



City of Pompano Beach

100 West Atlantic Blvd.
Pompano Beach, FL 33060

Detailed Minutes - Final

City Commission

Rex Hardin, Mayor

Beverly Perkins, Vice Mayor

Rhonda Eaton, Commissioner

Cyndy Floyd, Commissioner

Andrea McGee, Commissioner

Tom McMahon, Commissioner

Gregory P. Harrison, City Manager

Mark Berman, City Attorney

Asceleta Hammond, City Clerk

Tuesday, January 25, 2022

6:00 PM

Commission Chamber

City Commission Meeting

CALL TO ORDER

The Honorable Rex Hardin, Mayor called the Regular City Commission meeting to order at 6:00 p.m.

ROLL CALL

Mayor Hardin announced that Comr. McGee will be out sick, so she will not be attending the meeting today.

Present: Commissioner Rhonda Eaton
Commissioner Cyndy Floyd
Commissioner Tom McMahon
Vice Mayor Beverly Perkins
Mayor Rex Hardin

Absent: Commissioner Andrea McGee

INVOCATION

Elder Harold Westley Newborn Holiness Church offered the invocation

PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

APPROVAL OF MINUTES

[22-150](#) Virtual City Commission Meeting Minutes of January 11, 2022

A motion was made by Vice Mayor Perkins, seconded by Commissioner Eaton, that the Minutes be APPROVED. The motion carried unanimously.

APPROVAL OF AGENDA

Mayor Hardin announced that Item 10 will be stricken from the Agenda.

A motion was made by Vice Mayor Perkins, seconded by Commissioner Eaton, that the Agenda be APPROVED AS AMENDED. The motion carried unanimously.

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 7 and 8 would be pulled for City Commission discussion.

A. AUDIENCE TO BE HEARD

Mayor Hardin announced that it was time for “Audience To Be Heard” and offered the following guidelines: **Once your name is called, please come forward to the podium in front of the commission, state your name and address for the record. Speakers will be limited to three minutes to speak on any item of concern or interest, including those items pulled from the Consent Agenda. In addition, he asked speakers not to speak on any items on tonight’s agenda, as they will have that opportunity to do so when that item comes forward. Lastly, he requested that speakers refrain from any emotional outbursts in either support or non-support of the speaker’s comments.**

The following persons were called to speak:

Fresh Water - David Miller, 2621 NW 13th Street, Pompano Beach, FL, spoke on the progress in Pompano Beach as he sees it. He mentioned that he is a self-proclaimed cultural arts ambassador. He indicated that he is glad the City is keeping its water fresh, which is important to the residents.

Renovation of MLK Jr., Blvd. - Mr. Miller mentioned that the ride on MLK Jr., Boulevard is smooth, and he is happy to see the City looking better. He wanted to publicly say “good job to Horacio for what he does.” The City is really being upgraded, and if possible we can cut off the word “slum” and perhaps not keep the word “blight.”

Senior Citizens Center - Mr. Miller mentioned that there is a Senior Citizens Center coming soon, and he suggested that there be some form of physical therapy program for these seniors, to increase their quality of life.

Homeowners’ Renovation Program - Mr. Miller understands that the County found a release of funds for homes to be repaired or restored. He thinks the City should make the residents aware that there are a lot of programs they can access. He mentioned that he does not support the “Ygrene” where they attach the repairs or additions unto the residents’ taxes or mortgages.

Cultural Affairs - Mr. Miller mentioned that if anyone has any comment regarding cultural affairs, he is available to assist in this manner, and especially as it relates to the gateway signs in Collier City, and the renovations that are happening in District 5. He would like to play a role in the ideas and concepts. However, he has never heard about these projects throughout the past 2 years, and he believes he has input that would be

worthy.

Traffic Issues on Atlantic Boulevard - Tom Drum, 2700 NE 8th Street, Pompano Beach, FL, mentioned the City has a number of “equations that have 4 parts.” On top is the Mayor and Commissioners. The real equation is called “the developers, the pockets, and the residents.” He then provided what each one represents. The developers are self-explanatory as there are buildings going up. The pockets are a nice way to say, “the money that goes into the Political Action Committees that gets you elected, the money that goes into your fund raising to get elected, and it is the money that goes around to everything.” Then there are the residents, “the residents are the people that voted for you to sit up there and give you that privilege.” Currently, on the outside, the Commission is creating a choke point, with all the buildings going on one side and then there is the Isle of Casino on the other side. The beach is the main attraction for tourists. However, residents and tourists cannot get to the wonderful Pompano Beach and the Fishing Village, that so much money was spent on. In fact, when the Isle of Casino is built up the situation will get worse.

Continuing, Mr. Drum indicated that with the Brightline train up and running there are even more delays. He mentioned that the developers have already been taken care of in their pockets because “you are elected.” He stated it is time to take care of the residents, who are “the people who voted for you.” So there is no more need for this out there. Pull up the stakes, give it up, and put it back the way a road was meant to be traveled on. Not because you made a mistake and put the Cultural Center over on the side where people have to cross the street, and everything else is over there.” Finally, Mr. Drum stated that on behalf of all the residents, the Commission should “stop the traffic study now... and make it go back the way it was.”

Suggestions on Traffic Issues and Sports for Kids - Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, made a couple of suggestions. He stated that because of what is going on at Atlantic Boulevard, at SW 3rd Street behind City Hall, they could put up a sign to say approximately 3 miles to Powerline Road to go west, which would get rid of some of the traffic on Atlantic Boulevard.

Mr. Skversky had another suggestion that he believes may not be needed at this time. However, because of the traffic on Cypress Road he could foresee a traffic light going in where Lyons Park is located. It would not be a long light but one that would last for 20 seconds, that is 10 seconds going either way. He feels this would slow down traffic on the street and drivers would have to come to a halt for 10 seconds, and the people coming out of Lyons Park would get 10 seconds to go.

Finally, Mr. Skversky stated that the City needs more kids involved in sports, and suggested that the City send out mailers in the springtime to have kids sign up for baseball, and publishing the cost. The same thing should be done for basketball and soccer (this is in the fall).

Mayor Hardin mentioned that Comr. McMahon had looked into the traffic light matter, and periodically checks into getting a light at Cypress Road. However, the County has always denied the City’s request for a light to be placed there.

Successful Martin Luther King, Jr. Day Parade - Byron Hall, President, Pompano Beach Memorial MLK, Jr. Committee, 2860 NW 7th Street, Pompano Beach, FL, read a quote by Dr. Martin Luther King, Jr. “People fail to get along because they fear each other. They fear each other because they do not know each

other. They do not know each other because they have not communicated with each other.” He mentioned this because of the communication they have had with the City dealing with the Martin Luther King Jr. Committee, and the celebration that took place on MLK Day, which really showed that they were communicating with each other. He thanked the City Commissioners, the Parks and Recreation Department, as well as the Public Utilities for joining forces with the Committee, to make the Day one of the most successful Days. He said he missed some of the Commissioners, but he look forward to having them next year as well. Also, there are other events coming up, which is the Youth Summit and the Golf Tournament that was postponed due to the pandemic situation. However, they are looking forward to holding this event.

