



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Detailed Minutes - Final

City Commission

Rex Hardin, Mayor
Alison Fournier, Vice Mayor
Audrey Fesik, Commissioner
Beverly Perkins, Commissioner
Rhonda Sigerson-Eaton, Commissioner
Darlene Smith, Commissioner

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

Tuesday, April 8, 2025

1:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

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

ROLL CALL

Present: Commissioner Audrey Fesik
Commissioner Beverly Perkins
Commissioner Rhonda Sigerson-Eaton
Commissioner Darlene Smith
Vice Mayor Alison Fournier
Mayor Rex Hardin

INVOCATION

Rabbi Tzvi Dechter of Chadbad of North Broward Beaches offered the invocation.

PLEDGE OF ALLEGIANCE

Led by Kervin Alfred, City Clerk

APPROVAL OF MINUTES

[25-249](#) Regular City Commission Meeting Minutes of March 11, 2025

A motion was made by Vice Mayor Fournier, 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 13 under the Regular Agenda is stricken.

A motion was made by Vice Mayor Fournier, seconded by Commissioner Sigerson-Eaton, that the Agenda be APPROVED AS AMENDED. The motion carried by a 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 Items 1, 4, 6 and 7 would be pulled for City Commission discussion.

A. PROCLAMATIONS**[25-228](#) National Autism Acceptance Month**

Mayor Hardin read a Proclamation declaring April as National Autism Acceptance Month in the City of Pompano Beach, encouraging residents to engage in meaningful discussions, deepen their understanding, and support the autism community. Following the proclamation, he presented it to Margi Hedelund from the Autism Society of Florida and invited her to speak to the audience.

Mrs. Hedelund expressed gratitude for the recognition of autism awareness and highlighted the members of the Autism Society of Florida, which is comprised of parents and volunteers. She emphasized their training for first responders on how to communicate with individuals with special needs, noting the exceptional efforts of Pompano Beach. Mrs. Hedelund mentioned two upcoming events in Pompano Beach: Autism Family Day on April 19 and Touch a Truck on May 3. She acknowledged the city's commitment to creating an inclusive community, which attracts visitors and ensures a supportive environment for families.

The Proclamation was READ AND PRESENTED INTO THE RECORD.

[25-256](#) Water Conservation Month

Mayor Hardin read a Proclamation declaring April as Water Conservation Month in the City of Pompano Beach, encouraging residents, businesses, and institutions to implement water-saving practices. He emphasized the importance of educating others and supporting initiatives that safeguard this vital resource for future generations. Following the proclamation, he presented it to Aliya Moktadier, the City's Utilities Reuse and Conservation Coordinator, and invited her to speak to the audience.

Ms. Moktadier expressed gratitude to the City Commission for recognizing April as Water Conservation Month. She emphasized the importance of protecting water resources and noted that reuse water is the best conservation tool, as it saves drinking water. Ms. Moktadier reminded the community that water is a limited resource that needs to be treated with care.

The Proclamation was READ AND PRESENTED INTO THE RECORD.

25-257 Food Waste Prevention Week

Mayor Hardin read a Proclamation declaring April 7 - 13, 2025, as Food Waste Prevention Week. The proclamation encourages residents, local restaurants, and businesses to participate in food waste prevention strategies. Christina Viala, the City's Sustainability Coordinator, accepted the proclamation and expressed gratitude to the City Commission for their support. She highlighted the importance of this initiative in relation to sustainability efforts, emphasizing the goal of keeping surplus food out of landfills and redirecting resources within the community to create a more resilient and sustainable Pompano Beach.

The Proclamation was READ AND PRESENTED INTO THE RECORD.

25-258 Special Acknowledgement of Teriyah McFadden

Mayor Rex Hardin will acknowledge Teriyah McFadden's accomplishments as a Pompano Beach student-athlete, including being the first high school junior girl's flag football player to secure a name, image, and likeness (NIL) deal. Teriyah McFadden will be in attendance to accept the Proclamation.

The Proclamation was READ AND PRESENTED INTO THE RECORD.

B. STAFF PRESENTATION

25-245 Presentation of the City of Pompano Beach audit results of the Annual Comprehensive Financial Report for the fiscal year ended September 30, 2024, conducted by Citrin Cooperman & Company LLP, Independent Certified Public Accountants.
(Fiscal Impact: N/A)

(Staff Contact: Allison Feurtado)

Mayor Hardin stated that city staff would present the audit results of the City's Annual Comprehensive Financial Report for the fiscal year ending September 30, 2024. The audit was conducted by Citrin Cooperman and Company LLP, Independent Certified Public Accountants. He then asked Allison Feurtado, the Finance Director, to give the presentation.

Ms. Feurtado noted that Florida Statute Chapter 218.39 mandates an annual financial audit of the City's financial statements prepared by the finance department. The auditors from Citrin Cooperman, Sardou Mertilus and Michael Barnett, were introduced to present the audit results. Ms. Feurtado expressed gratitude to her finance team and city departments for their assistance, highlighting that this marks the 13th consecutive year without audit findings. She also mentioned receiving a medallion from GFOA for the Certificate of Achievement of Excellence in financial reporting. She then asked Mr. Mertilus to present the audit report.

Mr. Mertilus reported the City's compliance with auditing standards, emphasizing the need to communicate with those charged with governance. He said city management maintained existing accounting policies this year and adopted GASB statements 100, 101, and 102, which did not significantly affect the financial statements. Key estimates impacting the statements include the net pension obligation, total OPEB obligation, and risk liabilities, all deemed reasonable based on actuarial valuations. The audit encountered no significant difficulties or misstatements, reflecting positively on the finance team's diligence. Management representations were received by March 27, 2025, with no consultations reported with other independent accountants.

Mr. Mertilus discussed the City's financial statements, noting that they comprise over a hundred pages. He highlighted the unmodified opinion issued on pages 1 - 4, indicating a high level of assurance and confidence in the numbers presented. The Management Discussion and Analysis (MD&A) on Pages 5 through 19 provides an overview of the City's financial performance and position, as well as insights into key trends and strategic decisions. Lastly, Page 20 introduces the government-wide financial statements, which are prepared under the full accrual basis.

Mr. Mertilus shared valuable insights into the total assets and liabilities for both governmental and business-type activities. For governmental activities, the total assets stand at an impressive \$847.8 million, while the total for business-type activities was \$301.3 million. He noted that governmental activities saw a positive change of \$13.9 million, rising from \$295 million to \$309 million. Similarly, business-type activities encountered an increase of \$17.7 million, growing from \$188.5 million to \$206.2 million.

Mr. Mertilus presented the financial overview, highlighting that the total assets amounted to \$85.4 million, with total liabilities of \$6 million, as detailed on Page 27 of the income statement prepared under the modified accrual basis for the General Fund. The total revenue for this fund was \$213.7 million, while total expenses reached \$200.5 million. Notably, there were transfers out amounting to \$22.8 million, primarily directed toward supporting Emergency Medical Services (EMS) operations and funding capital projects, such as the City Road Resurface program and various infrastructure projects like the Southeast 6th Terrace Bridge, and Beach Renourishment. As a result of these transfers, the General Fund experienced a negative net change in fund balance of \$3.1 million, decreasing from \$82.3 million at the start of the year to \$79.2 million.

Moving to the business-type activities on Page 30, Mr. Mertilus discussed the enterprise funds, which encompass utilities, parking, stormwater, and other smaller funds. The total assets for these funds were \$305 million, with total liabilities of \$104.7 million. The income statement showed total operating revenues of \$87.4 million and total operating expenses of \$78.7 million, resulting in a positive net change of \$18 million. The year began with \$191.9 million in these enterprise funds and concluded with \$209.9 million, indicating a healthy financial position for the City's enterprise activities.

Mr. Mertilus then reviewed the notes to the financial statements, found on pages 41 through 117. These notes detail the accounting policies and provide further context for the balances presented in the income statement and balance sheet. Mr. Mertilus concluded his presentation and offered to answer any questions the Commission may have.

Mayor Hardin expressed appreciation for the work presented and congratulated Ms. Feurtado on the City's 13 consecutive years of no findings.

Ms. Feurtado announced that the audited financial statement would be posted on the website the following day and mentioned that hard copies would be available for the commissioners upon request.

The Presentation was READ AND PRESENTED INTO THE RECORD.

C. 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:

Matthew Hermann, 121 NE 8th Street, Pompano Beach, FL, voiced anger over the City's failure to install speed humps on his street despite repeated requests over the past two years. He described a recent incident where he was nearly threatened after confronting a speeding driver and said children are at risk. He noted other streets in the area are receiving speed humps and demanded immediate action, stating he would escalate the issue to the Broward County if ignored. He also shared his identity as a Cherokee Two-Spirit individual and LGBTQ+ activist and said he would return during Pride Month to raise additional concerns.

Mayor Hardin thanked him and assured the city would follow up.

Vice Mayor Fournier stated she was familiar with Mr. Hermann's street and noted it may not meet the City's current criteria for speed humps based on traffic volume and speed. However, she acknowledged its proximity to a school and suggested the city consider revisiting its policy to allow more flexibility for installing speed humps near schools to better protect children walking in those areas.

Comr. Sigerson-Eaton requested that staff confirm whether traffic monitoring has been conducted in Mr. Herman's area. She noted that recent speed humps in Old Pompano may have shifted traffic patterns, increased volume and speeding on nearby streets. She recommended a new traffic analysis for his street and said she would follow up with him directly regarding a separate matter involving a vacant property

Shenee Rowe, on behalf of Principal Williams, shared updates from Blanche Ely High School. The school is rated a B and is aiming for an A, with most seniors meeting graduation requirements. She announced the opening of the Blanche Ely Community Clinic and ongoing beautification efforts. The school was named 2025 Magnet School of Distinction, and she congratulated the boys' basketball team and Coach McNabb on winning the Class 5A state championship. She thanked the City for the team's proclamation and parade.

Jason Ortiz, 865 NE 23rd Terrace, Pompano Beach, FL, shared his frustration after completing a year-and-a-half compliance process. He said he was forced to remove a pergola without the opportunity to seek a variance, costing him \$12,000. He urged the City to adopt policies similar to those in other Broward cities that allow permit approvals to pause enforcement actions. He also raised concerns about unrelated permits affecting short-term rental inspections and called for policy changes to reduce barriers for compliant homeowners.

Comr. Fesik thanked Mr. Ortiz for his comments and noted that visiting his property helped clarify some concerns. She asked whether residents, like developers, could be allowed to run certain permits concurrently rather than following a strict linear process. Max Wemyss, Principal Planner with Development Services Department, responded that concurrent applications are allowed for zoning-related items but was unclear how it related specifically to this case. Comr. Fesik suggested the City explore code or ordinance changes-similar to other municipalities-that would give residents more flexibility. City Manager Harrison agreed to look into it.

Anne Bosworth, 4015 W. Palm Aire Drive, Pompano Beach, FL, expressed concern about a lack of trust and transparency, particularly regarding the City's handling of the Palm Aire Master Settlement Agreement. She criticized efforts to use flexibility units to bypass density limits without informing the full community and questioned why city leadership appears to favor developers. She urged the City to prioritize resident needs, such as addressing issues at Markham Park Elementary, and called for open dialogue before making changes that could impact protected green space.

Matthew Walsh, 2306 E. Atlantic Blvd., Pompano Beach, FL, owner of 10th Planet Jiu Jitsu, alleged misuse of public funds and conflicts of interest by Kim Briesemeister and Chris Brown while managing the CRA. He claimed they bought properties in redevelopment zones they oversaw and that his own business faced pressure and unfair treatment. He urged the Commission to reject what he called a "shadow government" and stand up for local businesses.

Vice Mayor Fournier said Mr. Walsh's comments were deeply concerning given the City's long relationship with RMA and its principals. She stated that RMA has earned millions through consulting for the CRA and emphasized that revitalization efforts should support small local businesses. She expressed concern about potential conflicts of interest, particularly regarding properties RMA owns near CRA projects, and said she would continue raising the issue and pursuing transparency, especially with major downtown projects ahead. She thanked Mr. Walsh for speaking up.

Comr. Fesik commended Mr. Walsh for speaking up and acknowledged his concerns. She said his experience highlighted broader issues with potential conflicts of interest and stressed the need to reevaluate consultant relationships as the City prepares for major investments.

