



# City of Pompano Beach

100 West Atlantic Blvd.  
Pompano Beach, FL 33060

## Detailed Minutes - Final

### City Commission

*Lamar Fisher, Mayor*  
*Charlotte J. Burrie, Vice Mayor*  
*Rex Hardin, Commissioner*  
*Barry Moss, Commissioner*  
*Beverly Perkins, Commissioner*  
*Michael Sobel, Commissioner*

*Gregory P. Harrison, City Manager*  
*Mark Berman, City Attorney*  
*Asceleta Hammond, City Clerk*

Tuesday, December 12, 2017

6:00 PM

Commission Chamber

### City Commission Meeting

#### CALL TO ORDER

The Honorable Lamar Fisher called the meeting to order at 7:14 p.m. Due to an extension of time of a Special CRA meeting held earlier, the start time of the City Commission meeting was delayed.

#### ROLL CALL

Mayor Fisher announced that Vice Mayor Burrie will not attend the meeting due to illness.

**Present:** Commissioner Rex Hardin  
Commissioner Barry Moss  
Commissioner Beverly Perkins  
Commissioner Michael Sobel  
Mayor Lamar Fisher

**Absent:** Vice Mayor Charlotte Burrie

#### INVOCATION

Elder Whitney Rawls, Christ Fellowship Church of God in Christ offered the invocation.

Mayor Fisher requested that Elder Rawls remember two families in his prayers. Christopher Mullon, who served the City for many years and Charles Ellington, Sr., pioneer family member of the City of Pompano Beach.

#### PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

**APPROVAL OF MINUTES**

[18-139](#) Regular City Commission Meeting Minutes of November 14, 2017

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Minutes be APPROVED. The motion carried by a unanimous voice vote.**

**APPROVAL OF AGENDA**

Mayor Fisher indicated that item 14 would be stricken from the agenda.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, 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 Fisher stated that Consent Agenda items 1 and 2 will be pulled for City Commission discussion.

**A. SPECIAL PRESENTATION**

[17-514](#) **Presentation from the Broward County Property Appraiser**

Marty Kiar, Broward County Property Appraiser, gave an overview of the responsibilities of the Property Appraiser's Office as well as discussed exemptions and tax roll values.

Mayor Fisher announced that Marty Kiar, Broward County Property Appraiser will be providing an overview of the responsibilities of his office as well as to discuss some exemptions and tax rolls.

Property Appraiser Marty Kiar provided the City Clerk with a copy of the outline of his presentation, which is attached as **Attachment 1**.

**The Special Presentation was READ AND PRESENTED INTO THE RECORD.**

[18-116](#) **Florida Housing Coalition Award**

The City of Pompano Beach Office of Housing and Urban Improvement was awarded the Florida Housing Coalition's award recognizing the City as a model for effective leveraging of SHIP funds. Miriam Carrillo, Pompano Beach Director of Office of Housing and Urban Improvement and Mark Korman, City of Pompano Beach Program Compliance Manager presented an overview of the award.

**The Special Presentation was READ AND PRESENTED INTO THE**

**RECORD.****18-126 Special Olympics Golf**

Mayor Lamar Fisher recognized the winners of this year's Special Olympics Golf.

- Gold Medal Winner: Stephen Morgan
- Fifth Place Winner: Eric Huzansky (was unavailable for the City Commission meeting)
- Coach: Ron Morgan
- Assistant Coach: Scott Fitzsimmons

After several months of practice every Monday at Pompano Beach Municipal Golf Course, Coach Ron Morgan and Assistant Coach Scott Fitzsimmons led a group of 12 athletes to the Regional Finals in Palm Beach. Two athletes, Stephen Morgan and Eric Huzansky won their category and qualified for the State Tournament in Disney.

**The Special Presentation was READ AND PRESENTED INTO THE RECORD.**

**B. PROCLAMATIONS****18-122 Arbor Day**

Mayor Lamar Fisher proclaimed December 12, 2017 as Arbor Day in the City of Pompano Beach. Wade Collum, City of Pompano Beach Urban Forester, accepted the proclamation on behalf of the City.

**The Proclamation was READ AND PRESENTED INTO THE RECORD.**

**C. AUDIENCE TO BE HEARD**

Mayor Fisher 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. All persons interested in speaking during “Audience To Be Heard” must fill out a request form and turn it in to the City Clerk prior to the meeting. A request form is located on the last page of the agenda program.

The following persons were called to speak:

**Lemonade - Workshop Series for Girls of Color** - Jazzman LeSane, The LeSane Project, Inc. 2051 NW 1st Avenue, Pompano Beach, FL, provided a brief background of her qualifications and her life changing experiences. She mentioned that on March 10, 2017 and May 25, 2017 at Pompano Beach High School they hosted Lemonade, which is a workshop series for Girls of Color. Ms. LeSane requested a donation, as well as a sponsorship of Lemonade 2018, which she said will be held at the Mitchell Moore Recreation Center. She distributed a doily to the City Commission and asked each member to read the responses from the girls written on the doily. In addition, she presented a short video from the workshop event.

Comr. Perkins indicated that she attended a lemonade workshop held at the Jesus Supernatural facility and inquired if it was the same group. Ms. LeSane responded that there are two different groups, one is called “Lemonade Man” and her group is “Lemonade”.

The doilies were read as follows:

- Mayor Fisher - “Today made me feel great. I am also happy that I came. Thank you to everybody who impacted me today” written by Jase.
- Comr. Perkins - I feel welcomed, loved, and supported. I had a really nice time. I learned new things connected with new people.
- Comr. Moss - I feel very moved. I am very comfortable with who I am around at the moment and I am very glad I met these girls today written by Pride.
- Comr. Hardin - Today I feel relieved that today I was able to get everything off my mind. All the things I had bottled up, too busy helping others I forgot what I had wrong. Today I was able to meet new people and tell them what’s on my mind. Today I feel happy, written by Taylor.
- Comr. Sobel - Lemonade - uplifted, motivated, encouraged, inspired written by Dr. Kiara Davis.

Mayor Fisher congratulated Ms. LeSane on a great program.

**Drive Carefully Signs in Liberty Park** - Lela Holloway-Coley, Families Against Murder and Accidental Shootings, 1730 NW 5th Avenue, Pompano Beach, FL, said she is a home-grown resident of Pompano

Beach. Ms. Holloway-Coley requested the City Commission's approval for a project she opined is needed in the neighborhood. She indicated that since 1960 she has never seen a sign that warns motorists that the children are present in the Liberty Park neighborhood. Therefore, she requested that signs such as "Drive Carefully" be placed in the neighborhood for those motorist coming into Liberty Park who should be made aware of the children, who deserves to be protected.

Mayor Fisher asked City Manager Harrison to meet with Public Works Director, Robert McCaughan to see what type of signs could be posted, as well as meet with Ms. Holloway-Coley to get additional information on this matter.

**Street Maintenance Issues in District 3 Area** - Sarahca Peterson, Pompano Beach, FL, stated there are a few issues regarding certain streets in District 3, specifically, SW 2nd Street, which is connected to City Hall. She stated that as a person crosses over the train tracks and head into Cypress it is very dark going down that street. Also, upon reaching the round about where the work release center is located, there are no stop signs or light and there are trees covering the street, which makes the area darker. In addition, once you enter SW 1st Street there is no stop sign for the traffic. In fact, there was an accident that took place this past weekend. Ms. Peterson indicated that where she resides, cars travel at a minimum of 45 miles per hour and there are kids in the area. She stated that she had to stop kids being hit by trucks several times.

Additionally, Ms. Peterson complained that trash is scattered all over at SW 2nd Place which is "horrible." Bulk trash is left on the street for as long as three weeks. She said the area has a high population of Haitians and Mexicans who will not come to City Hall to complain.

Finally, Ms. Peterson urged the City Commission to pay attention and promised that if it is her child, "hell will be paid." Also, she complained that there are no sidewalks and there is a need for speed bumps.

Mayor Fisher mentioned that it would be the Avondale section of the City.

Comr. Hardin indicated that he spoke with City Manager Harrison regarding sidewalks in the area. He said if there is a problem with lightening and code enforcement, he agrees that City Manager Harrison should take a look into the issue regarding lightening in the area. He also requested that the Broward Sheriff's Office meet with Ms. Peterson regarding the speed bumps issue.

Comr. Perkins suggested that signs could be posted indicating that children are at play.

**Expression of Appreciation of City Clean Up** - Dr. Katheryn Gillis, 220 NW 15 Place, Pompano Beach, FL, stated that she complained a few months to the City Commission regarding the debris in her neighborhood and thanked the Commission for getting it removed. She said perhaps this is the beginning of the unity being spoken about. She stated that she did not know that the cars would be washed and the area pressure cleaned. She concluded that the City heard the residents' complaints and responded, which they are thankful for the efforts being made and hope this will be a start to listen and respond to assist the people in her neighborhood.

**Public Participation** - Tony Hill, 760 SE 22nd Avenue, Pompano Beach, FL, continued with his comments regarding public participation. He indicated that in some ways the CRA, whether they have an outside party

assisting them or not, their job is to go out in the community and build a vision of what the community desires. He said it is clear that the people think their vision is being ignored or they are not getting the opportunity to participate in the process, which is part of the reason for his repeated return to speak about public participation.

Mr. Hill reiterated that the City needs public participation more than ever, and said there needs to be some rebuilding of trust in some neighborhoods, which there is a process to accomplish that. He said many other cities, states, and governmental entities do it, it is documented and they have processes that are available. Furthermore, he stated that the City needs to move beyond the process where somebody comes up with a vision and presents it to the community and says, "Here is what we are going to do and we hope you like it, and if you do not, you can give us a few comments." Instead, they should be participating in the vision to begin with and maybe move on to the next stage, which is allowing the people to create the vision for their own community for the adoption by the City Commission. Mr. Hill indicated this is not being done currently. He said there are ways that it could be done, which will take some sponsorship from the City Commission, and the City Management to put a program in place. However, there are tools, which he had mentioned previously at past meetings that could assist with this effort. He said there is a City Manager, a number of Assistant City Managers, and staff which would provide the expertise to be able to accomplish it.

Mr. Hill concluded that there needs to be better public participation in the City's processes. He indicated that he is not making up the processes, but rather International Association of Public Participation has well documented data and have programs that the City could utilize. Therefore, he hopes the City Commission would consider taking small steps in that direction.

Mayor Fisher requested that City Manager Harrison take a look at the International Association of Public Participation to dissect what they can offer.

**Cheerleading Competitions** - George E. Dillard, 612 NW 7th Terrace, Pompano Beach, FL, provided good news about the kids. He stated that the Pompano Chiefs, Pompano Eagles, and Pompano Collier City Cowboys cheerleaders went to Orlando last weekend and did a magnificent job under the name of the City of Pompano Beach. The girls from Pompano Chiefs received second place in the State of Florida cheerleading. He said between all the teams from Pompano Beach, they brought back six trophies. The football team from the Chiefs brought back two trophies, second place, as well as winning the Superbowl.

Mr. Dillard urged the City to start looking out for the kids, which he indicated is important to him. He said the kids are the City's future.

**Trash Issues** - Mr. Dillard complained about the trash issues. He said the trash is being picked up but by the following week the trash is back on the streets. He suggested that a "No Dumping" sign be posted to enhance the community.

Finally, Mr. Dillard stated that it is important to look out for the kids and the elderly.

Mayor Fisher thanked Mr. Dillard for his efforts in working with the children. In fact, the City's Parks and Recreation Department takes pride in the football and cheerleading groups and the City provides a significant

subsidy for that and it gives the children an opportunity to participate. Therefore, bringing back trophies is the reward and it warms the City Commission's heart that the City is able to do that.

**Speed Bumps Request** - Sharonda Richardson, 700 NW 17th Street, Pompano Beach, FL, mentioned the need for speed bumps, which requests appear to be reoccurring. She mentioned that speed bumps have been placed at NW 6th Avenue but they are needed on NW 17th Street and NW 21st Court.

Mayor Fisher clarified how the City goes about acquiring speed bumps. He said that Captain Granville from the Broward Sheriff's Office has a two to three steps process. First, an enforcement is done, and then they determine the need for the speed bumps. A petition is distributed and 67% of the people residing on the street must sign the petition in order to get the speed bumps. Therefore, Mayor Fisher encouraged Ms. Richardson to coordinate the petition process and to meet with Captain Granville so he could provide her with more information about the process.

**Made in Pompano Initiative** - Ms. Richardson indicated that she started an initiative called "Made In Pompano" which involves cultural arts with an emphasis on poetry for the kids. She provided details regarding the program, which include workshops to teach the children writing. She indicated that one of the events planned is a Summer Slam Series for the children.