Personally, Mr. Hall expressed his thanks, as well as from the Pompano Beach MLK Jr. Committee to the City for joining forces with them, and communicating with them in order to make the event a success. He said, “If you were not there you missed something on MLK Day.” He said there is a star among the Commission, but he will not call her name. He thanked also the Public Works Department and gave a shout out to Consuelo Lewis and Steve Phillips, who are City employees and members of the Committee who stood in the gap. He also thanked Vice Mayor Perkins for staying and hosting the event.

Vice Mayor Perkins stated that the Martin Luther King, Jr. parade was very successful. In her opinion it was one of the best ever. There were no incidents or accidents, and it was a very nice occasion.

Comr. Eaton stated that it was wonderful to partake again in the march and the parade in the morning. Unfortunately, she was unable to attend the afternoon festivities, but she is looking forward to it again next year. It is a great event and the City staff does a great job in participating.

Comr. Floyd gave kudos to City staff and the MLK Jr. Committee, who all did a dynamic job. She stated that this was one of the best that she can remember, having lived in the City for over 54 years. They all had a great time to include the kids. She has been receiving rave reviews. Thanks to everyone who participated and they all did a great job.

Developers Support of Traffic Issues and its Impact on Residents - Maureen Gaviola, 2811 NE 9th Court, Pompano Beach, FL, stated that she spoke last month on an agenda item from the November 9th meeting. This was a Resolution of the City Commission approving the issuance of it not to exceed \$160 million revenue bonds for the John Knox Village project. The proceeds of which will be loaned to John Knox Village, the borrower. A representative from John Knox Village spoke at the November 9th meeting in favor of what the City was doing through the Community Redevelopment Agency (CRA), as well as the changes to the traffic pattern at Atlantic Boulevard and Dixie Highway Intersection. She indicated that the Old Town Square in the heart of downtown will receive \$7.8 million in financing in the form of tax incentives from the CRA. The co-developer of the Old Town Square is the Cavache Properties whose affiliates are Adache Real Estate and Adache Group Architects, which brings in the second person who spoke in favor of the CRA changes that night, Adam Adache of Adache Group and Cavache Properties. Overall, of all the persons who spoke on the subject matter of the CRA changes, and the negative impact resulting from the project, these were the only 2 who spoke in favor of the project.

Continuing, Ms. Gaviola proposed a resolution requiring anyone having a financial relationship with the City, especially involving millions of dollars, to fully disclose their existing said relationship when speaking by way of

Audience to be Heard. The residents of Pompano Beach have the right to know at once, without having to do research or use Google after the fact.

Ms. Gaviola complained that with reference to the CRA, the CRA representatives spoke at the November 1:00 p.m. meeting. She said Mayor Hardin had asked them to return with an update regarding the traffic debacle at the October - 10th 1:00 p.m. meeting. There was no 6:00 p.m. meeting in November or December, which means those residents who could not attend the 1:00 p.m. meetings have been shut out of all participation since October until this meeting. They will not have the opportunity to participate in the update at the meeting in February. She argued this should be an inclusive society and Mayor Hardin should not prevent them from participating.

In sum, Ms. Gaviola mentioned that the traffic on the side streets have grown and most people do not pay attention to the speed limits. She enquired about how long until the City has a tragedy similar to the one in the City of Wilton Manors, where recently, 5 children were run over by a car. She asked if the Commission could reschedule the next meeting on the traffic update report to 6:00 p.m. to allow all the opportunity to speak.

Mayor Hardin mentioned he had planned to bring this topic up later under report. However, he had already instructed City Manager Harrison to delay the traffic update from the February 8th meeting to the February 22nd meeting, which will start at 6:00 p.m. for the City Commission meeting.

Update of Happenings in Collier City - Rodrick Phillips, 2620 NW 10th Street, Pompano Beach, FL, congratulated the City on the excellent job they are doing in Collier City. He thanked his Commissioner Cyndy Floyd who is doing an excellent job in keeping the residents safe. They have no more slum and blight and this needs to change when referring to the City as slum and blight. The City is now starting not to look like a slum and blight area. The northwest is becoming a beautiful area for the residents to live in. Other people may see it as slum and blight but he does not. He sees it as the City going through innovation, there is new development and new residents also coming in. The drugs will be “a thing of the past” in Collier City, which is slowly being eliminated with the help of the Broward Sheriff’s Office (BSO) who are on the job 24/7. There is still a lot more to be done about the crime and drugs in Collier City. So, with the new soccer park being built, the area needs to be friendlier to the new residents and persons that will be coming into the area.

Mr. Phillips stated that the trash situation regarding the bulk pickup needs to be addressed as they have been “slack” in their pickup of bulk in Collier City on Wednesdays and Saturdays. Sometimes they will skip one of the pickup days, which leaves a lot of trash all over the area. Therefore, he urged his Commissioner, Comr. Floyd, to look into this situation.

Accident involving Vice Mayor Perkins - Terry Ann Williams Edden, 757 NW 15th Street, Pompano Beach, FL, reported on an accident that happened on January 14th involving her stepson and Vice Mayor Perkins. She mentioned the police was not called nor the Emergency Medical Transport (EMT). However, a public records request was done. She indicated her reason for bringing this to the attention of the City Commission is because as elected officials, they have a moral duty. With her stepson being in a wheelchair, even though he said he was okay, she felt this needed to be known. He had complained to Ms. Williams-Edden that he had to meet the person he always wanted to meet, Vice Mayor Perkins, under these circumstances of an accident.

Continuing, Ms. Williams Edden mentioned that Vice Mayor Perkins did not check on him for days. In addition, she mentioned that her stepson is a paraplegic and a rapper, and this accident was not reported. The incident happened on Sunday and he went to the hospital on Monday. Therefore, she will be sending the public records request response to each Commission member so they can see the police report. As well as information was sent to the Office of Inspector General (OIG) requesting an ethics review pertaining to that matter.

Westview Cemetery - Ms. Williams Edden stated that she has knowledge on Westview Cemetery for about 2 years and felt that the community should have known about the contract being drafted, which she alleged that Ms. Perkins Moody knew of these things.

ATV's and Bike Riders - Ms. Williams Edden complained about the ATV's and bike riders who should not be riding on the roads. The residents need to be engaged in Districts 4 and 5 concerning these riders, and especially since officers are informing her that they are telling them to go knock on "her" door, which they do not need to do.

Voting Process - Ms. Williams Edden stated that there is going to be new legislation, as they had to have police officers to review the voting precincts. She will support the new legislation that the Governor is going to be setting because of those threats and so forth that took place at the last election.

Ms. Williams Edden mentioned that Carlene Duncan is the reason the laws are being changed, and so they champion her for that measure of being at the polls, and citing riots or whatever else she sought to do during that time. She indicated that when someone tells her that "they want them to beat the breaks off me," she wanted to let Vice Mayor Perkins know that she won Pompano Beach. Moreover, she will be vying for a seat whether it is Districts 4 or 5.

