

**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*

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Tuesday, July 11, 2017

6:00 PM

Commission Chamber

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**City Commission Meeting**

**CALL TO ORDER**

The Honorable 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**

Minister Brian Campbell 15th Street Church of Christ offered the invocation.

**PLEDGE OF ALLEGIANCE**

Led by Asceleta Hammond, City Clerk

**APPROVAL OF MINUTES**

[17-550](#) City Commission Budget Workshop Minutes of May 25, 2017

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

[17-516](#) Regular City Commission Meeting Minutes of June 27, 2017

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

**APPROVAL OF AGENDA**

Mayor Fisher announced that item 24 would be stricken from the agenda.

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

**CONSENT AGENDA DISCUSSION**

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

Mayor Fisher announced that item 1 from Consent Agenda would be pulled for discussion.

**A. SPECIAL PRESENTATION**

[17-468](#) Historic Artifact Presentation

On behalf of the Hillsboro Lighthouse Preservation Society, Ken Herman, President, presented the City with a historical artifact from the Hillsboro Inlet Lighthouse made into a museum quality display piece.

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

**B. PROCLAMATIONS**

[17-542](#) Parks and Recreation Month

Mayor Lamar Fisher proclaimed the month of July as Parks and Recreation Month in the City of Pompano Beach. Mark Beaudreau, Recreation Program Administrator accepted the proclamation on behalf of the City of Pompano Beach Parks and Recreation Department.

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

17-545 Sister City Day in Pompano Beach

Mayor Lamar Fisher proclaimed Sister City Day in Pompano Beach. Tony Phillips, Treasurer/Chairman of the Italian Sister City of Termoli accepted the proclamation on behalf of the Sister City Program.

**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:

**Pompano Beach Cultural Center Mismanagement** – Carolyn Jones, Director, Herman LeVern Jones Theatre South, stated that she is still waiting to be placed back in her summer program at the Cultural Arts Center. She complained that there are numerous negative things being said, to include lies and propaganda. Thereafter, she read a number of quotes and comments she received from some of the parents of the students in the summer program prior to the representatives of the Herman LeVern Jones Theatre South being escorted from the Cultural Arts Center property. Two examples of such comments were: *“I must commend the City and Theatre South for coming together and starting such an enriching program for our youth throughout our great City. Thank you and looking forward to the end of the year production. Satisfied parent.”* *“Thanks for everything, really great program. The program is a blessing to say the least. The children are happy and learning. My daughter always shows me a new dance move and tells me about the new friends she is making. I support this program and I am grateful for fun safe camp like this one.”* Finally, Mrs. Jones indicated that she had many more letters she could not read but she wanted it known that they have more positive things said about the Theatre camp and hoped they will be able to continue the program.

Mayor Fisher indicated that two weeks ago the Jones’ came forward; however, City Manager Harrison has an investigation going on concerning the matter on behalf of the City.

City Manager Harrison confirmed that there is an investigation going on so there is no point in discussing the matter tonight until after the results of the investigation are available for the City’s evaluation.

**Conflict with Creative City Collaborative of Pompano Beach, Inc. and Herman LeVern Jones Summer Theatre Arts Conservatory**

– Herman LeVern Jones, Theatre South Atlanta, Inc., indicated that he has a wealth of knowledge, wisdom, guidance, and understanding about what arts do for youth. Thereafter, he provided comments he received from parents of young African-American males who have been working with his Theater and enjoy the father figure he provides to the youth. He then provided a brief history of his background in the theater industry and his interaction with well-known actors and actresses. In sum, Mr. Jones thanked Alyona Ushe and her team for coming up with the concept to bring the arts organizations together in theatre, music, dance, visual arts and media arts. It is important that the concept continue. However, to be escorted out of a facility is woeful, when his record has not shown him to commit any wrongdoing for over 63 years. He said he and his wife's spirits were down when they experienced what they did the past two weeks ago.

**Theater South Summer Theatre Conservatory** – Reverend Marie A. Manuel, 704 NW 3<sup>rd</sup> Avenue, Pompano Beach, FL, stated that time can serve as an asset or as an adversary. She indicated that the City took the time to develop a plan to drive and implement comprehensive cultural arts in the City. They vetted arts organizations for the purpose of taking active parts in the development through creation of artists alliance. She mentioned that Herman LaVern Jones Theatre South spent time developing their talent and gained knowledge, skills, abilities and expertise in theater production to become members of the alliance. Thereafter, she provided information regarding what the alliance meant to achieve, as well as the negative experiences the Jones' had with the City a few weeks ago. Reverend Manuel indicated that the summer is almost gone and Theater South is waiting for a fair and just decision. Therefore, it is time for action to reinstate Theater South Summer Conservatory.

Comr. Perkins asked how long it would take the City Manager to get the investigation completed. Furthermore, Comr. Perkins indicated that an outside investigation should not have been engaged for such a minor incident.

Gregory Harrison, City Manager, responded that in the next two weeks.

Mayor Fisher stated that the Commission cannot interfere with personnel matters or contract issues, which must be handled by the City Manager's office.

Comr. Sobel reiterated Mayor Fisher's comments and stated that he has received the emails but the Commission is prohibited from responding. Therefore, under the Sunshine Laws, they cannot respond to some of the emails that have been sent to them.

**The Inequitable Treatment of Theatre South** – Samantha Davis, Associate Producer, Herman LeVern Jones Theatre South, thanked the City Commission for accommodating them two weeks ago. She explained their experience of delight in coming into the City to offer their services. However, she indicated that they were not treated in an equitable manner. Thereafter, Ms. Davis read a portion of the City's promise and requested that the Commission uphold that promise as much as possible with the investigation, which has become long and drawn out.

**Financial Support for Mustang All-Star 10U Baseball Team** – Shannon Brown, 170 SE 6<sup>th</sup> Court, Pompano Beach, FL, reported that the Pompano Beach Mustang All-Stars Baseball Team went to Sanford, Florida and won 2<sup>nd</sup> place out of many teams. Next, they will be going to Tampa at the end of July to

compete. Ms. Brown respectfully requested the Commission's consideration for a contribution to assist the team to travel at the end of the month. They are proud to represent the City of Pompano Beach.

Mayor Fisher indicated that the Commission Contingency Fund has been depleted; however, perhaps Ms. Brown could meet with City Manager Harrison to see if there are any funds to assist in this endeavor.

Comr. Hardin indicated that they want to support the kids; therefore, he made a motion for the City to support the kids going to Tampa to represent the City of Pompano Beach. Therefore, he recommend \$2,000 to assist in this endeavor.

**A Motion was made by Comr. Hardin, seconded by Comr. Sobel to have the City provide \$2,000 to assist the Mustang All-Star 10U Baseball Team travel to Tampa. The motion carried unanimously.**

Mayor Fisher requested that the kids ensure bringing back the trophy.

**Blanche Ely High School Football Team** – Vicente Thrower, 1890 NW 6<sup>th</sup> Avenue, Pompano Beach, FL, stated that at the last Commission meeting the boys' football team at the Blanche Ely High School mentioned their aspirations and their plans to go on college tours and that it is more than just playing sports. He said the team raised approximately \$11,000 to go on the tour through GoFundMe. He thanked Ric Greene, Pompano Beach Greater Chamber of Commerce, Mayor Fisher and all the Commissioners, City Manager Harrison, Horacio Danovich, CIP Manager and Nguyen Tran, CRA Project Manager, for assisting with efforts to get funds for transportation of the team. He indicated that the City's future soccer owners also assisted with getting funds for the team, by donating a bus to take the tour.

Frank indicated that he has been working with the City to establish a soccer team and that their goal was to assist the kids to fulfill their dreams, and go to college. Therefore, when the coach approached them today for assistance, they were privileged to assist.

Mr. Thrower thanked Frank's partner, Pascal for his assistance as well. In addition, Mr. Thrower indicated that they are approximately \$4,000 short for the team to make the journey and respectfully asked for some consideration to assist the team.

Mayor Fisher indicated that he and others have worked hard to get donations for the team. In fact, City Manager Harrison set up the GoFundMe to get donations online for their tour. Therefore, perhaps, City Manager Harrison can assist to come up with the difference to allow the team to make the trip. Nevertheless, Mayor Fisher advised that next year when this tour is to be done they should start earlier to ensure more businesses and community involvement to get enough dollars to make the trip.

Mr. Harrison indicated that he received information later this afternoon that there would be more activity on the GoFundMe site. Therefore, the City would make up whatever difference the team did not realize from the GoFundMe site.

**A Motion was made by Comr. Hardin, seconded by Comr. Perkins to direct City Manager Harrison to make up the difference in dollar amount where the team falls short of realizing the amounts they need for the trip. The motion carried unanimously on voice vote.**

Pascal Cohen, Golden Beach, President of the team, indicated that the City Commission is doing a tremendous job for the City to build a new City and to make it better for the future. He commended the

Commission for their dedication to all the people, which is not an easy job. He then thanked the Commission for what they are doing for the City. He commented that he is a developer, but it is not just about construction, roofing, plumbing and so forth, but rather it is about people and how to change lives by helping people to have a better quality of life. Finally, Mr. Cohen indicated that he is proud to work with the City as a developer and assist the City in their endeavors to build a new City. Thereafter, he committed to donate \$2,000 to the prior baseball team.

