULATORY SURGICAL CENTERS (ASC); AND BY AMENDING ARTICLE 9, PART 5, "TERMS AND USES DEFINED," TO PROVIDE A DEFINITION FOR AMBULATORY SURGICAL CENTER; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services, introduced the item. She reviewed the definition of an Ambulatory Surgical Center (ASC), stating that it is a State licensed facility, not part of a hospital, with the primary purpose of providing elective surgical care whereby patients are admitted to and discharged from the facility in the same business day. Ms. Dolan also reviewed the code amendment and its impacts. Lastly, she noted that the Planning and Zoning Board recommended approval.

Matthew Scott, Zoning Attorney from Greenspoon Marder LLP, began his presentation and reviewed the following: Description of ASCs; Street Level View - 1347 E. Sample Road; Aerial Location Map; City's Zoning Code; Current Zoning Code Use Standards; Code Amendment Request; and Code Amendment Rationale. Attached as **Exhibit 1** is a copy of Mr. Scott's presentation that provides a more detailed explanation of the proposed code amendment.

Mayor Hardin invited public input on the item.

Vicente Thrower, Pompano Beach, FL, recommended that staff contact Broward Health to see if they objected to the proposed code amendment.

Mr. Scott stated that Broward Health has historically partnered with ASCs.

Carmen Jones, 721 NW 16th Street, Pompano Beach, FL, agreed with Mr. Thrower, to have staff contact Broward Health about this proposal.

Mayor Hardin closed public input and invited further Commission discussion on the item.

Comr. Perkins disclosed that she spoke to Mr. Scott approximately 4-5 months ago and recalled that Mr. Scott's client was conducting outreach in the area. Mr. Scott confirmed that his client went door-to-door to explain the concept to the neighbors and received several letters of support.

Comr. Perkins asked about the hours of operation. Mr. Scott clarified that there would be no overnight treatment or surgical services between 6:00 p.m. and 7:00 a.m.

Comr. Perkins inquired about insurance. Mr. Scott said it would be specific to the ASC operator. He confirmed that his client typically sees 5-10 patients per day. He also stated that the use is permitted by Special Exception from the Zoning Board of Appeals, but the limitation is the 500' limitation.

Comr. Perkins inquired about the number of ASCs located in Broward County. Mr. Scott was unable to provide a precise answer but mentioned that there were none in Pompano Beach.

Comr. Sigerson-Eaton discussed the B-3 zoning that borders residential and vacant parcels on Sample Road. She mentioned that this business would be an excellent addition to the area and expressed her support for the request.

Vice Mayor McGee inquired about the amendment language, to which Mr. Scott replied they wanted to be very specific to avoid introducing a problem. Vice Mayor McGee further inquired about patient referrals. Mr. Scott clarified there would be no walk-in patients.

Comr. Fournier inquired about other potential uses of ASCs. Mr. Scott clarified that diagnostic procedures could also take place in these centers, and he drew upon the State definition to support his point. Mr. Scott then explained how State regulations differentiate ASCs from purely diagnostic facilities.

Comr. Fournier clarified that the request would still need to go to ZBA for Special Exception, to which Mr. Scott affirmed.

Mayor Hardin inquired whether ASCs are frequently affiliated with hospitals. Mr. Scott replied that it is common and provided an example from Broward Health. Mayor Hardin asked about rights for other hospitals. Mr. Scott said the proposed ASC could be affiliated with any hospital.

Mayor Hardin asked staff to reach out to Broward Health to discuss the request before second reading.

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Ordinance / Regular Agenda be APPROVED FIRST READING. The motion carried by the following roll call vote:

Yes: Fournier
Moss
Perkins
Sigerson-Eaton
McGee
Hardin

20. [24-310](#) **P.H. 2024-36: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING ARTICLE XXV, SECTIONS 250, 251 AND 253 TO CHAPTER 57-174, LAWS OF FLORIDA SPECIAL ACTS OF 1957 AS SUBSEQUENTLY AMENDED AND SUPPLEMENTED, OTHERWISE KNOWN AS THE CHARTER OF THE CITY OF POMPANO BEACH, FLORIDA, TO REPLACE INCONSISTENT LANGUAGE RELATING TO CONTRACTS, LEASES AND TRANSFER OF CITY PROPERTY TO OTHER GOVERNMENTAL AGENCIES, WITH REVISED LANGUAGE CONSISTENT WITH STATE LAW AS TO USE OF ORDINANCES AND RESOLUTIONS AND USE OF BEST LOCAL GOVERNMENT PRACTICES; PROVIDING THAT IF THE AMENDMENTS ARE APPROVED BY A MAJORITY OF THE VOTERS AT THE GENERAL ELECTION OF NOVEMBER 5, 2024, THEN SUCH AMENDMENT SHALL BECOME A PART OF THE CITY'S CHARTER UPON CERTIFICATION AND ACCEPTANCE OF ELECTION RESULTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Tax dollar savings unknown at this time)