Vice Mayor Perkins mentioned that the incident that Ms. Williams Edden was talking about, she is unsure as to why she is concerned about talking about her when there are so many issues in the City. So, she finds it interesting that Ms. Williams Edden is so concerned about her. In retrospect, after Ms. Williams Edden loses a race, she becomes bitter. In addition, Ms. Williams Edden is the third party and was not present at the scene. The person mentioned was not hit or ran over. Moreover, Ms. Williams Edden mentioned that this person was her stepson but that is not so. The person cited in this incident, Jeremy, had assisted her in her 2016 campaign for Commissioner, so she knows him very well. She has been communicating with his mother on a regular basis and have been communicating with him on a regular basis. On the other hand, Vice Mayor Perkins stated that Ms. Williams Edden needs to pay the people that worked in her campaign.

Mayor Hardin issued a third warning to Ms. Williams Edden who kept speaking out of turn.

Rebuttal to Comments made by Ms. Williams Edden - Carlene Duncan, 1851 NW 15th Street, Pompano Beach, FL, stated that Terry Williams Edden does not live on NW 15th Street. She has several addresses where she lives in Coral Springs. Moreover, she did not cause any problem for Ms. Williams Edden's election, rather it was Theresa Black and that is why she was fired. She accused Ms. Williams Edden for going throughout the community telling lies and she is not "fit to run for anything."

Ms. Duncan in response to Ms. Williams Edden comments made while she was speaking, indicated that she is not a “convicted murder, but I will be.” In addition, Ms. Duncan stated that Vice Mayor Perkins is an excellent Commissioner and Vice Mayor.

Furthermore, Ms. Williams Edden is commenting on the graveyard, but they are already getting things settled with regards to the graveyard. There is a new board and they are unsure what will happen at this point.

After repeated warning issued by Mayor Hardin to Ms. Williams Edden, he eventually had to request the Broward Sheriff’s Office (BSO) officer to escort Ms. Williams Edden out of the Commission Chamber for disrupting the meeting.

B. CONSENT AGENDA

Mayor Hardin requested a motion to Approve/Adopt Items 1 through 6 without City Commission discussion.

A motion was made by Vice Mayor Perkins, seconded by Commissioner Eaton, that the Consent Agenda be APPROVED/ADOPTED. The motion carried unanimously.

1. [22-129](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING AN EASEMENT TO BROWARD COUNTY FOR THE MAINTENANCE AND REPAIR OF BUS SHELTER #1533; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM JANUARY 11, 2022

(Staff Contact: John Sfiropoulos)

A motion was made by Vice Mayor Perkins, seconded by Commissioner Eaton, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2022-57

2. [22-132](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT GOVERNING USE OF BROWARD COUNTY REGIONAL OPIOID SETTLEMENT FUNDS AMONG THE CITY OF POMPANO BEACH, BROWARD COUNTY AND OTHER LOCAL GOVERNMENTAL UNITS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM JANUARY 11, 2022

(Staff Contact: Mark E. Berman)

A motion was made by Vice Mayor Perkins, seconded by Commissioner Eaton, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2022-58

3. [22-120](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING THE CITY'S PUBLIC ART FY 2022 ANNUAL PLAN AND DIRECTING STAFF TO PROCEED WITH THE PROJECTS INCLUDED THEREIN; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$160,520.00)

POSTPONED FROM JANUARY 11, 2022

(Staff Contact: Laura Atria/Phyllis A. Korab)

A motion was made by Vice Mayor Perkins, seconded by Commissioner Eaton, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2022-59

4. [22-116](#) 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 POMPANO BEACH RIPTIDE SOFTBALL, INC., PROVIDING THE ATHLETIC FIELDS AT COMMUNITY PARK FOR A FEMALE YOUTH SOFTBALL PROGRAM; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Licensee to provide 10% of the revenue for each non-resident participant on a semi-annual basis.)

POSTPONED FROM JANUARY 11, 2022

(Staff Contact: Mark A. Beaudreau)

A motion was made by Vice Mayor Perkins, seconded by Commissioner Eaton, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2022-60

5. [22-117](#) 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 LICENSE AGREEMENT

BETWEEN THE CITY OF POMPANO BEACH AND SOUTH FLORIDA WATER POLO FOUNDATION, INC. TO UTILIZE THE CITY'S AQUATIC CENTER OR HOUSTON/SWORN AQUATIC CENTER TO PROVIDE AN ADULT WATER POLO PROGRAM; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: The City will receive \$1,000 monthly for the usage of the Aquatic Center.)

POSTPONED FROM JANUARY 11, 2022

(Staff Contact: Mark A. Beaudreau)

A motion was made by Vice Mayor Perkins, seconded by Commissioner Eaton, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2022-61

6. [22-125](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING AN EASEMENT TO BROWARD COUNTY FOR INSTALLATION OF A SALTWATER MONITORING FACILITY AT HIGHLANDS PARK; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM JANUARY 11, 2022

(Staff Contact: Mark A. Beaudreau)

A motion was made by Vice Mayor Perkins, seconded by Commissioner Eaton, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2022-62

7. [22-146](#) 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 G&C POMPANO STATION, LLC FOR THE CONSTRUCTION OF AN OVERHEAD WALKWAY EXTENDING INTO THE AIRSPACE OVER AND WITHIN NE 24TH AVENUE BETWEEN ATLANTIC BOULEVARD AND NE 2ND STREET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Daniel Keester-O'Mills/David Recor)

Vice Mayor Perkins pulled the item for City Commission discussion and stated that a resident requested pulling the item for discussion.

Daniel Keester-O'Mills, Principal Planner, Development Services Department stated that the item is for a

license agreement to allow an overhead walkway that extends into the City's right-of-way air space over NE 24th Avenue to connect 2 buildings. The project was approved by the Planning and Zoning Board. It was a condition of the development order, if they were to proceed with that bridge, it should be approved by the appropriate City Departments and Commission.

Tom Drum, Pompano Beach, FL, stated that the City went through a similar situation with Hidden Harbor and it is setting a bad precedent. A former Commissioner, Barry Dockswell spoke against a walkway going over a roadway. This will be an open license for everyone to do moving forward. He then provided his reasons why he disagrees with this item.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, inquired if approved, when would be the start date to begin construction.

Mr. Keester-O'Mills responded that the contract mentions that the applicant has to pull a permit before 2024, in order not to default on the agreement.

Mr. Skversky mentioned that the disaster that is across the street from City Hall and now this is being solicited will just put things out of control. He feels if these types of buildings are allowed it will become like another New York City, which is why some people had moved out of that City to get away from these buildings.

Dennis Mele, Esq. 200 East Broward Boulevard, Fort Lauderdale, FL, on behalf of the applicant, stated he is aware that when they started on the effort to request the pedestrian bridge they were told that the Hidden Harbor project had requested it, but they were going to put dwelling units above the road right-of-way. He said they are not doing this, it is a pedestrian bridge connecting the 2 buildings. The license agreement is what it is, it is not an easement. The license agreement allows the ability to cancel or anything else that may be needed.