**Support for Assistance for the School Children** – Anne F. Geer, 1300 S. Ocean Boulevard, Pompano Beach, FL, stated she volunteered at the Pompano Beach Elementary School this past year. The little girl she helped with reading showed her a decorated cake she did for her Mom. Consequently, she learned that other children could not afford a cake for their Mom. She also learned that children who desire to go on field trips are unable to do so due to lack of resources. She is aware that there are numerous donors to the City, however, she urged the Commission to assist the children who represent the future of the City.

Mayor Fisher thanked Mrs. Geer for her volunteer services to the children.

**Pompano Beach Lady Stars Team** – Coach Robert Hartsell, 2407 SE 14<sup>th</sup> Street, Pompano Beach, FL, stated that he is the coach for the Pompano Beach Lady Stars Softball team. He stated that an all-star baseball team was developed for the girls to go out to tournaments. Subsequently, the team went to Sanford to compete and came in second in the State of Florida. He said the team was developed in one month. In addition, they have competed locally and defeated Lighthouse Point. Therefore, they are invited to go to the World Series, which will take place in Texas. Justine Therrien, and Reese Hartsell, members of the team as well as residents of Pompano Beach urged the Commission to support the team's efforts to make the trip to Texas to compete in the World Series.

**A Motion was made by Comr. Hardin, seconded by Comr. Sobel for the City to donate \$2,000 to assist the Pompano Beach Lady Stars Girls 14V Recreation Softball team to travel to Texas for the world series. The vote carried unanimously upon voice vote.**

Coach Hartsell promised to bring back the trophy, as well as will proudly present the trophy they won after their game with the Lighthouse Point team.

**Pompano Beach Fishing Pier** – Patrick Lewis Moors, and Jack VanGursky, spoke about the Pompano Beach fishing pier. He stated that they are from the City of Coconut Creek, but have been visiting Pompano Beach to enjoy the fishing pier. Therefore, he thanked the City Commission for their consideration to support the pier to allow a cross section of people to come and enjoy. Therefore, they look forward to the opening of the new pier.

**Update on Clean-up Campaign** – LeRhonda Henly and Rashad Lewis, 601 NW 20th Street, Pompano Beach, FL, members of The Just Us League Pompano Beach, provided a presentation of how the group was formed, the members of the group and the various activities they have been engaged in. Also, the events that have taken place to date, to include the many volunteers such as Captain Nesbit, Lieutenant Matthis and Irving of the Broward Sheriff's Office (BSO), the Firemen, the City Commission and the City staff. In addition, Ms. Henly thanked everybody who assisted them with their clean-up campaigns. She stated that they would be holding another clean-up event Saturday, July 22, 2017, at 9:00 a.m. at the Apollo Park.

Finally, Ms. Henly committed to the ongoing cleanup events in the City and plans to do it indefinitely and asked for the help and commitment from the community.

Gabrielle Porter reiterated the comments for the community to come out and support the events to clean up the neighborhood for the children.

**Support to Clean-up neighborhood** – George Dillard, Pompano Beach, FL, thanked City Manager Harrison for the information regarding getting a recreation center built at the Mitchell Moore Park, Comr. Perkins for her hard work, the Mayor and Commissioners for assisting them to accomplish these clean-up events. He urged the residents of the community to stop throwing trash around and to join in the efforts to keep the neighborhood clean, as well as safe for the children and all residents.

Comr. Perkins indicated that she agreed with Mr. Dillard's comments and stated that they have been picking up paper continuously, but by two days after the papers return. She urged the residents of the neighborhood to be mindful of throwing paper around. In fact, in an effort to keep the City clean they will be "pushing" for the Adopt-a-Street program to return.

**Social Sundays** – Natasha Holder, non-resident of the City, stated that there is an event called "Social Sundays" that takes place on the first Sunday of each month. The event is an urban experience that allows the residents of the City of Pompano Beach to come out of their comfort zone to participate in the experience.

**Community Development Advisory Committee Meetings** – Angela Hill, 760 SE 22<sup>nd</sup> Avenue, Pompano Beach, FL, stated that she has spoken to a few members appointed to the Community Development Advisory Committee (CDAC) and have expressed disappointment with the meetings deferments. Mrs. Hill indicated she was appointed in January, but the Committee has not yet had a formal meeting. Upon reaching out to a City staff member, she learned that the Committee has not been meeting due to lack of a quorum. She also learned from representatives from the City that the members were not necessary. In addition, Mrs. Hill stated she understood that the Committee members would assist with the decision in where the funds would be donated, but the City's representatives have indicated that they are making that decision and it does not matter what the committee members say. She is concerned that the members are being "sidelined" without a role. Mrs. Hill declared that she desires to serve the City and contribute positively.

Mayor Fisher inquired if City Manager Harrison could provide an update on what is happening with the Committee and the actions to take place and whether there are any appointments to be made.

Jocelyn Jackson, a member of the CDAC also spoke and mentioned that she was told there was no more funding for this year so there will not be any more meetings for the year. In addition, she inquired about the minutes, and was told they were not approved.

Comr. Sobel indicated that what the two members mentioned earlier is outrageous. However, City Manager Harrison will check into the situation and report to the Commission.

**Cresthaven Signs** – Rhonda Eaton, 3400 NE 13<sup>th</sup> Terrace, Pompano Beach, FL, thanked Vice Mayor Burrie, City Manager Harrison, Mayor Fisher and Public Works Director, Robert McCaughan for assisting them in

getting their project off the ground. She reported that the Cresthaven Civic Association met and came up with a new entryway sign for the neighborhood, which she presented for the first time to the City Commission. She introduced Michelle Kerriann, 2980 NE 12<sup>th</sup> Terrace, Pompano Beach, FL, who displayed the new sign and reiterated their thanks to Mr. McCaughan. She indicated that they are hoping to pursue several options to fund the program to make the signs, which will enable them to place the signs all over the Cresthaven neighborhood.

Vice Mayor Burrie indicated that the signs throughout the City have cost quite a sum. However, Mr. McCaughan received a new machine that made the sign in-house, at a significantly less cost.

**Comments on Fire Department and Broward Sheriff's Office (BSO)** – Joe Ryan, Pompano Beach, FL, complained that there are numerous problems in both departments. He indicated that he had mentioned prior that the City should employ a firm to analyze the Fire Department. He concluded that the City is paying a “ton of money for no fires.” They serve well the EMS part of the department. However, they have the lifeguards, the swimming team, which is a conglomeration of not being a fire department.

**Sports** – Mr. Ryan indicated that the City is intent on sports, which is fine but there are failing schools in the City and they need to be remedied. The kids must be taught to read and write so they can learn to think. He hopes the Commission would consider taking more time with the School Board to straighten out the City. Mr. Ryan concluded that the City must attract businesses that will come to a City without failing schools.

Mayor Fisher thanked Anne Siren, Pelican newspaper, who did a wonderful job on the City's school system on the grades and how they are coming up drastically. The article was informative, and it is good to know there are no “F” schools in the City.

**SPECIAL RECOGNITION** – Mayor Fisher recognized Mrs. Betty Larkins, widow of former Mayor E. Pat Larkins, who was attending the meeting. He thanked her for attending and indicated, “We love you.”

**Cultural Arts** – Sarahca Peterson, 305 SW 1<sup>st</sup> Court, Pompano Beach, FL, stated that she is proud of the progress being made with cultural arts in the City of Pompano Beach. She commended the Community Redevelopment Agency (CRA) and the CAC for making an effort to be inclusive with the cultural art programs that target the African-American citizenry. The programming is sufficient, but there is always room for improvement.

**Update on Teen Happy Hour** – Ms. Peterson provided an update on the Teen Happy Hour, which took place last month, and it was very successful. Approximately 23 teens attended ranging from ages 10 – 17 and adults were present. The cost was \$5 for a teen to attend. She mentioned that most of the services, to include the Dee Jay (DJ), were donated. The next Happy Hour is planned for July 28, 2017, and they are hoping more teens will come out for a good time.

**Theatre South Summer Conservatory** – Jacovia Farrington, Theatre South, a non-resident, mentioned that in a quote from Dr. Martin Luther King, Jr. letter he wrote in Birmingham, which speaks about clergymen who were more devoted to order than to justice. She noted that the last time she attended the City Commission meeting she heard two women speaking about how orderly the program was since Theatre South was terminated. She asked what is orderly about being terminated by seven policemen and also having their camp that they worked hard on, now being given to someone else. She indicated that they encountered injustice and being referenced as “unqualified” to run a camp. She stated that Mr. Jones has worked in the theater for over



44 years and has worked with children, youth and adults from all types of backgrounds. The word “wait” appears to mean “never” because they have been waiting for answers but never received them. Instead, lies and propaganda. Finally, Ms. Farrington asked how long they have to wait to get an answer regarding the injustice done against them.

**Social Sundays** – Jocelyn Jackson, Pompano Beach, FL, stated that she supports Social Sundays and explained her reasons. A good social event draws people from other cities to mingle together with City residents. Therefore, she invited members on the dais to take some time out to come out and enjoy the networking, the socializing and communicating with other cities’ residents, as well as residents from the City of Pompano Beach.

In response to Comr. Perkins question, Ms. Jackson stated that the event takes place the first Sunday of each month at 5:00 p.m.

**Repairs by Stevens Construction** – Delores Bullard, 212 North Flagler Avenue, Pompano Beach, FL, stated that she would like to contact Horacio Danovich, because she found out that Stevens Construction Company does not work with the City any longer. However, they were required to do some repairs, but told her to go through Mr. Danovich to get the repairs approved. Therefore, she requested that Mr. Danovich contact her to get the damages done in some of the shops repaired in a timely manner.