Finally, Ms. Richardson indicated that she has been spearheading a poetry team. However, she has been entering and winning poetry competitions under the City of Delray, even though she resides in Pompano Beach and never lived in Delray Beach. She created a team of five, called Exit 36, and they will be going to competition this year and will represent Pompano Beach for the first time. Ms. Richardson mentioned that four members are ranked nationally, and one is ranked regionally and she is ranked worldwide. Therefore, she asked for the City Commission's support to assist them to go to San Antonio on June 12-17, 2018. She indicated that the total cost for their entrance for the competition would be \$3,000 and would appreciate some assistance with this event.

Mayor Fisher advised Ms. Richardson to provide City Manager Harrison with a physical budget via email, for the City Commission to make a decision as a body.

**Boat Conversion to a Restaurant** - Richard Gollel, 2310 Bay Drive, Pompano Beach, FL, stated that he is interested in renting a spot at the Hillsboro Park to establish a boat restaurant. He mentioned that the area is beautiful and the park is not utilized as much as it should be.

Mayor Fisher encouraged Mr. Gollel to meet with City Manager Harrison to work out the legal requirements to realize his vision.

**Injustice to Pompano Eagles Cheerleaders** - Connie Bennett, 4150 NE 11th Avenue, Pompano Beach, FL, spoke about the injustice being done to the Pompano Beach Cheerleaders. She indicated that she has been following them for the past several years as they were placed regionally in competitions and have seen them get on buses to spend the night out of town. She indicated that this year the girls made nationals, and they were in Orlando for the competition where they were placed fifth. However, the City did not pay for the girls

to attend the celebrations at Disney World, Magic Kingdom or Animal Kingdom, while other teams were allowed to go out to celebrate. Ms. Bennett indicated that the girls are athletes and compete very well and represents Pompano Beach, yet no food or hotel accommodations were provided for them.

In sum, Ms. Bennett stated that the girls deserve some recognition as they work hard to compete and was placed fifth in this year's competition.

Mayor Fisher suggested that Ms. Bennett meet with City Manager Harrison to work out what was involved in the issues regarding the City's participation in providing assistance to the girls.

**Pompano Eagles Cheerleaders in Orlando** - Tammi Bennett, 216 SW 10th Street, Pompano Beach, FL, indicated that she is speaking in reference to her daughter and the varsity Pompano Eagles Cheerleaders who went to nationals and were placed fifth for dance, and for cheer. She indicated that the cheerleaders are consistently disrespected; however, everything goes to the football team. She indicated that the cheerleading means just as much or even more. She cited incidents that she felt the girls were treated with injustice when they attended the nationals in Orlando, which included no provision of food and their denial to stay one night over after the competition ended, resulting in the kids being stranded with no bus to take them home.

In sum, Ms. Bennett expressed her dissatisfaction with how the girls were treated and demanded answers as to why this was allowed to happen.

Mayor Fisher indicated that she will be provided with answers; however, he encouraged Ms. Bennett to speak with City Manager Harrison who reports to the City Commission.

**Pompano Eagles Cheerleaders in Orlando** - Latoya Shaw, 5101 NE 6th Avenue, Pompano Beach, FL, mentioned that as a parent for a member of the Pompano Eagles Cheerleading team, she was also dissatisfied with the way the Parks and Recreation Department handled the situation with the girls when they went to Orlando to compete for the nationals. She then related the unacceptable incidences that the girls, as well as their coaches were subjected to while in Orlando and for their return to Pompano Beach. Ms. Shaw also asked for answers as to why this was allowed to happen to the girls.

Comr. Sobel requested that as the City Manager does his background check and study into the situation could he provide the City Commission with an update as to what transpired with this group's experiences.

**Pompano Eagles Cheerleaders in Orlando** - Jacqueline Savon, 1841 NW 5th Terrace, Pompano Beach, FL, mentioned that she has two girls who attended the Pompano Eagles Cheerleading competition and experienced the unacceptable treatment in getting them from the competition in Orlando. She then related the incidents that happened to her daughters as they tried to get back home, and who did not get back home until late and had to share a ride with the football players. Also, one of her daughters was attacked by another teammate with no supervision after curfew. In fact, charges have been pressed on her daughter from the parent of that teammate. Ms. Savon is also looking for answers as she felt the entire group was mistreated during the trip to Orlando.

**Brazilian Community Center** - Urbano Santos, President of Brazilian Community Center, 571 E. Sample



Road, Pompano Beach, FL, introduced two members of his team, who represent the Brazilian Community Center. Mr. Santos stated that the Center represents approximately 150,000 Brazilians who have elected to reside in Broward County with approximately 20,000 residing in the City of Pompano Beach. He said they are proud of the City and for the wonderful job it is doing to become a beautiful city. He stated that to strengthen the relationship with the City, he introduced Vicente Thrower, who is their liaison for the community outreach,

**Brazilian Community Center** - Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated that the Brazilian community is one of the major corridors, which is in northern Pompano Beach, and they want to ensure that their relationship is strengthened with the City Commission. He indicated that Mr. Santos has been involved within the community for the last ten years and longer. Therefore, he is requesting that over the next few months a dialogue be established between the City and the Brazilian community. Mr. Thrower indicated that part of the G.O. Bond is geared toward activities in the Brazilian community such as soccer, soccer fields, and so forth.

Mayor Fisher noted that Mr. Santos is aware, as once a month there is dialogue between he and Mr. Santos, as well as he frequently invites him to the various events, which he has always supported, along with sister City Deerfield Beach. Mayor Fisher encouraged Mr. Santos to keep up the good work and he promised to continue to work with him in the future.

**Mayor Fisher's Position on Resign-to run** - Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, noted that Mayor Fisher had publically announced his intention to resign as mayor of Pompano Beach and run for County Commissioner. Mr. Terwilliger stated that the mayor's term, unlike the City's Commissioners, is four years in duration, which will expire in the year 2020. He then explained the right-to-run law by the State Statute and the fact that the mayor could not hold two positions at the same time. Therefore, Mr. Terwilliger asked the Mayor for a date in which he would deem his seat vacant, which he opined would save taxpayer money by avoiding having to call a special election sometime in the future.

Mayor Fisher indicated that he will be following the requirements of the Florida Statute.

**Pompano Eagles Cheerleaders Issue** - Joseph Wells, Pompano Beach, FL, stated that after listening to the complaints regarding the issues with the Pompano Eagles Cheerleaders, and they do have the right to hear from the Parks and Recreation staff, if he is present, to explain what exactly happened. Mr. Wells expressed his concern regarding a girl (cheerleader) riding back on a bus with boys, which he says is unacceptable. Therefore, he hopes someone is terminated for this action.

Mayor Fisher noted that the Parks and Recreation personnel was not present to speak on the matter. He also agreed that the action was unacceptable.

**Bulk Trash Issues** - Mr. Wells complained that in District 4 there is a lot of bulk trash that people are dumping in the neighborhoods. He stated that the problem appears to be when the big dumpsters pick up trash on Wednesdays and Saturdays they leave the bulk trash on the streets. Therefore, he asked if there is anyway instead of tagging the trash piles, could the trucks pick them up and later sort out the issues to fine those violators. He complained that on NW 6th Street there are all types of bulk trash to include bed mattresses, dressers, and so forth, which is unsightly.

**G.O. Bond and Local Participation** - Mr. Wells indicated previously that he along with others spoke about local participation when the G.O. Bond issue was discussed. He understood that the City Commission discussed putting this matter on “the books” and then work out the details. He complained that it is still not on “the books.”

Additionally, Mr. Wells indicated his disagreement with the G.O. Bond and explained his reasons.

Mayor Fisher provided an update on the matter and indicated that staff has been working on the details and will be ready for presenting an ordinance to the City Commission in January.

**Rebuilding District 4 Community** - Dr. Wilhelmena Mack, W Mack & Associates, 8301 NW 48th Street, Lauderhill, FL, President of W. Mack & Associates, stated that the organization is a management consulting company. She indicated that Comr. Perkins contacted her regarding her concerns of what has been happening in her District. She mentioned some of the various challenges, to include having difficulties in pulling together as a community to identify the issues that could be brought back to the City Commission for consideration and resolution.

Dr. Mack commented on some of the concerns found in working within a community, which stem from the fact that many times when issues are brought up they are dealt with cognitively, whereas the person expressing it as something coming from the heart. If both issues are not dealt with, there are challenges when a response is given - "a question was asked - answered - checked off the list - and let's move forward," when in many instances, which is coming from the community, it is not exactly the way it was meant to be. These issues are not dealt with in a way that the residents feel are being handled the way they would like it to be. She explained that people have expressed that they have appeared before the City Commission on several issues continuously but are not receiving responses in a fashion that addresses their issues.

Dr. Mack provided a brief background of her accomplishments working in various cities and private sectors addressing the issues of community building. In sum, she reiterated that Comr. Perkins had contacted her with her concerns with the hope that addressing the community challenges would not only benefit her District but the entire City that is experiencing the same issues in the various communities.

Whitney Rawls, indicated that he is a member of the concerned clergy, and understood that Dr. Mack has met with City staff, as well as the concerned clergy. However, on behalf of Reverend Gary McLamore and the concerned clergy, they stand in support of a community engagement, and community building initiative led by Dr. Mack at the request of District 4 Commissioner Beverly Perkins and would hope the City would engage this process positively to assist the residents to restore trust, honor and respect, as well as to build the community.

Mayor Fisher asked if there is a fee involved for the services of Dr. Mack, which she replied yes.

Comr. Perkins indicated that they have met with City Manager Harrison twice regarding Dr. Mack assisting with the community building. The City Manager had suggested that this matter be brought before the City Commission to decide on what Dr. Mack could do for the community.

Greg Harrison, City Manager, indicated that he did not get the part about community building when he met with the group. He explained that Comr. Perkins requested a meeting with Dr. Mack, Pastor McLamore and Robert Holmes. At that time, he understood that Comr. Perkins wanted Dr. Mack to use surveys that Comr. Perkins had gathered at three of her empowerment meetings and have her provide interpretations from the surveys.

Mr. Harrison stated that he reviewed the information and enquired of Sandra King, Public Communications Director, what she would be doing for a citywide survey starting in January and would address some of the same areas in the surveys Comr. Perkins had taken. The project is already part of the budget for this year, which will be a \$25,000 item and the survey will be citywide. Currently, what he is understanding from Dr. Mack is that the emphasis is on community building, so there is a need to reconvene for further discussion of what she has in mind. In sum, he was trying to avoid duplicating what was going to happen in January in all of the districts.

Mayor Fisher understood that what Dr. Mack has spoken about at this meeting is a different component, and perhaps City Manager Harrison could have another meeting to see how this could be implemented and the fees involved to do it.

Comr. Perkins stated that when she met with the City Manager he appeared to think “survey,” which is only one component of what Dr. Mack had asked her for. She said Dr. Mack’s service does not compare to the approved survey for the city in January. She then explained in details some of the activities that will be involved in the community building to include workshops, seminars and so forth. She mentioned that every district does need different things and if somebody in any of the other districts would like to engage Dr. Mack to assist it would be okay. However, Comr. Perkins indicated that she is not singling out anyone to do the same thing. Rather, the idea was brought to her attention from some of the people in the community and she thinks it is a good idea that could work.

Comr. Perkins indicated that she would not want to discuss this matter with the City Manager a third time, because he still would not understand. She then explained in details what they discussed prior as to the services Dr. Mack would provide to assist with community building, which has never been done before in the City.

Mayor Fisher suggested that since the City Commission has not seen a proposal, it would be helpful if Dr. Mack would send a proposal to include the scope of services and cost to the City Manager for him to distribute, which would be placed on a future agenda to be voted on, as well as to ensure all legalities are addressed as it relates to bidding and so forth.

#### **D. CONSENT AGENDA**

There was no discussion on Consent Agenda items 3 through 5.

1. [18-128](#) Approve ranking order for RFP E-34-17 Financial Advisory Services and authorize staff to

negotiate a contract with the highest ranked firm PFM Financial Advisory LLC.  
(Fiscal Impact: N/A)

**(Staff Contact:** Andrew Jean-Pierre)

Comr. Sobel pulled the item for City Commission discussion. Comr. Sobel indicated that he needed to understand the item. He said there are two contractors and one may have worked with the City for many years. However, the proposal is to award the bid, which is much more expensive than the alternate.

Andrew Jean-Pierre, Finance Director, responded that is correct. He explained the process involved and said cost is only one of many factors, to include experience, qualifications of the firm, etc. He said the competition was close and an oral presentation was also done. The committee unanimously agreed that PFM Financial Advisory, LLC should be ranked the number one firm to advise the City.

Comr. Sobel enquired if this firm would be the financing contractor for the potential G.O. Bond should it pass by vote.

Mr. Jean-Pierre responded yes, and explained their involvement with the City over the past years.

Comr. Sobel indicated that in the backup it appears that if the bond does not pass staff will be authorized to negotiate Certificates of Participation and asked if that is correct.

Mr. Jean-Pierre replied that is not correct. The firm will have a contract for five years for whatever debt the city management would issue. In sum, the firm will represent the City in the financial market for any debt.

