

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

Dennis W. Beach, City Manager
Mark Berman, City Attorney
Asceleta Hammond, City Clerk

Tuesday, January 24, 2017

6:00 PM

Commission Chambers

City Commission Meeting

CALL TO ORDER

The Honorable Mayor Lamar Fisher called the meeting to order at 6:00 p.m.

ROLL CALL

Present: Commissioner Rex Hardin
Commissioner Barry Moss
Commissioner Beverly Perkins
Commissioner Michael Sobel
Vice Mayor Charlotte Burrie
Mayor Lamar Fisher

INVOCATION

Reverend James Smith of the New Jerusalem Missionary Baptist Church offered the invocation.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

17-169 Regular City Commission Meeting Minutes of January 10, 2017

A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Minutes be APPROVED as submitted. The motion carried unanimously.

APPROVAL OF AGENDA

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Agenda be APPROVED as submitted. The motion carried unanimously.

CONSENT AGENDA DISCUSSION

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

SPECIAL RECOGNITION

Mayor Fisher on behalf of the City Commission recognized Comr. Beverly Perkins' Birthday of February 9, 2017.

A. SPECIAL PRESENTATION**17-188 Football Super Bowl Champions**

Mark Beaudreau, Recreation Programs Administrator, along with Pete Smith, Commissioner of Football, Parks and Recreation Department, recognized the 2016 Gold Coast Pop Warner Football Super Bowl Champion Teams from Pompano Beach. The Pompano Beach teams are as follows:

Pompano Eagles 76 lbs. Pompano
Eagles 85 lbs. Pompano Cowboys
100 lbs. Pompano Chiefs 155 lbs.
Pompano Chiefs 108 lbs.

B. AUDIENCE TO BE HEARD

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:

Advisory Board Appointment – Angela Hill, 760 SE 22nd Avenue, Pompano Beach, FL, thanked the Mayor and Commissioners for approving her appointment to the board. She reiterated that many people, who do not feel confident in coming before the Commission to speak, reach out to her to be their voice.

Parks and Recreation Department – Tony Hill, 760 SE 22nd Avenue, Pompano Beach, FL, commended the Parks and Recreation Department for coordinating one of the best Nautical Flea Market held, which is improving consistently. The Amphitheater has also improved with good concerts being attracted to the facility. Movies under the Stars and Music under the Stars are two great events on the beach. In general, the Parks and Recreation is one of the gems of the City. Therefore, he encouraged the Commission to increase their budget and provide more space to coordinate great activities.

Dilapidated Plaza on Federal Highway – Ralph Daniels, 3301 NE 10th Terrace, Apt. 20, Pompano Beach, FL, stated there is a plaza located at 200 South Federal Highway that looks like an abandoned property. Therefore, he asked if the City could find out what is the status with the owner who appears to be trying to renovate the building, which has been an “eye sore for a long time.”

Mayor Fisher indicated that it has been a “thorn underneath the skin” for a long time. The ownership resides overseas, however, one of the tenants manages the property. Currently, they have an active permit for the remodeling. In sum, the Code Compliance Inspectors have been paying close attention to their violations and they have been issuing citations.

Issues Impacting the City Appearance – Mr. Daniels complained that close to the Marriott Hotel there is a huge log that was dragged up there months ago, and it appears no one is responsible to take it away. Also, at Northeast 10th Street there are some benches with rotten wood on them, which needs to be repaired. Finally, he hopes something could be done with the homeless issue, especially in District 4 and his district.

Mayor Fisher responded that the City would work on getting these issues addressed.

Staff's Inappropriate Behavior – Jocelyn Jackson, 141 NW 19th Street, Pompano Beach, FL, complained that she attempted to rent the auditorium at the E. Pat Larkins Center and encountered inappropriate behavior from the receptionist, Mary Sherman. She then informed about an incident when she experienced unprofessionalism by this staff member. Ms. Jackson stated that she was offended from the way Ms. Sherman handled business, and urged the City to be mindful of people placed in the front offices and are put in place to communicate with the community.

Mayor Fisher instructed the City Manager to check into the issue and provide the Commission with a report regarding the incident.

Comr. Perkins indicated that she spoke with Assistant City Manager, Greg Harrison who promised that they are working on that particular incident.