Continuing, Mr. Mele stated that both buildings have been approved so all they are requesting is to put the bridge to connect the 2 buildings. The various departments have looked at it to ensure it has the proper vertical clearance, and all the safety measures that are needed.

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

Yes: Eaton
Floyd
McMahon
Perkins
Hardin

Absent: McGee

Enactment No: RES. No. 2022-63

8. [22-149](#) 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 (NO. 1334) BETWEEN THE CITY OF POMPANO BEACH AND G&C POMPANO STATION, LLC; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)
(Staff Contact: Jeff Lantz)

Vice Mayor Perkins pulled the item for City Commission discussion and stated that a resident requested to pull the item.

Tom Drum, 2700 NE 8th Avenue, Pompano Beach, FL, stated that he “has a bone to pick with the whole project.” With the interest rates as low as they were, there are all these buildings going up from the related group, so they did not have to get TIF funds to do it, but these people did. Yet he read where they just received a \$78 million loan to go ahead. Demolition has already started on this. He inquired about the CRA buildings that have the Jamaican restaurant and the Cross Fit businesses in that lot and asked if those buildings will be knocked down to allow for parking.

Mayor Hardin mentioned that the Jamaican restaurant and the Cross Fit are located on the other side of the street.

Mr. Drum concluded that he was off by a block, but he still do not think it is a good idea.

A motion was made by Vice Mayor Perkins, seconded by Commissioner Floyd, that the Consent Agenda/ Resolution be ADOPTED. The motion carried by the following vote:

Yes: Eaton
Floyd
McMahon
Perkins
Hardin

Absent: McGee

Enactment No: RES. No. 2022-64

C. REGULAR AGENDA

QUASI-JUDICIAL PROCEEDING

Mark E. Berman, City Attorney, advised that Item 9 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.

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

9. [22-128](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE FERNANDER WRIGHT PLAT; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

POSTPONED FROM JANUARY 11, 2022

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item and stated the request is for a Plat Note Amendment to the Fernander Wright Plat, which is primarily to add an accessory school use for elementary, middle and high school age children at the Mosque located at 1641 NW 15th Street. The amendment changes the Plat Note from 8,000 square feet of church Mosque, 26,000 square feet of assembly hall and weekend school, 3,000 square feet of day care, 12 garden apartments and 1 single-family unit with 800 square feet of ancillary utility shed, to 12,000 square feet of place of worship, 11,000 square feet of assembly hall, 16,000 square feet of pre-kindergarten, elementary and middle school, 7,500 square feet of high school, 3,000 square feet of day care and the residential facility category 3, consisting of 12 garden apartments and 800 square feet of ancillary utility shed. The current vehicular stacking space available on the site will be maintained and the start of the school day will be 30 minutes after the start time for the Markham Elementary School. Staff recommends approval.

G. H. "Joe" Usman, 412 NE 12th Street, Pompano Beach, FL, stated that the subject property is a part of the Mosque and it is providing education for the public of Muslim kids. Muslims are generally not understood, and as mentioned earlier by a Martin Luther King, Jr. quote, "We must get to know each other and to help each other. We must extend our hearts to each other." They are trying to do something positive for the kids and make more educated Americans. People are trying to get to America because it is a country without restrictions on religion and race. He urged the Commission to keep the liberty and justice for all.

Mike Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, congratulated the people from the Mosque and the northwest area for having a great food drive about one and half year ago.

Vice Mayor Perkins indicated that they had a food drive this past week. She asked what is the size of the lot

that the Mosque is located.

Ms. Dolan responded she did not have that information readily available but could check into it and get back to the Vice Mayor on it.

Vice Mayor Perkins reiterated her concerns with the traffic on NW 15th which is not getting any better. Therefore, to add more to the property, there will be more traffic. On Fridays it has always been congested in the area.

Ms. Dolan stated that they asked the traffic consultant what they could do to ensure that the school impact did not continue to make the traffic on NW 15th worse. They recommended that they have at least 20% of the total student body in stacking distance for cars on the site, to avoid all those cars on the street waiting to pull in. Staff measured the distance they have in stacking and they can accommodate 30% of their student body. Currently, there are 61 cars of stacking distance on the site. They have committed to retain that and have provided this in writing. The other mitigation factor is to not have Markham and the Mosque to start school at the same time. The traffic consultant recommended a 30- minute stagger between the 2 start times to mitigate the traffic and the Mosque has agreed in writing to start 30 minutes after Markham Elementary School.

Vice Mayor Perkins asked if there will be any security out there to assist with traffic.

Ali Sadiq, 21750 Marigot Drive, Boca Raton, FL, stated he is the President for the Board of the Islamic Center of South Florida, located at 1641 NW 15th Street, Pompano Beach, FL. He responded that with regard to the police, they normally try to get as much police detail as possible, during Friday prayers. They do not have a problem getting security during school time if needed.

Mr. Sadiq says they will do their best to accommodate the traffic issues. They coordinate with the BSO in Pompano Beach to provide detail on Fridays, if possible, which they have been paying for that service. Lately, they have been short on details, nevertheless, they will continue to work with BSO on this.

A motion was made by Vice Mayor Perkins, seconded by Commissioner Floyd, that the Quasi-Judicial/ Resolution be ADOPTED. The motion carried by the following vote:

Yes: Eaton
Floyd
McMahon
Perkins
Hardin

Absent: McGee

Enactment No: RES. No. 2022-65

END OF QUASI-JUDICIAL PROCEEDING

10. [21-712](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE CHANGE IN TRAFFIC CIRCULATION ON POMPANO BEACH BOULEVARD BETWEEN NE 2ND STREET AND NE 3RD STREET FROM TWO-WAY TO ONE WAY NORTHBOUND; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM JANUARY 11, 2022

***This item will be stricken from the Agenda.**

(Staff Contact: John Sfiropoulos)

A motion was made by Vice Mayor Perkins, seconded by Commissioner Eaton, that the Regular Agenda/ Resolution be STRICKEN. The motion carried unanimously.

11. [22-118](#) 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 INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH RELATING TO THE BROWARD COUNTY, SEGMENT II, SHORE PROTECTION PROJECT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$2,250,000 paid in 3 equal payments of \$750,000 each November beginning November 2022.)

POSTPONED FROM JANUARY 11, 2022

(Staff Contact: Robert McCaughan)

Robert McCaughan, Director, Public Works Department, presented the item and stated that this is requesting the City Commission to approve Amendment 1 to the Interlocal Agreement between the City and Broward County. The purpose of the amendment is to extend the deadline of the agreement, which has expired, and it establishes the amount and when each City must pay. This has no bearing on the beach re-nourishment that is partially complete and will begin again next month. Rather, this is for beach re-nourishment that was done about 6 years ago, and was completed in March 2016. Broward County has been responsible for the bill all this time. Now, the sand placement is complete, the state funds have been received and the percentages between the cities have been worked out. The bottom-line is the project cost is \$51.4 million, however, it is not complete because there is an amount of \$20 million more to establish a mitigation reef. Broward County will be responsible for the bill. But the City's share of the sand that was placed on our beach, is \$2,250,000. The agreement states this will be paid in 3 equal payments beginning in November 2022, for an amount of \$750,000 per year for 3 years. There is an expectation that federal funds will be received for reimbursement of \$39 million, which has not been received yet. Based on history of previous projects this could take up to 10 years. Once this amount comes in it will be shared among the cities and the county and will reduce the total

payment of the City from \$2,250,000 to \$850,000 to be determined when those funds will be received. These funds are not yet appropriated by Congress and must be done each budget year, hence the long wait for the funds.