Greg Harrison, City Manager explained that the City would not enter into a Certificates of Participation project without the City Commission's approval.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss that the Approval Request be APPROVED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Fisher

**Absent:** Burrie

- [18-125](#) Approve ranking order for RFP E-06-18 Pompano Beach Fire Rescue Medical Director and authorize staff to negotiate a contract with the highest ranked firm Michael Farrell, M.D.  
(Fiscal Impact: No cost at this time)

(Staff Contact: John Jurgle)

Comr. Hardin pulled the item for City Commission discussion. Comr. Hardin expressed thanks to Dr. Farrell, who has been the City's medical director for a number of years and has done a great job for the City and the EMS Department.

Mayor Fisher concurred with Comr. Hardin's comments.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss that the Approval Request be APPROVED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Fisher

**Absent:** Burrie

3. [18-127](#) Approve ranking order for RLI E-01-18 Continuing Contract for Engineering and Project Management Consultant, Overhead Utilities Conversion to Underground, and authorize staff to negotiate contracts with the two highest ranked firms: Kimley-Horn and Associates, Inc. and Keith and Schnars, P.A.  
(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

4. [18-119](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND ACCEPTING THE CITY'S 2018 ANNUAL PUBLIC ART PLAN AND DIRECTING STAFF TO PROCEED WITH PROJECTS INCLUDED IN THE PLAN FOR FY 2018; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$243,650.00)

(Staff Contact: Laura Atria/David Recor)

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

**Enactment No: RES. No. 2018-52**

5. [18-132](#) 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 AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 1549, RELATING TO THE COLLECTIVE BARGAINING AGREEMENT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Ed Beecher)

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

**Enactment No: RES. No. 2018-53**

**E. REGULAR AGENDA**

Mark E. Berman, City Attorney, advised that items 6-8 are listed under Quasi-Judicial Proceeding and are 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.

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

6. [18-115](#) **P.H. 2018-17: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING SOUTH OF WEST ATLANTIC BOULEVARD AND EAST OF SOUTHWEST 27TH AVENUE AND COMMONLY KNOWN AS 20 SW 27TH AVENUE FROM B-2 (COMMUNITY BUSINESS) TO B-3 (GENERAL BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Maggie Barszewski/David Recor)

Mayor Fisher congratulated David Recor on his promotion as Director of Development Services.

David Recor, Director of Development Services Department, presented the item by stating that the applicant has proposed to rezone the property located at 20 SW 27th Avenue from B-2 (Community Business) to B-3 (General Business). This is a .66 acre property with a Comprehensive Future Land Use Designation of C (Commercial). In addition, he said there is an existing 17,230 square foot building with senior medical care and a home assistant service use located on the property. The applicant is seeking approval to expand allowable medical uses in the building. In order to address the issue of compatibility the applicant has offered a voluntary Declaration of Restrictive Covenants to prohibit a lengthy list of the B-3 permitted uses. On August 23, 2017, the Planning and Zoning Board voted unanimously to recommend approval of the rezoning application and the Development Services staff recommends approval as presented.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Ordinance be APPROVED FIRST READING. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Fisher

**Absent:** Burrie

7. [18-124](#) **P.H. 2018-18: (PUBLIC HEARING 1ST READING)**  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LOCATED ON NW 31ST AVENUE AND APPROXIMATELY 500 FEET SOUTH OF DR. MARTIN LUTHER KING, JR. BLVD. FROM B-3 (GENERAL COMMERCIAL) TO B-4 (HEAVY BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**(Staff Contact:** Maggie Barszewski/David Recor)

David Recor, Director of Development Services Department presented the item by stating that the applicant has proposed to rezone the property located on NW 31st Avenue approximately 500 feet south of Dr. Martin Luther King Jr. Boulevard (MLK Boulevard), from B-3 (General Business) to B-4 (Heavy Business). The 4.6 acres property has a Comprehensive Future Land Use Designation of C (Commercial). The property is vacant, however, the applicant has obtained major site plan approval from the Planning and Zoning Board to construct a 58,000 square foot warehouse storage facility with ancillary office and showroom space, subject to City Commission approval of the rezoning application. The applicant has offered a Declaration of Restrictive Covenants to prohibit specific B-4 permitted uses. On November 15, 2017, the Planning and Zoning Board voted to recommend approval of the application with the condition that the applicant make every reasonable effort to meet with the Collier City Community Association prior to consideration by the City Commission. Mr. Recor indicated that the Development Services staff recommend approval as presented.

The following City Commission members announced that they had ex-parte communications with the applicant and counsel regarding the project and the viewing of the potential site plan:

Mayor Fisher, Comr. Hardin, Comr. Sobel, and Comr. Perkins.

Keith Poliakoff, 200 E. Las Olas Boulevard, Suite 1000, Ft. Lauderdale, FL, stated that he will be discussing the item, with the City Commission, on behalf of the applicant. He reiterated where the property/project was located and explained the surrounding uses to it. Also, he reiterated the reasons for the request to rezone. He introduced the team members present and available to answer questions, who were Alan Benenson, owner/developer of the property, Joseph J. Pasquale, Pasquale & Kuritzky Architecture, Inc., the architect, Jackie with Mr. Benenson's office, Mike Vonder Muelen and Dodie Keith from Keith and Associates.

Mr. Poliakoff described the general surrounding area, which includes the former and new McDonalds on NW 31st Avenue, the motel and truck stop, an old warehousing, the Booby Trap, the Charles Drew Elementary School and an Elementary School for at-risk children. In addition, he outlined the permitted uses in the B-3



zoning in which the proposed rezoning of the property is located, as well as the B-4 uses and mentioned that their proposed uses for B-4 do not involve spot zoning.

Mr. Poliakoff indicated that the site plan for the development of the retail office park has a direct access in and a dedicated turn lane in both directions. It will be three buildings of approximately 50,000 square feet. The building height is 35 feet and the front set back is 67.2 feet and the site set back is 47 feet and the rear set back is 69 feet except for the two corners of the building. The pervious area is 28.9%. He said the style of architecture was approved unanimously by the Architectural Appearance Committee (AAC). Entrance to the retail space is located on NW 31st Avenue. The business park will allow shoppers at the location but will be able to pick up their items such as furniture at the rear of the space. In sum, it will enable shops and storage in the facility.

Additionally, Mr. Poliakoff indicated that Pompano Beach Business Park is not a warehouse, rather it is in the commercial land use category that allows a maximum of 50% of the site for warehouse, which cannot be exceeded as per county law noted in the plat. Furthermore, in November, the developer had a voluntary community meeting that was not required by code, but they needed to get input from the residents in the area. The notice of the meeting was sent to the required 500 feet radius property owners and due to the fact the area was mostly industrial, the turnout was sparse.

Consequently, they were asked to hold a community meeting that was held on December 6, 2017, which was well attended. The developer tried to address several concerns that some residents had expressed to include whether the project would be all warehouse space, which it will not be. Also, the developer committed to removing the old billboard on NW 31st Avenue, he has committed to the principal of Charles Drew Elementary School that they will assist with enhancing the literacy program, the developer committed to achieving the County's standards not the City's standard of 25% minority participation in the project, he has committed to placing art work at the entrance along NW 31st Avenue to give the project a nice welcoming feel at the gateway from the Turnpike. Moreover, the study revealed that the area has problems with the homeless population, therefore, they redesigned the site plan and agreed to remove the proposed buffer wall at the back and replace it with fencing and landscaping to leave it open and light. Additionally, lighting will be placed at the rear of the building to illuminate the back of the property and the Charles Drew Elementary School property to hopefully put an end to the congregation of homeless people sleeping at the back of the school.

In brief, Mr. Poliakoff provided the standard review of the item, which went before the Planning and Zoning Board, it is quasi-judicial, and it is competence substantial evidence. Also, City staff and the Planning and Zoning Board have all found the application in conformity with the applicable requirements of the land development code, and applicable established principles of the zoning law. As such, the burden of proof legally now switches to the opposition to prove by competence substantial evidence through the use of experts that the rezoning request does not meet the requirements of the code.

Mayor Fisher then took public testimony and indicated he would allow Mr. Poliakoff to close at the end.

The following persons spoke regarding the project:

- Scott Brenner, formerly Brenner Real Estate Group, 225 North Federal Highway, Boca Raton, FL,

indicated that they were the original broker at Brenner Real Estate for the property. He said it was widely marketed and there were not a lot of “takers.” The neighborhood speaks for itself that has gone through a few changes, so they were excited when Allan Benenson expressed his vision for the area. It will add value to the area and is a first class project. Therefore, he urged the City Commission to approve the rezoning.

- Wayne Vereen, 2420 NW 7th Street, Pompano Beach, FL, stated that initially he learned the building would be a warehouse, but wanted to know what type of business would be able to occupy the building. Notwithstanding, Mr. Vereen indicated he would prefer to see something that would assist in benefitting the Collier City community as it relates to jobs or a nice restaurant, perhaps a nice motel or even a shelter for the homeless.

Mr. Poliakoff responded it would be retail stores for products such as furniture, plumbing fixture, and kitchen cabinets. He said by law it cannot be a warehouse.

- Vicente Thrower, 1890 NW6th Avenue, Pompano Beach, FL, supports the proposed project and thinks the design is quite nice. Mr. Thrower asked if the property is located in the CRA district, which Mayor Fisher responded it is.
- Jocelyn Jackson, 141 NW 19th Street, Pompano Beach, FL indicated the building is beautiful and she likes the setup. Nevertheless, she desired to see more retail stores in the area similar to those that are on the east side of Atlantic Boulevard on the beach. She suggested that the current motel in the area be taken down as it encourages drugs and prostitution in the community.
- Phyllis Smith, President of Collier City Civic Association, Pompano Beach, FL provided her reasons for not supporting the proposed project. She mentioned that she spoke with Mr. Poliakoff, who requested a meeting with the association, but she had told him they had already conducted their meeting and that the next meeting will be on January 31. She said Mr. Poliakoff told her that was not acceptable and that he needed to have a meeting before that time. When he asked her for the association members’ list she refused to provide him with it, because she felt he was “rude to me” and he was “bullying me” as well as told her he would call his own meeting, which he did on December 6th at 7:00 p.m.

Ms. Smith felt she and the community were disrespected. She complained that when the community speaks and say, “They do not want a particular project” or “This is not the best thing for the community;” she wonders who is listening. Moreover, Ms. Smith indicated that the people from Golf View and the Island Club community attended the meeting but had to leave due to the lateness of the time, but they indicated that they do not support the proposed project. She complained that this will just add to the neighborhood being surrounded by the motels, boxed in by warehouses, jailhouse, strip clubs, homeless shelter, feeding lines for hungry people, and dog shelter places. Also, it allows for people walking through the neighborhood early in the morning when they are released from the jailhouse. In sum, she did not want the children of the neighborhood to be boxed in by these various groups and organizations, and a warehouse type facility is not enhancing the community.

- Corey Thompson, 2160 NW 4th Street, Pompano Beach, FL, provided his reasons why he supports the project. Therefore, he encouraged the City Commission to move forward with it as it supports economic growth within the City.
- Tony Hill, 760 SE 22nd Avenue, Pompano Beach, FL, stated that at the Planning and Zoning Board meeting there was nobody from the public who spoke on the matter, but upon the suggestion of Dr. Gillis, they requested that the developer reach out to the community regarding the project. The meeting may not have worked out as smoothly, nevertheless, there is a need of a catalyst to bring more development to the area.

He stated the proposed project is good and beautiful and the site plan was well done. He said while this may not be the best project for the area, there are times people cannot choose the best project to go somewhere that a developer is going to invest money to do. He said the developer is taking some type of risk in developing the project in the area. Moreover, he said a spark is needed for the area and if this is the project that will start the build out of the street and get other people interested for redevelopment, then there will be opportunities to determine what will be developed next. Finally, Mr. Hill indicated it is a good project.

Mr. Poliakoff thanked everyone who spoke about the project, and commented about the feasibility of selecting the type of project that will enhance the area. He apologized to Ms. Smith if he had offended her in anyway, and explained why they were trying to ensure they met with the Collier City community as required by the Planning and Zoning Board. Nonetheless, the meeting was well attended and he was pleased to hear the community thoughts of the development.

Comr. Moss suggested that since there has been some hurt feelings and slights involved, especially the letter sent out by Keith and Associates, which was condescending and insulting to the people, perhaps the City Commission should postpone consideration of the matter until such time the developer meets with the Collier City Civic Association, which was the group he was asked to meet with, but decided that his timeline was more important than theirs.

Comr. Moss made a motion that the item be postponed until such time that the developer would have had the opportunity to present the project to the Collier City Civic Association, which would be in the month of January, which was seconded by Comr. Hardin.

In sum, the motion was to postpone the meeting to the first City Commission meeting after the Collier City Civic Association's meeting in January.

Comr. Hardin indicated that sometimes in development projects there are timelines so he would be interested to hear from the developer's team of the ramification of taking additional time.