Conflict of Interest for Façade – Jay Ghanem, Autotech and Body, 429 N. Dixie Highway, Pompano Beach, FL, stated that recently there was discussion at the CRA Board meeting about façades. He understood that since he serves as a voting member on an advisory board, he is not entitled to receive any façade money due to a conflict of interest. However, the same person who told him about this conflict of interest works for RMA for the CRA, had shared with him that there is no conflict. Vice Mayor Burrie also shared that she was entitled, but she chose not to accept it.

Mr. Ghanem indicated that his business is family-owned and he is unable at this time to beautify his business even further. When he tried to discuss a matter that occurred previously, he was told that it was an old matter no longer relevant for discussion. In sum, Mr. Ghanem inquired whether he was entitled for the façade money or not since he sits on an advisory board.

Mayor Fisher reiterated that recently at a CRA meeting the matter was discussed and there was a question whether a member of the Economic Development Council (EDC) could receive grant money from the CRA, which one person indicated yes, while others said no.

Mark E. Berman, City Attorney thinks it would not be a conflict of interest, nevertheless, he would prefer to discuss the matter with the CRA staff and Mr. Ghanem to get a better understanding of his board membership.

District 4 Needs Improvement/Attention – Mr. Ghanem indicated that District 4 still needs a lot of improvements to be done. He complained that it is costing him a substantial amount of dollars each month for repairs due to vandalism to his property.

C. CONSENT AGENDA

1. **17-174** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A HURRICANE MATTHEW FEDERALLY FUNDED PUBLIC ASSISTANCE STATE AGREEMENT BETWEEN THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT AND THE CITY OF POMPANO BEACH AS WELL AS A STATEMENT OF ASSURANCES, AND CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY, AND VOLUNTARY EXCLUSION; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

(Staff Contact: Kimberly Spill-Cristiano)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. Upon Roll Call, the motion carried unanimously.

Enactment No: RES. No. 2017-132

2. **17-184** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA, DEPARTMENT OF STATE, DIVISION OF CULTURAL AFFAIRS ACCEPTING A GRANT IN THE AMOUNT OF \$500,000.00 AND EXECUTING A RESTRICTIVE COVENANT RELATING TO THE LIBRARY CULTURAL CENTER PROJECT: PHASE III, PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: City match of \$1,500,000.00)

(Staff Contact: Mark Beaudreau)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. Upon Roll Call, the motion carried unanimously.

Enactment No: RES. No. 2017-133

3. **17-191** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, SUPPORTING THE COMBINED EFFORTS OF THE UNITED STATES CENTER FOR DISEASE CONTROL AND PREVENTION (“CDC”) AND THE DEPARTMENT OF JUSTICE (“DOJ”) TO CURTAIL THE OVERPRESCRIBING OF OPIOIDS BY PHYSICIANS THROUGH MORE PHYSICIAN EDUCATION AS WELL AS BETTER RISK ASSESSMENT OF PATIENTS; STRENGTHENING OF PRESCRIPTION DRUG MONITORING PROGRAMS IN EVERY STATE; AND ENSURING SAFE DRUG DISPOSAL; SUPPORTING THE EFFORTS OF THE CITY-COUNTY NATIONAL TASK FORCE ON THE OPIOID EPIDEMIC TO PROVIDE EDUCATIONAL OPPORTUNITIES AND INFORMATION SHARING FOR CITIES AND COUNTIES; DIRECTING THE APPROPRIATE CITY OFFICIALS TO FULLY SUPPORT THE GOALS AND OBJECTIVES OF THE ABOVE-DESCRIBED EFFORTS; DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO EVERY CITY IN BROWARD COUNTY, TO THE BROWARD COUNTY BOARD OF COMMISSIONERS, THE BROWARD COUNTY LEAGUE OF CITIES, THE FLORIDA LEAGUE OF CITIES, GOVERNOR RICK SCOTT, STATE SENATORS, STATE REPRESENTATIVES, THE NATIONAL LEAGUE OF CITIES, U.S. SENATORS, AND U.S. REPRESENTATIVES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Mark E. Berman)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. Upon Roll Call, the motion carried unanimously.