**Clean-up of neighborhood** – Ms. Bullard indicated that Mr. Schultz approached her earlier and asked questions as to why the police are running those people who congregate under the trees on the west side of the City. She indicated that she understands the reason is to clean up the neighborhood as requested by the residents of the community along with the police department. However, she indicated that he needed to contact Police Chief Hale for confirmation and explanation. Thereafter, she asked for the information to be provided in writing so Mr. Schultz could take it back to his friends that he normally congregates with under the trees and has breakfast and things of that nature.

**Cultural Arts Events and Competition** – Andy Cherenfant, 2821 North Course Drive, Pompano Beach, FL, mentioned three positive events that will happen in the City of Pompano Beach, which the community can participate and support. First, the City is calling all artists from the cultural arts for a Cultural Arts Award. This will include artists in various disciplines to apply for the first annual cultural arts award in the following areas of art: Spoken Word, Theatre, Dance, Visual Arts and Music.

He further stated that the cultural arts award would honor artists residing in Pompano Beach for the outstanding achievement in the cultural arts field.

Additionally, the first award will be presented at a special event at the new Pompano Beach Cultural Arts Center Library on September 14, 2017 at 7:00 p.m. He encouraged city residents and businesses to get the word out and to get people to apply. The information is posted online on the first page of the City’s website. He said it is a great opportunity to honor artists in the City of Pompano Beach.

Second, the Cherenfant Group and Save our Boys is inviting the Mayor and Commissioners to their 3<sup>rd</sup> Annual Save our Boys Meet and Greet at the Blanche Ely High School, on August 21, 2017 at 7:00 a.m. They are requesting purpose driven males to support the movement. He reported that their inaugural event was held on August 24, 2015, which was a success, with accolades coming from school administrators and the community.

He then provided the purpose of the event to have a strong male presence at the first day of school.

Third, the Cherenfant Group is holding the first annual essay and art contest, comprised of middle school students, to write a 500-word essay and high school students to write 1,000-word essay. This will involve the students writing about entrepreneurship or business. Therefore, with writing the essay and drawing the art they will be hosting it in the City of Pompano Beach. A meeting is scheduled with the CRA and Arts Department in order to get the word out for the kids' participation.

Finally, Mr. Cherenfant indicated these are three events the community can get involved with, spread the word, and get the kids involved and assist the City to continue to promote the arts.

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

1. [17-526](#) Louis B. Fisher is requesting to transfer ownership of Block 28, Lot 7, Plot 1, and Plot 2 to Lamar & Susan Fisher in the South Lawn.  
(Fiscal Impact: N/A)

**(Staff Contact:** Robert McCaughan)

Mayor Fisher indicated that he would abstain from voting on the item, because it involves his father transferring cemetery plots over to him and his wife. Attachment 1 Form 8B Memorandum of Voting Conflict duly completed and submitted to the City Clerk is attached herewith.

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

**Abstain:** Fisher

2. [17-511](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, CHANGING THE DESIGNATION OF A CERTAIN RIGHT-OF-WAY WITHIN THE CITY OF POMPANO BEACH CURRENTLY KNOWN AS NORTHWEST 9TH COURT BETWEEN CHARLES DREW ELEMENTARY SCHOOL ON THE WEST AND CHARLES DREW FAMILY RESOURCE CENTER ON THE EAST TO A DUAL DESIGNATION OF LAMAR JACKSON COURT AND NW 9TH COURT WITH NW 9TH COURT TO BE DISPLAYED ON THE UPPERMOST PORTION OF SIGNAGE; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$500.00)

(Staff Contact: Robert McCaughan)

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

**Enactment No: RES. No. 2017-277**

3. [17-527](#) Approval of budget adjustment to transfer funds from the Canopy Tree Trust Fund, to a CIP project to accomplish tree relocation and fund City's matching share for a Tree Inventory Grant received from State of Florida Department of Agriculture.  
(Fiscal Impact: \$100,000.00)

(Staff Contact: Robert McCaughan)

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

4. [17-498](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPAÑO BEACH PURSUANT TO CHAPTER 96 OF THE CITY'S CODE OF ORDINANCES, ASSESSING THE CITY'S COSTS FOR ABATING PUBLIC NUISANCE CONDITIONS ON REAL PROPERTY(IES) IN THE CITY AND PROVIDING THAT UPON THE RECORDING OF THIS RESOLUTION SAID ASSESSMENT, INCLUDING ADMINISTRATION AND INSPECTION COSTS, SHALL BE A LIEN AGAINST THE PROPERTY(IES) WHICH SHALL BEAR INTEREST AS SET FORTH IN SECTION 55.03, FLORIDA STATUTES, AND BE CO-EQUAL WITH LIENS OF AD VALOREM TAXES; DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THE RESOLUTION AND TO PROVIDE OWNER(S) WITH A NOTICE OF LIEN; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Miguel A. Núñez/David Recor)

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

**Enactment No: RES. No. 2017-278**

5. [17-513](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT AMONG BROWARD COUNTY, THE CITY OF POMPANO BEACH AND OTHER BROWARD COUNTY CITIES RELATING TO SHARING THE RESOURCE BURDENS OF THE SYSTEM-WIDE NPDES MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT AND TO AUTHORIZE BROWARD COUNTY TO CONDUCT SPECIFIC TECHNICAL ACTIVITIES REQUIRED BY THE FOURTH FIVE-YEAR PERMIT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Estimated \$110,741 over five years (approximately \$22,000 annually))

(Staff Contact: A. Randolph Brown)

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

**Enactment No: RES. No. 2017-279**

6. [17-520](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 1 IN A NOT TO EXCEED AMOUNT OF \$189,735.00 FOR THE RELOCATION OF TAXIWAY DELTA CONSTRUCTION PHASE SERVICES, PURSUANT TO THE CONTINUING CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND KIMLEY-HORN AND ASSOCIATES, INC. FOR ENGINEERING SERVICES FOR THE MUNICIPAL AIR PARK; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$189,735.00)

(Staff Contact: A. Randolph Brown)

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

**Enactment No: RES. No. 2017-280**

7. [17-525](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING THE CITY OF TERMOLI, ITALY AS A SISTER CITY AND AUTHORIZING THE MAYOR TO EXECUTE A LETTER ACCEPTING THE INVITATION TO ESTABLISH A SISTER CITY AFFILIATION WITH THE CITY OF TERMOLI, ITALY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Erjeta Diamanti)

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

**Enactment No: RES. No. 2017-281**

8. [17-539](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **RHONDA EATON** TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF VICE MAYOR CHARLOTTE BURRIE, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION.  
(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

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

**Enactment No: RES. No. 2017-282**

## **E. REGULAR AGENDA**

### **QUASI-JUDICIAL PROCEEDING**

*Mark E. Berman, City Attorney, advised that item 9 is listed under Quasi-Judicial Proceeding and is quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and then Commission's discussion.*

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

9. [17-508](#) P.H. 2017-68: (PUBLIC HEARING 2ND READING)  
AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 15TH STREET AND NW 6TH AVENUE FROM RM-12 (MULTIPLE-FAMILY RESIDENCE) TO RPUD (RESIDENTIAL PLANNED UNIT DEVELOPMENT); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(**Staff Contact:** David Recor/Jae Eun Kim)

FIRST READING: JULY 11, 2017

David Recor, Acting Development Services Director, presented the item and indicated that Habitat for Humanity Broward, Inc. has filed an application for rezoning from RM-12 (Multiple-Family Residence) to RPUD (Residential Planned Unit Development). Thereafter, he explained in detail, the intent of the Planned Unit Development. The subject property consists of three (3) parcels comprising of 9.035 net acres, and is currently vacant. It is located at the southwest corner of Northwest 15<sup>th</sup> Street and Northwest 6<sup>th</sup> Avenue. The applicant has proposed to construct 77 detached single-family residential homes, and a .2 acre Community Park, which the applicant proposes to dedicate to the City upon completion. The Future Land Use designation for the property is M (Medium Density Residential). The RPUD zoning classification is consistent with the M Future Land Use designation.

Furthermore, Mr. Recor stated that the proposed ordinance finds that the rezoning application is consistent with the City's Comprehensive Plan as well as the general standards for all planned unit development district specified in Chapter 155 in the City Code. In addition, the ordinance finds that the RPUD rezoning application will not have a potential injurious effect on the land adjacent to the subject parcel. The rezoning is reasonably related to the public health safety and welfare. The Planning & Zoning Board reviewed the application and recommended it for approval with conditions in August 2016. Subsequently, the applicant modified the location of the proposed community park in an effort to make the park more accessible to neighborhood residents. Following the modification, the Planning & Zoning again reviewed the application in April 2017 and recommended approval subject to certain conditions as specified in Memorandum 17-021 included in the Commission's backup material.

Mr. Recor indicated that it should be noted that the applicant is seeking approval of a developer's agreement which addresses the construction, dedication and maintenance responsibilities associated with the roads, infrastructure and the community park. Consideration of the developer's agreement follows the rezoning application on the agenda. The applicant is available for any further questions.