Mr. Poliakoff responded there are; however, if they had the luxury of time they would have waited for the meeting on January 31 and not gone through the expense of getting priority mailers to the residents of the community. He said the developer has financing commitments and the lender needs to close by the end of the

year to make the development a reality.

After some deliberation, Mr. Poliakoff agreed that providing Collier City Civic Association agrees to put them on their January 31, 2018 meeting agenda, then they could return to the City Commission on their first meeting in February, that is February 13, 2018 for the second reading of the ordinance.

Ms. Smith agreed to put the item on their January 31, 2018 agenda.

Comr. Moss indicated he has no objection to the agreement, but would like to ensure that they show the respect due to the community and make their presentation to the Collier City Civic Association's meeting. Therefore, both Comr. Moss and Comr. Hardin withdrew the prior motion to postpone.

Comr. Hardin asked about the 25% minority participation in the construction aspect of the project that was mentioned previously.

Mr. Poliakoff responded that is correct and explained the full development phase process.

Comr. Hardin wanted to know how would the City Commission know and verify that the standard they have committed to will be met.

Mr. Poliakoff indicated that there are certain requirements of filing with the County and they had committed to County Commissioner Dale Holness, who was in attendance, as well as the Collier City Civic Association residents. Furthermore, since the plat note will be coming back before the County and the Commission it will have to be done and finalized in the right way. He confirmed that when the plat note comes before the City Commission they will put in the stipulation of the record that they will follow the county's requirement of 25% minority participation.

Comr. Hardin asked if there will be tractor trailers parked on the premises, which Mr. Poliakoff replied no. He explained the drop-off points for unloading. In addition, Comr. Hardin asked about outdoor storage and wondered why they did not exclude all outdoor storage.

Mr. Poliakoff responded that outdoor storage is not allowed by the code, as a result, there were certain uses that they wanted to ensure they would not return for special exception or some other requirements that the City would do. However, there will be no outdoor storage at the location.

Mr. Recor explained in the backup material, the Declaration of Restrictions addressed the issue. There were fourteen additional uses permitted given the plat restrictions and outdoor storage is not one of them.

Comr. Hardin asked once the building is built what would be involved in maintenance of the property, to include painting of the building, landscaping, and so forth.

Greg Harrison, City Manager responded that Code Enforcement would ensure that the building is kept up to standard to enhance the area and not kept dilapidated.

Mr. Poliakoff indicated that the architect chose materials and colors that are designed for longevity. The durability is designed for 50 years.

Comr. Hardin asked how many people were in attendance after they sent out 2,600 mailers.

Mr. Poliakoff responded it was approximately 2,300 mailers and indicated approximately 20-30 people were in attendance.

Comr. Moss asked of the people in attendance could they provide information as to how many were actually from the Collier City area.

Mr. Poliakoff indicated he can provide a copy of the sign-in sheet to the City Commission.

Comr. Moss asked how many people spoke in favor or against the project.

Mr. Poliakoff indicated that it was a community dialogue to get input about what they desire to have in the neighborhood, what were their issues, what community involvement they desired and otherwise. He said nobody really expressed their dissatisfaction of the project but rather it was a full out discussion of a multitude of issues.

Comr. Moss indicated that he is concerned for the people in the Collier City area getting the right input and to ensure they are onboard with the project before the City moves forward.

In response to Comr. Moss' question on the literacy program participation, Mr. Poliakoff indicated that he will be meeting with the Charles Drew Elementary School principal on January 8, 2018, and will be able to provide the City Commission with the specific needs for the school. On their initial meeting, the principal had indicated that they were looking for educational books on the reading level of the students and potentially a financial commitment.

Comr. Moss asked that the developer's team look into providing the number of jobs that would be generated through construction of the project, as well as how many jobs would be created on an annual basis. Moreover, he indicated that he had heard that when the plans were first submitted they were brought through the CRA and they were not widely enthusiastic about it, but they gave their "blessings with some caveats."

Mr. Poliakoff responded that he would like to hear more from the CRA on the matter, because he did not agree with Comr. Moss's statement. Therefore, since this was brought into the testament of the record they need to rebut it for evidential purposes.

Comr. Moss indicated that he spoke with one of the executive directors of the CRA and she indicated that they had some caveats about it. Therefore, it would be nice to get those and get it on the record indeed.

In response to Comr. Moss's question of tenants for the building, Mr. Poliakoff responded they do not have any and that they are two years out from construction and completion. They are targeting tenants that will provide sites that a homeowner can go to and find a place for plumbing fixtures, flooring, furniture, cabinets,

and home improvements. It would be a one stop shop to go from store to store and get what is needed for the home. He confirmed it would not be possible to have a store that would sell chemicals to lawn maintenance companies, due to the City's deed restrictions.

Comr. Perkins indicated that she supports the idea that the developer's team will meet with the Collier City Civic Association. She indicated that she considers the developer friendly and explained her reasons, to include he will be assisting the schools, he has considered the homeless and prostitution situation, he has sent out mailers to the community, he has committed to 25% minority participation, which is what she would want in her district. Therefore, she supports the project and would be interested to hear how the residents in Collier City responds to the proposal.

Comr. Perkins asked about the hours of operation, as well as the availability of security cameras on the premises.

Mr. Poliakoff responded that there will be full CCTV recording cameras. The operation hours would be approximately 8 - 5 or 6, some will depend on the particular store, but it will not be an all-night opening.

Mayor Fisher noted that the second reading will be postponed to the February 13, 2018 City Commission meeting.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Ordinance be APPROVED FIRST READING. However, the 2nd Reading will be postponed until February 13, 2018 City Commission Meeting. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Fisher

**Absent:** Burrie

8. [18-79](#) **P.H. 2018-11: (PUBLIC HEARING 2ND READING)**  
AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, TO ABANDON A UTILITY EASEMENT FOR JOHN KNOX VILLAGE LOCATED AT 651 SW 6TH STREET; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**FIRST READING: NOVEMBER 14, 2017**

**(Staff Contact: Maggie Barszewski/David Recor)**

David Recor, Director of Development Services Department, presented the item by stating that the item is the second reading and there were no additional comments from staff.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Ordinance be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Fisher

**Absent:** Burrie

**Enactment No: ORD. No. 2018-14**

**END OF QUASI-JUDICIAL PROCEEDING**

9. [18-102](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND CENTENNIAL BANK; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**TABLED FROM NOVEMBER 14, 2017**

**(Staff Contact: John Sfiropoulos)**

John Sfiropoulos, City Engineer, presented the item by stating that the use of the City right-of-way is requested for the installation of a grand water monitoring well as required by Broward County Environmental. Therefore, in order to accomplish this, the applicant is required to enter into a revocable license agreement with the City per city code.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, asked if the consideration was added to the proposed ordinance.

Mark Berman, City Attorney responded yes. He explained that some modifications were made to the current version, as he had indicated at the last meeting.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, to remove the item from the table.**

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Resolution be ADOPTED. The motion**

**carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Fisher

**Absent:** Burrie

**Enactment No: RES. No. 2018-54**10. [18-129](#) **P.H. 2018-24: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 115, "MISCELLANEOUS BUSINESSES," BY CREATING SECTION 115.28, "MEDICAL MARIJUANA DISPENSARIES," TO BAN DISPENSING OF MEDICAL MARIJUANA WITHIN THE CITY; BY AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING ARTICLE 4, "USE STANDARDS," BY AMENDING PART 7, "MEDICAL MARIJUANA ESTABLISHMENTS," TO DELETE THE USE STANDARDS AND REQUIREMENTS FOR MEDICAL MARIJUANA RETAIL ESTABLISHMENTS; BY AMENDING THE DEFINITION AND STANDARDS OF MEDICAL MARIJUANA HEALTH CARE ESTABLISHMENTS AND BY AMENDING THE STANDARDS FOR MEDICAL MARIJUANA INDUSTRIAL ESTABLISHMENT; BY AMENDING SECTION 155.5102., "OFF-STREET PARKING AND LOADING," BY DELETING REFERENCE TO MEDICAL MARIJUANA RETAIL ESTABLISHMENT; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY AMENDING DEFINITIONS AND DELETING REFERENCE TO MEDICAL MARIJUANA RETAIL ESTABLISHMENT; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO DELETE REFERENCE TO MEDICAL MARIJUANA RETAIL ESTABLISHMENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** David Recor/Jean E. Dolan)

Jean Dolan, Development Services Department presented the item and stated that the state law was regulating medical marijuana passed last June and staff made an attempt, in the summer, to come up with an ordinance. Notwithstanding, the City Commission determined at that time there was more time needed to study the law to ensure it is understood thoroughly prior to adoption of an ordinance. In the meantime, staff has studied the law and is more understanding as to what is involved. She explained that the state law pre-exempts cities from regulating medical marijuana except that they can ban the dispensing function. Otherwise, it will be left regulated the same way that pharmacies are regulated. In addition, the City Attorney, through various workshops and studies, has determined that the state law is prospective not retrospective. Therefore, the City can keep its existing regulations even though the state law pre-exempts new regulations from being adopted.



Ms. Dolan explained that the current proposed ordinance is a blend of keeping the City's regulations and taking the opportunity that is provided in the state law to ban the dispensing function. Therefore, the sixth whereas clause in the ordinance sums it up, by stating that the state law is pre-empting the City, though it is prospective, so that our regulations can be kept and just ban the dispensing, which is now allowed by the state law. Therefore, the current proposed ordinance is basically keeping the current regulations, which are more restrictive than the state law, but also banning the dispensing function. The Planning and Zoning Board voted against that and felt it would be better to leave the current regulations in tact with the regulations limiting dispensing but not banning it.

Dorine Wollangk, 954 NE 26th Avenue, Pompano Beach, FL, stated that she is a cancer survivor and a chronic pain sufferer and is thankful for the Florida law. Moreover, she is a compassionate use registered patient. She explained that in order for her to get her medication she has to go to a "sketchy area" in Miami near the airport or to Lake Worth in Palm Beach County. But she would rather her tax dollars go to the City of Pompano Beach. She felt the City is shortsighted by wanting to deny medical marijuana dispensing in the City of Pompano Beach. She noted that by 2020 they expect the medical marijuana business to be a \$40 billion industry, which the City could use the dollars that this would generate, as well as the jobs it would create for the residents. Ms. Wollangk provided information from a report regarding the amount of jobs that will be created due to the countywide legalization of marijuana.

Mayor Fisher asked if the medication could be mailed to the patient.

Ms. Wollangk does not believe it can be mailed due to federal regulations. However, a user could pay for a delivery service to bring it to the user.

Mark Berman, City Attorney, clarified that the ordinance does not ban the boxing, manufacturing, cultivating and other things related to the industry. Rather, it bans the retail centers. In addition, he explained that it is not an indictment of medical marijuana and clarified what the issue was regarding the law. He mentioned that it is an evolving process and this time the desire is to keep the rest of the industry intact. The availability as set forth in the code, due to the legislative scheme that was put forth has forced all municipalities around Broward and Palm Beach counties to say retail establishments that did not have ordinances in place, as the City has, would basically focus on Pompano Beach to open these establishments at every single potential place that they can. Therefore, an overabundance is a possibility based upon the legislative scheme. In sum, this is intended to be a temporary measure, until the City can determine what opportunities there are once the legislature changes. Therefore, most attorneys around the cities and the state are looking for ways to make this a more reasonable dispersal of availability of retail establishments that does not exist currently.

Mayor Fisher stated that it is work in progress as the City works through the state legislature.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, stated that for the last four years he has been attending the meetings of the Department of Health regarding the matter. He said under the present legislation of the state it is not possible to over populate the City with dispensaries. He then explained that the Department of Health regionalized the areas of producers, allowing one grower in each regional area. Therefore, the terms and conditions to be a grower requires a person to be a nursery man for 30 years and to have over one hundred thousand plants (not marijuana) under cultivation at the time of license application. In addition, there

are other conditions to be met prior to becoming a grower and have a distribution chain for dispensary. Therefore, he urged the City Commission to reconsider as there are a number of patients within the City that would benefit.

Mr. Berman indicated that the City is not stopping the growers, rather it would be stopping the free standing retail establishments, which Ms. Dolan responded that is correct.

Corey Thompson, 2160 NW 4th Street, Pompano Beach, FL, stated that he did a report for his school project regarding medical marijuana versus cigarettes. He concluded that there are a number of people fighting cancer and medical marijuana is known to kill cancer cells. However, he understands the City's standpoint to ensure that there is not an overabundance of dispensaries set up in the City, until the matter is properly understood. Therefore, he looks forward to the progress of properly legislating the matter.

Comr. Sobel asked for clarification on the medical marijuana, which he said is a good thing. The citizens voted for it. The City is now making a choice in compliance with the state statute to either ban or regulate retail outlets. He said, sometime ago he had reviewed the issue with a former City planner, and they talked about a clear plan that was in the pipeline for restricting those retail outlets and limited them to certain areas of the City, which was appropriate, and legal. Therefore, he is a little concerned that the City might be shortsighted in terms of seeing the long term revenue. He said when the pendulum swings in any direction too far it is never a good thing, but he does not understand the City's standpoint to adopt the proposed ordinance.