Enactment No: RES. No. 2017-134

D. REGULAR AGENDA**4. 17-156 P.H. 2017-21: (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 CONTRACTS FOR PROFESSIONAL CONSULTING SERVICES BETWEEN THE CITY OF POMPANO BEACH AND KIMLEY-HORN AND ASSOCIATES, INC., AND HDR ENGINEERING, INC. FOR CONTINUING CONTRACT FOR ENGINEERING SERVICES FOR THE MUNICIPAL AIR PARK; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: JANUARY 10, 2017

(Staff Contact: John Sfiropoulos)

John Sfiropoulos, City Engineer, presented the item as the second reading of an ordinance to enter into contracts with the two (2) short listed firms, Kimley-Horn and Associates, Inc. and HDR Engineering, Inc., for the Airpark professional engineering services.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be ADOPTED. The motion carried by the following roll call vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

Enactment No: ORD. No. 2017-22

5. 17-163 P.H. 2017-24: (PUBLIC HEARING 2ND READING)

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.2406, "SPECIAL EXCEPTION," TO MODIFY REQUIREMENTS FOR APPROVAL OF APPLICATIONS FOR SPECIAL EXCEPTIONS; BY AMENDING 155.2420, "VARIANCE," TO MODIFY REQUIREMENTS FOR APPROVAL OF APPLICATIONS FOR VARIANCES; BY AMENDING SECTION 155.2424, "APPEAL," TO INCREASE THE NUMBER OF CONCURRING VOTES REQUIRED BY THE ZONING BOARD OF APPEALS FOR MODIFICATION OR

REVERSAL OF APPEALS FROM THE DEVELOPMENT SERVICES DIRECTOR TO CONFORM WITH AN INCREASE IN THE NUMBER OF BOARD MEMBERS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

FIRST READING: JANUARY 10, 2017

(Staff Contact: Karen Friedman/Robin Bird)

Robin M. Bird, Development Services Director, presented the item as a companion item to the expansion of the Zoning Board of Appeals to increase the number of votes to five (5) for the super majority. In addition, there is an ordinance increasing the membership of the Zoning Board of Appeals, by one (1) more member.

Tony Hill, 760 SE 22nd Avenue, Pompano Beach, stated that the Zoning Board of Appeals primarily handles 1) Special Exceptions, 2) Variances, and 3) Staff Appeals. He complained that the way staff handles appeals is unique to any other city in Broward County. Mr. Hill indicated that after checking into other cities in the County, he found that none had a super majority for their staff appeal. He then described his experience with the City of Pompano Beach during an appeals process as a resident.

In sum, Mr. Hill complained that the current practice in place is not right and it limits a resident's appeal to staff without the services of an attorney, yet at each Zoning Board of Appeals' meeting, it is stated that an attorney is not needed.

Mark E. Berman, City Attorney indicated that currently the City's Code of Ordinances provide for a super majority vote. However, appeals items before the Zoning Board of Appeals from the Development Services Director are not just residents, but developers, and so forth. It goes to protect the integrity of the decision of the development services director and staff. So, there is no requirement for every time a memo of law is written, because sometimes it is just an argument. In Mr. Hill's case, the issue was more complex, which involved interpretation of the zoning code and what laws would apply. In the end, everyone has been granted time to adequately research and respond.

In sum, Mr. Berman indicated that if directed, his office could look into changing the procedures, if the Commission felt it would be appropriate.

Angela Hill, 760 SE 22nd Avenue, Pompano Beach, FL, complained the citizens are at a disadvantage when going through that process and explained her reason. One being it is a Quasi-Judicial Board not a Judicial Board. Therefore, it is very difficult to obtain a super majority on an appeal by a resident.

Comr. Sobel indicated that in the interest of fair disclosure, he had appointed both Mr. and Mrs. Hill to serve on the boards/committees they are on currently. He stated that previously he had voiced his view on why making the super majority and the added individual to the Zoning Board of Appeals would make it more difficult in the future, whether for a developer or a citizen to try doing business with the City.

Additionally, Comr. Sobel explained his recent personal experience regarding a zoning matter, which has reiterated his fear. In the end, the current proposed ordinance will make it more difficult for smart growth, for the City to proceed with certain variances, to take appeals, and will make it more difficult for the City to do business when mandating a larger number of a super majority. Also, it would be more difficult for procedural issues to be handled by the board members if there was a shortage of members or inadequate quorum.