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

Yes: Eaton
Floyd
McMahon
Perkins
Hardin

Absent: McGee

Enactment No: RES. No. 2022-66

12. [22-14](#) **P.H. 2022-12: (PUBLIC HEARING 2ND 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 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO MODIFY CERTAIN REQUIREMENTS FOR ACCESSORY DWELLING UNITS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM JANUARY 11, 2022

FIRST READING: DECEMBER 14, 2021

(Staff Contact: Jean Dolan/David Recor)

Jean Dolan, Development Services Department, presented the item and stated that this is the Second Reading of the Code Amendment to allow accessory dwelling units in single-family zoning districts without a density calculation, if the owner restricts the unit to be affordable housing. There have been no changes since First Reading.

Tom Drum, 2700 NE 8th Street, Pompano Beach, FL, stated he received questions from his neighbors on this. He inquired if this would allow for a similar structure such as a mother-in-law type of structure to be placed on the property, or is it for low income housing.

Ms. Dolan confirmed that it is similar to a mother-in-law suite. If a mother-in-law meets the income standards, she could be allowed to live there, which is an accessory structure on the lot. An owner cannot encroach on

any of the setbacks of the property, but could be allowed to build a secondary unit that cannot be more than 1,000 square feet in size.

Comr. McMahon stated this is a progressive way of operating and looking at the City's needs, the cost of living, and things like this. If there is a mother or grandmother that need help, this is a great way to provide housing in today's market of affordable housing. He is happy to see the City moving forward with this.

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

Yes: Eaton
Floyd
McMahon
Perkins
Hardin

Absent: McGee

Enactment No: ORD. No. 2022-21

13. [22-73](#) **P.H. 2022-16: (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: (i) A SEVENTH AMENDMENT TO AMENDED AND RESTATED DEVELOPMENT AGREEMENT RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND POMPANO PIER ASSOCIATES, LLC; (ii) A FIFTH AMENDMENT TO PARCEL E GROUND LEASE RELATING TO CITY PROPERTY LYING BETWEEN NORTH OCEAN BOULEVARD (A1A) AND THE ATLANTIC OCEAN AND BETWEEN ATLANTIC BOULEVARD (S.R. 814) AND NE 5TH STREET, BETWEEN THE CITY OF POMPANO BEACH AND PPA-E, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM JANUARY 11, 2022

FIRST READING: DECEMBER 14, 2021

(Staff Contact: Suzette Sibble/Adrian Esteban)

Suzette Sible, Assistant City Manager, presented the item and stated that there have been no changes to the item since First Reading.

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

Yes: Eaton
Floyd
McMahon
Perkins
Hardin

Absent: McGee

Enactment No: ORD. No. 2022-22

14. [22-106](#) **P.H. 2022-22: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 95, "FIRE PREVENTION," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 95.14 "PERMITS AND FIRE SERVICE FEES," AND SECTION 95.15 "ANNUAL INSPECTIONS" TO MODIFY FIRE SERVICE FEES IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE FIRE PREVENTION FEE STUDY PREPARED BY PMG ASSOCIATES, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM JANUARY 11, 2022

FIRST READING: DECEMBER 14, 2021

(Staff Contact: Chad Brocato)

Pete McGinnis, Fire Marshal, presented the item and stated that this is the Second Reading of the Ordinance that will amend the fee structure that has not been amended or changed for greater than 10 years. Every item in this structure was based on the study from PMG Associates, and 1 of the fees was reduced from \$150 as a minimum fee to \$100, which is the plan review fee for smaller structures and smaller amendments on properties. There have been no changes from the First Reading.

Greg Harrison, City Manager mentioned that Pete McGinnis, Fire Marshal, was named Fire Marshal of the Year for the entire State of Florida. Mayor Hardin, the Commissioners and everyone in the audience congratulated Mr. McGinnis on this very prestigious award.

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

Yes: Eaton
Floyd
McMahon
Perkins
Hardin

Absent: McGee

Enactment No: ORD. No. 2022-23

15. [22-61](#) **P.H. 2022-13: (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 AND A MEMORANDUM OF LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE
(Fiscal Impact: \$45,600 - Revenue)

POSTPONED FROM JANUARY 11, 2022

(Staff Contact: Gene R. Zamoski)

Gene Zamoski, Chief Information Officer (CIO), presented the item and stated that Verizon Wireless leases space on the City's communications tower located on Blount Road. The original agreement was from 1996, which expires this year with an annual rental fee of \$31,992. The new agreement will be for 10 years starting with an annual rental fee of \$45,600. The annual increase of the rent will be in the amount equal to the change in the annual increase of the Consumer Price Index (CPI).

Mayor Hardin indicated that was a nice negotiation and thanked Mr. Zamoski for doing a good job.

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

Yes: Eaton
Floyd
McMahon
Perkins
Hardin

Absent: McGee

16. [22-122](#) **P.H. 2022-24: (PUBLIC HEARING 1ST READING)**
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS," OF THE POMPANO BEACH CODE OF ORDINANCES BY CREATING SECTION 32.90, "ESTABLISHMENT," SECTION 32.91, "FUNCTIONS; RESPONSIBILITIES," AND SECTION 32.92, "CULTURAL AFFAIRS COMMITTEE," TO ESTABLISH THE CULTURAL AFFAIRS DEPARTMENT, ASSIGN FUNCTIONS AND RESPONSIBILITIES AND CREATE A CULTURAL AFFAIRS COMMITTEE; REPEALING RESOLUTIONS 98-141, 2001-155, 2004-303, 2005-116 AND 2011-221, WHICH CREATED AND AMENDED RESPECTIVELY THE CULTURAL ARTS COMMITTEE; AMENDING CHAPTER 98, "PARKS AND PLAYGROUNDS," BY AMENDING SECTION 98.01, "DEFINITIONS," SECTION 98.02, "PROHIBITED ACTS," SECTION 98.03, "DAMAGE TO CITY PROPERTY," SECTION 98.04, "INTOXICATED PERSONS; NUDITY," SECTION 98.05, "TRESPASS," SECTION 98.06, "UNATTENDED CHILDREN," SECTION 98.07, "PUBLIC EVENT," SECTION 98.071, "PARK RECREATIONAL FACILITY RENTAL"; PERMIT APPROVAL; RIGHT OF APPEAL," SECTION 98.10, "FEES," SECTION 98.45, "FUNCTION AND PURPOSE," SECTION 98.46, "HOURS AND DAYS OF OPERATION," SECTION 98.47, "FEES," SECTION 98.48, "LIABILITY FOR DAMAGES," SECTION 98.50, "RECREATION CENTER STAFF," SECTION 98.53, "TERMINATION OF PRIVILEGES," SECTION 98.80, "CITY-OWNED SHOWMOBILE," SECTION 98.81, "CITY-OWNED PORTABLE STAGE," TO DISTINGUISH THE ROLES OF PARKS AND RECREATION AND CULTURAL AFFAIRS DEPARTMENTS AND THEIR RESPECTIVE FACILITIES AND THEIR OPERATION; AMENDING SECTION 98.51, "PERMITS," TO ALLOW THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT RECREATION CENTERS FOR APPROVED FACILITY RENTAL APPLICATIONS MEETING ADDITIONAL PERMIT REQUIREMENTS; CREATING SECTION 98.90, "FACILITY USE," SECTION 98.91, "APPLICATION; PERMIT," SECTION 98.92, "CULTURAL FACILITY FEES," SECTION 98.93, "ENFORCEMENT," AND SECTION 98.94, "TERMINATION OF CULTURAL FACILITY PRIVILEGES; EVICTION," TO PROVIDE FOR THE OPERATION, MAINTENANCE AND REGULATION OF CULTURAL FACILITIES; AMENDING CHAPTER 160, "PUBLIC ART," BY AMENDING SECTION 160.02, "DEFINITIONS," SECTION 160.05, "PUBLIC ART FUND ESTABLISHED," AND SECTION 160.06, "PUBLIC ART FUND PURPOSE," TO CLARIFY