(Staff Contact: Mark E. Berman/Claudia McKenna/Suzette Sible)

City Attorney Berman introduced the item which proposes amendments to the City's Charter. These amendments will be presented to voters in the November General Election. The proposed changes are not extensive, and they involve modifying Section 250 Leases, Section 251 Contracts, And Section 251 Sale of Public Property. These changes are related to the property that the City already owns. Mr. Berman clarified that the City is not planning to acquire new properties to transfer. The proposed amendments aim to align the City's ordinances and resolutions with the State law regarding their proper use and to follow best practices for local governments. He then introduced Claudia McKenna, who will discuss the inconsistencies of Charter provisions with State law, and Suzette Sible, who will discuss best practices.

Claudia McKenna, CRA Attorney and Special Counsel to the City began by discussing Chapter 166, which outlines how to conduct City business and defines the terms "ordinance" and "resolution." She explained that an ordinance requires two hearings before the City Commission, must be published in a newspaper, be in writing

with a single subject, and become an official record of the City. On the other hand, a resolution has similar safeguards but only requires one meeting of the City Commission, must be in writing with one subject, and become an official record of the City. However, she noted that the City Commission always has the authority to require two readings for a resolution. She also talked about Chapter 163 and how it relates to the new Home Rule Act. She pointed out that Chapter 163 describes the City's power and that the CRA's governing board is the City Commission. The City Commission retains the most important powers exercised on behalf of the CRA, including approving the CRA Plan, amendments, and approving the issuance of bonds for redevelopment. Moreover, she added that any CRA-owned property automatically becomes city-owned when the CRA expires.

Ms. McKenna provided some clarifications regarding the special districts in Chapters 189 and 190. She confirmed that any property acquired under those districts would eventually return to the City after the district disbands. According to State law, these special districts are responsible for acting on behalf of the City. Furthermore, she addressed the transfer of property to governmental agencies and the proposed amendment. She explained that when the State legislature passes a general law, unless it specifies that the City Charter needs to be amended, it does not apply. She also mentioned that in 2006, the Florida legislature had removed the power of eminent domain from CRAs, cities, and counties for removing slum and blight, eliminating public nuisance, or transferring property to a private development. However, she added that the City still had the authority to condemn property for public utilities and roads.

Suzette Sible, Assistant City Manager, spoke about best practices concerning how other governmental entities operate. She noted the Charter currently has several stipulations that are typically handled administratively. One example would be the City requiring an ordinance as a tool to adopt contracts, whereby expending funds to a contractor beyond a one-year period. She noted another Charter item that was not typical was requiring a maximum term on contracts. She mentioned a third change regarding leases. The Charter limits lease agreements to 50 years for city-owned property and describes financing challenges for partners with the restriction. She stated a longer-term lease would widen the partner pool and provide a partner with the option to obtain competitive financing. Ms. Sible also spoke about the cost savings by adopting contracts via resolutions.

City Attorney Berman briefly summarized the proposed amendments to the City's Charter reviewed by Ms. McKenna and Ms. Sible, concerning the management of leases and contracts for city properties and the sale of public property. Key points include:

1. **Section 250 Leases:**

- Changing the authorization process from "ordinance" to "resolution" for flexibility and appropriateness, as resolutions are more suited for administrative matters.
- Introducing safeguards for longer-term leases, particularly those involving construction or capital improvements, by requiring two readings of the resolution to ensure thorough review.
- Extending the maximum lease term from 50 to up to 99 years to enhance financing options for projects, with specifications on expenditure and completion timelines for capital improvements.

2. **Section 251 Contracts:**

- Removing the five-year limitation on contracts extending beyond one year to allow more flexibility for the

City Commission in negotiation and approval, shifting from ordinance to resolution-based approval for consistency with State Statutes, streamlining processes, and potentially obtaining better financial terms for the City.

3. **Section 253 Sale of Public Property:**

- Clarifying the intent of the Charter by adding a provision that any transfer of public property to governmental agencies must benefit the City without major changes to the prohibition on selling specific types of properties like parks or golf courses.

The amendments aim to modernize the City's Charter, remove unnecessary constraints, and facilitate development and administrative processes, all while ensuring safeguards and benefits for the city and its residents.

Mayor Hardin invited public input on the item.