Dennis Mele, Esq., 200 East Broward Boulevard, Fort Lauderdale, FL, on behalf of the applicant presented the proposed rezoning as stated earlier by Mr. Recor. He mentioned that the Planning & Zoning Board, as well as the Architectural Appearance Committee, subject to the City Commission's action on the rezoning, approved the site plan. Thereafter, Mr. Mele explained that the RM-12 is a multi-family category to allow for 108 units. However, they are reducing the zoning to a category that will allow 77 units. He indicated that the original plan when the property was zoned RM-12 was for a combination of single-family, duplex and town homes. After a series of meetings held in 2015 and 2016 in the Community, with one such meeting held at the Blanche Ely High School, based on the input received, Habitat for Humanity decided to change

the plan, eliminate the duplexes and town houses, and lower the number of units to 77. He mentioned that he had site plan drawings with the homes available for viewing. Also, he is available to answer any questions and at the end of public comment, he would like the opportunity to respond as appropriate.

Bishop Dr. Ivory Wilson, 2419 NW 6<sup>th</sup> Street, Pompano Beach, provided his reasons why the proposed cluster housing project to be built on 15<sup>th</sup> Street should be reevaluated, reconsidered or perhaps abandoned. He complained that the streets would become congested hampering the Fire Rescue to get there in an emergency. He concluded that would not eliminate the slum and blight in the area.

Roy Rogers, 5141 NE 31<sup>st</sup> Avenue, Pompano Beach, FL, member of the Economic Development Council, indicated that he attended one of the meetings held at the church and was moved by the proposed development for the site. He spoke favorably for the project and stated that the 77 units will provide people with a decent place to live and prosper in the community and their children will have access to the school system.

Ric Greene stated that he is the President/CEO, Greater Pompano Beach Chamber of Commerce, President of Broward County's Partners in Education, Executive member of the Executive Committee of the Greater Fort Lauderdale Alliance for economic development and a member of the Pompano Beach Economic Development Council, spoke in favor of the proposed project and provided his reasons.

Jimmie Lee Habersham, Jr., Minister, Hopewell Missionary Baptist Church, 2000 NW 4<sup>th</sup> Court, Pompano Beach, FL, spoke on behalf of Hopewell Missionary Baptist Church and indicated that they are in support of Habitat for Humanity and provide the reasons for the support. He concluded that first time homebuyers would take pride in owning their own home.

Delores Bullard, 212 North Flagler Avenue, Pompano Beach, FL, owner of a Beauty Shop, indicated that quite a few of her customers have spoken to her regarding the project. She spoke in favor for the project and provided her reasons. Moreover, the proposed location for the homes is blighted; therefore, it will be an enhancement to the community to build the single-family homes on the subject property.

Joseph Wells, Pompano Beach, FL, stated that he lives in Pine Tree across from where the proposed project will be built. He indicated that while he does not have a problem with the project itself, he does have an issue with the details. Mr. Wells recalled a rezoning was requested a few years ago. He inquired as to the difference between the rezoning back then and the current one.

Mr. Mele responded that a portion of the property was commercial and a portion was residential. The residential was a higher density category, which was changed from the combination of commercial and higher density residential to RM-12, which will allow the 108 units. However, they are requesting to go from RM-12 to RPUD to lower the units from 108 to 77.

Mr. Wells indicated that he is confused with the request to do a new zoning for the subject property, and provided his reasons.

Keith Burgess, resident and business owner 689 NW 26<sup>th</sup> Avenue, Pompano Beach, FL, spoke in favor of the proposed project by Habitat for Humanity and provided his reasons. He concluded that the Broward Sheriff's Office would be more effective in keeping the area clean. Mr. Burgess asked, as a business owner, who he would contact about the building of the property.

Mayor Fisher indicated that he would need to contact Habitat for Humanity for further details.

Mary Kelly, 781 NW 15<sup>th</sup> Place, Pompano Beach, FL, indicated that she resides in Pine Tree. She complained that she attended the first meeting, but did not receive a notice of the second meeting and did not know what had transpired at the second meeting. Ms. Kelly noted that she agrees with the proposed homes; however, she has an issue with the notification of the community regarding the plans for the neighborhood.

Mary Phillips, 384 NW 19<sup>th</sup> Street, Pompano Beach, FL, indicated that she resides in Kendal Lakes, which is a Planned Unit Development of single-family homes. Therefore, she spoke in favor of the program and indicated that she is familiar with persons who own the Habitat homes that are happy with them.

Mr. Mele stated that he heard one speaker refer to the project as a cluster project and clarified that it is not an accurate depiction of the project. Rather, they are single-family detached homes and streets. He responded to the comment regarding the lack of different types of models. He explained that at the initial commencement of the project they had a certain number of models, they appeared before the Architectural Appearance Committee, and the number has since increased. There are four (4) one-story models with three elevation options, so there are twelve different looks for the one-story homes. Then there are two (2) two-story models with two elevation options each, which is another four (4) options. In other words, there will be a variety of houses and colors, which were reviewed by the Architectural Appearance Committee.

Mr. Mele addressed the comments regarding traffic and said they heard the concerns about the traffic and conducted a traffic study by McMann and Associates who compared two different things. The original zoning was the combination of commercial and residential to what they are proposing to do, and the current zoning of RM-12 to what they are proposing to do currently. He then explained the first analysis as 93% reduction from the combination of commercial and residential that was there prior to 2015, and a 26% reduction compared to the RM-12 that exists on the property today. They also checked into the average daily traffic and in each situation, there was a reduction. In addition, Mr. Mele confirmed that they are not outsourcing any of the homes. He explained that there is a phasing program for the development to deal with the streets, the water and sewer, as well as the drainage. Consequently, they had to specify the phases in the following item 10, so the utilities and public works department and others involved would understand when things were going to be done. Therefore, they are building the entire project themselves.

Comr. Hardin indicated that he fully supports the project. He said that this fits the bill for what the community has desired for a long time. He provided a brief history of the property and the initial plans to build town homes, which the community emphatically denied those plans and requested single-family. Therefore, the current proposed plans is to build single-family affordable homes, which he welcomes Habitat for Humanity for undertaking this project.

Comr. Moss indicated that he supports the project and he is baffled at the opposition. This project will provide 77 families with the realization of a dream of homeownership, it will be a stabilizing factor in the community, and families with children will no longer tolerate the “nonsense” in the neighborhood. Therefore, to take something from a higher density to a lower density should be welcomed by the community. Moreover, Habitat for Humanity has been active in the Collier City neighborhood and have done wonderful work. The residents are happy and he is supportive and thankful for everything they have done for Collier City, and fully supports they move forward with this project.



Comr. Perkins indicated that when the project started she was not a commissioner and at that time, she along with many residents came before the Commission to stop Habitat for Humanity from building duplexes on the property. Thereafter, Habitat decided to build single-family homes, which most people embraced that proposal. Since the signs went up indicating the plans to build 77 homes on the property, people have been contacting her, and as their commissioner, they are complaining they did not hear about the plans and wanted to know more about the project and the details. Consequently, she met with "Nancy" and based on what the community was communicating to her no one was happy with the 77 homes. In addition, Comr. Perkins indicated that she fully supports first time homebuyers desired for the neighborhood. Additionally, they do want to get rid of the slum and blight in the neighborhood and would support any kind of project that would build homes rather than apartments. Notwithstanding, she has questions regarding the detail on the proposed project to build 77 homes. While she supports the project, she is concerned with the proposal to build a home, yet a shed or a pool was not allowed in the back yard. Cars are not allowed to park on the road, there is one entranceway in and out on 6<sup>th</sup> Avenue, and 15<sup>th</sup> Street will only be used for emergency vehicles.

Comr. Perkins indicated that she supports the project, but there needs to be some cleaning up to welcome the project as a plus not as a take away from the neighborhood. Moreover, she read in the Planning and Zoning minutes that they would be building 42 single-family homes yet it states 77 units would be built. She asked for an explanation of the difference of 35 homes.

Mr. Mele explained that all the homes would be single-family detached homes. Even though staff describes a zero lot line the homes are single-family detached, but the positioning of some homes will not have a 5' side yard on each side, rather it would be a 0' side yard on one side and a 10' on the other. The distance between homes will be the same. He also indicated that they would be using both entrances instead of one. However, they may allow one entrance in the gated community to be for residents and guests and the other entrance is just for guests, which is customary. Mr. Mele explained that there are times that staff's report with the suggested changes from the Planning & Zoning may not have caught up with the backup material being presented to the Commission level for approval. For example, when staff wrote the report at the Development Review Committee (DRC) level, some changes were made prior to going to the Planning & Zoning and more changes prior to coming before the City Commission. However, the site plan proposed in the backup of item 10 there are two entrances, zero lot line eliminated and each driveway has room for three (3) cars not two (2). In addition, the reason why sheds are not allowed because they plan to build storage in the home itself to avoid placing a separate structure in the backyard.

Comr. Perkins asked to see a finished product because the backup material provided does not reflect the changes that Mr. Mele has alluded to happen. She indicated that she is not saying no to the project, however, she desires to see something better than what has been shown in the current backup. Consequently, she made a motion to table the item to get some of the issues mentioned previously worked out, however, the motion died for lack of a second.

Mayor Fisher clarified that the item is for a rezoning not a site plan approval, where certain changes can be made at that time.

Comr. Perkins stated that there was a promotion to build 108 units, yet the sign has always read 77 units. Therefore, she indicated that Habitat for Humanity must be honest and open with the public regarding the actual plans of the project, and how they plan to accomplish it. Otherwise, the people get misconceptions of what will transpire and wanted to know if the pictures will actually reflect what is actually built and would there be changes after five or ten years.