Vice Mayor Burrie indicated that by adding a member to the board would mean just adding a member to the super majority. In fact, there was a super majority when there was only five (5) members so with the addition of another member there is still a super majority, therefore, it is weighted on both sides. The super majority rule has not changed, and perhaps this could be an item for the Commission to consider in the future.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be ADOPTED. The motion carried by the following roll call vote:

Yes: Hardin
Moss
Perkins
Burrie
Fisher

No: Sobel

Enactment No: ORD. No. 2017-23

6. **17-176 P.H. 2017-25: (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 AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND GREGORY P. HARRISON; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$192,500.00)

SECOND READING: JANUARY 10, 2017

(Staff Contact: Mark E. Berman)

Mark E. Berman, City Attorney, presented the item as the same contract presented at the first reading of the ordinance. However, for the second reading, he has amended Section 3, to state that the ordinance shall become effective February 21, 2017, that is the same date the current City Manager's retirement date becomes effective.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL indicated that he along with Pastor James Smith support the City's contract with Gregory Harrison, who has already shown his capability.

Comr. Sobel indicated that the first time the attempt to hire Mr. Harrison took place, he did not suggest that there was anything "shady" happening. However, the circumstances were unusual, and as a newly appointed commissioner, he did not get a chance to see Mr. Harrison's resume at that point. Therefore, he opined that proper protocol was not exercised on a decision of such importance to the City's residents for the next five (5) years. Nevertheless, Comr. Sobel indicated that Mr. Harrison should not be tarnished by the manner in which the Commission, through some initial growing pains had initially tried to hire him.

In sum, Comr. Sobel indicated that Mr. Harrison is well qualified for the position and deserves a full and united support to move the City forward. Therefore, he will vote for him without reservation.

Mayor Fisher clarified that due to the Sunshine Law members of the commission cannot discuss City business with each other prior to the meeting. Therefore, the normal process the Commission has to do business is to bring up certain items in public under the Reports section of the agenda. So, even though it was a late hour evening, he did bring up the item for discussion under his report. He explained that there were two (2) opportunities open to the public to provide their views on the matter, which is under first and second reading of the ordinance to enter into contract with Mr. Harrison. Therefore, there was nothing "shady," which he would have never attempted to do.

Comr. Perkins noted that the contract is set for five (5) years, but she understood that the first time the item was discussed it would be for one (1) year. Therefore, she asked who had decided on the five (5) years.

Mayor Fisher responded that it was never discussed as a one (1) year contract, but rather as a five (5) year contract. Nevertheless, Mayor Fisher indicated that the Commission has the opportunity to terminate the services after six (6) months, if they so desire.

Mark E. Berman, City Attorney, clarified that he was instructed by the Commission to prepare a contract. In the past, the contracts with City Managers had been for a term of five (5) years, and with no further instruction other than "no golden parachute," he proceeded to prepare a contract in a manner that was done previously in terms of the length of time. Also, the Charter states five (5) years is the maximum time to enter into a contract for this position. Therefore, at the initial reading, which they heard first as the second reading, it was presented to the Commission, but no direction was given to change the term. As discussed at the initial meeting, there is a six (6) month window that Mr. Harrison is entitled to a severance following that time, because he serves at the pleasure of the Commission.

Comr. Perkins indicated that she would agree to a two (2) to three (3) year contract to allow the Commission time to evaluate his performance. So, she could not agree to a five (5) year contract. Consequently, Comr. Perkins made a motion to make the contract between Mr. Harrison and the City to be three (3) years.

Comr. Hardin reiterated that the City Manager can be terminated at any time the Commission so desires. In fact, the Commission evaluates his performance on a daily basis and he could be terminated in less than the six (6) months, but for the first six months of the contract, they are committed to give him some type of severance pay.

Comr. Perkins indicated that she understands that the City Manager works for the Commission; but it should be an equal playing field. Therefore, if she requested the City Manager to do something for her district and another Commissioner requested something for his/her district and one get it and the other does not, the City Manager would still remain in place. Therefore, based on her experience, she would desire a three (3) year contract to have enough time to evaluate the City Manager's performance.

Vice Mayor Burrie indicated that she thought when the contract was first discussed it would be for one (1) year, but wondered if it was the standard to enter into a contract for five (5) years.