Mr. Berman explained that first there is a moratorium in place, so the City cannot do anything, which can either continue or extend, which does not help anything, because people want to know when or can they open a facility. Staff does not know what the City Commission desires. The goal is to present to the City Commission options so that they can either accept or reject or have staff modify the ordinance. He believes the proposed ordinance is a practicable solution and explained the reasons why this is so.

Comr. Sobel indicated that he would personally direct staff to put something in place for controlled retail outlets, he would like to see medical marijuana, which is a good thing, and he would like to see revenue being generated in the City in the particular areas where the retail operations would exist.

Ms. Dolan indicated that Comr. Sobel's options are pretty clear. She explained there is an ordinance in place, which is currently under a moratorium and it allows retail establishments that are allowed as a special exception in B-4, I-1, OIP, and as a permitted use in PCD. It also allows the health care establishments and the medical marijuana treatment centers relay to industrial establishments for growing. All of those regulations are being maintained in the proposed ordinance except for the retail. Therefore, the City Commission could vote against the proposed ordinance and vote to maintain the current ordinance, or could vote to accept the current ordinance without the retail.

Mayor Fisher indicated that he likes the proposed ordinance because the issue is the City will open to the retail market but currently the state statute states that it could become a plethora of retail establishments that would not benefit the City at that particular time. So, we can stand back and have the ordinance in place, similar to what we had prior, in the I-1X and the retail component would eventually come and the City would be able to make that adaption when it comes forward.

Comr. Moss indicated that his constituents have indicated that medical marijuana is a good thing, also, the people approved it and he hopes retail facilities will be allowed in the County. He thanked City Attorney Berman and others for clarifying what exactly they would need to do. Therefore, he agrees with Mayor Fisher's comments that it is a temporary measure until the kinks get ironed out, and hopes everybody understand this and that the City is working to offer a better solution to the residents of the community.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Ordinance be APPROVED FIRST READING. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Fisher

**No:** Sobel

**Absent:** Burrie

11. [18-121](#) **P.H. 2018-23: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, PROVIDING FOR THE ADOPTION OF THE AMENDMENTS TO THE POMPANO BEACH COMPREHENSIVE PLAN BASED UPON THE EVALUATION AND APPRAISAL REPORT LETTER, WHICH ADDRESSES THE GOALS, OBJECTIVES AND POLICIES IN THE COASTAL MANAGEMENT ELEMENT OF THE COMPREHENSIVE PLAN; AUTHORIZING THE TRANSMITTAL OF THE COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Jean Dolan/David Recor)

Jean Dolan, Development Services Department presented the item and stated that staff does an Evaluation Appraisal Report (EAR) of the City's Comprehensive Plan periodically, which was due last January. Therefore, they had one year to prepare amendments to the Plan that were set out in the letter. Staff is working on doing a much more comprehensive update of the Comprehensive Plan under a different umbrella. The only policies needed to be added to the plan is related to the sea level rise and the perils of flood, which was Florida Statute adopted by the legislature in between the time the previous plan had been adopted. The new policies in the Coastal Management Element that are underlined are relating to sea level rise, and because Broward NEXT process had just developed a full set of those policies for the cities that needed to be in compliance, it made the task easier for the City. The policies were taken from Broward NEXT and incorporated them into the City's Comprehensive Plan Coastal Zoning Management Element which is set forth herewith.

Ms. Dolan noted that one policy that is not related to sea level rise but it was changed between the Planning and Zoning Board (P & Z) and City Commission meetings was policy 10.01.02. There were comments

regarding canals being less than four feet deep, which the P & Z thought all canals were dredged to over five feet; therefore, the policy was modified after some research was done on it. Otherwise, the policies remain as stated, except the most important policy being added is 10.09 under 10.06.09. She explained that the City is participating financially with the County on a study they are conducting to look at finished floor elevations in relation to sea level rise and what the road elevation and seawall elevation should be. She added that in terms of flood zones and flood elevations, what the FEMA maps look at is only about storms. It does not take into consideration flooding from sea level rise.

Additionally, Ms. Dolan indicated that this topic has been discussed among staff in relation to redevelopment in the East Transit Oriented Corridor (ETOC), which is coming up soon. In terms of thinking about redevelopment in a different context, not about today's problems such as traffic and things of that nature, but the future problem of sea level rise and how to attract new development at a higher level. The only solution to sea level rise is to go up. Therefore, prior to raising the roads and the drainage systems, the properties will have to be raised to avoid flooding.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Ordinance be APPROVED FIRST READING. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Fisher

**Absent:** Burrie

12. [17-547](#) **P.H. 2017-82: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 96, "HEALTH AND SAFETY," BY CREATING SECTION 96.61, "STYROFOAM/POLYSTYRENE FOOD SERVICE ARTICLES," PROVIDING FOR PROHIBITIONS REGARDING SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY CITY CONTRACTORS AND SPECIAL EVENT PERMITTEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**TABLED FROM JULY 25, 2017 & SEPTEMBER 26, 2017**

**(Staff Contact:** David Recor/Jean Dolan)

Jean Dolan, Development Services Department presented the item stating that this is a ban on polystyrene Styrofoam products used by City contractors or people that have special events permits to do events on city property. It is the first step for reducing pollution that is clearly known from Styrofoam which does not breakdown in nature.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, to remove the item from the table.**

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Ordinance be APPROVED FIRST READING. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Fisher

**Absent:** Burrie

13. [17-621](#) **P.H. 2017-91: (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 MASTER SOLAR ENERGY AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FLORIDA POWER & LIGHT COMPANY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: City to receive payments of \$18.00 per Kilowatt from Canopies)

**TABLED FROM SEPTEMBER 26, 2017**

**(Staff Contact:** Horacio Danovich)

Horacio Danovich, CIP Manager, presented the item and mentioned that the item was tabled and the City Commission requested staff to make a few modifications to the agreement, one of which was to incorporate the Canopies. Whereas, FPL has agreed to pay \$18 per kilowatt generated on the Canopies, which is approximately \$4,000 income per year for installation of the equipment. He said the City will not pay for the installation, rather it will be paid for by FPL. In addition, he had researched to find other companies, and had reached out to Trina Solar, RGS Energy, Sun Power and Solar City, which are some of the larger companies that do this type of service, and have yet to find anyone willing to do what FPL is willing to do with the City. If one is found he will bring that report back to the City Commission.

Comr. Sobel asked if the contract was for fifteen years.

Mr. Danovich responded that it was for ten years, however, the latest agreement may state 15 years as it was revised.

Comr. Sobel stated that this involves “married to FPL” for 15 years for the solar power easements. However, some cities have entered into similar agreements and have been paid lots of money, while some have failed. Therefore, his concern is that the City is creating islands for the homeless, where they will have access to electricity for free. He believes the City will be creating an enormous amount of problems and he still does not

understand what will be gained from this effort.

Mr. Danovich indicated that the islands do not have to be created with access to power, Instead, the City could choose to have them build the Canopies and the trees only.

Comr. Sobel asked why is the City doing this.

Mr. Danovich responded that FPL approached the City as an educational tool they are using to reach out to people to inform them that solar power is available and they will start using and implementing it. This is their first step. They chose City of Pompano Beach as a great opportunity because of the assets we possess.

In sum, Comr. Sobel indicated that he had done some research on this service and one involved a similar process of relationship in the City of Boynton Beach where FPL was paying the City a lot of money in order to do even less than what the City of Pompano Beach is providing in this endeavor. He does not understand the quid pro quo of getting tied up in a long term agreement with FPL utility and giving up the rights to them for virtually nothing. He said the City is not gaining a lot from it and could be generating revenues in different ways from the use, if the City is going to give up its buildings and premises for the purposes of solar energy. As it relates to education, Comr. Sobel said he is not convinced that FPL has the ultraistic intent of educating the public and therefore wants to incur all this expense in Pompano Beach. Most people do understand the benefits of solar energy but he does not understand the benefits of being married to a utility company without getting anything for it.

Mr. Danovich understands that FPL will pay the City \$18 per kilowatt that they generate. He said the cost of generating solar power is more expensive than generating electric power. He then explained what FPL is trying to achieve and how they are collectively doing it. In sum, he stated that the citizens will get the same energy at a lower cost. The City will receive canopy coverage for the parking lot.

Mayor Fisher recapped some of the benefits that would be derived to include revenue generated to the City through the kilowatt that FPL will pay every year, the City will receive some alternate environmental energy options, the residents will be provided opportunities to enjoy sitting at the benches and shades for the cars in the parking lot.

Mr. Danovich added that FPL would wire the electric car charging stations under the Canopies. He said in the future as technology moves forward this is one way to go.

An extensive discussion took place among Comr. Sobel, Mr. Danovich, City Manager Harrison, Mayor Fisher, Comr. Hardin and Comr. Moss on the benefits to the City and residents on the City embarking on a long term contract with FPL for solar energy.

Comr. Hardin asked how would the City get out of the contract five years later.

Mr. Danovich responded that there is a termination clause but it is not that simple for the City to get out since FPL is investing a substantial amount of money for the solar panels.

Comr. Moss asked if this is only for the items at City Hall and the Community Park, which Mr. Danovich replied yes.

Comr. Moss then asked if a condominium association in any area decided they want to put in these type of Canopies would they be allowed to do it.

Mr. Danovich replied that is correct. It only applies to the few public places that the City Commission has selected. Therefore, anybody that wants to do it privately they can connect directly with FPL and enter into a separate agreement.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, to remove the item from the table.**

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Ordinance be APPROVED FIRST READING. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Fisher

**No:** Sobel

**Absent:** Burrie

14. [18-117](#) **P.H. 2018-19: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 32, "DEPARTMENTS," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 32.49, "EMERGENCY PROCUREMENT," TO PROVIDE FOR REVISION TO THE CITY'S PROCUREMENT PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Cassandra LeMasurier/Otis Thomas)

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Ordinance be STRICKEN. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Fisher

**Absent:** Burrie

15. [18-134](#) **P.H. 2018-21: (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 LABOR AGREEMENT BETWEEN THE FEDERATION OF PUBLIC EMPLOYEES AND THE CITY OF POMPANO BEACH FOR THE CONTRACT PERIOD BEGINNING OCTOBER 1, 2017 AND ENDING SEPTEMBER 30, 2020; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$2,788,765.00)

**(Staff Contact:** Ed Beecher)

Ed Beecher, Human Resources Director, presented the item and stated that it provides for a three year (3) labor agreement between the Federation of Public Employees and the City for the term of October 1, 2017 through September 30, 2020. The City's negotiating team appointed by the City Manager and the General Employees' Union met on several occasions starting in August of this year and concluding in November. He thanked the City's negotiating team for their hard work during the negotiations and thanked the General Employees' Union negotiating team for their professionalism during the negotiations.

Mr. Beecher indicated that pursuant to the Union's procedures a vote was held on November 22, 2017 when the agreement was approved by an overwhelming majority vote of their membership. The ordinance has been properly advertised. At the request of the general employees' union they have respectively asked that the City consider approving the item as an emergency ordinance since there is only one meeting in December and this would allow the implementation of the COLA increases during the month. Finally, Mr. Beecher stated that staff recommends the City Commission approval.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Ordinance be APPROVED FIRST READING. Additionally, a motion was made by Commissioner Hardin, seconded by Commissioner Moss, to declare the item an emergency 2nd Reading and that the Ordinance be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Fisher



**Absent:** Burrie

**Enactment No: ORD. No. 2018-15**

16. [18-133](#) **P.H. 2018-22: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA AMENDING CHAPTER 34, "CITY POLICY," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH RELATING TO THE POLICE & FIREFIGHTERS' RETIREMENT SYSTEM BY AMENDING SECTION 34.0603, "DEFERRED RETIREMENT OPTION PLAN (DROP)," BY PROVIDING ADDITIONAL RULES RELATING TO THE DROP LOAN PROGRAM; AND BY AMENDING SECTION 34.066, "DURATION OF PENSION," TO CORRECT AN ERRONEOUS INTERNAL REFERENCE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Ed Beecher)

Ed Beecher, Human Resources Director, presented the item and stated that the Board of Trustee from the Pompano Beach Police and Firefighters' Retirement System has requested amendments to Chapter 34 - City Policy, to make certain corrective references to the Deferred Retirement Option Plan (DROP) and to add clarifying language regarding the period of time that the interest rate will be valid on a DROP loan application and to clarify language regarding the fire chief's benefit upon his re-employment.

Mr. Beecher said the Nyhart Company, Inc., the actuarial firm retained by the Board, has opined that these amendments do not have any cost impact to the system. Since this retirement is part of the firefighters' labor agreement it was necessary for the local IAFF 1549 and the City to enter into an agreement. The City Commission approved a Memorandum of Understanding earlier in the meeting. The Vice Chair of the Retirement System, as well as the Executive Director are available for any further questions from the City Commission.