Mr. Mele indicated that one of the confusions is with the signage and explained it in detail. In addition, he responded to an earlier comment made that “somebody will be making money.” He reminded everyone Habitat for Humanity is a nonprofit organization with many volunteers.

Comr. Perkins asked that they provide the Commission with a copy of the traffic study.

Mr. Mele stated that this is the first reading of the item and that they will ensure at the second reading a copy of the traffic analysis will be included in the backup material. In addition, they will provide a copy of the site plan with the two entrances and the parking layout he described earlier with the number of space per home. He clarified that the current backup is for a traffic circulation for lights and striping of the roads, but the traffic study he talked about earlier will reflect the number of cars that will be generated.

Comr. Perkins provided comparisons of surrounding communities built as far back as the fifties which some are currently “run down”. The traffic that will be added to an already densely populated area is concerning to her. Therefore, based on the material currently provided she will vote no on the item.

Mr. Mele explained that generally when they build new single-family homes in the community they raise the values of the older home, as newer homes tend to sell for more money than older homes do. He offered to the Commissioner that he would like to meet with her to go over all the changes and concerns she mentioned.

Mayor Fisher inquired about the average square footage of the homes.

Mr. Mele responded that the average square footage for the one-story air-conditioned space is 1,220 and for the two story 1,282.

Mayor Fisher explained that the project has been in existence for two years so it is not a new project, but at the initial stage town homes were proposed but the community desired single-family homes and the current proposal is for detached single-family homes with over 1,200 square feet, some will be one and two-story homes. A park area was provided, which the City will maintain, as well as the roads. In sum, there will be a public park, public streets and public water and sewer. Finally, Mayor Fisher asked for an explanation of the ownership of the proposed homes.

Nancy Robin, CEO and Executive Director, Habitat for Humanity of Broward, Inc., 3564 N. Ocean Boulevard, Fort Lauderdale, FL, stated that the Habitat for Humanity has been around for 33 years. The home selection process is very selective. For example, at their last application process they had 15 to select from 4,300 applications. Applicants are required to have jobs, 300 of sweat equity hours, years of education for the family and children, which makes the process intense. They conduct home visits, and overall the process is tough but deserving at a time when there is so much need.

Mayor Fisher asked to return to the traffic issue. He said if they were allowed 108 units currently available to build duplexes and townhomes, it would generate much more traffic than 77 single-family homes.

Mr. Mele replied yes, and provided some statistics to the Commission. He said, based on the RS-12 for 108 homes on an average 1,127 daily trips, on a morning rush hour 85 trips and on an evening rush hour 113 trips. However, with the 77 single-family homes on an average 826 daily trips, morning rush hour 64 trips and evening rush hour 83 trips.

Mayor Fisher mentioned he had communicated with Dr. Stanley, who wanted to attend the meeting, but was going out of town, but he indicated that he is in full support of this project. He had been involved with working with Habitat from the beginning in getting certain reductions.

Vice Mayor Burrie indicated that years ago former E. Pat Larkins was desirous of having single-family homes on the subject property, which Comr. Perkins confirmed that is correct. In addition, Vice Mayor Burrie indicated that she intended to vote no on the item due to what she read in the backup and provided her reasons. She said a similar property in her district was changed drastically from the original plan presented to the Commission for approval, to an unacceptable looking set of units. She understood that the property was “flipped” after the original plan was adopted. Therefore, she asked if they plan to flip this property and have someone else do it.

Mr. Mele confirmed that Habitat is going to build the project and add some additional items he felt was important. The site plan and the appearance of the homes for this development have already been before and approved by the P&Z and the Architectural Appearance Committee. The RPUD provides that there is a development plan attached to it, which must be built according to plan, so they will not flip it.

Vice Mayor Burrie indicated that she will vote for the first reading and hopes the Commission backup will reflect the true aspects of the project prior to second reading.

Comr. Sobel declared that he wanted to disclose potential appearance of conflict with the applicant from Habitat in that they had met previously. He said their discussion involved his admiration of Habitat for Humanity since the early 70's and his involvement earlier on in the program and what a wonderful community it is. They also discussed the homeowners' selection process, which is a boost to the community planned as well as the community at large.

Furthermore, Comr. Sobel understands that this item is to allow rezoning for lesser density and there is a need in the community. Therefore, this project has all of the four corners of what is desired to happen on the site. He heard some discussion that there was no follow up meeting with the community to discuss the misinformation brought to the commission's attention today. He is favorable to the project and asked if between now and the second reading, they could meet with Comr. Perkins and the entire community to get a better understanding of the people's needs.

Comr. Perkins asked how many parking spots would be assigned to the park. Mr. Mele replied two.

Comr. Perkins stated the only way she will agree with the project for District 4 is if they sit down with her and the community to go over the backup material to come up with something better for the homeowners.

Mr. Mele asked for contacts; however, Comr. Perkins asked for a time and date and she would organize to get the people to the meeting.

Comr. Hardin indicated that he had previous ex parte communications with the Habitat representatives. He also pointed out that there are many questions asked about the project, which he found were addressed in the backup. He asked about the parking spaces and noted that there are other parks around the city with zero parking spaces available.

Mayor Fisher indicated that he also had ex parte communications some time ago with Habitat when the project started. Vice Mayor Burrie indicated that she also had ex parte communication some time ago with Habitat.

**Meeting went into Recess at approximately**

**Meeting Reconvened at**

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

**Yes:** Hardin

Moss

Sobel

Burrie

Fisher

**No:** Perkins

**END OF QUASI-JUDICIAL PROCEEDING**

10. [17-518](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DEVELOPER'S AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND HABITAT FOR HUMANITY OF BROWARD, INC.; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**(Staff Contact:** David Recor/Jae Eun Kim

David Recor, Acting Development Services Director, presented the item stating the proposed Developer's Agreement outlines a plan for development for permitting 77 detached single-family residential unit project. It establishes mutual understandings between the City and Habitat for Humanity of Broward, Inc. Thereafter, he provided the detail on the purpose, conditions and terms of the agreement.

Ed Phillips, 384 NW 19<sup>th</sup> Street, Pompano Beach, FL, spoke in favor of the Habitat project and agreed with Comr. Sobel that additional discussion needs to be engaged regarding the property. He then provided a brief historical background of meetings held with Habitat with Rev. Dr. Stanley and people of the community regarding the plans, which has been amended according to their requests at that time. Nevertheless, he said this project would be a plus for single-family homeowners and residents who want to own their own home. In addition, Mr. Phillips asked if the impact fees would be used to support aiding any of the surrounding parks for upgrades.

Greg Harrison, City Manager responded that they would be eligible.

Sarahca Peterson, 305 SW 1 Court, Pompano Beach, FL, stated she will piggy-back off Comr. Perkins comments regarding the number of African-American developers and contractors that will be able to participate in this project from an economic stimulus standpoint. She wanted to know what kind of jobs would be offered, and if this has been established and built into the project prior to the City agreeing to move forward with it.

Dennis Mele, Esq., 200 East Broward Boulevard, Fort Lauderdale, FL, on behalf of the applicant explained their standard procedure in any Habitat community, which involves many volunteers. However, they do have sub-contractors they use and they attempt as much as they can to hire sub-contractors from the local community. If there are qualified people in various trades, then they need to know who they are. He mentioned that years ago he used to work with the former E. Pat Larkins and the Minority Builders Coalition.

Mayor Fisher suggested that Dahlia Baker from the CRA is a good source of the requirements for the minority builders and so forth.

Bishop Ivory Wilson, 2419 NW 6<sup>th</sup> Street, Pompano Beach, FL, stated that he is not against homes being built at the location. However, he is against clutter and the close proximity of the houses.

Therefore, to eliminate blight the issues that cause it should be addressed.

Mary Phillips, 384 NW 19<sup>th</sup> Street, Pompano Beach, FL, stated that she is a real estate broker operating in Broward County and in upscale neighborhoods the parking spaces are limited and there is a small park, similar to what has been proposed for this project. Therefore, these are things that could be worked out to make the community more desirable for the people. In addition, she said the park is for the targeted community. There is a passive park in Kendall Lakes where she resides, and there is no parking with space for possibly three cars at the most. Mrs. Phillips agreed with the comment to have more than one exit and there may be a few items that need working out.

Michael Skversky, 1630 SW 5<sup>th</sup> Avenue, Pompano Beach, FL, stated one thing that was missed and was stated by Habitat for Humanity, was that 77 new properties should raise the values of the other properties in the area. He reiterated that neighborhoods with million dollar homes only have enough space for two cars.

Joceyln Jackson, Pompano Beach, FL, inquired as to the cost of the homes.

Mr. Mele stated that the appraisals they did are indicating that on an average for the one-story units

Joseph Wells, Pompano Beach, FL, questioned whether the park would be opened to the community or will it be just for the development. He was told it was a public park for the community.