Mr. Berman responded that it is the standard for the City of Pompano Beach, but he was unsure it is so for other municipalities. He reiterated that without specific direction, he followed what was done historically.

A motion was made by Commissioner Perkins, seconded by Commissioner Sobel to change the contract term from five (5) years to three (3) years. The motion carried by the following vote:

No: Hardin

Moss

Sobel

Burrie

Fisher

Yes: Perkins

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED ON FIRST READING AS AMENDED. The motion carried by the following vote:

Yes: Hardin

Moss

Sobel

Burrie

Fisher

No: Perkins

Enactment No: ORD. No. 2017-15

7. **17-04** P.H. 2016-62: (PUBLIC HEARING 1ST READING)
AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO PROVIDE A DEFINITION OF AND STANDARDS GOVERNING LOCATION OF ATHLETIC COURTS OR FIELDS; BY AMENDING SECTION 155.5302, "FENCES AND WALLS," TO PROVIDE STANDARDS FOR FENCING PROVIDED AS PART OF A PERMITTED ATHLETIC COURT OR FIELD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

TABLED FROM APRIL 26, 2016 & OCTOBER 25, 2016

(Staff Contact: Karen Friedman/Robin Bird)

Robin M Bird, Development Services Director, presented the item, which he stated creates a new accessory use definition for athletic courts or fields, such as tennis courts, or basketball courts, located within single-family homes, schools, and hotels. The intent is to clarify the City's regulation of these uses to ensure the impact on neighboring properties; in particular, single-family properties are minimized. As well as, it revises the standard for fencing in conjunction with this use. Currently, the code exempts fencing from use in conjunction with athletic uses from all heights in fencing requirements, with the exception of site triangle. Therefore, staff recommends creating a maximum height of 14 feet, which will be permitted only if the fence meets the standards for location and transparency. It also provides for a setback not currently in the code. At the Planning and Zoning Board meeting of March 23, 2016, the text amendments were unanimously recommended.

Mayor Fisher mentioned that the item was tabled approximately nine months ago and re-tabled almost three months ago.

Mark E. Berman confirmed that litigation is ongoing as the court has not made an order to date; therefore, the case is still open.

Mayor Fisher indicated that if litigation is continuing then perhaps the Commission could discuss either tabling or striking the item.

Mr. Bird indicated that if the item is stricken, then the next time someone applies for a zero lot line with a basketball court or a soccer field in their back yard, the City will grant the permit for the fence, to keep the balls from going over the property line. That is if they want a six or eight foot fence.

Comr. Sobel suggested tabling the item until the litigation is completed.

Mayor Fisher indicated that the best practice in this case is to strike the item, because an advertisement will have to be done again since the item has been tabled for a long period and it is still uncertain when the litigation case will be completed.

Mr. Berman advised that the Commission may want to instruct staff to bring back the item when litigation is concluded, which could possibly be another two to three months' time or until the court gets to it.

Mayor Fisher explained the difference between tabling versus striking an item. He said when tabling an item it is done for a time certain and if the item continues to be tabled for a long time, then there will be the need to re-advertise to notice the public.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to remove the item from the table. By Voice Vote, the motion carried unanimously.

A motion was made by Commissioner Sobel, seconded by Vice Mayor Burrie, that the Ordinance be STRICKEN. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

8. **16-64** P.H. 2016-86: (PUBLIC HEARING 1ST READING)
AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4219, "COMMERCIAL: MOTOR VEHICLE SALES AND SERVICE USES" TO PROVIDE ADDITIONAL STANDARDS FOR GASOLINE FILLING STATIONS; AND BY AMENDING SECTION 155.4303, "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES", TO PROVIDE ADDITIONAL STANDARDS FOR CANOPIES IN VEHICULAR AREAS FOR GASOLINE FILLING STATIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

TABLED FROM SEPTEMBER 13, 2016, OCTOBER 10, 2016 & DECEMBER 13, 2016

(Staff Contact: Karen Friedman/Robin Bird)

Robin M Bird, Development Services Director, presented the item stating that the intent of the text amendments is to improve the appearance of canopies and gasoline stations to ensure they are an accessory and subordinate structure to the facility. The proposed standards address the architectural size and mass of the canopy, as well as pedestrian safety. In sum, the text amendments were modified to keep the original intent but to allow for additional design flexibility. Therefore, the text amendments were recommended at the May 25, and December 16, 2016, Planning and Zoning Board meetings.