Tom Drum, 2700 NE 8th Street, Pompano Beach, FL, expressed frustration over what he described as decades of unchecked influence in Pompano Beach. He referenced Mayor Hardin's editorial in response to Comr. Fesik's comments and supported efforts to bring transparency. Mr. Drum said he requested a forensic audit and was denied, even after offering to pay for it himself. He criticized the lack of honest reporting at city project meetings, poor planning for traffic on Atlantic and Dixie, and the overall prioritization of developers

over residents. He also cited the lack of green space and questioned the purpose of the long-stalled McNab House project

Suzan Machado, 111 Briny Avenue, Pompano Beach, FL, opposed the proposed Briny Avenue parking, citing environmental harm from removing sand dunes, safety risks on the narrow road, and lack of lifeguard protection at the nearby beach. She suggested reconfiguring existing spaces to add parking without damaging the dunes and shared that nearby condo residents also oppose the plan due to noise and proximity to their windows.

Carlene Duncan, 1851 NW 15th Street, Pompano Beach, FL, expressed concern that the city meeting cameras were not on at 6:30 PM when a resident attempted to watch, stating the cameras should remain on from start to finish for safety and transparency. She also criticized the behavior of Comr. Sigerson-Eaton, warning that similar incidents could lead to serious consequences.

The allotted 30 minutes for Audience to be Heard had ended, so Mayor Hardin announced that all remaining speakers would be heard after the Regular Agenda.

D. CONSENT AGENDA

Mayor Hardin requested a motion to Approve/Adopt Items 2, 3, and 5 under the Consent Agenda.

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

1. [25-225](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND T E P M, INC. FOR THE USE OF THE NORTH EXTERIOR WALL OF THE BUILDING LOCATED AT 135 NE 1ST AVENUE FOR THE PAINTING OF A MURAL PURSUANT TO THE COMMISSIONED ARTIST PROGRAM; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$10.00)

POSTPONED FROM MARCH 25, 2025



Strategic Plan Initiative

(Staff Contact: Ty Tabing)

Mayor Hardin stated that the item was pulled from the Consent agenda by Vice Mayor Fournier and Comr. Fesik.

Vice Mayor Fournier explained that at the last meeting, she requested some language be added to the contract to protect the City from the owner of the building placing a sign over the public art or place signs that represent

their personal beliefs next to the public art.

Continuing, she stated that although some new language was added, she did not believe it went far enough. She inquired if some additional verbiage could be added today before approval. Mark Berman, City Attorney, informed that it could not be added today because the City cannot change the language of a contract that has already been executed by the other party. Additionally, Mr. Berman further explained that the language in the contract does prevent any signage from being placed on the artwork, and that there is language granting the City exclusive use of the design location, which includes the entire wall, not just the area with the mural. This gives the City the authority to ask the owner to remove any signs they may place there.

Comr. Fesik asked the City Manager to provide her with the total dollar amount of any contracts currently in place with T E P M, Inc.

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

Yes: Fesik
Perkins
Sigerson-Eaton
Smith
Fournier
Hardin

Enactment No: RES. No. 2025-100

2. [25-242](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACCEPTING A GRANT FROM SOUTH ARTS IN THE AMOUNT OF \$6,375.00 TO SUPPORT THE ENGAGEMENT OF ARTIST JEAN CAZE FOR THE PUBLIC PRESENTATION AND EDUCATIONAL COMMUNITY ENGAGEMENT; CONFIRMING THE CITY'S MATCHING CONTRIBUTION IN AN AMOUNT OF \$6,375.00; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL APPROPRIATE DOCUMENTS; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$6,375.00)

(Staff Contact: Ty Tabing)

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

Enactment No: RES. No. 2025-101

3. [25-255](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF POMPANO BEACH AND THE COMUNE DI GOLFO ARANCI, SARDINIA, ITALY TO ESTABLISH A FRIENDSHIP CITY AFFILIATION; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Ty Tabing)

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

Enactment No: RES. No. 2025-102

4. [25-244](#) 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 OPERATING AND MANAGEMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND POMPANO BEACH HISTORICAL SOCIETY, INC. FOR THE OPERATION AND MANAGEMENT OF THE HOOD CENTER AND KESTER COTTAGES AND RELATED PROGRAMMING FOR THE BENEFIT OF THE PUBLIC; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$40,000 for fiscal year 2025)

(Staff Contact: Cassandra LeMasurier)

Mayor Hardin informed that this item was pulled by Comrs. Perkins and Fesik.

Comr. Perkins stated that she believes this could be a great partnership with the City but wanted to express that history is important to everyone and ensure that African American history is included. Cassandra LeMasurier, Real Property Manager, explained that the Pompano Beach Historical Society hosts a monthly event with a speaker, and April's event will feature Rock Road Restoration Historical Group. Comr. Perkins asked that the Commission be sent an email informing them of which speakers will be present.

Comr. Fesik asked if the \$40,000 is used for the maintenance of the Kester Cottages. Ms. LeMasurier informed that the \$40,000 is given to the Pompano Beach Historical Society for operations. The City owns the Kester Cottages and the Hood Center so the City already maintains those. Ms. LeMasurier explained that most recently the funds were used to bring in a Curator and Archivist so that they could start digitizing Pompano Beach history for future generations. Additionally, she stated that they are changing the display that is currently in one of the cottages and funds will be used for that. Comr. Fesik asked if the Historical Society is a non-profit, to which Ms. LeMasurier confirmed that it is.

Mayor Hardin sought further public input on the item.

Dominique Lewis, 400 NE 2nd Street, Pompano Beach, FL, expressed that it is a beautiful park that is underutilized. He stated that it would be great to involve nearby schools. Furthermore, he asked who maintains the bocce ball court at that park because it is not in good shape, and mentioned that the homeless issue prevents people from using the park more frequently.

There being no further speakers, Mayor Hardin concluded public input and moved on to Commission discussion.

Comr. Smith informed that the Pompano Beach Historical Society has family memberships and would always welcome new members.

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

Yes: Fesik
Perkins
Sigerson-Eaton
Smith
Fournier
Hardin

Enactment No: RES. No. 2025-103

5. [25-248](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A HURRICANE MILTON FEDERALLY-FUNDED SUBAWARD AND GRANT AGREEMENT WITH THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACCEPT THE GRANT AND TO EXECUTE ALL APPROPRIATE DOCUMENTS; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$268,000-Grant revenue estimate)

(Staff Contact: Kimberly Spill-Cristiano/Peter McGinnis)

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

Enactment No: RES. No. 2025-104

6. [25-232](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 3 IN THE AMOUNT OF \$298,848 PURSUANT TO THE AGREEMENT FOR LANDSCAPING INSTALLATION AND MAINTENANCE SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CUTTING EDGE INDUSTRIES, INC. FOR LANDSCAPE MAINTENANCE SERVICES FOR ATLANTIC BLVD. AND DIXIE HIGHWAY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$298,848/Yr.)

(Staff Contact: Brian Donovan)

Vice Mayor Fournier raised a concern about an item on the consent agenda regarding a \$300,000 annual cost for maintaining landscaping at Atlantic and Dixie, which replaced a driving lane. Brian Donovan, Assistant City Manager, admitted it was an oversight to place it on the consent agenda instead of the regular agenda, explaining that it was a selection error in the Granicus system. Fournier emphasized the importance of the issue, highlighting the impact on traffic and gridlock in the area.

Vice Mayor Fournier expressed concerns about the \$46 million project to remove a lane and plant trees, highlighting the ongoing maintenance cost of \$300,000 per year that taxpayers are expected to cover. She believed those who supported the project, including RMA, city management and the mayor, should contribute to these costs, or at least the Community Redevelopment Agency (CRA) should, as it was a CRA-funded initiative. Mr. Donovan suggested that the CRA may consider maintenance expenses as normal recurring costs, which do not qualify for funding under state statutes, and that such expenses should be budgeted from the general fund.

Vice Mayor Fournier questioned whether the CRA can be held responsible for decisions that lead to costly ongoing expenses, while Mark Berman, City Attorney, clarified that although they can ask, it is unlikely that CRA funds would cover such expenses. He emphasized that the final determination should come from legal counsel for the CRA, specifically Ms. McKenna, who is not present.

Vice Mayor Fournier expressed concern about adding \$300,000 to a project without a bid process, stating that these funds could be better used for hiring a chief education officer or paving roads. She questioned why Public Works is not managing the project and highlighted her frustration with the lack of clarity on the return on investment. The Vice Mayor indicated that she needs more information before she can support the proposal.

Comr. Fesik expressed her concerns regarding a substantial cost listed on the consent agenda, which appears to be an automatic expense. In her review of recent contract files linked to City and the CRA, she highlighted a significant landscaping expense budgeted for 2024 tied to Cutting-Edge Industries. While she acknowledged Jim Jankowski's contributions to the community, the Commissioner emphasized the importance of the city staff taking on this task. She advocated for reallocating some financial responsibility to the CRA during the ongoing downtown project, citing their stronger cash flow at the moment as a reason for this shift. This approach is one she would be willing to support.

Mayor Hardin sought public input on the item but received none. He then acknowledged Nguyen Tran, the CRA Director, who wanted to share his thoughts on the subject.

Mr. Tran clarified that the Atlantic Dixie project was not exclusively funded by the CRA, which contributed \$15 million, as additional financing came from surtax money and city funds. He explained that the maintenance of roadways is not an eligible expense for the CRA. While the agency can manage streetscape projects, the responsibility for their maintenance is handed over to the City. This arrangement also applies to park improvements, such as those made at Annie Gillis. Mr. Tran pointed out that Ms. McKenna can provide legal clarification on the fact that CRAs are prohibited from funding items within the City's Capital Improvement Plan (CIP), including maintenance. Furthermore, he emphasized that the CRA trust fund should not be utilized as a fund for city obligations.

Vice Mayor Fournier expressed doubt about whether this expenditure was included in the CIP. Mr. Tran pointed out that this item was ineligible for funding from the CRA.

Vice Mayor Fournier highlighted that \$17.3 million, or 38%, of the total \$46 million funding originated from the CRA. She proposed considering the allocation of 38% of the current project's costs to CRA funding, especially for components related to replacing existing plants, which might qualify as new projects. However, Mr. Tran stated that it is not eligible.

Comr. Smith inquired whether this item was already budgeted for the current year, to which Mr. Donovan confirmed that the item is currently being funded through the Special Purpose Fund.

Comr. Perkins inquired whether the company can operate outside of the Atlantic and Dixie area. Mayor Hardin confirmed that they are allowed to do so.

Comr. Perkins raised concerns about the condition of various areas in the Northwest, highlighting that they are not being adequately maintained. She noted that the Public Works department appears to be stretched thin, leading to a lack of sufficient support in the district. To address this issue, she urged staff to explore the possibility of hiring additional workers and to consider bringing in an external company to provide assistance in other areas as well.

Comr. Fesik inquired about the Atlantic and Dixie Highway phase two project and whether similar projects would be expected in other areas of the city. Mr. Donovan confirmed that as capital or bond projects are initiated, they will evaluate whether to use contracted services or in-house resources, indicating that more projects will be coming forward.

Comr. Fesik asks if this item, despite being placed on the consent agenda this time, can be included on the regular agenda in the future. Mr. Donovan confirms that it can be done.

Comr. Fesik noted that the total expenditure paid to this company was \$711,028.07. As budget discussions are on the horizon, she suggested exploring future landscaping options that feature native, low-water plants since the City will handle their maintenance. She also mentioned the possibility of reallocating some of the budget toward paving roads or addressing other urgent projects. Additionally, she expressed gratitude to Mr.

Jankowski for his team's support at the Patricia Davis Community Garden, highlighting her appreciation for their efforts.

Comr. Sigerson-Eaton emphasized the importance of maintaining the landscape and streetscape projects funded by the GO bond as the budgeting process begins. She noted that neglecting these areas could negatively impact the image of the city. Maintaining these investments is vital, similar to the regular upkeep of personal appearance, such as nail care. Therefore, she advocated for an increase in the public works budget to support continued efforts in beautification and landscaping.

Comr. Perkins expressed her agreement with Comr. Sigerson-Eaton. She thanked Mr. Jankowski for his work at the Patricia Davis Garden, mentioning that she's taken many pictures of it. She also appreciated his trimming of the trees at the Northwest Library park, highlighting the importance of his contributions in that area.

Mayor Hardin inquired about a past bid related to this company's work, while Mr. Donovan confirmed that a Request for Qualifications (RFQ) was issued in 2023 for landscape services.

Mayor Hardin asked why this particular initiative is being pursued instead of using public works. Mr. Donovan responded that it is cheaper to proceed with the current approach than to involve public works.