John Rayson, 1031 NE 27th Avenue, Pompano Beach, FL, agreed with several points, including changing to resolutions to approve contracts and second readings for resolutions. He said they do not have to do what other cities choose, and their City Charter has been good to them. He opposed a 99-year lease, which would handcuff future City Commissions. He noted specific public property, including the beach parcels, should be public land in perpetuity. Mr. Rayson recommended separating the Charter amendments into individual questions but opposed them in their current form.

Vicente Thrower, Pompano Beach, FL, agreed with Mr. Rayson. He also asked who would be responsible for educating the community. He said there should be no rush before speaking to the community about the benefits and impacts.

Mayor Hardin stated it comes down to cost, with the opportunity to piggyback off the November election to keep costs down.

Mr. Thrower stated the northwest would vote no if put on the ballot now. He recommended reconsidering adding it to the ballot at a different time.

Carmen Jones, 721 NW 16th Street, Pompano Beach, FL, agreed with educating the public.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, opposed changing the requirement for second reading, noting people often come out in droves upon Second Reading.

Ron Thurston, 951 NW 27th Avenue, Pompano Beach, FL, agreed with previous speakers. He also said everyone needs further education, similar to the G.O. Bond referendum.

Mayor Hardin closed public input and invited further Commission discussion on the item.

Vice Mayor McGee acknowledged the public comments about further outreach and education.

Comr. Fournier expressed that voters only see the question and not all the supporting material. She then asked why there weren't three clear and straightforward ballot questions instead. City Attorney Berman responded that they could separate the questions into three, but noted that the goal was to simplify the process.

Comr. Fournier pointed out that CRAs were not in existence when the Charter was created. She also mentioned that if there was a development agreement with a private entity, the CRA property would not revert back to the City. Furthermore, she drew attention to the fact that the third item was proposed on the ballot in both 2008 and 2010, but failed to pass both times. As a solution, she suggested putting forth three separate ballot questions.

Comr. Perkins asked how the proposed amendment impacts current CRA property leases. Ms. McKenna said the CRA owns several parcels that need redevelopment. As a practical matter, the parcels that the CRA acquires would be redeveloped in accordance to the CRA Plan.

Comr. Perkins asked what would happen if one does not pass. As stated in the current article, City Attorney Berman noted that they all fail if one does not pass. Ms. McKenna reiterated that they combined them due to inconsistency with State law and best government practices. She noted a June deadline for submitting a ballot question to the Supervisor of Elections. She clarified that they intended to educate the community before the November election thoroughly, but the question submission deadline is approaching. Ms. McKenna stated the ballot question must be 75 words or less and the caption above the question no longer than 15 words. Comr. Perkins suggested three separate questions would allow 75 words of description for each question for better understanding.

City Attorney Berman added there are plans to host public workshops in the fall. He explained that the Florida legislature has reduced education opportunities, but the City can still provide information and answer questions on its website. Mr. Berman noted that the beach and park properties are protected by a bond referendum approved by voters. Additionally, he mentioned that contracts such as the ones with Waste Management are not limited to five years and can be extended if needed. These contracts are paid for by the users, not the City.

Comr. Moss asked if it was common for a bank to make a 40-50-year loan on a commercial project. Ms. Sibble replied yes. Ms. McKenna added that the State law treats a 99-year lease with some benefits of ownership (tax treatment, etc.) but the City retains the property.

Comr. Moss noted it would be a hard sell, but educating the public would be important.

Comr. Sigerson-Eaton said they need another parking garage at the beach and a developer would need a 99-year lease to accomplish it. She provided the long-term waste management contract as an example. She asked whether Section 4, Page 6, under subsection, should be stricken. City Attorney Berman clarified it would remain as an option. Ms. McKenna further explained the imminent domain language.

Comr. Sigerson-Eaton said updates to the Charter need to happen because they are archaic. She expressed frustration that a referendum must occur to simply change text to be consistent with State law.

Vice Mayor McGee stated staff needs to clearly state the goal or purpose of the amendments better.

Comr. Perkins asked for a breakdown in simple language, which staff agreed to provide as requested.

Comr. Fournier clarified the vote on four amendments in 2008. She then asked if the item could be tabled.

A motion was made by Commissioner Fournier, seconded by Commissioner Perkins to table the item until May 14, 2024, so staff can bring back alternative language for consideration.

Mr. Berman asked whether the motion to postpone the item was to bring back alternative language for review. Comr. Fournier replied in the affirmative.

Ms. McKenna asked if the City Commission could move to amend the Ordinance in front of them to separate the ballot question into three questions. City Attorney Berman said the second reading had not occurred yet and reiterated the June deadline.