Comr. Hardin asked if this covers the police officers, which Mr. Beecher replied it does. However, there is no current labor agreement with the police, so, the only labor agreement in place is with the firefighters, so there is no discussion about the police.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Ordinance be APPROVED FIRST READING. The motion carried by the following vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Fisher

**Absent:** Burrie

17. [17-618](#) **P.H. 2017-90: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.13, "SERVICE CHARGES," TO MODIFY RATES AND SERVICE CHARGES FOR COLLECTION OF RESIDENTIAL AND COMMERCIAL GARBAGE AND BULK WASTE IN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A (Pass Thru))

**FIRST READING: NOVEMBER 14, 2017**

(Staff Contact: Robert McCaughan)

Robert McCaughan, Public Works Director, presented the item and stated that this is pursuant to the contract with Waste Management that is required to be reviewed each year and the rates are adjusted according to the Consumer Price Index (CPI). There is a 15 cents per month increase for single family residence. He said there are no further changes from the first reading of the ordinance.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Ordinance be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Fisher

**Absent:** Burrie

**Enactment No: ORD. No. 2018-16**

18. [18-77](#) **P.H. 2018-12: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND KIMLEY-HORN AND ASSOCIATES, INC., A SINGLE CONTRACT FOR ENGINEERING AND RELATED SERVICES FOR AN UPDATED POMPANO BEACH AIR PARK MASTER PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$407,830.00; City's cost share is \$23,283.00)

**FIRST READING: NOVEMBER 14, 2017**

(Staff Contact: Robert McCaughan/Steve Rocco)

Robert McCaughan, Public Works Director, presented the item and stated it represents a contract with

Kimley-Horn and Associates, Inc. to accomplish the revision of the Air Park master plan, which is approximately \$407,000 but the City's cost, due to a number of grants received, will be approximately \$23,000. He said there are no further changes from the first reading of the ordinance.

Comr. Perkins requested an explanation on the budget adjustments.

Mr. McCaughan responded that the budget adjustments are coming from the air park that receives \$150,000 per year in entitlement fund, which is being paid up front and the grants will be reimbursed from Federal Aviation Administration (FAA) and Florida Department of Transportation (FDOT). He said once those costs are set aside the total cost to the City will be \$23,000.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Ordinance be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Fisher

**Absent:** Burrie

**Enactment No: ORD. No. 2018-17**

19. [18-50](#) **P.H. 2018-13: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, BY AMENDING SECTION 155.4219., "COMMERCIAL: MOTOR VEHICLE SALES AND SERVICES USES," TO PROVIDE DEFINITION, STANDARDS AND PERMITTED LOCATIONS FOR LIMITED AUTO DEALERSHIP - FLEET AUTOMOBILE SALES; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY PROVIDING A DEFINITION FOR FLEET AUTOMOBILES, AND LIMITED AUTO DEALERSHIP - FLEET AUTOMOBILE SALES; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: NOVEMBER 14, 2017**

(Staff Contact: Paola A. West/David Recor)

David Recor, Director of Development Services Department, presented the item stating that on November 14, 2017, the City Commission had a first reading on the ordinance and requested specific changes, which are included in Section 155.4219(b)(3)(g through k), specifically that the fleet auto sales use shall not be permitted within the CRA boundaries as established by Ordinance No. 90-9 and Resolution No. 2002-11, and the

prohibitions shall survive the life of the CRA. The second comment was that the use shall not be permitted within the Atlantic Boulevard Overlay District as established by Ordinance No. 99-27. The use shall not be permitted within the proposed East Transit Oriented Corridor (ETOC) Land Use Designation boundaries as approved at first reading at the June 28, 2016 City Commission meeting. Finally, that the use shall not be located within two miles of another limited auto fleet dealership.

Rod Feiner, Esq., Coker and Feiner, 1404 S. Andrews Avenue, Fort Lauderdale, FL, on behalf of Daily Auto Group and Avis Budget Group, stated that they “flushed it out good” at the first meeting, but he added a few more brief points that was not discussed at the first reading. Mr. Feiner stated that this is not something new under the City’s zoning code. He mentioned that under the code, collector and antique cars are allowed in the B-3 (General Business) as a matter of right. Therefore, the code already distinguishes that while new cars are allowed in B-3 another type of car dealership would be allowed in B-3 without any of the requirements of showroom and land massing that this ordinance comes in.

Additionally, Mr. Feiner stated that they had discussed previously why the City does not want this use to become prevalent in the City. First, the distance limitations take care of the distance separation requirements. Second, when you look at how close it has to be to a new dealership and the requirements to have 5,000 vehicles in the state, as well as they have to be less than two model years, and all the mileage difference, it would only be four fortune five companies that this would apply to, that is Avis, Budget, Enterprise, Hertz and companies like these. When these companies hire people they pay benefits and tend to pay more than other businesses that would be in this area. He said in general, with the increase in competition in working with the dealership and how that functions as the economic engine that works as a whole, because it helps to keep the existing new car dealerships in business which supports many more businesses along that corridor.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, stated that this is the same company that is currently doing the one in the City’s backyard and asked if Avis is the property owner.

Mr. Feiner responded that this is a citywide application and his client has identified one particular property where this would be applicable to an Avis Budget Group that has a long term lease, and is subjected to this item being approved and special exception being approved for sales, which is different from the rental business.

Mr. Thrower indicated that they took over the Driscoll’s property and are doing a good job at making that piece of slum and blight property look good. Therefore, he is hoping that will be the same case with this property. He concluded that it will be a good project.

Tony Hill, 760 SE 2nd Avenue, Pompano Beach, FL, stated that this was an interesting topic of discussion when he first heard about it at the Planning and Zoning Board meeting. He had enquired if there was any other city in the State that somebody can refer to that has the definition of an “almost used car” that Mr. Feiner is proposing and there was none. Mr. Hill stated that everything that Comr. Moss said at the last meeting was correct that a used car is a used car.

Additionally, Mr. Hill indicated that this is a new category that somebody made up to allow one property owner to open up a business that is not allowed currently and is not zoned for currently. He is disappointed that the Zoning Department would support something like this because it is the definition of spot zoning. He

then elaborated on other car dealerships around that does not meet the definition that Mr. Feiner is proposing as it relates to the restrictions and so forth. In sum, he said this is an attempt to open a used car lot where one is not allowed. Therefore, he would urge the City Commission not to consider granting this request.

Mayor Fisher noted that the time is getting close to vote to continue the meeting or end it. He asked that the City Commission takes a vote with a super majority rule to continue the meeting until midnight, if not the meeting will have to continue tomorrow and the item being discussed will have to be brought back at that time to finish discussion.

Mark Berman, City Attorney indicated that the pending item under discussion could be completed and then the meeting could be terminated. It would be close as practicable to the time the meeting should end according to the City's code. Therefore, the City Commission could continue to hear the item and then have a vote after to hear additional business at that time.

Tom Terwilliger, 3160 NW 1St Avenue, Pompano Beach, FL, commented that this particular attempt to change the zoning code could have an unintended consequence that nobody spoke about and that is just down the street in Fort Lauderdale there is a little car company called Manheim, which is part of a nationwide network that could qualify for 5,000 cars. Therefore, with this particular zoning change, he asked who would allow Manheim to set up a used car lot in the City of Pompano Beach.

Mayor Fisher indicated that Manheim is an auction facility and they do not own those cars.

Mr. Feiner indicated that the question Mr. Hill mentioned was not asked at the Planning and Zoning Board meeting, which voted in favor of this ordinance. Secondly, this use does exist in other cities in Broward County to include Enterprise on Federal Highway in Fort Lauderdale. Finally, Mr. Feiner indicated that in this particular case the owner is Avis Budget and there is a difference in how those companies keep their cars. He said this is an emerging business and the code should be able to put restrictions to ensure the City could analyze how the emerging business affects the residents.

Comr. Sobel congratulated Mayor Fisher, Vice Mayor Burrie and Comr. Hardin for spending time for as long as they have served on the Commission in trying to keep these used car lots off Federal Highway. A study was done some time ago, and according to one of the prohibition was more used car lots. In sum, Comr. Sobel indicated that the more he researched the matter the more he was convinced that this action would be catastrophically horrible for the City of Pompano Beach. He said it is not good for the residents and it would be a prime example of "not smart growth" and regrettably the City cannot spot zone, so as good as that particular location may be for this particular client it would open up to district 1 on Federal Highway more and more used car lots.

An extensive discussion followed between Comr. Sobel and Mr. Feiner on the nearly used definition of the car lot and the dynamics of allowing or disallowing the exception for this particular owner.

Comr. Moss stated that he agrees with Mr. Hill and Comr. Sobel's comments regarding allowing a used car lot in the B-3 district and provided his reasons. He concluded that he will be voting against the item.

Mayor Fisher asked if there were any other areas within the City that could be considered for the proposed car lot.

Mr. Feiner responded that within the CRA there might be one or two more areas north on Federal Highway north of Atlantic Boulevard.

Comr. Perkins asked if Mr. Feiner had another choice of location, which he responded no, due to the requirements of the ordinance of it being within half mile of an existing new car dealership.

Mayor Fisher asked for a motion to continue the meeting until midnight since the meeting started at 7:00 p.m. instead of its scheduled time of 6:00 p.m.

**A motion was made by Comr. Perkins, seconded by Comr. Hardin to continue on with the meeting until midnight.**

**Upon roll call the motion carried unanimously.**

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Ordinance be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin  
Perkins  
Fisher

**No:** Moss  
Sobel

**Absent:** Burrie

**Enactment No: ORD. No. 2018-18**

20. [18-85](#) **P.H. 2018-15: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND ADVANCED DATA PROCESSING, INC., D/B/A INTERMEDIX, FOR AMBULANCE BILLING AND RELATED PROFESSIONAL CONSULTING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$54,000.00)

**FIRST READING: NOVEMBER 14, 2017**

**(Staff Contact: John Jurgle)**

John Jurgle, Fire Chief, presented the item and stated that it is a second reading of an ordinance that would enable the Fire Department to bill for fire collection services.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Ordinance be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Fisher

**Absent:** Burrie

**Enactment No: ORD. No. 2018-19**

- 21. [18-96](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING LINDA HUNTER TO THE NUISANCE ABATEMENT BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE NOVEMBER 14, 2020; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

Louis Riva, District 3  
Dennis Smith, District 3  
Velma Flowers, District 4  
Ricardo Collings, District 5  
Daniel P. Diaz, District 5

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, to insert the name LINDA HUNTER and that the Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Fisher

**Absent:** Burrie

**Enactment No: RES. No. 2018-55**

22. [18-97](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **DENNIS SMITH** TO THE NUISANCE ABATEMENT BOARD OF THE CITY OF POMPANO BEACH AS ALTERNATE 1; SAID TERM TO EXPIRE NOVEMBER 14, 2020; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 2018-96 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, to insert the name Dennis Smith and Commissioner Perkins recommended inserting the name Daniel Diaz. The Resolution was ADOPTED by inserting the name DENNIS SMITH. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Fisher

**No:** Perkins  
Sobel

**Absent:** Burrie

**Enactment No: RES. No. 2018-56**

23. [18-98](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **LOUIS RIVA** TO THE NUISANCE ABATEMENT BOARD OF THE CITY OF POMPANO BEACH AS ALTERNATE 2; SAID TERM TO EXPIRE NOVEMBER 14, 2020; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**PLEASE REFER TO FILE ID NO 2018-96 FOR APPLICANTS.**

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, to insert the name Louis Riva and Commissioner Perkins recommended inserting the name Daniel Diaz. The Resolution was ADOPTED by inserting the name LOUIS RIVA. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Fisher



**No:** Perkins  
Sobel

**Absent:** Burrie

**Enactment No: RES. No. 2018-57**

24. [18-120](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MARK DARMANIN TO THE GENERAL EMPLOYEES’ RETIREMENT SYSTEM OF THE CITY OF POMPANO BEACH FOR THE TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON DECEMBER 6, 2020; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

- Mark Darmanin, **Incumbent** - District 3
- Raymond Nies - District 1
- Phillip Smith - District 1
- Edith Kappler - District 2
- Pamela Moore - District 2
- George M. Abraham - District 3
- Kenneth A. Campbell - District 3
- Susan M. Gingerich - District 5

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, to insert the name MARK DARMANIN and that the Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Fisher

**Absent:** Burrie

**Enactment No: RES. No. 2018-58**

25. [18-135](#) Discussion and consideration for the approval of the ranking of the candidates for the position of Internal Auditor and appointment of City’s Internal Auditor.