Mayor Hardin stated that contracting out public works is cheaper than using the City's own resources, resulting in cost savings for taxpayers. He emphasized that this approach helps maintain the City's appearance while also noting that the company has undergone a bidding process for overall work, though not specifically for this job.

Vice Mayor Fournier clarified that while a general landscaping bid was approved years ago, the specific project in question was not part of that bidding process. Mayor Hardin acknowledged the Vice Mayor's clarification but mentioned that it was the point he had made earlier.

Comr. Fesik commented on how Mr. Jankowski can manage to run a business and profit on a project for \$298,000 while the City would face higher costs to manage this project. She wondered if the City needs more manpower to account for the difference. Mr. Donovan responded by explaining that the disparity is due to fringe rates, noting that they pay good fringe rates for their landscaping services, which are higher than the market average.

Comr. Fesik questioned the financial strain of providing health insurance and how it affects the operational decisions of City staff and the hiring of consultants. She emphasized the importance of staying mindful of all expenses, reaffirming her dedication to help the City achieve financial efficiency.

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

Yes: Fesik
Perkins
Sigerson-Eaton
Smith
Hardin

No: Fournier

Enactment No: RES. No. 2025-105

7. [25-252](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ACKNOWLEDGING APPOINTMENTS BY THE MAYOR AND OR CITY COMMISSIONERS TO FILL THE POSITIONS ON CITY BOARDS AND COMMITTEES; PROVIDING FOR MEMBERSHIP TERMS; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Kervin Alfred)

Vice Mayor Fournier inquired about any updates regarding any further dialogue with the Economic Development Council (EDC), especially in light of the previous decision to vote down a nomination due to concerns over unequal representation. City Clerk Alfred responded that he has not received any new information on the matter. He mentioned plans to collaborate with Comr. Fesik to explore potential solutions but confirmed that, as of now, he has not heard any updates from the EDC.

Comr. Fesik expressed her dissatisfaction with the EDC's response regarding granting her appointment of a board member. She acknowledged that a fellow commissioner has a nominee to the council, but emphasized her right to appoint a director as outlined in the bylaws. Comr. Fesik mentioned a conversation with Ms. Keriann Worley, who did not disclose her membership in the EDC, and suggested that the EDC should find a way to keep Ms. Worley involved while allowing her to make her own appointment. She is seeking the opportunity to have a voice in the council.

City Clerk Alfred expressed his commitment to work with the commissioner, citing that he had previously brought the matter to attention and sought a deferral of Comr. Smith's appointment to focus on obtaining a response. Mr. Alfred reassured his willingness to work together to encourage the EDC to reconsider their position or explore alternative options.

Comr. Fesik expressed appreciation for Comr. Smith's patience regarding her appointee, who appears to be a qualified candidate for the council. She is willing to support her appointee to the EDC, but emphasized the importance of finding a resolution if they do not receive feedback by the next meeting. Comr. Fesik highlighted her desire to be represented by someone whose views align with hers and stressed that she does not want to hinder anyone's right to serve on a board. She expressed her willingness to collaborate to reach a resolution.

Mayor Hardin sought public input on the item and, receiving none, he moved on to Commission discussion.

Comr. Smith encouraged other commissioners to attend the EDC meetings, stating that the group is inclusive and represents all of Pompano Beach. She acknowledged concerns about wanting individual representation, but emphasized the council representation within the EDC. Comr. Smith appreciated the support for her appointment and encouraged commissioners to participate in the meetings.

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

Yes: Fesik

Perkins

Sigerson-Eaton

Smith

Fournier

Hardin

Enactment No: RES. No. 2025-106

E. REGULAR AGENDA

8. [25-236](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PIGGYBACK AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND RWRS-EAST, LLC FOR WATER METER TESTING, CALIBRATION AND AS NEEDED REPAIRS; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$150,000/Yr.)

(Staff Contact: Nathaniel Watson)

Nathaniel Watson, Utilities Field Superintendent, presented an agreement for testing, calibrating, and repairing approximately 350 large city water meters. These meters are crucial for ensuring accuracy in utility billing and are essential for regulatory compliance with the South Florida Water Management permit, which mandates that every drop of water used be accounted for.

Mayor Hardin sought public input on the item.

Wayne Vereen, 2420 NW 7th Street, Pompano Beach, FL, received a letter regarding water testing and backflow and sought more information about this matter. Mayor Hardin acknowledged the request and asked Mr. Vereen to discuss it further with staff after the meeting because the item under discussion did not pertain to water testing and backflow.

There being no further speakers, Mayor Hardin concluded public input and moved on to Commission

discussion.

Comr. Perkins inquired about water meter testing, to which Mr. Watson clarified that testing is only for large meters (three inches to 12 inches), not for standard residential meters (three-quarters to two inches). The new smart meters are calibrated for low flow, and testing aims to ensure large users are accurately charged for their water consumption and that the City receives accurate returns.

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

Yes: Fesik

Perkins

Sigerson-Eaton

Smith

Fournier

Hardin

Enactment No: RES. No. 2025-107

9. [25-161](#) **P.H. 2025-42: (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 PIGGYBACK AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND EVOQUA WATER TECHNOLOGIES, LLC FOR ODOR CONTROL AND CORROSION SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

(Fiscal Impact: Not to exceed \$500,000 in a year, and the total agreement amount not to exceed \$2,500,000.00)

FIRST READING: MARCH 25, 2025

(Staff Contact: A. Randolph Brown)

Randolph Brown, Utilities Director, mentioned that this is the second reading of the Ordinance and confirmed that there have been no changes since the first reading.

Mayor Hardin sought public input on the item.

Tom Drum, 2700 NE 8th Street, Pompano Beach, FL, inquired about odor control related to residential water use. Mr. Brown clarified that the odor control is for wastewater, indicating it prevents hydrogen sulfide from corroding wastewater pipes.

Mr. Drum highlighted concerns in his neighborhood regarding reclaimed water, specifically its unpleasant odor and staining effects on cars. He mentioned that some residents have switched back to regular water due to these issues. He questioned whether the City is effectively managing odor control for the reclaimed water.

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

Yes: Fesik

Perkins

Sigerson-Eaton

Smith

Fournier

Hardin

Enactment No: ORD. No. 2025-33

10. [25-247](#) **P.H. 2025-44: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND PB KIOSK, LLC FOR THE CITY'S BEACH CONCESSION KIOSK LOCATED AT 20 N POMPANO BEACH BLVD.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Annual Minimum Rent Revenue \$60,000)

(Staff Contact: Mark Beaudreau/Cassandra LeMasurier)

Cassandra LeMasurier, Real Property Manager, gave a presentation on the proposed beach kiosk/concession, covering key topics such as:

- The history of the kiosk, previously leased to DeMaria Properties (2013-2023).
- A new request for proposals led to PB Kiosk LLC being selected.
- The existing kiosk will be replaced with a 1,511 square foot building with public restrooms, expected to be completed by April 2026.
- Features of the new kiosk include a larger kitchen and compliance with regulations against off-premises alcohol consumption and plastic use.
- The lease will be for 20 years with a 10-year extension option, starting at \$60,000 per year for the first five years.

- Projected additional revenue for the City over the first ten years is \$630,000.

Ms. LeMasurier concluded by inviting questions and introduced the tenant, Lou, to discuss operational plans. Attached as **Exhibit 1** is a copy of Ms. LeMasurier's entire presentation.

Mayor Hardin sought public input on the item and, receiving none, he moved on to Commission discussion.

Comr. Fesik raised concerns about transparency in the Beach Shack RFP process, noting local businesses were unaware of the opportunity. She questioned the tripling in building size and lease terms, and whether the existing structure could have been reused. Ms. LeMasurier explained the process followed standard RFP procedures and permitting requirements. Comr. Fesik urged better outreach to local businesses and more inclusive communication for future opportunities.

Vice Mayor Fournier expressed concern about the 30-year lease term, noting the previous building only lasted 13 years. She confirmed the tenant is responsible for all maintenance and repairs. She encouraged the project to be as environmentally friendly as possible and raised ongoing concerns about beach area parking, suggesting it be addressed in future discussions.

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

Yes: Fesik

Perkins

Sigerson-Eaton

Smith

Fournier

Hardin

Enactment No: ORD. No. 2025-35

Meeting went into Recess at 3:15 PM.

Meeting Reconvened at 3:26 PM.

11. [25-210](#) P.H. 2025-43: (PUBLIC HEARING 1ST READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO MODIFY THE STANDARDS

AND SETBACKS FOR A GAZEBO; BY AMENDING SECTION 155.5203., "LANDSCAPING," TO REMOVE REFERENCE TO THE REAR YARD CORNER TRIANGLE; AND BY AMENDING SECTION 155.5302., "FENCES AND WALLS," TO REMOVE STANDARDS RELATED TO THE REAR YARD CORNER TRIANGLE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Max Wemyss)

Max Wemyss, Principal Planner, commenced his presentation by delving into a variety of topics. He reviewed the design and regulations surrounding the Tiki and Chickee Huts, highlighting their cultural significance and architectural features. He then transitioned to discuss the Gazebo and the intricacies of the Rear Yard Corner Triangle, illustrating how these elements contribute to outdoor spaces.

His discussion encompassed the various styles of Tikis and their relationship with the Rear Yard Corner Triangles. Mr. Wemyss then addressed the specific regulations outlined in Article 4, which pertains to Accessory Uses and Structures, before moving on to Article 5, which focuses on Fences and Walls. Attached as **Exhibit 2** is a copy of Mr. Wemyss' entire presentation.

Mayor Hardin sought public input on the item.

Frank Pelly, NE 28th Avenue, Pompano Beach, FL, stated he had planned to speak at length but clarified issues with Mr. Wemyss during the break regarding height measurements. He emphasized that under Riparian law, a homeowner's view is protected only straight out from their extended side property lines-not across neighboring properties-and cited case law supporting privacy and protection, especially when structures like tiki huts are built close to property lines. He noted that about two-thirds of Pompano Beach's 3,200 waterfront homes are not in compliance with the site visibility triangle, which he believes reflects community preferences.

Don Smith, 170 SE 13th Street, Pompano Beach, FL, expressed support for the item, noting his property is one of the many not in compliance. He said tiki huts help reduce noise and improve waterfront use. He noted setbacks may be problematic since many huts sit at or near the water line, and the structure height increases with size due to traditional 45-degree roofing. He urged the city to grandfather in existing structures.

Dan Massa, SE 5th Court, Pompano Beach, FL, asked Mr. Wemyss whether pool fence height is measured from his property or the neighbor's. Mr. Wemyss said it is measured from the lower adjacent grade, which could be the neighbor's side. Mr. Massa disagreed, saying it should be based on the owner's side since they cannot control changes on neighboring properties.

There being no further speakers, Mayor Hardin concluded public input and moved on to Commission discussion.

Vice Mayor Fournier thanked Mr. Wemyss for his work and said community feedback strongly supported the changes to backyard rules. She explained that most residents realized they were out of compliance only after reviewing their own properties, and the updates would help avoid unfair penalties for homeowners who

invested in improvements under unclear guidelines.

Comr. Fesik said many District 1 residents would be pleased if the new rules pass, as they already have or want accessory structures like tiki bars. She emphasized the importance of being able to enjoy one's property without fear of code violations. She asked if existing tall structures would be grandfathered in, and Mr. Wemyss clarified that the maximum height remains, measured from the midpoint of a pitched roof, with structures limited to 300 square feet or 20% of the main home-whichever is less.

Comr. Sigerson-Eaton questioned how the changes would affect landlocked and waterfront lots, citing concerns about unpermitted structures and blocked canal views. Mr. Wemyss explained retroactive permits and clarified fencing rules. Comr. Sigerson-Eaton opposed the changes due to potential impacts on waterfront owners.

Comr. Fesik argued that if blocking a view is considered a taking, then losing sunlight or privacy to nearby construction is also a taking. She said the changes would help residents make better use of their backyards and that many, especially in her district, would appreciate the added flexibility.

Vice Mayor Fournier stated it is disappointing that Comr. Sigerson-Eaton will not support a proposal that is popular in other districts. She emphasized strong community support in Districts 1 and 3 for increased backyard use and noted that boats already block canal views more than accessory structures. She added that fence height rules are currently under review.

Comr. Sigerson-Eaton stated that Vice Mayor Fournier's comment was an unfair characterization of her position. She explained that her vote against the item is based on principles and personal experience, and she believes her reasoning was clearly stated. She added that while she expects to be outvoted, her decision is based on what she feels is best for the entire city.