APPROPRIATIONS TO PUBLIC ART FUND AND RECOGNIZE THE CULTURAL AFFAIRS DEPARTMENT'S ROLE IN PUBLIC ART; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM JANUARY 11, 2022

(Staff Contact: Mark A. Beaudreau/Phyllis A. Korab)

Mark Beaudreau, Recreation Programs Administrator, presented the item and stated that he will only be addressing the items in Chapter 98 and Phyllis Korab will be addressing Chapters 32, 98 and 160 as it relates to the Cultural Affairs department and Public Art.

Continuing, Mr. Beaudreau mentioned that there are a number of housekeeping items in the Ordinance, but there are 2 that he would like to highlight to the City Commission due to its importance, as well as they are strategic items that staff has been working on. The first is the Bounce House policy and the second is the Consumption of Alcoholic Beverages within the Recreation Center policy. He then provided in detail the issues with the utilization of unauthorized Bounce Houses in the City's Parks. Also, he provided detail about the issues with the alcoholic consumption and why the recommendation to allow sale of alcohol, for special occasions only.

Phyllis Korab, Director of Cultural Affairs Department, stated that the items pertaining to the Cultural Affairs department are adding a lot of new information to the Code of Ordinances. She then provided a brief background history on the design planning and implementation of the City's different art and cultural functions, programs, services and venues. In 2018, the City created a new department named the Cultural Affairs, to specifically administer its arts and cultural programming, activities and venues, and to fully implement the City's vision and strategic plan for arts and culture for the Pompano Beach community and its visitors. In addition, the Ali Cultural Art Center and the Bailey Contemporary Art Center were transferred from the Community Redevelopment Agency (CRA) to the Cultural Affairs department, along with the Old Town Untapped and the Green Market Pompano Beach programs for the department to program and operate. The Blanche Ely House was added in 2019, to the inventory of venues that the Cultural Affairs department would also program and operate.

Continuing, Ms. Korab indicated that to formally recognize the changes mentioned, Chapter 32 of the proposed Ordinance has been amended to officially add the Cultural Affairs Department as a City department. In addition, there is a new Section 32.92, which has been added to Chapter 32, to recognize the City's Cultural Arts Committee, and it describes its purpose, membership, organization, duties and responsibilities.

Ms. Korab provided highlights pertaining to the Cultural Affairs Department, which appears in the title of the Ordinance. In Chapter 98, "Playgrounds" were taken out of the title of this section and Parks and Recreation and Cultural Affairs were added instead. This Ordinance also helps to distinguish between the duties and responsibilities of the 2 departments. In the Public Event section, Old Town Untapped and the Green Market were added as 2 other events to the list shown in that section. Prohibited Acts, Section 98.03, 98.04, 98.05 and 98.06 have included the Cultural Affairs Department in its facilities relating to Damages to City Property;

Intoxicated Persons; Nudity; Trespass and Unattended Children. Section 98.90 addresses the use of City facilities including hours and days of operation of these facilities. Section 98.91 talks about how someone can use the cultural facilities and the list of conditions of that permit, the timeline for applying and the approvals, appeals and cancellations of the use of the facilities. Section 98.21 is a new section that adds fees for using the different cultural venues.

Finally, Chapter 160 addresses the Public Art program, and in Section 160.02 the definitions for City construction project and the estimated in place cost of construction have been deleted, and recommendation of how funds would be appropriated moving forward was added. Section 160.06 relates to the purpose of the Public Art fund. In Section 102 there is a change in the department that is now administering the Public Art programs from the Development Services Department to the Cultural Affairs Department.

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

Yes: Eaton
Floyd
McMahon
Perkins
Hardin

Absent: McGee

17. [22-136](#) **P.H. 2022-26: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, AMENDING CHAPTER 151, "BEACHES AND WATERWAYS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 151.01, "INTENT," BY AMENDING SECTION 151.02, "PERMIT REQUIRED," BY AMENDING SECTION 151.03, "STRUCTURES IN WATERWAYS," BY AMENDING SECTION 151.05 "SEAWALLS," AMENDING SECTION 151.06, "DISREGARD OF NOTICE," BY AMENDING SECTION 151.07, "BACKFILLING SEAWALLS," BY AMENDING SECTION 151.08, "STRUCTURES ON SEAWALLS," BY AMENDING SECTION 151.09, "VARIANCES," TO MODIFY DEFINITIONS, PROCEDURES AND REQUIREMENTS; BY CREATING SECTION 151.10, "REQUIRED DISCLOSURE IN CONTRACTS FOR SALE OF REAL ESTATE," TO REQUIRE DISCLOSURE OF PROPERTY LOCATED IN A TIDALLY INFLUENCED AREA; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM JANUARY 11, 2022

(Staff Contact: John Sfiropoulos)

John Sfiropoulos, City Engineer, presented the item and stated that in 2016 the Army Corps of Engineers partnered with Broward County for a regional resiliency standard. The intent was to establish minimum seawall elevation to improve flood protection. In 2019, those results were shared with all 31 municipalities for adoption, and the deadline is March 2022, to comply. Currently, the City does not have a minimum seawall elevation requirement. Based on County mandates, which accounts for sea level rise through 2070, the City is proposing a minimum seawall elevation of 5.0 NAVD that will apply to all new seawall construction, as well as substantially rehabilitated seawalls. There are also new County mandated definitions being added to the City's code. In conjunction with the County mandates, additional amendments are being recommended by the Marine Advisory Board and Engineering, which he highlighted a few. Restricting new seawalls to be placed no more than 12 inches from the existing wet face, which will prevent the City's canals from becoming too narrow, allow davits, lifts and floating vessel platforms in waterways less than 50 feet. Extending the seaward length of a vessel lift or platform from 20 feet to 28 feet. Assigning a max width seawall cap of 36 inches. Both residents and contractors contributed to these recommendations.