Comr. Moss agreed that time is of the essence but he sees the importance of rewording it to make it clear to voters. He also acknowledged that the education campaign doesn't use plain language.

Comr. Perkins asked what happens if it fails. City Attorney Berman replied they will need to find ways to move ahead.

Comr. Sigerson-Eaton inquired about the bold language on Page 2. City Attorney Berman clarified the actual question is limited to 75 words, and the heading caption is limited to 15 words.

A motion was made by Commissioner Fournier, seconded by Commissioner Perkins, that the Ordinance / Regular Agenda be POSTPONED to the City Commission Meeting on May 14, 2024. The motion carried by the following roll call vote:

Yes: Fournier
Perkins
Sigerson-Eaton
McGee
Hardin

No: Moss

21. [24-265](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING_____TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, TO FILL THE UNEXPIRED TERM OF LAMAR "PAUL" FISHER, JR., ALTERNATE 1; SAID TERM TO EXPIRE ON JUNE 12, 2025; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

<u>Applicants</u>	<u>Other Board Memberships</u>
Robert Hartsell - District 1	0
Virginia Doubek - District 1	0
Cody William Kiess - District 3	0
David Mingus - District 3	0
Kemarr L. Brown - District 4	0

(Staff Contact: Kervin Alfred)

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Resolution / Regular Agenda be POSTPONED to the City Commission Meeting on May 14, 2024. The motion carried by a unanimous voice vote.

22. [24-314](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF KENNETH COLLINS, ALTERNATE 2; SAID TERM TO EXPIRE ON JULY 1, 2025; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

<u>Applicants</u>	<u>Other Board Memberships</u>
Lynne Mitchem - District 3	1
Mark Hanke - District 3	0

(Staff Contact: Kervin Alfred)

Comr. Fournier nominated Mark Hanke due to his decades of experience in the marine industry.

A motion was made by Vice Mayor McGee, seconded by Commissioner Sigerson-Eaton, that the Resolution / Regular Agenda be ADOPTED. Commissioner Fournier nominated to appoint Mark Hanke. The motion carried by a unanimous voice vote.

Enactment No: RES. No. 2024-117

E. ADDITIONAL AUDIENCE TO BE HEARD

Mayor Hardin asked if there were any additional speakers signed-up to speak under Audience to be Heard, to which City Clerk Alfred replied there were none.

F. NEXT SCHEDULED MEETING

Mayor Hardin announced that the next scheduled meetings are as follows:

May 14, 2024 at 1:00 p.m. - Regular City Commission Meeting

May 28, 2024 at 6:00 p.m. - Regular City Commission Meeting

G. REPORTS**City Manager's Report:**

No report.

City Attorney's Report:

No report.

City Clerk's Report:

No report.

Comr. Fournier's Report:

Comr. Fournier announced the Pompano Pokers travel baseball would hold tryouts on May 11th at Kester Park. She also announced the District 3 Community Meeting would be held on April 24th at the American Legion.

Comr. Moss' Report:

Comr. Moss congratulated staff for hosting a wonderful concert in Palm Aire, which was well attended. He announced a Town Hall meeting on May 29th at the Herb Skolnick Center. He noted they would discuss condo reserves, insurance, and 40-year concrete restoration projects.

Comr. Perkins' Report:

Comr. Perkins stated a community meeting regarding the status of Markham Elementary School will be held on April 25th at Crystal Lake Middle School.

A motion was made by Commissioner Perkins, seconded by Commissioner Fournier, to invite the Broward County School Board Superintendent to a Town Hall Meeting to obtain an update on the school closures in Pompano Beach.

Mayor Hardin invited public input on the motion.

Tundra King, Pompano Beach, FL, agreed with Comr. Perkins about hosting a meeting with the Broward County School Board.

Mayor Hardin closed public input and invited further Commission discussion on the motion.

Comr. Moss believes the full Broward County School Board would attend and thinks a Town Hall is premature.

Vice Mayor McGee agreed more communication with the Broward County School Board is great. She noted an upcoming School Board meeting in June in which school closures would be discussed.

Mayor Hardin clarified that the Superintendent had attended the previous meeting at Markham.

The motion carried by the following vote:

Yes: Fournier

Moss

Perkins

Sigerson-Eaton

McGee

Hardin

Comr. Sigerson-Eaton's Report:

Comr. Sigerson-Eaton announced the Cresthaven Civic Association meeting would be held on May 9th at the Charlotte Burrie Center.

Vice Mayor McGee's Report:

Vice Mayor McGee expressed gratitude to the staff for the successful Seafood Festival. She also announced her recent election to the Executive Board by the MPO.

Mayor Hardin's Report:

Mayor Hardin expressed his gratitude to Sheriff Tony for visiting Pompano Beach to discuss issues related to gun violence in the community.