Mayor Hardin expressed concern about losing waterway views if visibility triangles are removed. He noted that the city has many out-of-compliance properties but called the issue self-created. He suggested a neighbor agreement process, similar to shared docks, allowing structures only with adjacent property owner approval to preserve views and encourage cooperation.

Comr. Fesik said most canal views are limited, and residents prefer privacy over city restrictions. She emphasized that outdoor structures add value, especially in tourist-heavy areas.

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

Yes: Fesik

Perkins

Smith

Fournier

No: Sigerson-Eaton

Hardin

12. [25-209](#) **P.H. 2025-41: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 155.2411., "TREE PERMIT," SECTION 155.2421., "ADMINISTRATIVE ADJUSTMENT," SECTION 155.5203., "LANDSCAPING," AND SECTION 155.5204., "TREE PRESERVATION," TO CLARIFY AND INTRODUCE LANDSCAPING INDUSTRY STANDARDS AND BEST PRACTICES AND INCORPORATE STATUTORY REQUIREMENTS; AND BY AMENDING SECTION 155.5204., "TREE PRESERVATION," TO CREATE A NEW SUBSECTION REGULATING COASTAL DUNE MANAGEMENT AND PRESERVATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM MARCH 11, 2025

(Staff Contact: Max Wemyss)

Max Wemyss, Principal Planner, began his presentation reviewing several key areas, including the details of the Tree Permit process, Administrative Adjustment requirements, and the strategies for effective Landscaping. He also delved into the important considerations surrounding Dunes and emphasized the significance of Tree Preservation. Attached as **Exhibit 3** is a copy of Mr. Wemyss' entire presentation.

Mayor Hardin sought public input on the item.

Lee Gottlieb, 3725 South Ocean Drive, Hollywood, FL, spoke in support of Pompano Beach adopting dune management into city code. He stated he has worked on restoring and protecting dunes in Pompano Beach, as well as other coastal communities and emphasized the long-term damage caused by developers who alter mature dune systems. He noted that enforcement by DEP is often lacking and said the City should take a more active role in reviewing and managing dune restoration plans to ensure consistency and protect the community's natural resources.

There being no further speakers, Mayor Hardin concluded public input and moved on to Commission discussion.

Comr. Fesik asked Mr. Wemyss to clarify proposed landscaping changes, including reduced green space depth in AOD areas and the feasibility of alternative canopy tree requirements for older properties. Mr. Wemyss explained that the adjustments would offer flexibility while maintaining plant quality, with major changes still requiring Planning and Zoning approval. He also confirmed root barrier systems and Florida-friendly landscaping (50% native) are part of the update. Mr. Gottlieb emphasized the importance of invasive species removal and dune protection, urging strict enforcement for new beachfront development. He supported the ordinance and praised the City's collaboration. Comr. Fesik and Mr. Gottlieb highlighted the long-term impact of dune disruption and encouraged 100% Florida-friendly landscaping standards.

Comr. Sigerson-Eaton asked for clarification on Florida Statute 163.045 and its application to tree removal on residential property. Mr. Wemyss and Mr. Collum explained that if a certified arborist or landscape architect documents a tree as a risk, no permit or mitigation is required. Mr. Collum stated that for healthy tree removal, a permit is still needed and can be qualified by the homeowner for owner-occupied properties. He clarified that the City provides assistance and does not require mitigation if removal complies with the statute. The City encourages neighbor communication and proper pruning practices to avoid violations.

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

Yes: Fesik
Perkins
Smith
Fournier
Hardin

No: Sigerson-Eaton

13. [25-208](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PARKING LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND HANSA AND GIRISH PATEL ON VACANT LAND LOCATED AT SE 2ND STREET ON THE EAST SIDE OF BRINY AVENUE; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: 50%-50% revenue split)

POSTPONED FROM MARCH 11, 2025

(Staff Contact: Jeff Lantz)

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

be STRICKEN. The motion carried by a unanimous voice vote.

F. 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 called the remaining person(s) who signed up to speak:

Jackie Moreland, 1526 NW 7th Lane, Pompano Beach, FL, asked the City to revisit installing speed bumps on 7th Lane in Canal Point, citing dangerous speeding and concern for children riding bicycles. She again requested an update on the Braggs-Criswell substation project. Lastly, she expressed disappointment in the conduct of some commissioners on the dais and asked the Mayor and City Manager to address behavior standards, noting residents should be met with the same respect expected of them.

Danny Massa, 2701 SE 5th Court, Pompano Beach, FL, stated he is building a home on the east side of Pompano and encountered a grading issue, with his property sitting 36 inches higher than three surrounding neighbors. To address this, he submitted a revised permit for a retaining wall with a fence on top, which was denied. He disagreed with the City's interpretation requiring fence height to be measured from the neighbor's lower grade rather than his own, arguing it conflicts with Florida Building Code and leaves him unable to meet pool safety requirements. He requested approval of his revised permit to avoid liability concerns and ensure compliance.

Mr. Wemyss acknowledged a known conflict in the code, explaining that fence height on top of a retaining wall must be measured from the adjacent grade, typically the neighbor's side. He clarified that the combined height of the retaining wall and fence cannot exceed six feet when measured from the lower, adjacent property. He added that a draft amendment was presented to Planning and Zoning but paused while the City develops broader design guidelines. As FEMA raises floor elevation requirements, conflicts between elevated and non-elevated properties are increasing. The City is seeking a more comprehensive solution.

Mayor Hardin asked City Manager Harrison to facilitate a meeting with Mr. Massa and staff to further discuss the situation.

Theresa Awad Roe, 111 Briny Avenue, Pompano Beach, FL, asked if the parking lot project on the sand dunes at her address was moving forward. Mayor Hardin confirmed the item was removed from the agenda and not being considered. Ms. Roe expressed concerns about safety issues from sand on the road, flooding, and the loss of a historically scenic walking area. She also suggested drought-tolerant plants for landscaping, using local volunteers and students for maintenance, and hiring locally to support the community.

G. NEXT SCHEDULED MEETING

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

April 16, 2025 at 2:00 p.m. - City Commission Budget Workshop

April 22, 2025 at 6:00 p.m. - Regular City Commission Meeting

April 30, 2025 at 6:00 p.m. - Special Joint City/CRA Meeting

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

City Manager Harrison asked Major Ellwood to provide an update on tractor trailers. Major Ellwood reported that the semi-truck congestion on NW 15th Street stems from a produce business that averages 50 trucks a day and recently had 83 in one day. The site lacks capacity, leading trucks to park on city streets. BSO has issued citations, but drivers hand the \$150 tickets to the business, which pays them as a cost of doing business. While the business has added staff and is working with the nearby farmers market for temporary staging, a long-term solution is still needed. Major Ellwood suggested potential options, including working with the county to widen the road or removing trees in the swale to allow staging. Mayor Hardin emphasized the need to keep the streets clear and continue issuing tickets.

Comr. Perkins recalled previously raising the parking citation fee from \$75 to \$150 and suggested a motion to increase it further to \$350 or \$500. She stated that higher fines, along with adding trees or flowers in the area, could help deter illegal truck parking. She expressed frustration that the produce company's operations are being used as an excuse and emphasized that they should not be parking on city streets. She noted that trucks are now also parking along the north side of Markham near the water and urged immediate action.

A motion was made by Commissioner Perkins, seconded by Mayor Hardin, to increase the parking citation for tractor trailers from \$150 up to \$350.

Mayor Hardin sought public input on the item.

Jackie Moreland, 1526 NW 7th Lane, Pompano Beach, FL, said truck parking on NW 15th Street has worsened in recent years, causing safety and traffic issues. She noted trucks block visibility, especially in the mornings and evenings, and said an accident occurred Friday. She added trucks now park farther down near Markham, tying up the street.

Tundra King, 124 NW 15th Street, Pompano Beach, FL, supported previous comments and said truck traffic is blocking access to her mother's home. She asked for the security shack near the road to be relocated and reported trucks now parking at 15th and Dixie, near CRA property. She shared videos with Commissioner Perkins showing up to 11 trucks parked at night and called the situation unacceptable. She urged the City to start towing trucks to deter continued violations.

Carlene Duncan reported that trucks regularly park in front of her home, making it difficult and dangerous to exit the driveway due to blocked visibility. She said the issue occurs every weekend, and that a truck knocked down a stop sign and street sign the night before. She suggested installing a rail near I-95 to prevent parking in that area.

Mayor Hardin closed public input.

Vice Mayor Fournier stated the fine increase targets only tractor-trailers and may not be enough to deter parking, given the value of the loads. She expressed concern that installing railings, especially on a county road,

may just push the problem elsewhere.

Deputy City Attorney Lyons stated that any increase in the parking citation fee would require an ordinance change, which involves two readings. The attorney agreed to confirm but indicated they would proceed as quickly as possible.

Comr. Perkins asked about the status of cameras in the parks. Major Ellwood replied that there are currently 10 camera views installed at Hunters Manor Park, and they are working with the City and IT department to expand coverage in other Northwest parks. The camera views are accessible through the Real Time Crime Center.

Mayor Hardin asked about the penalty for trucks entering areas marked “No Through Trucks.” Major Ellwood explained it is a citation and part of ongoing enforcement, though he did not know the specific fine amount. Mayor Hardin emphasized that enforcement and relocating the guard gate or staging trucks elsewhere, such as at the farmers market, could help, adding that financial penalties often change behavior over time.

The motion carried by the following roll call vote:

Yes: Fesik
Perkins
Sigerson-Eaton
Smith
Fournier
Hardin

City Attorney’s Report:

Deputy City Attorney Lyons reported that Broward County’s attorney invited all city and town attorneys to participate in Chapter 164 dispute resolution proceedings regarding the proposed expansion of the Monarch Hill landfill. Coconut Creek and Deerfield Beach have already initiated legal action and dispute proceedings. Participation is optional, but any commissioners interested should inform staff so a resolution can be brought forward.

City Clerk’s Report:

City Clerk Alfred provided an update regarding a request from Comr. Fesik and an inquiry from Comr. Sigerson-Eaton to modify the agenda format to include more summary information. The current system, which has been in use since 2015, costs \$45,000 annually. Modifications would cost an additional \$5,000 to \$15,000. Transitioning to a format similar to the CRA would require significantly more staff time and could delay the agenda release from Wednesday to Thursday. While most residents now access agendas online, the Clerk's office is exploring ways to make information more accessible to in-person attendees without delaying agenda release.

Brittany Tilson, Deputy City Clerk, suggested adding QR codes to printed City Commission agendas. These codes will link directly to the City's meeting page, allowing attendees to access full agendas on their phones. Staff will also assist residents unfamiliar with QR codes. Additionally, the City is exploring ways to make agenda links more visible on its website to improve accessibility.

The City Commission supported the suggestion of adding QR codes to printed City Commission agendas.

Comr. Fesik's Report:

Comr. Fesik inquired about the April 15th CRA board meeting, confirming it is scheduled for 1 p.m. She praised the success of the St. Patrick's Day Music Under the Stars event, highlighting the positive impact of road closures on pedestrian safety and atmosphere. Comr. Fesik requested that similar street closures be implemented for future events, including the upcoming Cinco de Mayo celebration, to enhance the experience. Mr. Harrison agreed to coordinate with relevant departments to assess the feasibility of this request. Additionally, Comr. Fesik announced her District 1 meeting at the Emma Lou Olson Center on April 12th from 7:00 PM to 8:00 PM.

Comr. Perkins' Report:

Comr. Perkins inquired about the status of exploring a standalone police department for Pompano Beach. City Manager Harrison responded that the Commission had previously voted not to proceed with the initiative, leaving no current directive.

A motion was made by Commissioner Perkins, seconded by Commissioner Fesik, to direct the City Manager to update the City Commission on the process and findings of identifying a group to do a feasibility study to determine the action steps for a standalone police department, as well as provide a scope of service, cost, and timeline.

Comr. Fesik recalled that during the last vote, the Commission lacked clear scope or cost details. She shared that she had reached out to Dr. Ken Campbell, who previously conducted a similar study for the City at no cost while serving as chair of the Budget Review Committee. She stated that Dr. Campbell expressed a willingness to update his work and suggested the City consider including him as a low-cost or no-cost option if the motion passes.

Mayor Hardin explained that he asked the city manager to gather an estimated cost for a feasibility study on reestablishing a Pompano Beach Police Department to ensure the commission had a clear understanding before committing funds. Mr. Harrison, based on calls made by Mr. Donovan to industry consultants, reported a range of \$150,000 to \$300,000. Mayor Hardin said this approach was intended to be prudent and appreciated Mr. Harrison providing a cost estimate for further discussion.