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

**Yes:** Hardin

Moss

Sobel

Burrie

Fisher

**No:** Perkins

**Enactment No: RES. No. 2017-283**

11. [17-531](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND THE SUPERLATIVE GROUP, INC., PROVIDING FOR THE DEVELOPMENT AND IMPLEMENTATION OF A CORPORATE MARKETING AND SPONSORSHIP PROGRAM; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: Not to exceed \$68,000.00)

(Staff Contact: Suzette Sibble)

Suzette Sibble, Assistant City Manager presented the item, which she stated is requesting the Commission's approval of a one (1) year contract with the Superlative Group Inc., in an amount not to exceed \$68,000 to assist the City in developing a citywide corporate marketing and sponsorship program. She provided brief background information on the operations of the company. In addition, she indicated that the scope of the contract would include:

- 1) The creation of a database of the City's assets both tangible and intangible that might yield corporate sponsorship interests and the signing of an estimated value of those assets in terms of revenue potential to the City.
- 2) The development of a corporate marketing and sponsorship policy for the City Commission's consideration.
- 3) The development of a marketing strategy, which would identify a list of potential corporate sponsors that the City could pursue relationships.

Thereafter, she outlined in detail the benefits of the arrangements between the corporate sponsors, the public sector, and the revenue sources that such partnerships could generate for the City to assist with funding of

Roy Rogers, Pompano Beach, FL, spoke in favor of the presentation made by Ms. Sibble. He stated that he has experience in the area. He is a board member of the Broward County Parks Foundation, which is exploring the same venture. He indicated that his credentials go back with working with Wayne Huizenga and the naming of certain things that occurred at that time. He encouraged the Commission to approve the item.

Vicente Thrower, 1890 NW 6<sup>th</sup> Avenue, Pompano Beach, FL, stated that several years ago, the Parks and Recreation Advisory Board took this item up. At that time he served on the Board and wondered why the City did not allow sponsorship and naming of certain facilities for additional revenue resources. He does not have an issue with the item. However, he inquired why the City would go about it this way as opposed to have the sponsors approach the City for naming rights. In addition, he asked if this would be the avenue for people to sponsor a \$500 banner advertising at certain locations such as the parks.

Mayor Fisher indicated the reason why this is going into place, is because a policy must be developed. Moreover, the City has to get something tasteful in what we want as a community and as a commission.

The City is not interested in naming a banner on a fence, but rather naming key components of the City, such as the Amphitheater, the Parking Garage and so forth, where those revenues can be generated.

Ms. Sibble indicated that staff would be exploring all avenues and conducting one on one meetings with the commissioners and various stakeholders in the City. They will be working towards developing a comprehensive policy of guideline recommendations for the Commission's consideration.

Andy Cherenfant, Pompano Beach, FL, spoke in favor of the item and he believes this is a great fiscal decision for the City on a long-term basis. He provided his reasons how the City's taxpayers could benefit from the program.

Ric Greene, Greater Pompano Beach Chamber of Commerce, 2200 East Atlantic Boulevard, Pompano Beach, FL, stated that this is worth exploring and provided his reasons. In sum, he said putting the rules out makes good sense.

Tom Terwilliger, Pompano Beach, FL, stated that months ago he spoke on the same issue and spoke in opposition of this idea. Mr. Terwilliger concluded staff members should be able to find ways to name a park, a street and so forth to bring in some revenue. Therefore, there is no need to spend \$68,000 for an outside source for someone to tell us how to name our City; rather staff should be able to do this internally. Moreover, he does not support the idea of selling our City.

Comr. Hardin indicated that he would be supporting the item at this time. While he is not completely sold on the idea of naming rights, but would like to see the potential for the City.

Comr. Sobel stated that there is no such thing as trying this out. Instead, we are buying into this "hook line and sinker." He indicated that there are residents with the same vision as he has of the City being "a warm prestigious little town." He stated that this is not a one-year agreement with a thirty-day termination clause and that it is a sham, and provided his determination. He has asked for the backup at different times to show similar cities in which the Superlative Group has done work and the commercial projects, as well as the net dollar figures. He concluded that this is a long-term relationship, it is exclusive to product use, and there is no backup to support this company and whether they have done similar work for other cities and what the

out-come would be. He thinks we are “selling our souls to the devil” and our town would never be quite the same.

Mayor Fisher indicated that he can appreciate the Commissioner’s comments at the Commission level, however, it is wrong to use a biblical story to relate and this is not a sham. He is bothered that there are statements made that this is a done deal. Therefore, he does not desire for the public to think these comments are factual. He said it is a one-year contract, and should the City not care for the development of the studies, then the Commission is the decision maker to say no.

Ms. Sibble responded that is correct. She mentioned that in her memo to the Commission she did focus on certain cities they provided in their proposal. Consequently, she checked into the cities in terms of size of population and it is hard to compare because there are small cities with a population of 60,000 to counties with over half a million people that this company services. Finally, she stated this is just a means of exploring an idea, which is a new area for staff. However, it is expected that all the details would be flushed out during this process to provide information to the Commission to determine whether they would like to pursue or not.

Thereafter, the Commission entered into an extensive and intense discussion regarding the reasons either to pursue or not to pursue the concept, as well as what type of image would be acceptable for the City of Pompano Beach residents. In addition, the terms of the contract were debated at length among the Commission and Ms. Sibble.

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

**Yes:** Hardin  
Moss  
Burrie  
Fisher

**No:** Perkins  
Sobel

**Enactment No: RES. No. 2017-284**



12. [17-486](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA INDICATING THE OFFICIAL INTENT OF THE CITY TO ISSUE THE FOLLOWING DESCRIBED TAX-EXEMPT BONDS, IF AUTHORIZED BY A BOND REFERENDUM TO BE HEREINAFTER PROVIDED FOR AND OTHER SUBSEQUENT PROCEEDINGS OF THE CITY COMMISSION OF THE CITY, AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF, SUCH BONDS TO BE PAYABLE FROM THE FULL FAITH AND CREDIT AND UNLIMITED AD VALOREM TAXING POWER OF THE CITY: (1) NOT TO EXCEED \$46,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF POMPANO BEACH, FLORIDA GENERAL OBLIGATION BONDS FOR THE PRINCIPAL PURPOSE OF FINANCING OR REIMBURSING, ALL OR IN PART, TOGETHER WITH OTHER LEGALLY AVAILABLE FUNDS, THE COST OF ACQUIRING, CONSTRUCTING, EQUIPPING, RENOVATING, REPLACING AND IMPROVING CERTAIN PUBLIC SAFETY PROJECTS, (2) \$56,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF POMPANO BEACH, FLORIDA GENERAL OBLIGATION BONDS FOR THE PRINCIPAL PURPOSE OF FINANCING OR REIMBURSING, ALL OR IN PART, TOGETHER WITH OTHER LEGALLY AVAILABLE FUNDS, THE COST OF ACQUIRING, CONSTRUCTING, EQUIPPING, RENOVATING, REPLACING AND IMPROVING CERTAIN PARKS, RECREATION AND LEISURE PROJECTS, AND (3) \$77,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF POMPANO BEACH, FLORIDA GENERAL OBLIGATION BONDS FOR THE PRINCIPAL PURPOSE OF FINANCING OR REIMBURSING, ALL OR IN PART, TOGETHER WITH OTHER LEGALLY AVAILABLE FUNDS, THE COST OF ACQUIRING, CONSTRUCTING, EQUIPPING, RENOVATING, REPLACING AND IMPROVING STREETS, SIDEWALKS, BRIDGES AND STREETSCAPING PROJECTS, IN EACH CASE, AS MORE FULLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALING CLAUSES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Andrew Jean-Pierre, Finance Director presented the item and stated it is mainly to address two items approved by the Commission, regarding the Elks property acquisition and the pier replacement. The projects were funded with reserves and should this resolution be passed, it will allow the reimbursement of the funds from the Bond proceeds. He said the two projects were intended to be on the Bond list and provided the reasons why the item is appearing before the Commission at this time. He noted that the item does not authorize the issuance of the Bond, which will occur later in the fall. If approved in the fall, the voters will have a chance in March to vote on the item.

Mr. Jean-Pierre indicated that the projects on the list are not final. However, the funds expended for these two projects from the reserves must be returned to the reserve fund.

Vicente Thrower, 1890 NW 6<sup>th</sup> Avenue, Pompano Beach, FL, thanked staff for the explanation of the item. He asked for clarification purposes, if this would be a reimbursement for the monies that were taken from the reserves to make the purchases of the pier and the Elks property. And, will the other items regarding the parks and so forth be discussed at another time for consideration before the Commission.

Mayor Fisher responded that is correct. He said this is being done for IRS regulations and so forth, necessitating this process first, but in the fall, discussion will be heard about the issuance of the General Obligation Bond (G.O. Bond). In sum, this is to get the process started in case the G.O. Bond does eventually go through.

M. Ross Shulmister, 560 SE 12<sup>th</sup> Street, Pompano Beach, FL, stated that the fund is needed for the improvements. Unfortunately, the penny tax did not pass when it went before the voters a few months ago, which would have been paid for with the assistance of tourists and other cities. Since this is the step in the direction to get the Bond, he urged the Commission to approve the item.

Tony Hill, 760 SE 22<sup>nd</sup> Avenue, Pompano Beach, FL, expressed confusion regarding the amounts. He said the amounts in the backup did not add up and he asked for clarification regarding the \$179 million mentioned. He asked if this amount is only for the pier and the Elks lodge purchases.

Mayor Fisher responded that this is for the reimbursement of the two purchases that were funded from the reserves. However, should the G.O. Bond pass then the City would be able, through this mechanism to get reimbursed for the two purchase for the amounts referred to the total G.O. Bond.