In sum, Mr. Sfiropoulos stated that the proposed amendments are County mandated, while others are housekeeping items to ensure consistency, clarity and to correct and bring the City's code up to date. He then introduced the Marine Advisory Board chair, Frank Pelly who was instrumental in consolidating and assembling the backup material provided to the City Commission. He thanked Mr. Pelly for assisting in this endeavor, as well as to the rest of the Board members.

Frank Pelly, Chair Marine Advisory Board, 1050 NE 28th Avenue, Pompano Beach, stated that he has lived in the City for approximately 30 years and volunteers his time to the City.

Mayor Hardin on behalf of the residents and members of the City Commission thanked Mr. Pelly and the members of the Marine Advisory Board for all the work they do, which is appreciated.

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

Yes: Eaton
Floyd
McMahon
Perkins
Hardin

Absent: McGee

18. [22-134](#) **P.H. 2022-25: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 91, "BOATS AND WATER RECREATION," OF THE POMPANO BEACH CODE OF ORDINANCES BY

AMENDING SECTION 91.10, "DOCKING AND LIVING ABOARD BOATS," TO MODIFY DEFINITIONS, PROCEDURES AND REQUIREMENTS; AND AMENDING SECTION 91.11, "WATERWAYS OR CANALS," TO MODIFY TERMINOLOGY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM JANUARY 11, 2022

(Staff Contact: John Sfiropoulos)

John Sfiropoulos, City Engineer, presented the item and stated that there are no significant changes to Chapter 91. As a result of the previous item, staff added the County definitions from Chapter 151 to Chapter 91, and consolidated the terms to be consistent. The only real change is to provide clarification on rafting of vessels.

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

Yes: Eaton
Floyd
McMahon
Perkins
Hardin

Absent: McGee

19. [22-124](#) **P.H. 2022-23: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," BY AMENDING SECTION 34.010, "DEFINITIONS," TO EXPAND THE DEFINITION OF EMPLOYEE; BY AMENDING SECTION 34.025, "CONTRIBUTIONS," TO PROVIDE FOR CONTRIBUTIONS BY CERTAIN ADDITIONAL PARTICIPATING EMPLOYEES; AND BY CREATING SECTION 34.0266, "RETIREMENT BENEFITS FOR MANAGEMENT SUPPORT EMPLOYEES," TO CREATE AN ADDITIONAL CLASS OF EMPLOYEE PARTICIPATING IN THE RETIREMENT SYSTEM; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

POSTPONED FROM JANUARY 11, 2022

(Staff Contact: Brian Donovan/Ed Beecher)

Ed Beecher, Director, Human Resources, presented the item and stated that this is the First Reading of an Ordinance that would amend Chapter 34 as read by City Attorney Berman for the record. The City received a

request from the General Employees Retirement Plan Board of Trustees to allow the Executive Director and the Assistant Administrator to become members of the plan. Both the Executive Director and the Assistant Administrator will make the same required contributions similar to a City employee. Attorneys for the General Employees Retirement Plan have reviewed the request, as well as the City Attorney's Office and have approved the Ordinance as amended.

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

Yes: Eaton
Floyd
McMahon
Perkins
Hardin

Absent: McGee

20. [22-127](#) **P.H. 2022-27: (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 POMPANO AVIATION III, LLC; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$6,443.25 to be paid to the City monthly)

(Staff Contact: Steven Rocco/Robert McCaughan)

Steven Rocco, Air Park Manager, presented the item and stated that the item is seeking the City Commission's approval for the City to enter into a long-term lease with Pompano Aviation III, LLC for the development of Parcel Y at the Pompano Beach Air Park. They are seeking this long-term lease in order to develop and expand their Fixed Base Operation (FBO), which provides aeronautical services to the general aviation operators using the airport. The proponent currently holds 2 other long-term leases on Parcels BB and Parcel X, which have created more than 200 full and part-time jobs at the airport. The proponent has agreed to invest more than \$3 million in accordance with FBO minimum standards established by the Commission in 2014, for Parcel Y. Pompano Aviation III has been a responsible tenant, and has developed a first-class operation on the airport. Staff recommends approval of this additional long-term lease.

Mayor Hardin thanked Pompano Aviation III for the long-term improvements at the Air Park, which is very nice.

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

Yes: Eaton
Floyd
McMahon
Perkins
Hardin

Absent: McGee

21. [22-03](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING WHITNEY ANNE METEVIA TO THE HOUSING AUTHORITY OF THE CITY OF POMPANO BEACH FOR A TERM OF FOUR (4) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 10, 2025; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

APPLICANTS:

Whitney Anne Metevia, *Incumbent* - District 3
Latoya T. Almonord, District 1
Lisa Ferreri, District 1
Justin Cromartie, District 1
Tanya Manfredi, District 1
Michelle Rhoulhac, District 2
Alecia Daniel-Hall, District 2
Derek A. Lewis, District 3
Richard Dally, District 3
Monifa Aruwajoye, District 4
Kattie Jones, District 4
Marcus A. McDougale, District 4
Mary S. Phillips, District 4
Shelton Pooler, District 4
Joseph Wells, District 4
Janice Anne Simmons, District 4
Quenton Thompkins, Sr., District 4
Brenda Davis Smith- District 4
Corey Thompson, District 4
Andy Cherenfant, District 5
Wayne Vereen, District 5
Dedrick Watkins, District 5

POSTPONED FROM OCTOBER 26, 2021, DECEMBER 14, 2021 & JANUARY 11, 2022

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Perkins, seconded by Commissioner Eaton, that the Regular Agenda/ Resolution be ADOPTED and to insert the name WHITNEY ANNE METEVIA. Mayor Hardin nominated Whitney Anne Metevia. The motion carried unanimously.

Enactment No: RES. No. 2022-67

D. NEXT SCHEDULED MEETING

Mayor Hardin announced that the next scheduled City Commission meetings will be held as follows:

February 8, 2022 at 1:00 p.m. - Regular City Commission Meeting

February 22, 2022 at 6:00 p.m. - Regular City Commission Meeting

E. REPORTS

Greg Harrison, City Manager - No Report.

Mark Berman, City Attorney - Proposed Executive Session - Mr. Berman stated that pursuant to Section 286.011(8)(A) Florida Statutes, governing public meetings, he advised the City, Mayor and Commissioners during this public meeting that he desires advice concerning litigation in the matter of Heritage at Pompano Housing Partners, LP v. City of Pompano Beach, Case #20-61530-CIV-Smith in the United States District Court for the Southern District of Florida. Accordingly, he requested that an Executive Session be held on Tuesday, February 8, 2022 at 11:00 a.m. in the City Commission Chamber Conference Room to discuss settlement matters and strategy only per the Statute for the aforementioned case. Those in attendance will be the Mayor and City Commissioners, Gregory Harrison, City Manager, City's Outside Litigation Counsel in this case, Daniel Abbott and Alicia Gonzalez as well as Mark Berman, City Attorney. He will have an Attorney-Client privileged confidential memorandum distributed to all the Commission at least one week prior to the meeting so that they will have the opportunity to learn about the case for discussion purposes, to be informed, and to provide a decision on how to proceed.