The motion carried by the following roll call vote:

Yes: Fesik

Perkins

Sigerson-Eaton

Fournier

No: Smith

Hardin

Comr. Sigerson-Eaton's Report:

No report.

Comr. Smith's Report:

Comr. Smith praised local artist Terry McFadden's work on the McNair wall and celebrated her success as a grassroots talent. She acknowledged the City's 13 years of clean audits and commended staff for maintaining strong financial health. She announced a bonus concert in District 5 at the Palm Aire Gazebo this Saturday featuring the band *Unscheduled Tour* from 6:00 PM to 7:30 PM, with food trucks and free admission. She also highlighted her recent attendance at the Senior Activity Center's sound panel unveiling and documentary screening, which featured interviews with Pompano Beach seniors. She closed with a quote from Lady Gaga about the importance of love and acceptance in building community.

Vice Mayor Fournier's Report:

Vice Mayor Fournier thanked Parks and Recreation for the third annual Kester Park Family Fun Day and congratulated Fire Rescue for winning the cook-off. She announced her next community meeting on April 23rd at the Legion, which will include a Parks Master Plan presentation. She thanked Utilities for the work in Garden Isles and requested repaving the whole pocket of the neighborhood. She supported closing the road for Cinco de Mayo due to expected business activity. Lastly, she raised concerns about outreach for the McNab Bridge project and asked to review the City's communication plan, suggesting more proactive efforts.

Mayor Hardin's Report:

Mayor Hardin congratulated the University of Florida on winning the NCAA basketball championship.

I. ADJOURNMENT

The meeting adjourned at 5:57 PM.

DocuSigned by:

Kervin Alfred

D1C913A8ED334CA...

Kervin Alfred, City Clerk

Signed by:

Rex Hardin

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Rex Hardin, Mayor

Signed by:





The Sandbar at Pompano Beach





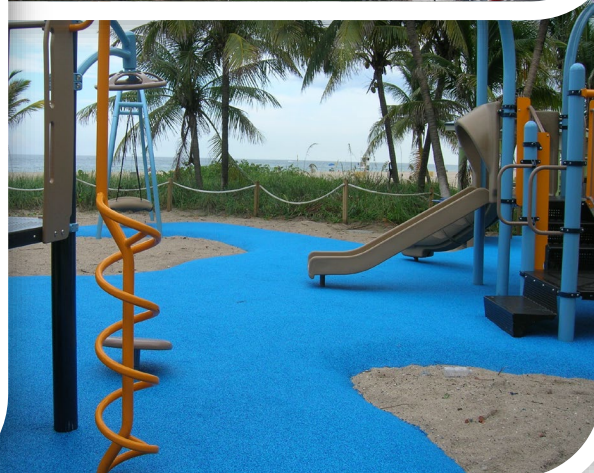
Beach Concession Kiosk

As part of the CRA's beach renovations and Pompano Beach Blvd. Streetscape project in 2011/2012, when the great lawn, splash pad, playground, workout equipment, and other improvements were installed, the existing maintenance building was renovated to serve as a concession kiosk.





Beach Concession Kiosk





Solicitation History

Renovated Beach Kiosk leased to Dimaria Properties from May 2013 – August 2023 as a result of Request for Proposals (RFP) T-02-13.

City issued RFP T-14-23 for Management and Operations of Beach Kiosk February 2023 with four proposals received.

May 2023 City Commission approved Evaluation Committee ranking and authorized staff to negotiate lease with top-ranked proposer PB Pier, LLC.

PB Pier, LLC formed and registered PB Kiosk, LLC with Florida Division of Corporations August 2023 to enter into a lease with the City.



Condition of Kiosk



- RFP required minimum tenant investment of \$100,000 to improve the Kiosk, which is almost 13 years old and starting to show it's age.
- Tenant will invest \$2 million to build a new Kiosk, with a larger kitchen, to offer an expanded menu.



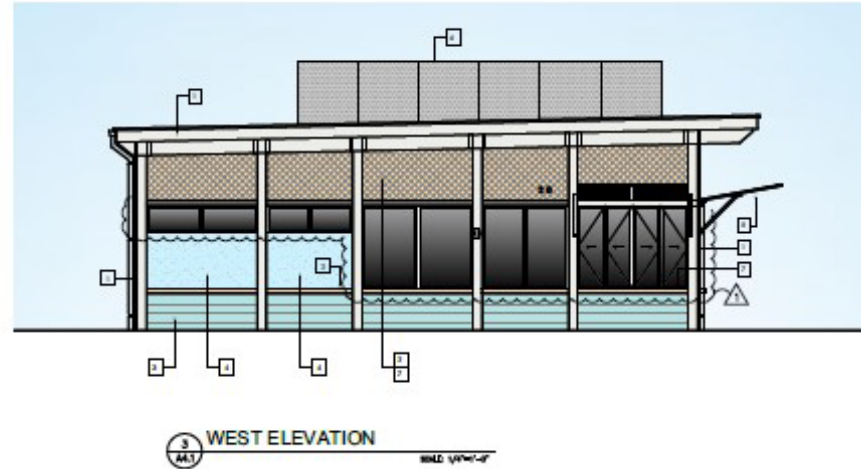
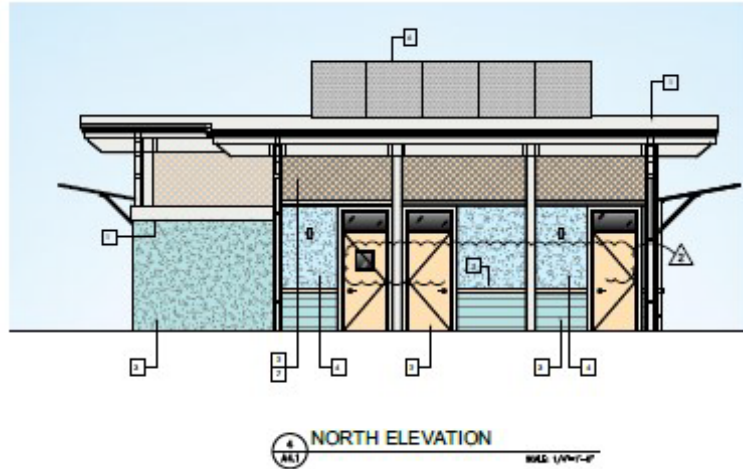
Tenant Improvements



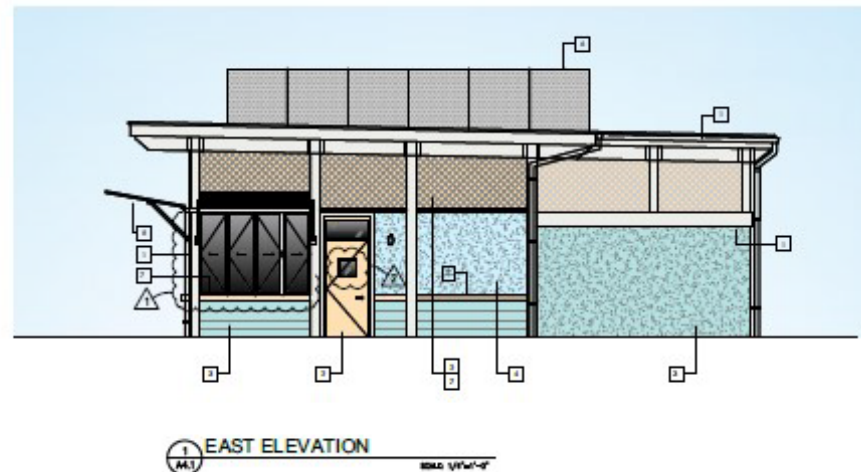
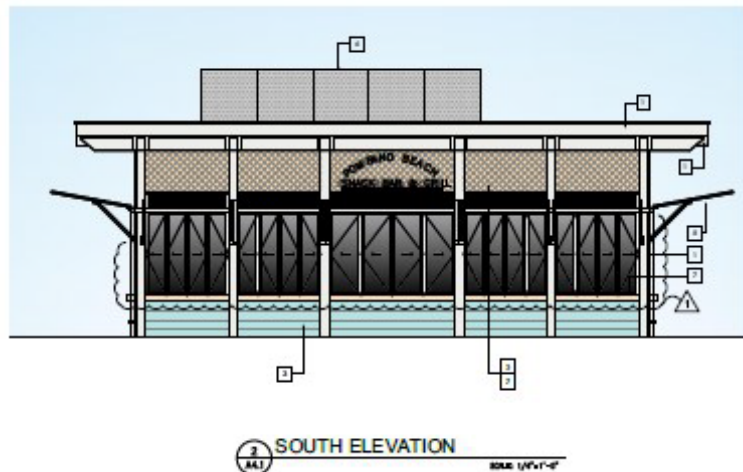
- Renderings of new 1,511 sq. ft. Beach Kiosk building with public restrooms replacing existing 451 sq. ft. building.



Tenant Improvements



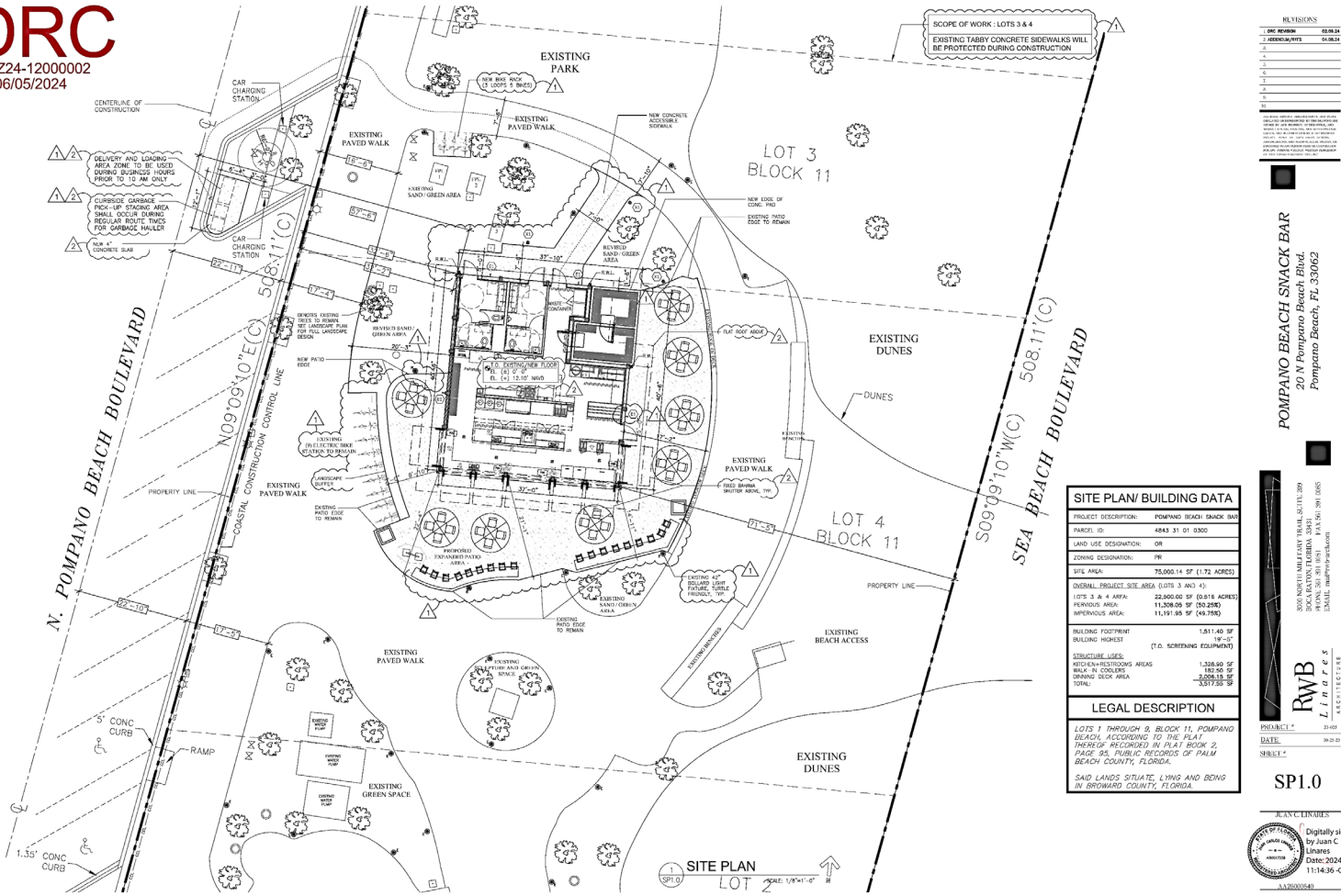
Elevations approved by
Architectural Appearance
Committee on July 2, 2024