Mayor Fisher thanked City staff for meeting with those applicants who are now in the building of modern age gasoline structures such as the Wawa and the RaceTrac stations, and for working together with counsel on this item to reach a mutually agreeable solution.

Comr. Hardin indicated that the way Mr. Bird and staff worked with these applicants is a true testimony of the City's "Florida's Warmest Welcome" and commended them for their efforts on this.

Comr. Sobel inquired if there was any effort made to reach out to the other gasoline stations currently in existence to determine their "take" on this amendment.

Mr. Bird responded that staff specifically worked with a few applicants, RaceTrac and Wawa, two of the major stakeholders coming into the City at this time. However, for the smaller type of gasoline stations this would not apply, rather, it would apply mostly to the mega type stations. He clarified that this will not have an adverse effect on the smaller type gasoline stations, and explained the process for the ones currently in existence, as well as how the canopy standard would apply to the small facilities.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie to remove the item from the table. By Voice Vote, the motion carried unanimously.

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

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

9. **17-186** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **MICHELLE RHOULHAC** TO THE EMERGENCY MEDICAL SERVICES ADVISORY BOARD OF THE CITY OF POMPANO BEACH AS ALTERNATE #1; TO FILL THE UNEXPIRED TERM OF HARRY DIAMOND; SAID TERM TO EXPIRE ON JULY 1, 2019; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Michelle Rhoulhac, Alternate #2 - District 2

Predrag P. Jovanov - District 3

Emma Ellington - District 4

(Staff Contact: Asceleta Hammond)

A motion was made by Vice Mayor Burrie, seconded by Commissioner Hardin, to insert the name Michelle Rhoulhac and that the Resolution be ADOPTED. The motion carried by the following vote:

NOTE: Commissioners Perkins and Sobel voted to insert the name Emma Ellington.

Yes: Hardin

Moss

Burrie

Fisher

No: Perkins

Sobel

Enactment No: RES. No. 2017-135

10. **17-187** Discussion of recruitment for Internal Auditor.

(Fiscal Impact: N/A)

(Staff Contact: Dennis Beach)

Dennis W. Beach, City Manager, presented the item, mentioning the two (2) ways staff has considered conducting the recruitment, but is seeking the Commission's input. Phyllis Korab, Assistant City Manager recently distributed a Memo that describes the process staff would go through to select an individual for the internal auditor position if it is done in-house, which is one way.

The two suggested choices will be done through the existing Human Resources staff or hiring a search firm to do the recruitment process for the City. Due to Mayor Fisher's prompting, Mr. Beach indicated that there is also a third option to consider hiring from within.

Eddie Beecher, Human Resources Director, indicated that at the direction of the Commission the City Manager placed on the Agenda a discussion item. Therefore, staff has prepared additional comments for the Commission regarding the strategy for an in-house recruitment outlined in the memo previously distributed. There are three options; 1) recruit from within, 2) retain the services of an outside consulting firm to do a national search, estimated to cost \$24,000, and 3) the Commission request City staff to recruit through the Human Resources Department.

Additionally, Mr. Beecher indicated that staff has provided in the backup the current job classification, the job description showing the minimum requirements and duties. In addition, they have provided the most current PEPIE report received from a Florida State organization of which the City is a member. This report provides great information on public employees, their salaries and duties.

Mr. Beecher stated that they prepared a Recruitment Strategy. In working with the current Internal Auditor to review and update the current job description, there are some suggested changes to the job description, to include minimum requirements such as expertise in forensic accounting. A Master's Degree would be preferred, as currently, the minimum requirement is a Bachelor's Degree. In addition, the estimated cost for advertising would be \$2,300, which would include advertising in several professional newsletters/magazines/websites. An Executive Review Committee would be established to review the applications. Thereafter, the Human Resources Department would conduct the vetting process on the finalists and set up interviews. Finally, an item would be placed on the Agenda for the Commission to rank the top three finalists.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, offered his services as the City's internal auditor.

Comr. Moss indicated that he has faith in the ability of the City's Human Resources Department. Therefore, he would be inclined to allow the Human Resources Director to move forward to conduct the in-house recruitment, which would save the taxpayers paying \$24,000 to hire a firm to do the recruitment.