H. ADJOURNMENT

The meeting adjourned at 10:32 p.m.

Rex Hardin, Mayor

Kervin Alfred, City Clerk

Ambulatory Surgical Centers - Code Amendment

City of Pompano Beach

City Commission

April 23, 2024

Ambulatory Surgical Centers

Ambulatory surgery centers, or “ASCs”, are modern healthcare facilities focused on providing same-day surgical care, including diagnostic and preventive procedures. ASCs have transformed the outpatient experience for millions of Americans by providing them with a more convenient, cost-conscious alternative to hospital-based outpatient procedures—and done so with a strong track record of quality care and positive patient outcomes.

Street Level View – 1347 E. Sample Road



Street Level View - May 2022 – Google Maps

Aerial Location Map



Ambulatory Surgical Centers

Ambulatory Surgical Centers (ASCs) are classified as Specialty Medical Facilities per the City's Zoning Code:

"A specialty medical facility is a facility, regardless of size, offering specialized treatment and services including, but not limited to, ambulatory surgical facilities, dialysis centers, substance abuse treatment facilities, outpatient rehabilitation facilities, birthing facilities, and urgent care facilities (not including a 24-hour urgent care facility). This use also includes medical or dental offices which are larger than 5,000 sq ft **gross floor area gfa.**"

Current Zoning Code Use Standards

Specific Use Standards for Specialty Medical Facilities:

- a. Separation from Residential Uses.** The facility shall be at least 500 feet from a Single Family (RS) or Two-Family (RD) Zoning District.
- b. Overnight Treatment.** Overnight treatment is prohibited.
- c. Hours of Operations.** The facility shall not offer treatment or similar services between the hours of 10:00 p.m. and 7:00 a.m.

Zoning Aerial



Special Exception Approval

DocuSign Envelope ID: 84864E2A-695E-4034-801D-1CD580D1D2E9

THE ZONING BOARD OF APPEALS
CITY OF POMPANO BEACH, FLORIDA

Date: December 20, 2023

Landowner: CCDV Holdings
Case No.: 23-17000011
Address: 1347 E Sample Road
Zoned: General Business (B-3) and Single-Family Residence 4 (RS-4)
Folio(s): 484213030490

Legal Description:

Lot 1, less the external area formed by a 25 foot radius arc which is tangent to the West line of said Lot 1, and tangent to a line 30 feet North of and parallel to the South line of said Lot 1, and also less the South 30 feet of Lot 1; Lots 2 and 3, less the South 30 feet thereof, and Lots 47 and 48, all lots located in Block 10, NORTH POMPANO BEACH – SECTION 'B', according to the Plat thereof, as recorded in Plat Book 29, Page 16, of the Public Records of Broward County, Florida.

REQUEST:

The Applicant Landowner is requesting SPECIAL EXCEPTION approval as required by Section 155.4209(B)(1) [Districts Where Permitted] of the City's Zoning Code in order to utilize the subject property (Zoning District: B-3) for a Specialty Medical Facility.

* * * * *

ORDER

WHEREAS, upon presentation of the Applicant's request for a Special Exception at the public hearing before the Zoning Board of Appeals ("Board"), and upon review and consideration of all testimony, evidence and argument presented at the hearing, the Board finds that competent substantial evidence was presented to satisfy the criteria for granting the Special Exception in order to utilize the subject property (Zoning District: B-3) for a Specialty Medical Facility.


THEREFORE, the Applicant's request for the above Special Exception is **GRANTED**, conditioned on the applicant fulfilling the following:

1. Successfully obtain relief (Variance) from the separation requirement from an RS zoning district.
2. Obtain all necessary governmental permits and approvals, including a Zoning Use Certificate and Business Tax Receipt for the use.

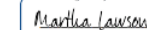
This matter was heard before the Zoning Board of Appeals, and the Board pronounced its decision on December 14, 2023.

Greenspoon Marder LLP
Matt Scott, Esq.
200 E Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301

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DocuSigned by:

Daniel Yaffe, Chairman, Zoning Board of Appeals

Filed with Development Services Department this 20 day of December, 2023

DocuSigned by:

Martha Lawson, Head Secretary Development Services

A party aggrieved by a final decision by the Zoning Board of Appeals as provided in City Code Section 155.2424, may petition the Circuit Court for issuance of a Writ of Certiorari in the manner and within the time provided for the Florida Rules of Appellate procedure.