Tenant Improvements

DRC
PZ24-12000002
06/05/2024



REVISIONS

NO.	DATE	DESCRIPTION
1	06/05/24	ISSUED FOR PERMIT
2		
3		
4		
5		
6		
7		
8		
9		
10		

POMPANO BEACH SNACK BAR
20 N Pompano Beach Blvd
Pompano Beach, FL 33062

305 N. FULFORD AVE., SUITE 200
DOCK HATFIELD, FL 33091
TEL: 954.399.3800
EMAIL: info@rwblinears.com

RWB
Linears
ARCHITECTS

SP1.0

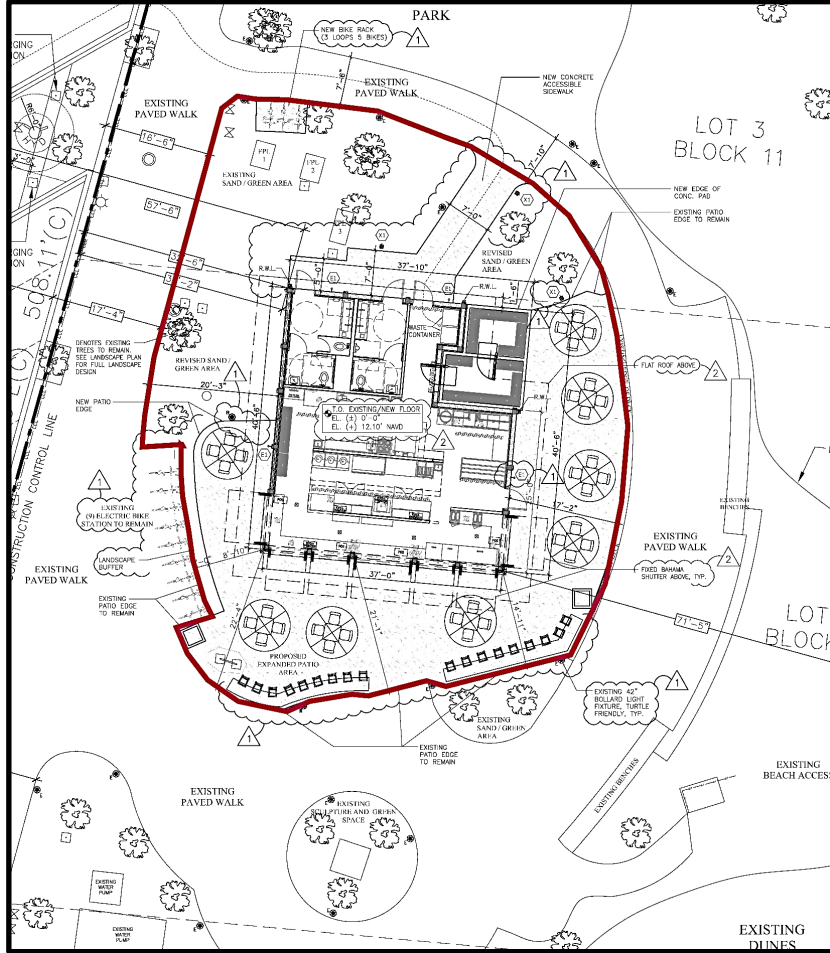
Digitally signed
by Juan C
Linears
Date: 2024.04.17
11:14:36 -0400
A12000040

Site Plan Development Order issued June 25, 2024

SITE PLAN/ BUILDING DATA	
PROJECT DESCRIPTION:	POMPANO BEACH SNACK BAR
PARCEL ID:	4843 31 01 0300
LAND USE DESIGNATION:	OR
ZONING DESIGNATION:	PR
SITE AREA:	75,000.14 SF (1.72 ACRES)
OVERALL PROJECT SITE AREA (LOTS 3 AND 4):	
LOTS 3 & 4 AREA:	22,500.00 SF (0.516 ACRES)
PERVIOUS AREA:	11,308.05 SF (50.25%)
IMPERVIOUS AREA:	11,191.95 SF (49.75%)
BUILDING FOOTPRINT	1,511.40 SF
BUILDING HIGHEST	19'-5" (T.O. SCREENING EQUIPMENT)
STRUCTURE USES:	
KITCHEN+RESTROOMS AREAS	1,328.90 SF
WALK-IN COOLERS	182.50 SF
DINNING DECK AREA	2,006.15 SF
TOTAL:	3,517.55 SF



Tenant Improvements



New Kiosk lease area stays within footprint of current Kiosk



Tenant Improvements

Restrooms



Walk in Freezer
and Cooler



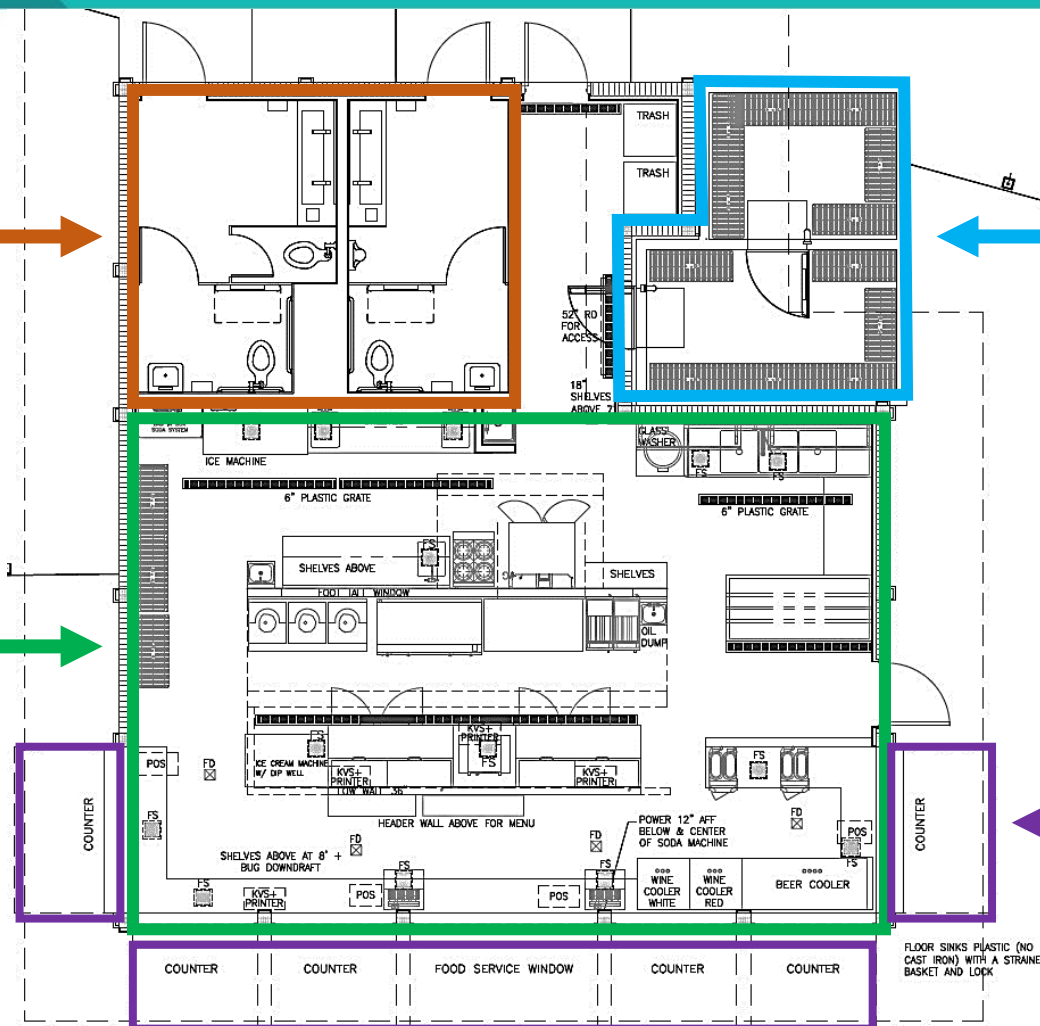
Kitchen



Customer
Service Areas



Customer
Service Areas





The Sandbar at Pompano Beach

COFFEE COUNTER

coffee drinks, pastries, egg sandwiches



GYRO STAND

gyro pita, salads, platters, hot dogs, hamburgers, wine, beer/hard seltzer, frozen cocktails (alcohol with city approval)





Sample Menu

SUNNY SIDE

Coffee

regular 3

decaf 3

latte 4

cappuchino 4

frappe 4

iced 3

Tea

hot 3

iced 3

Breakfast

Bacon Egg Cheese Sandwich 8

Yogurt Parfait 7

Oatmeal 5

Fresh Fruit 5

Spinach, Feta, Egg White Wrap 7

Bacon, Sausage, Egg Wrap 8

Sausage, Cheddar, Egg Sandwich 8

Smoothies

Strawberry, yogurt,

Pastries 3

Scone

Croissant

Cookies

Brownies

Muffin

PITAS

GYRO

Gyro Classic

tzatziki, lettuce, tomato, pita 9

Gyro Chicken

tzatziki, lettuce, tomato, pita 9

Souvlaki Pork

tzatziki, lettuce, tomato, pita 9

Souvlaki Shrimp

tzatziki, lettuce, tomato, pita 9

SALADS

Fruit + Nut

leafy greens 8

Grilled Chicken Salad

caesar, parmesan, leafy greens 12

Fried Chicken Salad

cheese, tomato, leafy greens 13

Souvlaki Shrimp

cheese, tomato, leafy greens 14

PLATTERS

Gyro Classic

side salad, french fries, tzatziki 14

Grilled Chicken

side salad, french fries, tzatziki 14

Souvlaki Pork

side salad, french fries, tzatziki 14

Souvlaki Shrimp

side salad, french fries, tzatziki 14

FAVORITES

Juicy Lucy Cheeseburger

Get your fork & knife ready! 100% Angus beef burger layered with pico de gallo, fresh jalapeños, avocado, red onion, and lettuce, then smothered and plated with hot queso (for ultimate fry-dipping!) 7

add bacon +2

add avocado +2

Chix & Waffles

Belgian waffle topped with fried chicken tenders & honey sracha sauce, side of fruit 9

Shrimp Po'Boy

Fried shrimp, lettuce, remoulade, on a toasted hoagie roll 9

Loaded Fries

Chicken tenders, hot queso, sour cream, tomato, french fries 12

Hot Dog

Nathan's All-beef hot dog, loaded with chili, coleslaw, and hot queso on a toasted hoagie roll

SLUSHES

choose your flavor and your add-in

Pina Colada

Bourbon

Strawberry

Run

Lemon-Lime

Vodka

Cola

Bacardi 151

BEER + WINE

SIDE KICKS

French Fries 4

Fresh Fruit 4

Side Salad 4

TREATS

Ice Cream

Vanilla, Chocolate, Swirl

single double

Cup

Cone

Core Menu items & prices subject to City approval

*This item is served warm or undrunked, or may be cooked to order. Consumption warm or undrunked items



Lease Terms - Operations

- Kiosk will be named “The Sandbar at Pompano Beach”
- Open daily 8:00 a.m. – 9:00 p.m.
- Alcoholic beverages must be consumed on premises
- Plastic straws and Styrofoam products are prohibited
- Only non-glass items allowed for beverages and food
- Shared Restrooms for kiosk patrons and the public
- Tenant responsible for all maintenance, repairs and utilities



Development Timeline

**June/July
2024**

**Design
(approved by
City)**

October 2025

**Permits Issued
demolition &
construction**

**No later than
April 2026**

**Construction
completed
Certificate of
Occupancy
(CO) issued**

**Grand
Opening**

Spring 2026



Lease Term and Rent

- Initial Term – 20 years
- Extension Options – one additional 10 year term
- Minimum Rent guaranteed to City (paid monthly)
 - Years 1 – 5 \$60,000 per year
 - Years 6 – 10 \$66,000 per year
 - Years 11 – 30 Increases 7.5% every 5 years
- Percentage Rent – 5% of gross revenue in excess of Breakpoint calculation/Threshold amount (paid annually)



Lease – Minimum Rent

Lease Year	Minimum Rent	Percentage Rent	Percentage Rent Threshold Amount
1 - 5	\$60,000	5%	\$1,200,000
6 - 10	\$66,000	5%	\$1,320,000
11-15	\$70,950	5%	\$1,419,000
16-20	\$76,271	5%	\$1,525,425
21-25	\$81,992	5%	\$1,639,832
26-30	\$88,141	5%	\$1,762,819



Lease – Percentage Rent

Lease Year	Estimated Annual Sales	Minimum Rent	Percentage Rent	% Rent Natural Breakpoint	Percentage Rent Revenue	Annual City Rent Revenue
1 - 5	\$2,000,000	\$60,000	5%	\$1,200,000	\$40,000	\$100,000

Lease Year	Estimated Annual Sales	Minimum Rent	Percentage Rent	% Rent Natural Breakpoint	Percentage Rent Revenue	Annual City Rent Revenue
1 - 5	\$2,500,000	\$60,000	5%	\$1,200,000	\$65,000	\$125,000

Lease Year	Estimated Annual Sales	Minimum Rent	Percentage Rent	% Rent Natural Breakpoint	Percentage Rent Revenue	Annual City Rent Revenue
1 - 5	\$3,000,000	\$60,000	5%	\$1,200,000	\$90,000	\$150,000



The Sandbar at Pompano Beach





Text Amendment Tiki/Chickee / Rear Yard Corner Triangle



Tiki/Chickee Hut, Gazebo & Rear Yard Corner Triangle

Solutions for the prevalence of Tiki/Chickee Huts in violation primarily along a waterfront.