(Fiscal Impact: N/A)

**(Staff Contact:** Ed Beecher)

Ed Beecher, Human Resources Director, presented the item and stated that on November 15, 2017 the City Commission met individually with three of the finalists recommended by the Executive Committee and conducted personal interviews with each candidate. Each Commissioner ranked the candidates and the Acting Internal Auditor, Deusdedit Kiyemba was ranked number one. A summary of the rankings was provided and the City Commission's approval of the ranking was recommended.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Item for Consideration/Discussion be APPROVED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Fisher

**Absent:** Burrie

26. [18-140](#) A RESOLUTION APPOINTING DEUSEDIT C. (DC) KIYEMBA AS INTERNAL AUDITOR AND ESTABLISHING A SALARY TO BE PAID; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**(Staff Contact:** Ed Beecher)

Ed Beecher, Human Resources Director, presented the item and stated that it is a companion item to the previous item 25, which is a resolution appointing Deusdedit Kiyemba as internal auditor for the City.

Comr. Moss indicated that the matter was discussed at his Saturday morning meetings with some of his constituents within his District and he agrees with their comments that the Executive Committee that selected the candidates for the position were all employees of the City and this should not be. In essence, it is the employees choosing who will monitor their activities from an internal auditing standpoint. He suggested that moving forward on these type of appointments, just having city employees on these type of committees for the Commission to select from is not a good idea. Therefore, he recommended that people from the outside should be brought in to do the selecting, perhaps they could come from other cities.

**A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Fisher

**Absent:** Burrie

**Enactment No: RES. No. 2018-59**

**F. REPORTS**

**Gregory Harrison, City Manager - Charter Amendment Advisory Committee** - Mr. Harrison indicated that the City Commission at its last meeting had some questions regarding the Charter Amendment Advisory Committee, therefore, he asked the Chair of that Committee to make a brief presentation on their activities. A copy of the report presented by M. Ross Shulmister is attached for further details. (See Attachment 2).

Comr. Sobel stated that in the report submitted, it has indicated the obvious. For example, it would be less expensive to have a piggy back election than to have a separate election. He said there is a five times greater turnout for the mayoral election in November than it is in March. Moreover, theoretically, the City Commission could get the recommendations of the Advisory Board on the March 2018 ballot, if a motion is made to do that today. This could get to the Supervisor of Elections before the cut off in January, as well as it would go on the ballot with the G.O. Bond and save taxpayers some money by piggy backing both the recommendation by the Charter Amendment Advisory Board and the G.O. Bond.

Mr. Shulmister indicated that he does not think this could be accomplished and explained the process to get a question on the ballot as per Charter rules. An ordinance must be drafted with the proper language and the ballot summary. He is unsure that City Attorney Berman could accomplish it at this time.

Mark Berman, City Attorney, commented that even if he could, unless there is a Special Meeting called, there are no other City Commission meeting scheduled for approval of the ordinance prior to January. Therefore, the time has passed.

Comr. Sobel stated that it was not considered at the time, but in light of the current circumstances with regard to the mayoral election potentially, depending on how things shake out. He asked if there are any discussions or plans among the members of the Charter Amendment Committee to try and rectify the resign-to-run gap in the City Charter.

Mr. Shulmister responded that there is an item on their agenda for discussion for December 13, 2017 meeting. He said the board seem to be very deliberative and the likelihood of them coming up with recommendations in this regard is very unlikely.

Comr. Sobel asked if based on the Charter Advisory recommendations would the City Commission be asking the City Attorney to prepare an ordinance, which at some point could be brought back to the City Commission and at some other time have this go before the electorate perhaps for the November 6, 2018 election.

Mayor Fisher stated that he would personally prefer to have a discussion at the Commission level for the public to weigh in on this to make a determination to move it forward to the ordinance. Also, it would be preferably to have this discussion with all the Board members present.

Mr. Berman indicated that he does not have any direction as to what to do, because these are only recommendations at this point. In fact, he suggested that this matter could be a workshop item since the discussion might be lengthy.

**MOTION: A motion was made by Comr. Hardin, seconded by Comr. Moss to move the item to a future workshop for City Commission discussion. Upon voice vote the motion carried unanimously.**

**General Employee's Labor Agreement** - Mr. Harrison indicated that there were 205 voters on the General Employees contract and 203 voted in favor of the contract.

**Development Services Director** - Mr. Harrison announced that as of December 6, 2017 David Recor is the permanent, full-time Development Services Director. The City Commission extended their congratulations to Mr. Recor.

**Diversity Training** - Mr. Harrison reported that 578 employees just completed their diversity training. Nevertheless, there are some makeup classes scheduled for those remaining employees who did not complete their training.

**Correction on Seniors Taxes** - Mr. Harrison indicated that he desired to have the record corrected, regarding Mr. Joseph Wells' comments when he mentioned earlier that the seniors will be paying more taxes for the upcoming Bond issue. Mr. Harrison reported that currently the seniors will be able to get up to \$75,000 in homestead exemption credits. There would hardly be anything left to pay after those homesteads.

Comr. Sobel asked if the City Commission can advocate one way or the other for different aspects of the Bond publicly and that they are not restricted to the education requirement.

Mr. Berman responded that an opinion can be expressed on that.

**Mark Berman, City Attorney - Best Wishes** - Mr. Berman wished everybody Happy Holidays.

**Short Staffed** - Mr. Berman reported that his office has been shorthanded of an attorney since late August and hopes that the same efficiency of quality and service to the City Commission and staff has not been compromised. He stated that he has been actively advertising and interviews are being scheduled. Hopefully, they will be back to full strength toward the beginning of the year or by the end of January.

**Asceleta Hammond, City Clerk - Best Wishes.** Ms. Hammond wished everybody a Merry Christmas, Happy Hanukkah, and Happy Holidays.

**Commissioner Rex Hardin - Best Wishes** - Comr. Hardin wished Happy Hanukkah, Merry Christmas, and Happy Holidays to all.

**Condolences** - Comr. Hardin expressed deep sympathies to the Mullon's and Ellington's families on their loss

recently.

**Fire Department Awards Event** - Comr. Hardin reported that a great event took place recently with the new hires and promotions for the Fire Department. It was gratifying to see people getting promoted as well as to see the new hires.

**Light Up MLK** - Comr. Hardin reported that Light Up MLK at the Annie Gillis Park was fantastic. He said, "Hats off to the Public Works department, who constantly keep the City looking great and they certainly did a great job with the Light Up MLK event.

**Yuletide Parade** - Comr. Hardin reported that it was a great time at the Yuletide Parade. The crowd was very good this year.

**Events and Happenings Around the City** - Comr. Hardin reported that there were a number of ribbon cutting events around the City. There was the John Knox Parade, the Atlantic Boulevard bridge ground breaking with the new sails lighting, which was fantastic. The Water Taxi is up and will be running by December 16, 2017. In addition, there is a new canal cleaning boat that Russell Ketchem will have operating, which will assist with keeping the waterways looking much better.

**G.O. Bond Presentation** - Comr. Hardin reported that it was gratifying to be at the Eta Nu Center recently to see the presentation by City Manager Harrison and staff of the G.O. Bond issue. By getting the word out, most people were positive about the projects throughout the City. He looks forward to going to more of these presentations. Comr. Hardin stated that he is in favor of the G.O. Bond, which is a good thing for the City.

**Commissioner Barry Moss - Congratulations to Firefighters** - Comr. Moss congratulated the firefighters on their awards ceremony and said it was gratifying to see the young people making something out of themselves.

**Holiday Parades** - Comr. Moss reported that the holiday parade was wonderful and especially the John Knox Village Parade, which was great fun.

**Collier City Christmas Party** - Comr. Moss indicated that he is looking forward to attending the Collier City Christmas party, which will be Wednesday, December 20, 2017. He said it has always been a festive occasion.

**Best Wishes** - Comr. Moss wished everyone Merry Christmas, Happy Hanukkah, Happy Kwanza and Happy Holidays.

**Commissioner Beverly Perkins - Blanche Ely High School Brick Laying Event** - Comr. Perkins reported that a very nice event was held at the Blanche Ely High School for the brick laying and indicated that Mayor Fisher was also in attendance.

**Fire Stations throughout the City** - Comr. Perkins reported that she did a tour with Fire Chief John Jurgle

last week of all the fire stations and she was impressed with the station on the beach. However, she was a bit concerned about the other stations' living conditions. She said the firefighters do a lot for the community so we want to ensure they have the best facilities to accommodate them.

**Akel Store** - Comr. Perkins stated that the Akel Store owner at the corner of NW 6th Avenue and 6th Street has been working with her to get the corner cleaned up, because it is an eye sore. However, she has been receiving complaints that he is being harassed by Code Enforcement. Therefore, she is hoping that she can get some assistance from Code Enforcement to clean up the corner.

**Best Wishes** - Comr. Perkins wished everybody Happy Holidays and Happy New Year.

**Commissioner Michael Sobel - Firefighters' Award Ceremony** - Comr. Sobel stated it was a honor to attend the firefighters' ceremonial promotional awards event. In addition, he has a great deal of respect for the first responders and it was a beautiful event to attend.

**Light up MLK and Yuletide Parade Events**- Comr. Sobel reported that these two events were a "blast." The residents make these very enjoyable events and both were memorable.

**Monumental Events** - Comr. Sobel reported that today, and yesterday in District 1, there were monumental movements forward of smart growth with regard to the Atlantic Boulevard Bridge ground breaking that took place yesterday. And then the first water taxi station inauguration maiden voyage which commenced today. He said they were both fantastic events.

He reiterated what he said at both events, "Until and unless we find a way to take all the positive development and growth and all the success and benefits of District 1 and spread it citywide, we are not going to be as great a city as we can be." Comr. Sobel indicated that he thinks we can raise the level of excellence. He wanted to know if the City Manager could work on some kind of analysis of where throughout the five districts the City spends money. There is a budget and some citywide expenses that could be taken out of that but he thought it would be interesting to see where the rest of the money gets spent. Based on the findings to come up with some recommendations on how the City can make it better in the future. Finally, Comr. Sobel indicated that perhaps it is feasible to take out the citywide expenses and look at the rest of expenditures and geographically within the five districts where they are going. So perhaps the City Commission would be able to make better judgments on where to spend the money in the future and what would be a greater parity and equality. Therefore, he would ask if the City Manager could prepare something for the Commission.

**Best Wishes** - Comr. Sobel wished everybody Happy Hanukkah, Merry Christmas and a Happy and Prosperous New Year for 2018.

**Mayor Lamar Fisher - Blanche Ely High Alumni Friends Association Ribbon Cutting Ceremony** - Mayor Fisher reported that he attended the Blanche Ely High Alumni Friends Association ribbon cutting for their brick program. He said the bricks that were purchased were for a lot of pioneers of the City. He said the

largest brick is for \$300, which he would like the City with the City Commission's blessing and approval to purchase this 16 x 16 brick with the City of Pompano Beach's logo on there that will be in support of the cause.

**MOTION: A motion was made by Comr. Hardin, seconded by Comr. Moss to purchase the \$300 brick and get the City's logo imprinted on it. On Voice Vote the motion carried unanimously.**

Mayor Fisher indicated that he will provide the information to City Manager Harrison to get with Ms. Hildeford to make it happen.

**Dismissal of Lawsuits** - Mayor Fisher stated that it is easy for someone to file lawsuits and to try to attack a person's character and to attack by making allegations. As humans, you tend to get offensive to those. Recently, the Club Cinema people had filed lawsuits against the City, as well as personally to him and Vice Mayor Burrie making atrocious allegations about what he did and said which was given to the media. He said the media printed it at both the Sun Sentinel and the Pelican level. However, when this is done personally it is not fun. In addition, what they do not print is the lawsuit as it is aggressively defended but the lawsuit has now beendropped. It is dropped on the plaintiffs' behalf because they asked for a voluntary dismissal because they knew the allegations were false. Therefore, he wanted to clear such false allegations personally as well as on behalf of the City, which he wanted to get it on the record.

**Best Wishes** - Mayor Fisher wished Happy Holidays and Merry Christmas to all.

#### **G. ADJOURNMENT**

The meeting adjourned at 11:38 p.m.