Greenspoon Marder LLP
Matt Scott, Esq.
200 E Broward Boulevard, Suite 1800
Fort Lauderdale, FL 33301

Code Amendment Request

Amendment to the City's Zoning Code to allow ASCs of less than 5,000 sq. ft. gfa (gross floor area) to be located within 500 feet of RS and RD Zoning Districts:

- a. Separation from Residential Uses. The facility shall be at least 500 feet from a Single Family (RS) or Two-Family (RD) Zoning District. An ambulatory surgical facility that is smaller than 5,000 sq. ft. gfa is excluded from this separation requirement.**
- b. Overnight Treatment. Overnight treatment is prohibited.**
- c. Hours of Operations. The facility shall not offer treatment or similar services between the hours of 10:00 p.m. and 7:00 a.m.**
- d. Ambulatory surgical facilities that are smaller than 5,000 sq. ft. gfa shall not provide any overnight treatment or surgical services between the hours of 6:00 p.m. and 7:00 a.m.**

Code Amendment Request

Amendment to the City's Zoning Code to incorporate the following definition for Ambulatory Surgical Centers:

Ambulatory Surgical Center

An ambulatory surgical center (ASC) is a State licensed facility not part of a hospital with the primary purpose of providing elective surgical care. Patients who choose to have surgery in an ASC arrive on the day of their procedure and, following their post-operative recovery, are discharged from the facility the same business day. ASCs treat only patients who have already seen a healthcare provider and selected surgery as the appropriate treatment. ASCs are not a physician's office.

Code Amendment Rationale

- **No change to other use requirements for all Specialty Medical Facilities.**
 - **Overnight treatment remains prohibited.**
 - **Hours of Operations regulations remain unchanged.**
 - **Special Exception Review Required for B3 areas, not permitted in B1 or B2.**
- **ASCs provide critical, cost-effective healthcare services to the community.**
 - **For example, the Applicant's proposed facility would provide access to minimally invasive outpatient procedures for orthopedic conditions and help patients avoid use of Opioids.**
- **No negative impacts.**
 - **Indoors, no noise.**
 - **Waste managed privately with regulations.**
 - **Less traffic and more desirable than MANY B3 permitted uses.**

Code Amendment Rationale

- **Sampling of How Other Nearby Cities Regulated ASCs:**
 - Fort Lauderdale permits medical clinics and hospitals as of right in all of its business zoning districts.
 - Coral Springs permits medical clinics up to 20,000 sq. ft. in all of its business zoning districts.
 - Deerfield Beach permits medical clinics and medical offices in all of its business zoning districts.
 - Pembroke Pines permits medical offices and clinics as of right in all business districts, PCDs and PMUDs.
 - Coconut Creek also permits ASCs in its B-3 and B-4 zoning districts.