Relevant Code Sections:

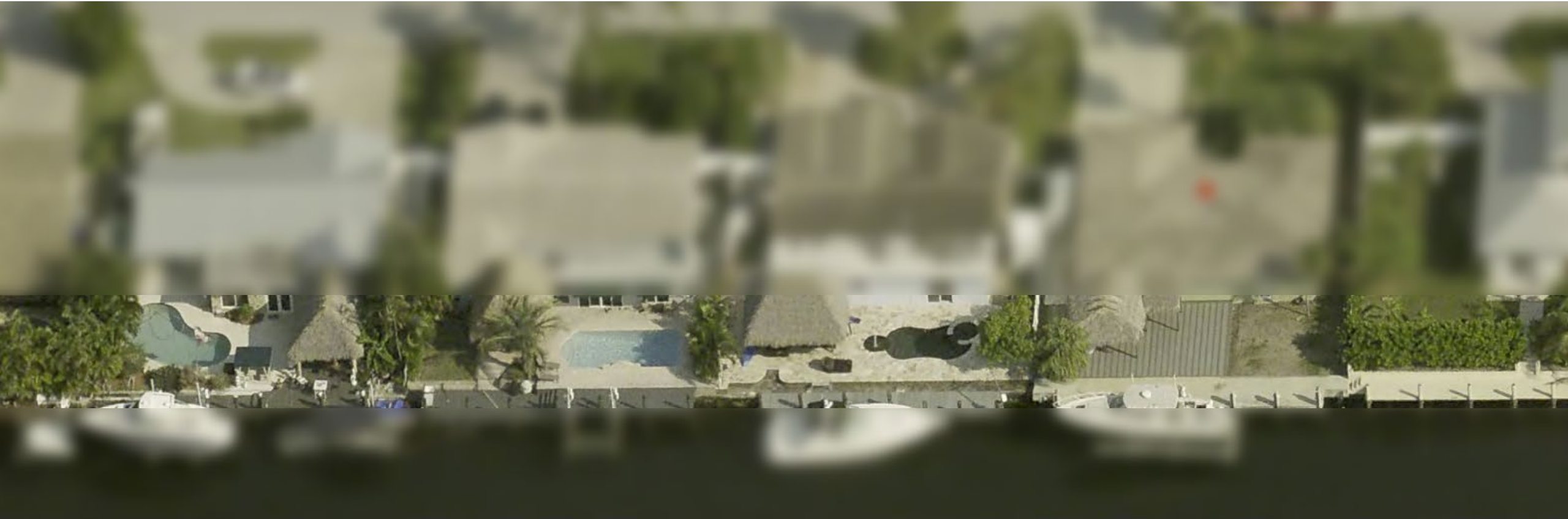
- The requirement that accessory structures be set back 15 feet from property lines abutting a waterway ([155.4302.B.2.h](#));
- The standards for a Gazebo as an accessory structure ([155.4303.NN](#)); and
- The requirement for an unobstructed rear yard corner triangle abutting waterways ([155.5302.D.5a](#)).

Residents typically prefer that Tiki/Chickee huts are as close to the water as feasible and typically abutting the interior lot lines. *This puts them in conflict with the above standards.*

The general solution proposed is to **eliminate all rear yard corner triangle standards** (remove fence and vegetation transparency, no structures or obstructions over 3 feet in height) and to **create an setback exemption for Gazebos/Tikis/Chickees** allowing them to abut the waterway (no overhang).



Tikis and Rear Yard Corner Triangles





Tikis and Rear Yard Corner Triangles



Deerfield Beach – No structure within 15 feet / Transparency required facing the waterway



Tikis and Rear Yard Corner Triangles



Fort Lauderdale – No structure within 10 feet / Transparency required within 10 feet



Article 4, Accessory Uses and Structures



155.4302. General

...

2. Prohibited Location of Accessory Uses and Structures

Unless otherwise provided for in Section 155.4303 (Standards for Specific Accessory Uses and Structures), accessory uses and structures shall not be located within the following:

- a. Any platted or recorded easement;
- b. Any required landscape easement or buffer;
- c. An area over any known utility;
- d. An area designated as a fire lane or emergency access route on an approved site plan;
- e. An area designated as a parking area on an approved site plan;
- f. A required yard setback;
- g. In front of the principal structure;
- h. Within 15 feet of a property line abutting a waterway or canal; and
- i. Within 25 feet of the historic dune vegetation line.



Article 4, Accessory Uses and Structures



NN. Gazebo (*Includes Tiki / Chickee*)

...

2. Definition

A gazebo is an ornamental garden pavilion, with a covered roof and open sides, constructed of wood, metal, or vinyl. This term also includes a tiki or chickee hut, which has a thatched roof of palm or palmetto materials.

3. Standards

Gazebos are allowed as an accessory structure subject to the following standards:

a. Height and Area

i. The structure shall not exceed ~~ten~~ 15 feet in height; ~~however a chickee hut as provided for in F.S. 553.73(9)(i) may be constructed to a height not to exceed 15 feet.~~

ii. The structure shall not exceed a size greater than 20% of the area of the principal structure; however the structure may be a minimum of 300 square feet.

b. Setback

i. The structure may be located within an interior side yard setback or a rear yard setback, but shall be located at least three feet from a side or rear lot line, including property lines abutting a waterway or canal.

ii. The structure located closer than five feet to an interior side or rear lot line, except where abutting a waterway or canal property line, shall be screened with a six foot high solid fence or a hedge maintained at a height of five feet along such interior side and/or rear lot line

iii. The roof overhang shall not extend closer than one foot to any side or rear property line, unless it is abutting a waterway or canal, in which case the overhang may extend to the waterway or canal property line.



Article 5, Fences and Walls

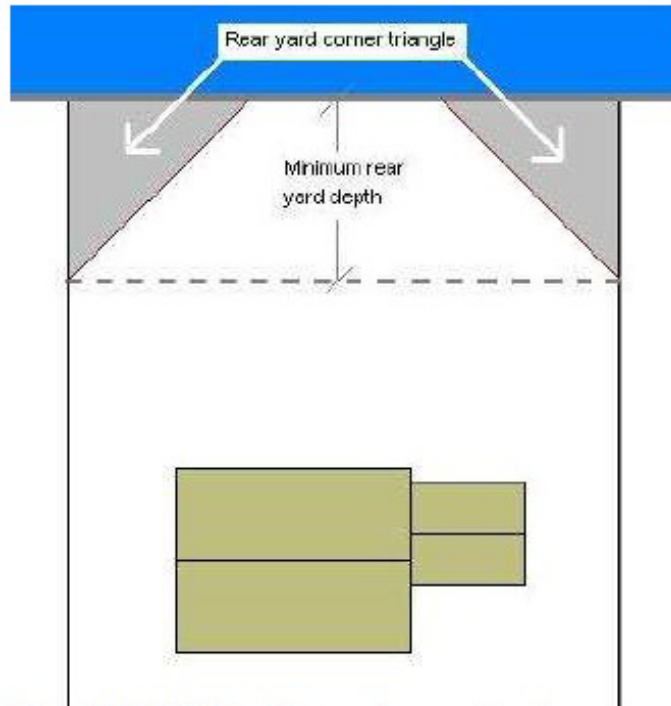


Figure 155.5302.D.5.a: Rear yard corner triangle

D. Height Requirements for Fences and Walls

...

5. Fences and Walls Adjacent to Waterways

Where a lot abuts a canal or waterway, fences and walls adjacent to the canal or waterway shall comply with the following standards:

~~a. Within Rear Yard Corner Triangle~~

~~Figure 155.5302.D.5.a: Rear yard corner triangle~~

~~Except as otherwise provided in subsection e below, where the rear lot line abuts the canal or waterway, no fence, wall, or other obstruction greater than three feet high shall be located within the triangular land area formed by the intersection of the rear lot line with an interior side lot line not abutting a canal or waterway—with two sides of the triangle running along the rear and interior lot lines and being equal in length to the minimum rear yard depth, and the third side being a line connecting the ends of the other two sides—provided that a fence in such area may be as high as 42 inches if it is 66 percent see-through and may be as high as six feet if it is at least 75 percent see-through. (See Figure 155.5302.D.5.a: Rear yard corner triangle.)~~

~~ba. On a Rear Yard Terrace or Patio~~

~~Except as otherwise provided in subsection a above, the height of a fence or wall erected on a terrace or patio located or extending into the rear yard may be up to 42 inches high if it is at least 66 percent see-through and does not obstruct view of the canal or waterway from abutting lots.~~

...

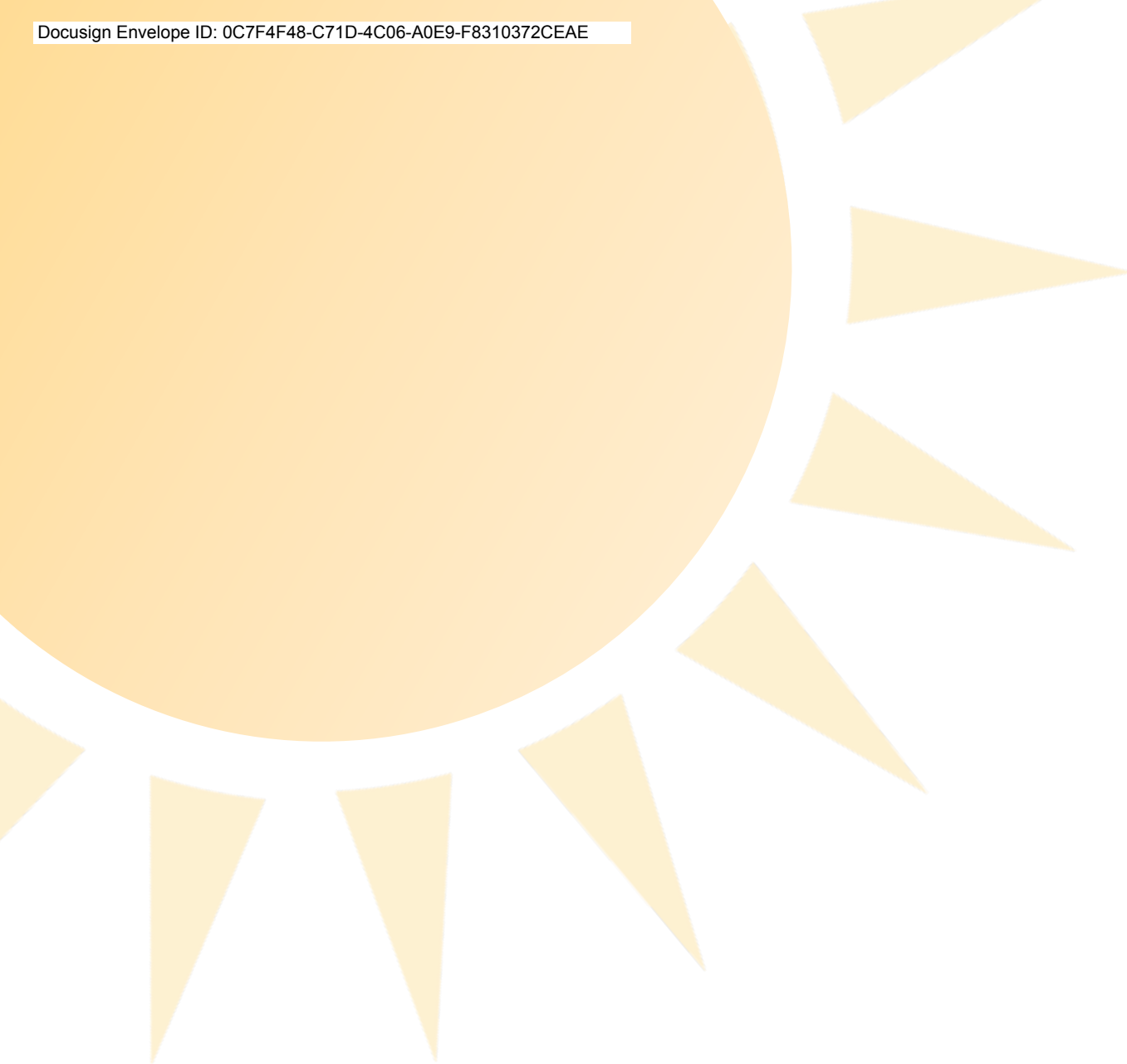
(other sections amended for same purpose – landscaping not limited to 3 feet / patio walls not requiring transparency)



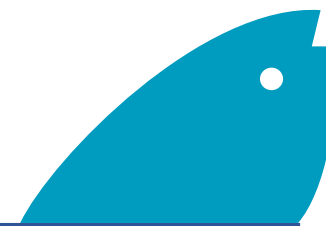
Why?