Comr. Hardin inquired how other communities have handled the recruitment process for this type of position, since it is rare that this position has come up for hiring. He also indicated that he would endorse recruitment through in-house.

Mr. Beecher indicated that some have done internal recruitment and some have utilized professional national searches. It is a small select group; therefore, the plan is to target the professional associations, such as the Government Finance Officers' Association (GFOA) and the International City/County Management Association (ICMA).

Vice Mayor Burrie stated that she would also endorse recruitment through in-house. Furthermore, she indicated that previously the City hired a national firm to recruit a City Attorney, but the firm did not do due diligence in advertising the position. In fact, they did not advertise in media such as the Florida Bar journal, nor did they utilize the professional associations' media to recruit for a City Attorney to come from outside/inside. Notwithstanding, the Commission elected to appoint Mark Berman, City Attorney who was the Assistant City Attorney at the time.

Comr. Sobel indicated that he would initially support using in-house recruitment and to follow the criteria. Since the genre of an internal auditor is different from the City Manager or the City Attorney, he would suggest that if the in-house method were not producing enough potential qualified candidates then a revaluation process could be done to utilize another search mechanism.

Mayor Fisher indicated that during the ninety (90) days timeline that the Human Resources Department will need to get advertisements and the recruitment process completed; perhaps, in the meantime, an acting internal auditor could be appointed since Barbara DeLeon, the internal auditor will be leaving on March 1, 2017. He suggested that consideration could be given to the person currently assisting Ms. DeLeon.

Mr. Beecher responded that the appointment of the interim/acting internal auditor can be brought back to the Commission for their consideration at another meeting. However, Deusdedit Kiyemba (DC) has worked with the City for several years in the internal auditor's office assisting the internal auditor, therefore, his resume can be provided to the Commission.

A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Item for Consideration/Discussion be APPROVED by directing the Human Resources Director to conduct in-house recruitment for the position. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

E. REPORTS

City Manager – Dennis W. Beach – Congratulations – Dennis W. Beach congratulated Gregory Harrison on his recent contract approval as the new City Manager. He indicated that everybody will enjoy working with him and will not be disappointed in the results.

City Attorney – Mark E. Berman – Congratulations – Mark E Berman congratulated Gregory Harrison on his appointment.

Broward League of Cities Ethics Training – Mr. Berman announced that on February 24, 2017, the Broward League of Cities would be hosting a “boot camp” for ethics. Therefore, he will provide the information to the City Commission to assist with meeting their annual training requirements.

City Clerk Asceleta Hammond – Congratulations – Asceleta Hammond congratulated Gregory Harrison on his appointment and indicated that she looks forward to working with him.

City Commissioner Rex Hardin – Congratulations – Comr. Hardin congratulated Gregory Harrison, on his appointment and welcomed him aboard. As well as indicated, he is happy to see the smooth transition. In addition, he will be sorry to see City Manager Dennis Beach go.

City Commissioner Barry Moss – Expressions of Thanks and Congratulations – Comr. Moss thanked City Manager Beach for his kindness and assistance extended to him during his first term as Commissioner, and wished him good luck on his retirement.

In addition, Comr. Moss congratulated Gregory Harrison and welcomed him aboard. As well as he hopes he will stay in Palm Aire.

City Commissioner Beverly Perkins – Martin Luther King, Jr. Parade – Comr. Perkins indicated that she was pleased to see some of the Commissioners and staff at the Martin Luther King Jr. Parade. Overall, it was a success; however, there are a number of things that need to improve.

Tour of the City – Comr. Perkins stated that recently, some of her constituents received a tour of the City, which was very beneficial to them. However, at a later date she will be providing an update on the tour.

City Commissioner Michael Sobel – Expressions of Well Wishes and Congratulations – Comr. Sobel congratulated Gregory Harrison on his new venture and that he is assured he will do a terrific job. As well as he thanked City Manager Beach even in the short period of time working with him, but through many years of Rotary affiliation he got to know him very well and has always respected him.

Participation at Association Meetings – Comr. Sobel thanked the Renaissance Condominium residents who invited him to speak at their meeting.