Asceleta Hammond, City Clerk - No Report.

Commissioner Rhonda Eaton - Community Compliments for Work Done in the City - Comr. Eaton indicated that it was nice to have some members of the Community to come up and provide compliments to the City Commission to say things are improving in the City. Even though she is not wholly responsible, and there have been previous Commissions that put some of these issues in motion. It is nice to get that recognition and to know that the Commission is trying very hard to continue the progress and the improvements. It is important to recognize the City Manager's contribution to that and his decision to begin a G.O. Bond initiative, as well as the communities buy-in with a 2-1 vote for these improvements. The Parks' improvements are coming out of that initiative. Also, staff has taken it to the next level. For the City, having gone through COVID, has managed to get those projects that were started to come to fruition. In addition, she stated that NE 33rd Street in her District 2, is looking great.

Additionally, Comr. Eaton thanked Broward Sheriff's Office (BSO) for their continued contributions in keeping the public safe through initiatives in community policing and technology (ShotSpotter), and the cameras that are at the parks. It is nice to recognize that great things are being done in Pompano Beach. This is reflected in the tour sites and accolades being given. She is glad to be in the City of Pompano Beach.

Commissioner Cyndy Floyd - Compliments for good job done in the City - Comr. Floyd piggybacked off Comr. Eaton's compliments to the City staff, the City Manager and everyone that are all doing a great job. She is pleased to see the Park coming along, and all the things being done in Collier City and the other districts as well.

Comr. Floyd reiterated her shout out to the MLK Jr. Committee, along with City Staff and their collaboration in making the MLK Jr. parade one of the greatest events that she has participated in the City. In addition, she thanked BSO and especially Captain Stallings whom she says she can call anytime of day or night and he would answer and do his best to answer her calls.

Commissioner Andrea McGee - Comr. McGee was out sick.

Commissioner Tom McMahon - MLK Jr. Parade Successful Event - Comr. McMahon thanked staff for the great job done with the MLK Jr. Parade. He heard and saw from the TV coverage of the parade that it was a really well done event. Staff did an incredible job. A curve ball was thrown when it was asked to be postponed, but ultimately staff was able to put it back together to reschedule for the original date. Unfortunately, he was unable to attend due to being "under the weather."

Homelessness and Vagrancy in the City - Comr. McMahon stated that he spent some time working at the County level to find out what is being done and where it is being done. They have some very innovative programs coming down the pipeline to assist people that have mental illness or health issues. He found out today that half of the people on the streets do have mental illness, do need a doctor or medication, and it sounds like there are some programs forthcoming on this. He said while he was communicating with the County representative about this matter, she commented that the City has some of the best officers in the County. Therefore, he wanted to acknowledge BSO that "Rob and Mike know the homeless people that need help in our City," and every day they are diligent to place them in houses. He thanked BSO for that, and mentioned that there are new programs coming to assist the homeless in the City.

Vice Mayor Beverley Perkins - Speed humps Issue on NW 6th Avenue - Vice Mayor Perkins reiterated her issue on the roundabouts at NW 6th Avenue. She received a text from Major Adkins that he is working on it. However, in the meantime something needs to be done about the speed humps at the roundabouts as they are too high and they are on all four corners of the roundabouts. They do not need to have speed humps and roundabouts in the same location. People are still complaining about the speeding issue on NW 6th Avenue. She is aware that the City's Engineering department is now handling the speed humps and that BSO does not do this anymore.

Major Wayne Adkins, Broward Sheriff's Office (BSO), responded yes. He mentioned that the speed humps at NW 6th Avenue was put at the 2 roundabouts due to the speeding complaints that came in on NW 6th Avenue

and NW 6th Street, as well as the crashes that were occurring, due to the design of the speed humps that are too small at the roundabouts that should slow down traffic. He is aware that the speed humps are different from those on a normal stretch of road. However, the speed humps that are installed at the 2 roundabouts are smaller. After discussion with the City Manager's Office and the Public Works Department, it has been agreed upon to mill down these speed humps, and he explained the process. He said the problem is not with the height so much, but it is the entering and exiting the speed humps.

Vice Mayor Perkins stated that people's car will get damaged from these speed humps, so as soon as possible they should start fixing this issue. In the meantime, there are also numerous calls she has received about the speeding of vehicles up and down the roadway. She asked if there is any way BSO could sit in unmarked cars or have a police car parked on the side so people would see visibility and perhaps slow down.

Major Adkins responded that they do this with the motorcycle deputies or traffic deputies, which their full-time job is traffic enforcement. The problem being experienced is, once the deputies leave and the visibility is not there, the speeding returns. Speed humps are part of the traffic calming, and there are other traffic calming measures available that is designed to slow down the traffic. In addition, Major Adkins indicated that the process has changed now that the City Engineering Department is responsible for the traffic calming measures. He said they have gone from a 6-8 month program to a 2-3 month program.

Vice Mayor Perkins requested that whomever is responsible for the current process, can she be updated on the timeline of when the NW 6th and 8th Streets speed humps will be completed.

Comr. Eaton pointed out that there should be a sequence of events. She has had traffic studies that were done in 2017 in her District 2, in the Highlands, and she is still waiting for the speed humps to be put in. So there maybe a number of areas ahead of Vice Mayor Perkins' District 4.

Mayor Hardin asked Major Adkins to get with Comr. Eaton regarding the issue she mentioned about the speed humps.

Mayor Rex Hardin - Traffic Update on Atlantic Boulevard and Dixie Highway Intersection - Mayor Hardin recapped that the Atlantic Boulevard and Dixie Highway intersection update presentation will be shifted from the February 8th meeting to the February 22nd meeting at 6:00 p.m. to allow anyone who wants to attend at the night-time hour, they can do so for better participation.

Mayor Hardin announced a couple of events that are forthcoming.

- On Wednesday, February 9, 2022, from 5:30 p.m. to 8:30 p.m. at the E. Pat Larkins Center, there will be a Pompano Beach Town Hall meeting, "Making Good Decisions During Stressful Times." This is a specialist panel discussion focused on positive decisions our community is making. Nora Rupert the School Board representative will attend this meeting and they have quite a panel lined up.
- On Saturday, January 29, 2022 beginning at 11:00 a.m. there will be the Unity in the Community Event Pompano Beach 2022. There will be free food and drinks, music, and children's entertainment, as well as free exhibitors' space available.

Finally, Mayor Hardin reported that they had a nice meeting with the newest US Congresswoman, Sheila Cherfilus McCormick. He, along with the City Manager and his Assistant City Managers met with her, and they had a good meeting. She expressed her thoughts and asked the City to provide her with a list of projects and priorities that would align with hers with the hope of acquiring funding from the federal levels.

F. ADJOURNMENT

The meeting adjourned at 7:50 p.m.

Rex Hardin, Mayor

Asceleta Hammond, City Clerk