- **Respond to community preference and alleviate Code Compliance issues.**
 - Not that so many properties have active violations (nor that the city is seeking compliance from all waterfront properties) but should complaints be made, or other applications for subject properties be submitted to the City, we have little recourse but to seek compliance.
- **Conflicts with Code**
 - An opaque fence within a Rear Yard Corner Triangle may not exceed a height of 3 feet. Should a property have a pool, the minimum height of a security fence is 4 feet.
- **History**
 - Ordinance 1976-8 (Approved October 1975)
 - ...in no event shall fences or walls other than fences of the chain-link type extend closer than fifteen (15) feet to any canal or waterway.
 - Ordinance 1991-63 (Approved June 1991)
 - Created Section/Standards for Accessory Uses, Structures abutting Waterways.
 - ...In any district, ~~no part of any building or structure shall be constructed within less than 25 feet of a property line abutting any canal or waterway.~~
all structures shall be set back at least 15 feet from a property line abutting a canal or waterway.
- **Is there a legal rationale to preserve view across an adjacent property (may be construed as “Riparian Right”)?**
 - No – to be a legitimate claim of obstructing a waterfront view, the obstruction must substantially and materially block/obstruct the landowners’ view of the channel from their own property.



THANK YOU





Text Amendment Landscaping / Dune Protection





Summary

- Some negligible corrections to terms or grammar
- Changes resulting from changes in state statutes
- Adding of Administrative Adjustment to reflect Staff's preferred practice of amending VUA Landscaping to receive superior landscaping in lieu
- Created alternatives for canopy trees, where canopy trees are not feasible (Retroactive Landscape Plan)
- Added requirements for root barrier systems and for sufficient soil volumes, when abutting paved surfaces.
- Added ability to relocated trees off-site, private or public.
- Clarified the way to calculate tree mitigation/replacement



Tree Permit



City of Pompano Beach pompano beach **Tree Permit Application**

☐ Tree Protection ☐ Tree Relocation ☐ Tree Removal ☐ Land Clearing/Grubbing ☐ Demolition

1. Date of Application: ____/____/____ Tax Folio #: ____-____-____ Application #: ____-____-____

2. Property Owner's Name: _____ City: _____ State: _____ Zip: _____
 Owner's Address: _____
 Owner's Phone: (____) ____-____ Owner's Email: _____

3. Contractor: _____ State Registration #: _____
 Certificate of Competency #: _____ City: _____ State: _____ Zip: _____
 Contractor Address: _____ Contractor Email: _____
 Contractor Phone: (____) ____-____

4. Description of Work: _____ Block: _____ Lot: _____
 Job Address: _____
 Subdivision: _____ State: _____ Zip: _____

5. Engineer: _____ City: _____
 Engineer Address: _____ Engineer Email: _____
 Engineer Phone: (____) ____-____ State: _____ Zip: _____

6. Architect: _____ City: _____
 Architect Address: _____ Architect Email: _____
 Architect Phone: (____) ____-____ State: _____ Zip: _____

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

7. Affidavit: Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that all work or installation will be performed to meet the standards of all laws regulating construction in the City of Pompano Beach. I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

Signature of Legal Owner/Agent: _____
 X STATE OF FLORIDA - COUNTY OF BROWARD
 Sworn to (or affirmed) and subscribed before me

Signature of Legal Contractor: _____
 X STATE OF FLORIDA - COUNTY OF BROWARD
 Sworn to (or affirmed) and subscribed before me

- Clarify appraisal (a defined term) is what is meant by assessment (vague). This must be provided by a Certified Arborist.
 - Only applies to applications **requiring** a Tree Permit.



Administrative Adjustment



- Increased the available adjustment for landscaped width between vehicular use area and building. Added the caveat that the width should ***not be less than 8 feet***. The available adjustments was modified as follows:

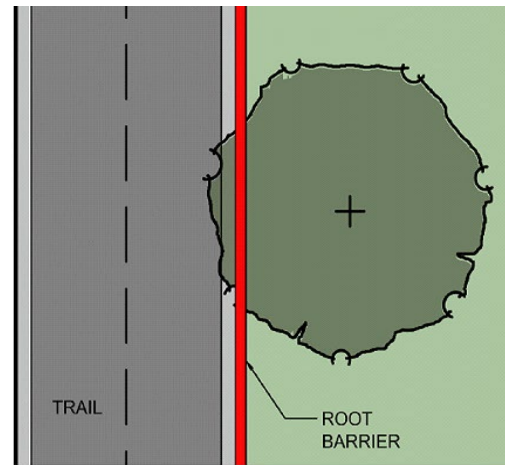
	Minor, within AOD or NWCRA	Minor, all other Areas	Major (AOD, TO, Non-Residential)
Minimum landscaping area width between vehicular use areas and buildings	20% to <u>50%</u>	10% to <u>30%</u>	30% to <u>75%</u>



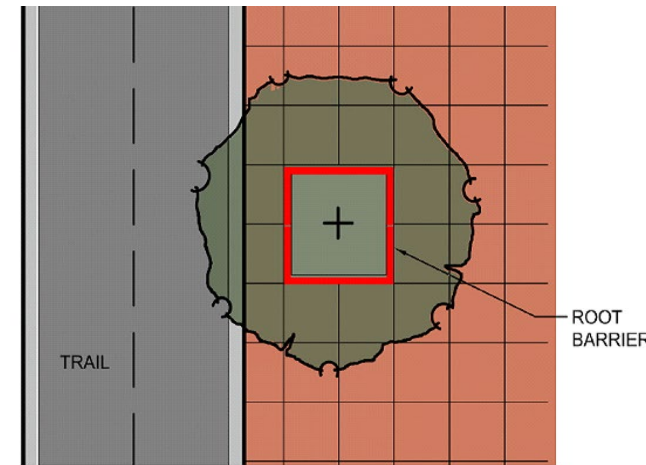
Landscaping



- Retro-Landscaping Plans: Palm cluster in lieu of canopy trees, reduced separation from site lighting.
- Tree Installation (new development): Reduced separation from site lighting, added requirements for root barriers and soil volumes when abutting paved areas (reduces pavement damage from roots, ensures the viability of the tree).



Root barrier for trees planted in unpaved areas adjacent to pavement



Root barrier for trees planted within paved areas



Landscaping

- Existing Vegetation: added beach sand dune systems/vegetation re: areas for preservation and subject to landscape code
- Irrigation: Required with installation of new landscape material. Bubblers required with installation or relocation of trees or palms.





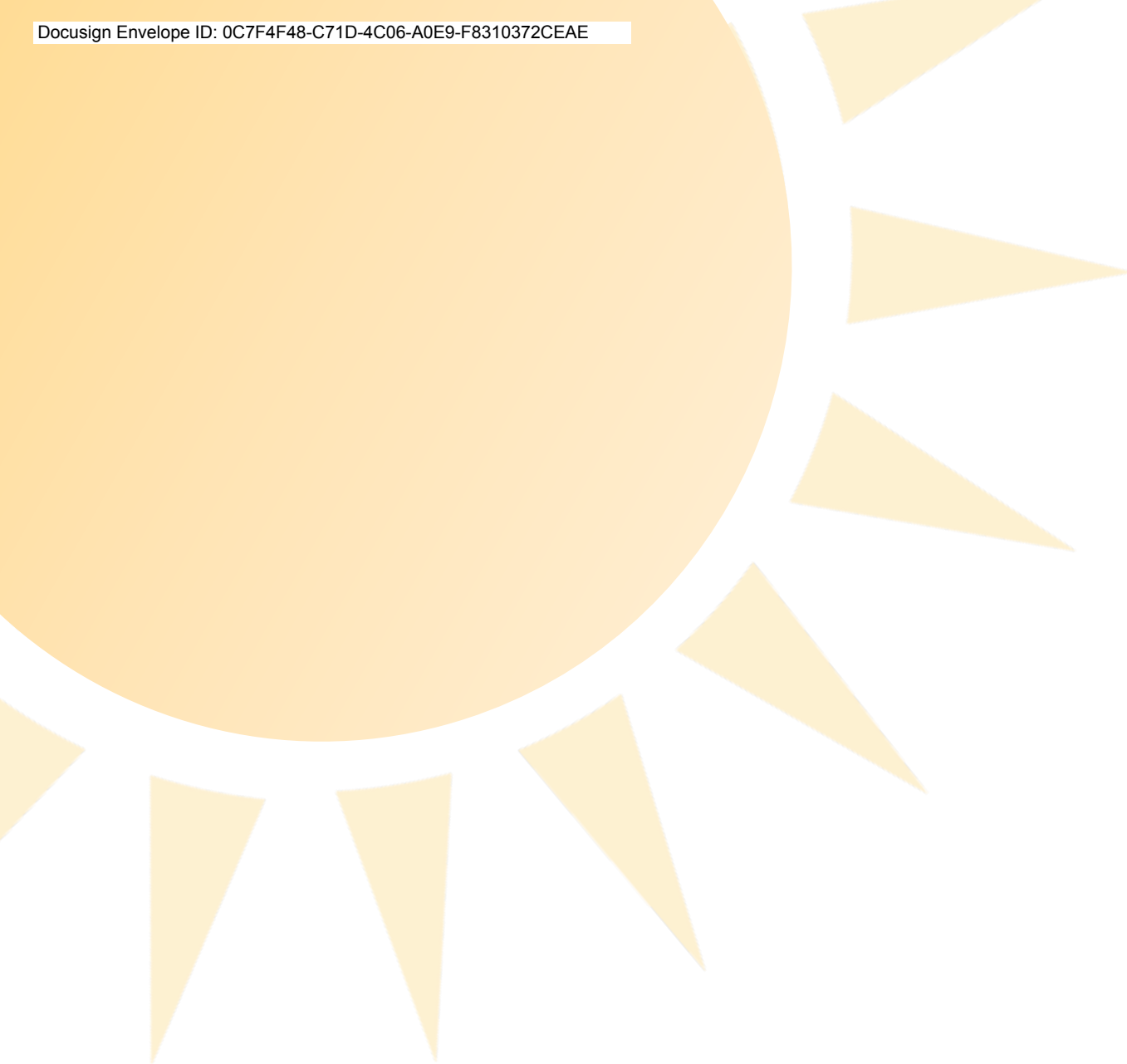
- New section, requiring dune mitigation on private property
- Previously unregulated, subject to the approval of FDEP (this remains true)
- Focus:
 - Invasive vegetation removal
 - Dune restoration and enhancement (applicability: disruption of existing dunes)
 - Dune Height/Width
 - Distance to the mean high water line
 - Vegetation: varied species, predominantly grasses
 - Sand quality
 - Standards for hard surfaces, paths, walkovers





- Incorporation of Broward County best practices.
- Permit not required: when a tree “*poses an unacceptable risk*” as defined by State Statute, and no viable alternative exists.
- Relocation: In lieu of removal, trees may be relocated **to public** or private property, **where publicly accessible**.
- Replacement: Differentiated between canopy, palm, and specimen for determining mitigation value. Added language for appraisal for reference. Standard practice now codified.
- Tree Abuse: added permitted removal, prior to a corrective pruning prescription. Standard practice now clarified.
 - Goal – if it has to be removed, remove it and mitigate; if it can be saved, do so legitimately.





THANK YOU