Zoning Map

Legend

Districts

RESIDENTIAL ZONING DISTRICTS

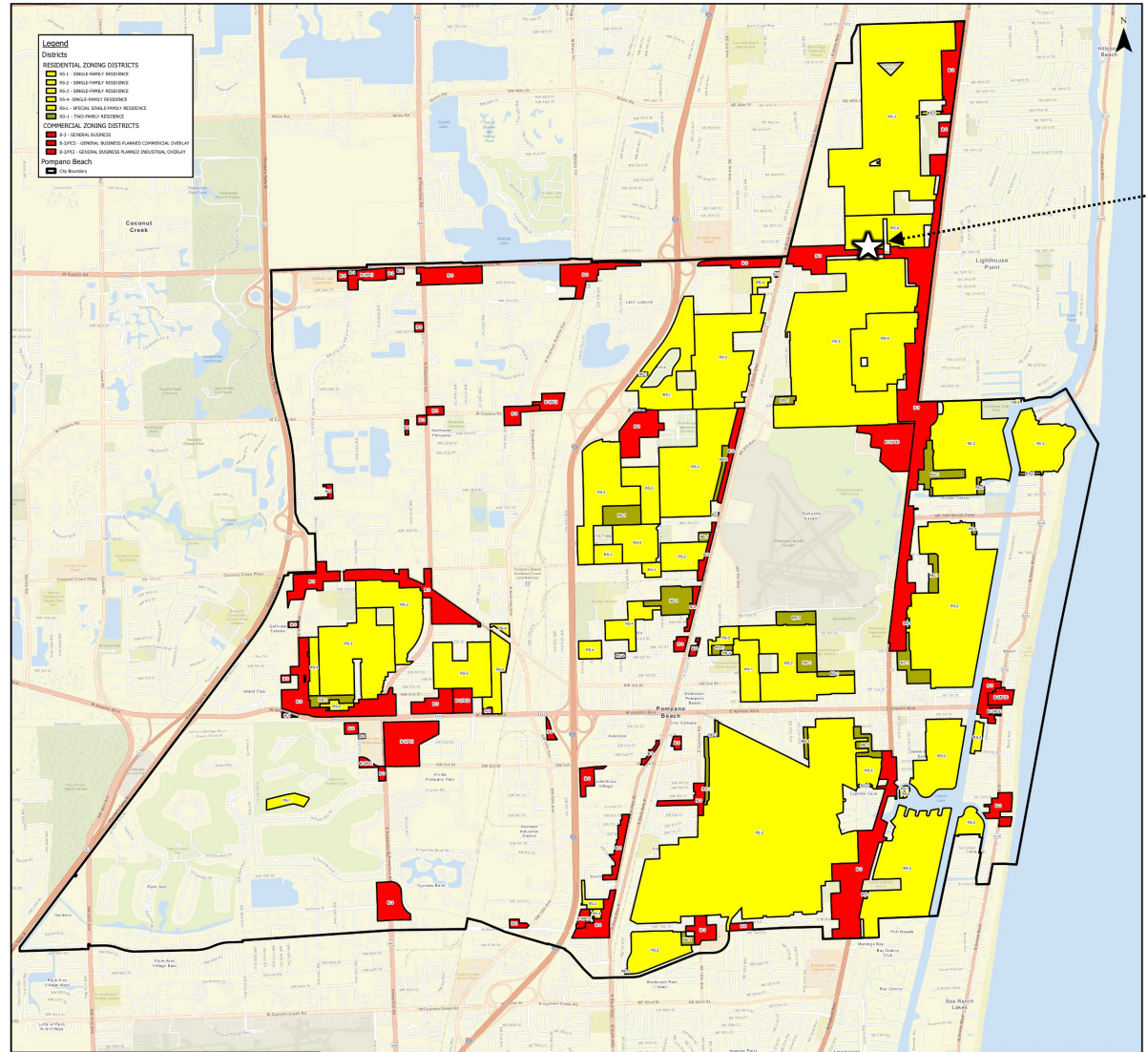
- RS-1 - SINGLE-FAMILY RESIDENCE
- RS-2 - SINGLE-FAMILY RESIDENCE
- RS-3 - SINGLE-FAMILY RESIDENCE
- RS-4 - SINGLE-FAMILY RESIDENCE
- RS-L - SPECIAL SINGLE-FAMILY RESIDENCE
- RD-1 - TWO-FAMILY RESIDENCE

COMMERCIAL ZONING DISTRICTS

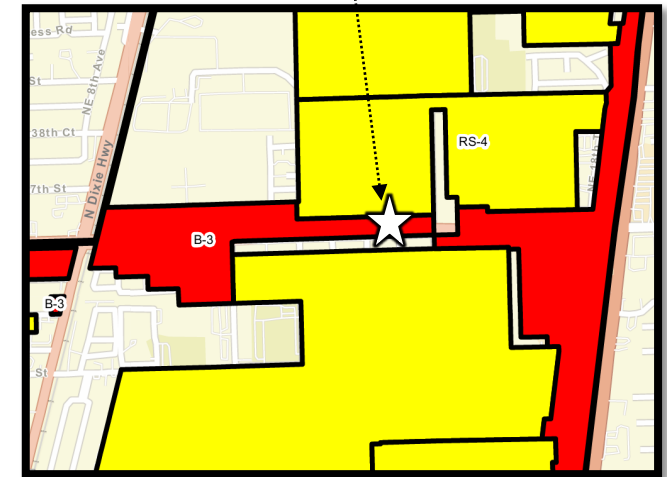
- B-3 - GENERAL BUSINESS
- B-3/PCD - GENERAL BUSINESS PLANNED COMMERCIAL OVERLAY
- B-3/PCI - GENERAL BUSINESS PLANNED INDUSTRIAL OVERLAY

Pompano Beach

- City Boundary



**1347 E. Sample Road
Property (approx.)**



Disclaimer:
This product has been compiled from various source data. However, this product is for reference only and is not to be construed as a legal document or survey instrument. Any reliance on the information contained herein is at the user's own risk. The City of Pompano Beach assumes no responsibility for any use of the information contained herein or any loss resulting there from.

City of Pompano Beach

Zoning Districts



Created by: Engineering Division
GIS Department | A.S.

Community Outreach and Support

- 20 letters of support received from property owners located within 500' of a proposed ASC location
- 270+ signatures of support via online petition

change.org



Petition details Comments



Allow Pohlman Pain Associates to open an Outpatient Surgery Center in Pompano Beach

Started
Petition to

November 27, 2023
The City of Pompano Beach, FL

270
Signatures

500
Next Goal

Support now

Sign this petition

Why this petition matters

Questions?