Comr. Sobel announced that anyone from other districts that would feel comfortable to invite him to come speak to them on City matters may contact him by email at Michael.Sobel@copbfl.com. In addition, he will be sending out a newsletter with a mix of his words on what is going on in the City. Therefore, anyone interested in participating and receiving a copy can email him and he will add them to his distribution list.

Memorial Event for Pompano Beach Fallen Heroes – Comr. Sobel indicated that last Sunday, it was special for him to attend the memorial event for the Pompano Beach fallen heroes. He learned about the event from a constituent, and arranged to attend the memorial dedication of the plaques at the Bank of America Building. He said that they are grateful for those who served and made the ultimate sacrifice for the City of Pompano Beach, and we should not forget them or their families. The heroes memorialized were Officer Scott Winters, Sergeant Christopher Reyka and Firefighter Bill Elliot. He invited everyone to visit the Bank of America Building on the first floor, where the plaques are installed.

Vice Mayor Charlotte Burrie – Congratulations – Vice Mayor Burrie congratulated City Manager Beach on his retirement. As well as Vice Mayor Burrie congratulated Gregory Harrison on his appointment as City Manager. She indicated that it has been a pleasure working with him up to now and looks forward to working with him in the future.

Mayor Lamar Fisher – Memorial Event for Pompano Beach Fallen Heroes – Mayor Fisher thanked Paul O’Connell and his team, as well as Mark Asiano, from the Bank of America, who stepped up as a Public/Private partnership to make the heroes stand out and to be remembered. He also thanked Captain Adkins and his team, and Chief Jurgle and other firefighters who were present. It was a nice event to finally see the plaques in place.

East Transit Oriented Corridor (ETOC) – Mayor Fisher announced that at the Broward County Commission level the Commission unanimously passed the East Transit Oriented Corridor. He along with City staff attended the meeting to see the ETOC being moved forward.

Merit Adjustments for City Manager, Attorney, Clerk and Internal Auditor – Mayor Fisher indicated that it was brought to his attention that the four individuals that the City Commission hire/fire, which include the City Manager, the Internal Auditor, City Clerk and the City Attorney has not received merit adjustments over a few years. Notwithstanding, the City’s two labor agreements for

City employees provide for up to a 3% merit adjustment on the anniversary of the specific employment date. The four appointees' positions by the Commission can authorize their employees to receive those merits, but they would have to require from the Commission their receipt of merits. Furthermore, the four persons in these positions, specifically the City Attorney should have been eligible for a 3% merit adjustment effective August 2016, the City Clerk would have been eligible one year ago February 18, 2016, the internal auditor actually skipped two years June 2015 and 2016 and the City Manager skipping three years December 2014, 2015 and 2016. He encouraged Commission discussion on whether to move forward to award these individuals merit increases. In sum, the City Attorney is estimated for an \$8,400 amount, the City Clerk \$4,500, the Internal Auditor \$6,000 and the City Manager \$9,400.

Comr. Hardin made a motion that the Commission move forward to award the adjustments. However, he indicated this problem had existed prior. Therefore, he suggested that a policy be put in place to direct staff to put something on the agenda at the appropriate time for each of the positions so the Commission is made aware. While these persons are doing a great job, they are not asking for any consideration, consequently, it "gets lost in the weeds."

Mayor Fisher stated that the Commission could direct staff that on those anniversary dates to bring it forward for action or in-action.

A Motion was made by Comr. Hardin, seconded by Vice Mayor Burrie to award the increases. By voice vote, the motion carried unanimously.

A Motion was made by Comr. Hardin, seconded by Vice Mayor Burrie to direct staff, from this point forward to bring an agenda item forward on the anniversary date of each of the Commission's appointees. Therefore, the Commission will be aware of it for action or inaction. By voice vote, the motion carried unanimously.

Congratulations – Mayor Fisher thanked City Manager Beach for his services, and stated that he looks forward to continue working with Gregory Harrison.

Comments from Upcoming City Manager – Gregory Harrison, future City Manager, thanked the Commission for their support. He stated that it is an honor for him to be following Mr. Beach's footsteps and for the opportunity to continue to do the good that has been established in the City. He assured the Commission that they will be pleased as he tries to "kick it up a notch."

F. ADJOURNMENT

The meeting adjourned at 7:35 p.m.

Lamar Fisher, Mayor

Asceleta Hammond, City Clerk