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Lamar Fisher, Mayor

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Asceleta Hammond, City Clerk



MARTY KIAR

BR  WARD  
C O U N T Y

PROPERTY APPRAISER

Attachment 1

Attachment 1



COUNTYWIDE –REAL PROPERTY VALUES

2016 REAL PROPERTY JUST MARKET VALUE

\$242,186,733,172

2017 REAL PROPERTY JUST MARKET VALUE

\$262,092,503,509

8.21 %



# COUNTYWIDE-REAL PROPERTY VALUES

2016 Taxable Value

**\$162,143,969,028**

2017 Taxable Value

**\$177,102,876,979**

9.22%



# COUNTYWIDE EXEMPTION COUNTS

AS OF 12/11/2017

\$25,000 Homestead Exemption	385,847
Additional \$25,000 Homestead Exemption	340,874
Additional Homestead Exemption Age 65 and Older *This number will increase significantly*	24,844 End of 2017 Tax Year
Additional Homestead Exemption Age 65 and Older & 25 yr Residence (Long-Term Senior Ex)	1,666 End of 2017 Tax Year
\$500 Exemption for Widowed Persons	37,365
\$5,000 VA Exemption	4,899
\$500 Medical Disability	4,270
Full Exemption for Veteran's Service-Connected Total and Permanent Disability	2,026
Total Exemption for Service-Connected Disabled Veteran confined to a wheelchair	7
Full Exemption for Totally and Permanently Disabled Persons (Income required except for quadriplegics)	439
Total Exemption for Total and Permanent Disabled First Responder	40
Deployed Military Exemption	19
Veteran's Discount	176
Surviving Spouse of First Responder Exemption	6
Surviving Spouse of First Responder Exemption	6



# OUTREACH AND EDUCATION

- Visitors to Main Office = 22,766
- Homestead Applications = 46,963
- Portability Applications = 9,237 (3,781 pre-filed for tax year 2018 to date)
- Non-Profit Applications = 2,308
- Senior Exemptions = 24,844 (End of 2017 Tax Year)
- Veteran/Military/Disability/Widowed = 4,768 (End of 2017 Tax Year)
- Outreach Attendees = 54,838

In 2017, Community Outreach has attended 822 events while assisting 54,838 residents and taken 4,324 exemption applications.



# POMPANO BEACH – REAL PROPERTY VALUES

2016 Real Property Just Market Value

\$15,481,409,730

2017 Real Property Just Market Value

\$16,653,216,355

7.56%



# POMPANO BEACH -REAL PROPERTY VALUES

2016 Taxable Value for Real Property Only

\$11,067,674,412

2017 Taxable Value For Real Property Only

\$12,055,518,821

8.19%



# POMPANO BEACH

COUNT AS OF 12/11/2017

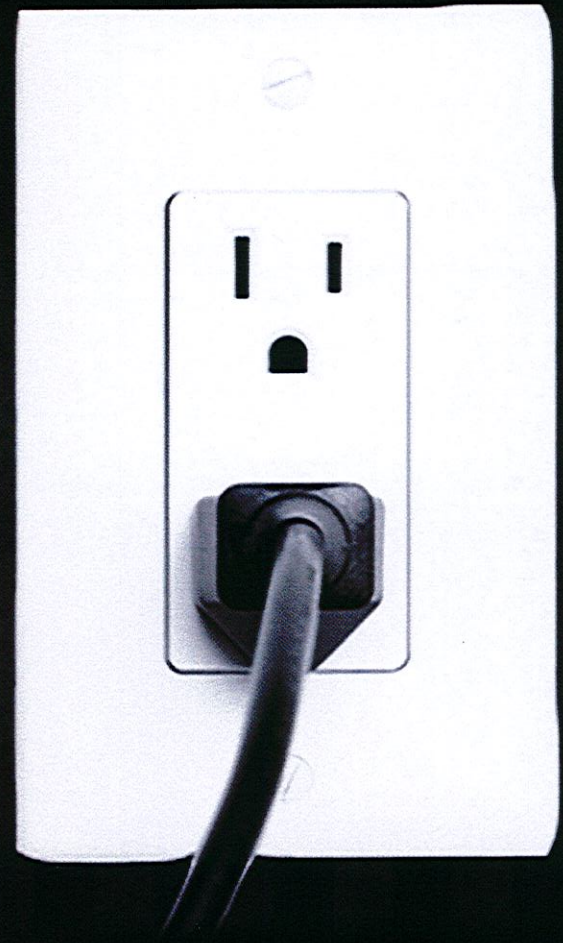
\$25,000 Homestead Exemption	20,339
Additional \$25,000 Homestead Exemption	18,065
Additional Homestead Exemption Age 65 and Older *This number will increase significantly*	1,450 End of 2017 Tax Year
Additional Homestead Exemption Age 65 and Older & 25 yr Residence (Long-Term Senior Ex)	376 End of 2017 Tax Year
\$500 Exemption for Widowed Persons	2,539
\$5,000 VA Exemption	277
\$500 Medical Disability	285
Full Exemption for Veteran's Service-Connected Total and Permanent Disability	142
Total Exemption for Service-Connected Disabled Veteran confined to a wheelchair	0
Full Exemption for Totally and Permanently Disabled Persons (Income required except for quadriplegics)	26
Deployed Military Exemption	2
Veteran's Discount	14
Tax Exemption for Totally and Permanent Disabled First Responder	3
Surviving Spouse of First Responder Exemption	0



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## Charter Amendment Advisory Board

July 13, 2017

City Commission  
City of Pompano Beach  
100 W. Atlantic Blvd.  
Pompano Beach, FL 33060

Re: Charter Amendment Recommendations

Mayor, Vice-Mayor, Commissioners:

The Charter Amendment Advisory Board considered a number of issues related to elections of City Commissioners. These recommendations are the result of academic research conducted on the matter, examination of the practices of other communities within Broward County, and extensive debate among the Board's members. A complete report (2017-1) is attached.

In summary, the Board recommends

1. City elections should be not moved from November.
  - a. If elections are moved from November, the Board recommends they be moved to March.
2. City commissioner terms should be lengthened to four years, with staggered terms (two or three commissioners being elected at a time).
3. Term limits should not be adopted.
  - a. If term limits are adopted commissioners should be limited to 12 years of service, but to an additional four years if at least four of the total 16 years are in service as mayor.
  - b. If term limits are adopted, limits should be based on continuous service. If a person has been out of office for at least a year, or alternatively two years, that person should be eligible to seek election

Respectfully submitted,

*M. Ross Shulmister*

M. ROSS SHULMISTER, chair  
For the Board

Attachment:  
Report 2017-1



## Charter Amendment Advisory Board Report 2017-1

July 13, 2017

To: City Commission

### Background

The Board considered a number of issues related to elections of City Commissioners. These included:

1. Whether city elections should be moved from November.
2. If elections are moved, to what date should they be moved.
3. Whether commissioner terms should be extended.
4. Whether commissioner terms should be staggered.
5. Whether term limits should be imposed.

This report contains the issues considered, arguments for and against each issue, additional information considered, and the votes for and against each issue. Board recommendations are contained in the Cover Letter to this Report.

### **1. Should city elections be moved from November of even years?**

#### a. Arguments for

i. General election ballots are lengthy, and municipal issues are generally relegated to the end of the ballot (or near the end). Voters may tire of the process and either end voting prematurely, or complete city issues without the consideration they deserve.

ii. Campaigns are longer when elections are held with the general election, and largely drowned out by national, state, and county issues. Voters are deluged with campaign materials from all directions, and the natural tendency is to throw most of them into the trash.

iii. Campaign donors tend to give the better part of their political donations to national, state and county candidates, making fund-raising more difficult for city candidates.

iv. Fewer issues and candidates give voters a better opportunity to become more familiar with issues affecting Pompano Beach.

v. Extra expense of moving elections from November should be outweighed by the advantages for voters and candidates.

vi. Lines at polls will be much shorter, because voting will not take as long as at general elections.

b. Arguments against:

i. It is less expensive to hold city elections at the same time as national or statewide elections (piggy-backing).

ii. There has been a greater turnout at national and state elections than at elections limited to municipal issues.

**INFORMATION:**

Of 29<sup>1</sup> cities in Broward County, 22 have been holding elections in November.

Maximum votes for Mayor in recent elections:  
in March was 7,672  
in November was 36,093.

**2. If elections are moved, to what date should they be moved?**

**a. March (or April, of odd or even years).**

i. March was the traditional election time throughout Pompano's history. It provides for two months of campaigning after qualifying (campaigning before qualifying occurs, but it is not as intense as the post-qualifying period).

**b. Variable, but coinciding with a primary election (April or May).**

i. Holding elections when other elections are scheduled saves resources compared to standalone elections.

**c. Variable, but coinciding with a runoff election (August or September).**

i. While this may save money, many voters are either on vacation or just returning. This could reduce voting participation, and makes campaigning more difficult for candidates.

**d. Other (standalone).**

i. Expensive.

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<sup>1</sup> Survey did not include Lazy Lake or Southwest Ranches.

### 3. Whether commissioner terms should be extended.

#### a. Arguments for:

- i. Two year terms are too short. Commissioners are elected and quickly have to transition into campaign mode.
- ii. Longer terms allow commissioners to settle in, become more knowledgeable about issues, and more experienced, before having to worry about being re-elected.
- iii. Longer terms give commissioners more time to make accomplishments before having to start campaigning for re-election.
- iv. Less frequent elections are less expensive.
- v. Most other Broward cities have four year commission terms.
- vi. Campaign donors will be asked for less campaign funds over the term, and that could have an effect of reducing any possible bias for special interests.
- vii. Reduces the inequality between the Mayor and the Commissioners.

#### b. Arguments against:

- i. Two year terms give the greatest accountability to constituents.
- ii. Two year terms force commissioners to interact with constituents more often, keeping them in touch with constituents and the issues in their respective districts.
- iii. Elections are important, and the expense should be subordinate to what is in the best interests of voters.
- iv. Congressmen are elected to two year terms, so two year terms should not be considered a major burden. And it keeps them responsive to their constituents.
- v. Voters have been asked in recent years to approve longer terms for commissioners, and have rejected longer terms.

If longer terms are desired, there would have to be a decision of three or four years:

- i. **Three years** is workable, but cumbersome. Long term expense will be greater than with four year terms (both in election expense and campaign expense).
- ii. **Four years** lends to elections in even years, allowing piggybacking with other elections. Four years also facilitates staggered four-year terms.

INFORMATION: Of 29<sup>2</sup> cities in Broward County, commission terms in 24 are four years.

#### 4. Whether commissioner terms should be staggered.

##### a. Arguments for:

i. Staggered terms avoid the possibility of electing an entire new commission at any given election. Staggered terms provide better continuity.

ii. Improved "corporate memory" because there will always be commissioners who are continuing to serve and are familiar with recent issues.

##### b. Arguments against:

i. Simultaneous elections would be less expensive than staggered elections.

ii. While it is possible that all commissioners could be replaced in a single election, historically it is not likely.

INFORMATION: Of 29<sup>3</sup> cities in Broward County, 18 have staggered commission terms.

#### 5. Whether term limits should be imposed.

##### a. Arguments for:

i. Prevents career commissioners.

ii. Allows new blood and new ideas on the commission, and reduces the likelihood of stagnation of ideas from veteran commissioners.

iii. If commissioner terms are extended to four years, voters may want term limits as a condition of granting that extension.

##### b. Arguments against:

i. Voters tend to want term limits for other commissioners, but not for theirs.

ii. Current short terms are effectively term limits, controlled by the voters of each district. When they get displeased with their commissioner, they impose a term limit at the next election.

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<sup>2</sup> Survey did not include Lazy Lake or Southwest Ranches.

<sup>3</sup> Survey did not include Lazy Lake or Southwest Ranches.

iii. We don't have large fields of candidates, and often there are only two in a district. Term limits are favored by candidates who can't get enough votes to get elected.

iv. Lame duck officials are less accountable to constituents.

v. Experience is valuable. Term limits limit experience.

vi. Term limits are undemocratic, as they eliminate the right to choose an experienced candidate who is term-limited.

If term limits are desired, the combinations are broad, such as:

i. 8 years, 12 years, 16 years.

ii. 8 years, but up to 12 years if serving at least 4 as mayor.

iii. 12 years, but up to 16 years if serving at least 4 as mayor.

iv. Term limit service restarted after 1 year out of office, 2 years out of office, etc., or never.

INFORMATION: of 29<sup>4</sup> cities in Broward County, 17 impose terms limits.

#### 6. Board member recommendations:

a. **Move elections from November.** 1 favors; 4 oppose.

b. If elections are moved from November, they should be

i. **in March.** 4 favor; 1 opposes.

ii. **in April or May,** coinciding with a primary election. 1 favors; 4 oppose.

iii. **coinciding with a runoff election** (Aug., Sep.). 5 oppose.

iv. **another standalone** date. 5 oppose.

c. Should commission **terms** be **lengthened.** 3 favor, 2 oppose.

d. If commission terms are lengthened, they should be

i. **three years.** 5 oppose.

ii. **four years.** 5 favor.

iii. **staggered.** 5 favor.

e. Should Pompano Beach adopt **term limits.** 2 favor, 3 oppose.

f. If term limits are adopted, they should be:

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<sup>4</sup> Survey did not include Lazy Lake or Southwest Ranches.



- i. a **fixed number of years** (8, 12, or 16). 2 favor, 3 oppose.
  - ii. **eight years, but twelve years if at least four are as mayor.** 2 favor, 3 oppose.
  - iii. **twelve years, but 16 years if at least four are as mayor.** 3 favor, 2 oppose.
- g. If term limits are adopted, the **clock should be reset** once a candidate has been out of office for one or two years. 5 favor.

Respectfully submitted,

*M. Ross Shulmister*

M. ROSS SHULMISTER, chair  
For the Board

Attachments:  
Surveys