Mr. Jean-Pierre explained that with the assistance of the City's Bond counsel they provided the language for the item. Furthermore, it is not the City's intent to spend any more funds on projects to get reimbursed. However, this is a precaution for those projects, if we were to be reimbursed. The list is not final but provides some flexibility and the Bond counsel recommended that everything be put on the table. In fact, when the list was put together two commissioners were not in office at the time.

Mark Berman, City Attorney, clarified that the pier and the Elks Lodge property are two examples and there maybe others. This is done for the Internal Revenue Service (IRS) regulations so that whatever projects get started prior to the Bonds being issued, if they are issued, those projects would be reimbursed. Therefore, the total amount is not specific to the two projects.

Tom Terwilliger, 3160 NW 1<sup>st</sup> Avenue, Pompano Beach, FL, suggested that under the IRS statute, he believes the City Commission needs to look at the entire scope of the item, and provided his reasons.

Mayor Fisher reiterated that this is not an issuance of a Bond. It does not authorize the G.O. Bond referendum nor does it authorize the issuance of a G.O. Bond. Rather, it is a resolution to provide for a reimbursement process, that the IRS has required the City put in place.

Comr. Sobel stated as Mayor Fisher pointed out that there is a technicality under the IRS code requirements in anticipation of an event such as the G.O. Bond, which the voters may pass in March 2018. If the City fails to comply within a certain time limit with the intent of the rules, it could cost the bonds their tax-exempt status. Thereafter, he provided his position on whether or not the \$179 million for the various projects is going to be a beneficial wise vote regarding the G.O. Bond.

Comr. Hardin thanked staff for bringing this up at this time, because the City would have been behind the eight ball.

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: RES. No. 2017-285**

13. [17-502](#) A RESOLUTION OF THE CITY OF POMPANO BEACH, FLORIDA, INDICATING THE OFFICIAL INTENT OF THE CITY TO CAUSE TO BE ISSUED CERTIFICATES OF PARTICIPATION EVIDENCING UNDIVIDED PROPORTIONATE INTERESTS OF THE OWNERS THEREOF IN BASIC RENT PAYMENTS TO BE MADE BY THE CITY, AS LESSEE, PURSUANT TO A LEASE-PURCHASE AGREEMENT WITH THE POMPANO BEACH FINANCE CORPORATION, AS LESSOR, TO FINANCE CERTAIN COSTS OF ACQUISITION, CONSTRUCTION, EQUIPPING AND INSTALLATION OF A PUBLIC PIER AT THE PUBLIC BEACH WITHIN THE CITY AND VARIOUS RELATED PUBLIC IMPROVEMENTS AND TO CAUSE A PORTION OF THE PROCEEDS OF SUCH CERTIFICATES OF PARTICIPATION TO BE APPLIED TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF, IN THE EVENT GENERAL OBLIGATION BONDS OF THE CITY ARE NOT ISSUED FOR THAT PURPOSE; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

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

Andrew Jean-Pierre, Finance Director, presented the item and indicated that as stated for the previous item, when the City funded the pier replacement the reserves were used. Therefore, this is another reimbursement agreement, except this is a different funding debt mechanism, referred to as Certificates of Participation (COPS). This is a backup plan if the G.O. Bonds were to fail, this plan would be in place. This is subject to approval. In addition, this is to get the language in place to cover the City and if it does pass, the moneys will go back to reserves, it provides flexibility, and it will be beneficial to the City.

Tom Terwilliger, Pompano Beach, FL, stated that this item appears to be playing games with the taxpayers, and clarified his position regarding the subject matter. He concluded that the backup is void of terms of repayment, schedules and amounts to be paid to the Pompano Beach Finance Corporation. Therefore, he suggested that the Commission obtain a more definitive overview of who owns or will own the pier and what happens to the \$6 million. Besides, more details should be provided about the proposed financing document prior to entering into any kind of agreement or considering passage of the resolution.

Mr. Jean-Pierre stated that the City owns the pier. He then explained that when the City purchased the parking garage this was the same arrangement, which is called the Certificate of Participation, which he explained in detail.

M. Ross Shulmister, 560 SE 12<sup>th</sup> Street, Pompano Beach, FL, asked if this item is similar to the prior item designed to protect the tax-free status of the Certificates of Participation.

Mr. Jean-Pierre explained that the item is designed to reimburse the working capital reserve.

Tony Hill, 760 SE 22<sup>nd</sup> Avenue, Pompano Beach, FL, stated that this financing mechanism was used for the parking garage and is one of the most expensive way to finance a project. He is curious to know how the City arrived at using this type of mechanism to build the pier and was unable to use other means like other cities have done and are doing today. He indicated that he would like to hear more discussion on the projects, the priorities of projects on the list and what actually can be funded and things of that nature.

Mayor Fisher encouraged Mr. Hill to attend the Budget Workshops as this is where the projects are discussed in detail and the Commission prioritizes those Capital Improvement Projects (CIP), which sets the budget for the incoming year.

Additionally, Mayor Fisher asked if the Certificate of Participation is the most expensive mechanism of financing a project.

Suzette Sibble, Assistant City Manager, responded that the Certificate of Participation generally carry a higher interest rate than the G.O. Bond.

Comr. Hardin asked if the COPS is the most expensive financing mechanism.

Ms. Sibble responded that it really depends. There is not a yes or no answer to this. Nevertheless, she will check into the statement and get back to the Commission on the question.

Comr. Sobel stated he does not like any resolution that ties the pier project and the financing for the controversial Elks project and provided his reasons.

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

**Yes:** Hardin  
Moss  
Perkins  
Burrie  
Fisher

**No:** Sobel

**Enactment No: RES. No. 2017-286**

14. [17-541](#) P.H. 2017-79: (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: N/A)

**(Staff Contact:** Horacio Danovich)

SECOND READING: JULY 11, 2017

Horacio Danovich, Capital Improvements Project Manager presented the item as the second reading of an ordinance, with the first reading to take place on July 25, 2017.

Vicente Thrower, 1890 NW 6<sup>th</sup> Avenue, Pompano Beach, FL, asked if this will allow FP&L to do solar and solar panels and where would these be located.

Mayor Fisher stated that they are called solar trees and they are maintained at their expense, and there are no maintenance issues with them and they will be located throughout the City.

Mr. Danovich stated that they have identified a few locations to start, but are open to using other locations. It is a pilot program, which provides the City an opportunity to try it all over the City.

Mr. Danovich displayed an example of what the trees would look like with a single and two prongs.

Mayor Fisher stated that this is a test site and if it works, the program can be expanded to many more sites.

Sarahca Peterson, Pompano Beach, FL, stated that she was part of the first presentation and asked if they have identified the five (5) locations.

Mr. Danovich responded that the first five are: City Hall Parking Lot currently being refurbished, the Cultural Arts Center Parking Lot, the Street between City Hall and the Cultural Center (SW 1 Avenue), Fire Station 24, and NE 10<sup>th</sup> Street along the entire corridor. He said the City can start with any amount FP&L will design subject to their budget.

Ms. Peterson asked if there are any benefits the residents would realize from these solar trees on their FP&L bill, or is it strictly the City's bill.

Mr. Danovich responded that FP&L will use it throughout the entire grid.

Comr. Sobel indicated that it is a fantastic idea to use solar energy for this purpose. However, he suggested that perhaps staff may want to check with private companies who could do the exact same thing as FP&L, but the City may be able to benefit from the profit made from selling the energy.

Mr. Danovich stated that he would check into other companies. In fact, Phillips has expressed interest to set up, but he would have to get more information and present it to the Commission in a few weeks.

Comr. Hardin understands from the backup material that FP&L will come in and install the solar trees, take the power generated from these facilities and credit the City at our current rate not at a higher rate. Mr. Danovich responded that is correct. Comr. Hardin indicated the only benefit to the City is from the LEED certification points this garners to the City.

Mr. Danovich responded that is one of the benefits. The other benefit is that they do provide for an art piece, and an educational element to educate on the green technology.

Comr. Hardin indicate that he does not see the tangible benefit to the residents by doing this.

Mr. Danovich explained the distribution of the energy once it is gathered and generated back to the grid. The trees generate very little, but it is a starting point. He said there are 76 cities participating in the program. Collectively, it will begin to reduce our dependency on other sources to create electricity.

Comr. Hardin agrees with Comr. Sobel to look further into this, because he is not really "sold" on this proposal. Also, on Page 9, Paragraph 20 there appears to be a typo error. The sentence reads, "As consideration for entering into this agreement, the City shall be billed for the solar power generated by the equipment on the solar sites at the City's existing rate, rather than a higher rate for solar generated power for the sole."

Mark Berman, City Attorney will discuss it with FP&L and have them correct their contract for the first reading.

Comr. Moss inquired if this will cause a detriment to the City.

Mr. Danovich replied none he can think of. As it is not costing the City and there are more intangible values.

**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  
Sobel  
Burrie  
Fisher

**No:** Perkins

**Enactment No: ORD. No. 2017-59**

**A motion was made by Mayor Fisher, seconded by Comr. Hardin, to take out of order items 23, 26 and 27. The motion carried unanimously by voice vote.**

15. [17-523](#) P.H. 2017-70: (PUBLIC HEARING 2ND READING)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, AMENDING CHAPTER 151, "BEACHES AND WATERWAYS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 151.05, "SEAWALLS," TO MODIFY REQUIREMENTS FOR CONSTRUCTION OR REPAIR OF SEAWALLS AND BY MODIFYING REFERENCES; AND BY AMENDING SECTION 151.08, "STRUCTURES ON WALLS," TO MODIFY THE TYPES OF STRUCTURES THAT MAY NOT BE ERECTED ON TOP OF OR OVER SEAWALLS; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**(Staff Contact:** John Sfiropoulos)

FIRST READING: JULY 11, 2017

John Sfiropoulos, City Engineer presented the item and stated that the proposed amendment involves two sections of Chapter 151 Beaches and Waterways, eliminating the requirement for step transitions between adjacent seawalls. This will reduce the risk for tidal intrusion and to clarify what is permitted to be installed on top of seawalls. Both the Marine Advisory Board and the Engineering Department have reviewed it and recommend the amendment.