Code Amendment Review Criteria

1. Is consistent with the comprehensive plan;

Future Land Use Element Policy 01.01.12

The City's Future Land Use Map will be in conformance with the County's Land Use Plan and will implement the County's regional vision including provision of essential public services and facilities, enhanced sustainability and livability and give priority to protecting public beach access sites.

Future Land Use Element Policy 01.03.06

Consider density and intensity revisions with an emphasis on minimal negative impacts to existing residential areas, particularly single-family areas.

Future Land Use Element Policy 01.03.08

Establish criteria to protect residential areas and other land uses that are adjacent to industrial and commercial areas from excessive, odors, traffic and parking impacts.

Future Land Use Element Policy 01.04.03

Except for schools, regional and community facilities shall be located close to major traffic corridors and mass transit routes adequate to carry the volume of traffic generated by such facilities.

Code Amendment Review Criteria

2. Does not conflict with any provision of this Code or the Code of Ordinances;

- *Does not conflict with the Code and is written to further the intent of the specific use regulations associated with specialty medical facility uses.*
- *Doesn't affect or change other use requirements for ASCs and other Specialty Medical Facilities.*
- *Requirements are intended to keep the large range of medical uses within the specialty medical facility use classification from being located too close to residential neighborhoods where some may have significant impacts.*
- *Amendment proposes to only allow for a very limited size of ASC to be located within the residential separation requirement.*
- *Other specialty medical facilities will still be required to comply with the distance separation, and all specialty medical facilities will continue to be required to prohibit overnight treatment and have specific hours of operations*

Code Amendment Review Criteria

3. Is required by changed conditions;

- *Over the last decade, the Applicant has seen an increased demand for options outside of opioid medication or large surgeries to treat smaller musculoskeletal and other orthopedic conditions.*
- *ASCs provide quick and efficient access to minimally invasive outpatient procedures to treat a variety of orthopedic conditions.*
- *Outpatient and preventative procedures that used to be hospital-based can now be achieved in much smaller facilities that have minimal impacts on the community.*

Code Amendment Review Criteria

4. Addresses a demonstrated community need;

- *Applicant has seen an increased demand for treatment options other than opioid medication or large surgeries for a variety of orthopedic conditions.*
- *Will allow for an essential modern medical use to be located closer to the communities they serve, while imposing a limit on the size of the facilities to lessen any impacts and maintain compatibility with the areas they are permitted in.*

Code Amendment Review Criteria

- 5. Is consistent with the purpose and intent of the zoning districts in this Code, or would improve compatibility among uses and would ensure efficient development within the city;**
- *Of the health care uses with specific use regulations in the Code, specialty medical facilities, urgent care facilities, specialty hospitals, and general hospitals all include separation from residential requirements, while medical offices, medical or dental labs, and nursing home facilities are not required to be separated from residential zoning districts.*
 - *Proposed amendment is consistent with this intent of the Code to separate higher intensity and larger health care uses from residential uses and would only allow an ASC of a very limited size to be located closer to residential uses.*
 - *When medical offices are greater than 5,000 sq. ft. of gross floor area, they are considered specialty medical facilities per the Code and are required to be separated from residential uses. The ASC size limitation of less than 5,000 sq. ft. of gross floor area proposed in the code amendment is consistent with the other health care use regulations for specialty medical facilities.*

Code Amendment Review Criteria

6. Would result in a logical and orderly development pattern; and

- *The amendment would allow for only ASCs of a limited size to be located closer to single-family and two-family residential zoning districts, where other health care uses such as medical offices, medical or dental labs, and nursing home facilities are also permitted.*
- *The language of the proposed amendment imposes a very limited size restriction on any ASCs that would be located within the residential separation regulation, which would maintain consistency with development in the City by not allowing higher intensity health care uses to be located too closely to residential uses.*
- *Several other municipalities within Broward County permit high intensity health care uses within their business districts.*
 - *City of Fort Lauderdale permits medical clinics and hospitals as of right in all its business zoning districts.*
 - *City of Coral Springs permits medical clinics up to 20,000 sq. ft. in all its business zoning districts.*
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 - *City of Coconut Creek also permits ASCs in its B-3 and B-4 zoning districts.*

Code Amendment Review Criteria

7. **Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.**
 - *The amendment would allow for only ASCs of a limited size to be located closer to single-family and two-family residential zoning districts, where other health care uses such as medical offices, medical or dental labs, and nursing home facilities are also permitted.*
 - *The language of the proposed amendment imposes a very limited size restriction on any ASCs that would be located within the residential separation regulation, which would maintain consistency with development in the City by not allowing higher intensity health care uses to be located too closely to residential uses.*
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