Tony Hill, 760 SE 22<sup>nd</sup> Avenue, Pompano Beach, FL, thanked Mr. Pelly, Chair of the Marine Advisory Board for the excellent work they did on this topic. He indicated that there was some confusion as to what can be placed on top of the seawall, so he is thankful that this is being clarified.

M. Ross Shulmister, 560 SE 12<sup>th</sup> Street, Pompano Beach, FL, asked about the section that states, "A seawall cannot be more than 5'10" above a mean sea level" and why is this eliminated.

Mr. Sfiropoulos responded that is the current height, they are not changing that. The only amendment being done is to remove the step transition requirement. There is no change to the 5'10" currently, but in the future, it may be changed.

**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

16. [17-524](#) P.H. 2017-71: (PUBLIC HEARING 2ND READING)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 91, "BOATS AND WATER RECREATION," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 91.10, "DOCKING AND LIVING ABOARD BOATS," TO PERMIT NON-PARALLEL DOCKING OF UP TO FOUR PERSONAL WATERCRAFT STORED OUT OF THE WATER ON A FLOATING PLATFORM; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

FIRST READING: JULY 11, 2017

John Sfiropoulos, City Engineer presented the item and stated that the proposed amendment involves Chapter 91, "Boats and Water Recreation." The current code does not allow for perpendicular docking of



personal watercraft, such as wave runners, jet skis, seadoos and so forth. It only allows for parallel docking which can be challenging at times for operators. Therefore, this proposed amendment will allow for the perpendicular docking of personal watercraft that are less than 13 feet with a quantity not to exceed four (4). The Marine Advisory Board and the Engineering Department have reviewed it and have recommended the amendment.

**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**

17. [17-544](#) P.H. 2017-72: (PUBLIC HEARING 2ND READING)  
AN ORDINANCE AMENDING CHAPTER 50, "WATER," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 50.03, "WATER TARIFF," TO PROVIDE FOR INCREASES TO RATES AND CHARGES FOR WATER SERVICE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

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

FIRST READING: JULY 11, 2017

A. Randolph Brown, Utilities Director presented the item and indicated that this is a review of rates for the Utilities Department for Ordinances 50, 51 and 54. He stated that the presentation they are making would include Items 17, 18 and 19 altogether as one. He then introduced Elaine Conti from Raftelis Consulting who is the rate consultant for utilities.

Elaine Conti, Raftelis Financial Consultants, 227 West Trade Street, Suite 140, Charlotte, NC 28202, made a presentation (Attachment 2) on the Review and Rate Process and Proposed Rates. She stated the last time water, wastewater and reuse rates were increased was in 2011. She indicated that compared nationally, water rates have increased 5% per year and wastewater by 6%. Part of that is the capital infrastructure required regulations, renewals and replacement of infrastructure, which is driving up the cost in the water/wastewater industry.

M. Ross Shulmister, 560 SE 12<sup>th</sup> Street, Pompano Beach, FL, questioned whether there were any plans for salt-water intrusion, and were there any contingency or plans on what to do.

Mr. Brown stated that the City of Pompano Beach is the only City in South Florida that has reversed the salt-water intrusion line. This came from the reuse program and with having a western wellfield where some of our supplies are withdrawn. Therefore, the City has reduced the amount of water we are pulling and at the same time the more reuse we put on the ground, the further we can push salt-water intrusion away. In addition, the City has the western wells, which will provide adequate supply to the west for the future. Mr. Brown indicated that they are planned out to 2030 with no changes.

Comr. Sobel thanked Ms. Conti and Mr. Brown for spending time with him. He said Mr. Brown has incredible knowledge and phenomenal expertise in water, sewer and reuse and Pompano Beach residents should know how lucky they are to have him as a public servant within the employ.

Additionally, Comr. Sobel stated that the proposal is modest and it keeps the City in the lowest of the other cities in Broward County. The rates have not been increased since 2011 and now we are getting ready to set the rates for another five (5) years even though they will be reviewed periodically. The residents should understand that it is not because we are doing cheaper. We will end up "biting the bullet" no matter what. The proposed increases will not cover nearly 40% of the operational costs and the projects that are in the future for the City. Therefore, he suggested that rather than borrowing the money from the state revolving fund and paying interest on that, or a Bond, we will still pay the amount of money that it takes in order to keep our system functioning.

Comr. Sobel made a motion to amend the rate increase to 25.57%, which is the same dollars but to do it now. The motion died for lack of a second.

Mayor Fisher explained the motion to be, rather than increase the funds by 3.6% over the period of five years, to increase it by 25.57% for the residents to start paying now.

**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

18. [17-543](#) P.H. 2017-73: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 54, "REUSE WATER AND CROSS-CONNECTION CONTROL," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH BY AMENDING SECTION 54.05, "CONNECTION CHARGES AND RATES," TO PROVIDE FOR INCREASES IN CERTAIN RATES AND CHARGES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

FIRST READING: JULY 11, 2017

A.Randolph Brown, Utilities Director stated he had no further comment at this time since this was covered under the previous item.

Comr. Hardin stated that he appreciates Mr. Brown and his Department do in keeping the City as a lean organization and getting the job done very well. The cost is the same no matter what.

Comr. Moss asked about the interest rate on the state's loan.

Mr. Brown responded that the ones received for clean water most recently was at 0% interest. The water could be as high as 2.31%.

**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

Mayor Fisher at this time noted the time to be 10:57 p.m. and under the new policy to conduct meetings once we reach 11:00 p.m. that the Commission takes a motion and a second for the majority to continue until midnight. If this does not pass the meeting will continue next day at 10:00 a.m.

Additionally, Mayor Fisher stated that he will be out of the area tomorrow morning and will not be able to attend the meeting.

**MOTION: Comr. Sobel made a motion to continue the meeting until midnight. The motion died for the lack of a second.**

Mayor Fisher requested to take Item 28 and 30 out of order.

19. [17-537](#) P.H. 2017-74: (PUBLIC HEARING 2ND READING)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 51, "SEWERS," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH BY AMENDING SECTION 51.05, "WASTEWATER TARIFF," TO PROVIDE FOR AN INCREASE IN THE MONTHLY RATES AND CHARGES FOR SEWER SERVICE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Randolph Brown, Utilities Director stated there is no further comment since this item was covered under Item 17.

FIRST READING: JULY 11, 2017

**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

20. **17-530** P.H. 2017-75: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 155.2204., "PLANNING AND ZONING BOARD (P & Z)" TO MODIFY THE POWERS AND DUTIES OF THE BOARD TO REVIEW DEVELOPMENT PERMIT APPLICATIONS REGARDING AIR PARK OBSTRUCTIONS; BY AMENDING SECTION 155.2207., "CITY STAFF," TO INCLUDE AUTHORITY TO REVIEW AND MAKE RECOMMENDATIONS FOR AIR PARK OBSTRUCTIONS; BY AMENDING SECTION 155.2420., "VARIANCE," TO MODIFY VARIANCE PROCEDURES AND REVIEW STANDARDS; BY CREATING SECTION 155.2422 "AIR PARK OBSTRUCTION" TO ESTABLISH PURPOSE, APPLICABILITY, PROCEDURES, APPROVAL REVIEW STANDARDS AND TO PROVIDE FOR APPEAL; BY AMENDING SECTION 155.3707 "AIR PARK OVERLAY (APO) DISTRICT," TO INCLUDE FINDINGS AND PURPOSE, TO CREATE DEFINITIONS, TO DELETE CERTAIN LANGUAGE AND TO ESTABLISH AIR PARK OVERLAY PROTECTION AND LAND USE COMPATIBILITY REGULATIONS TO ENSURE COMPLIANCE WITH CHAPTER 333; FLORIDA STATUTES, WHICH REGULATES AIRPORT ZONING; BY AMENDING SECTION 155.4229., "INDUSTRIAL: WASTE AND RELATED SERVICES USES," TO REQUIRE COMPLIANCE WITH SECTION 155.3707.C.2 FOR LANDFILLS LOCATED WITHIN THE AIR PARK OVERLAY; AND BY AMENDING PART 5, "TERMS AND USES DEFINED," TO ESTABLISH A DEFINITION FOR AIR PARK OBSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** David Recor/Jennifer Gomez)

FIRST READING: JULY 11, 2017

Jennifer Gomez, Assistant Development Services Director presented the item to the City Commission as the Air Park zoning amendments. She noted that Florida Statutes, Chapter 333, governs airparks, which during the 2016 legislative sessions was completely overhauled and the proposed amendments are to bring the City's ordinance into compliance with the state statute. Due to the highly technical nature of the operations of the Air Park, staff worked closely with Steve Rocco, City Air Park Manager, and Mike Cary, Kimley Horn, the Air Park consultant for the City, as well as the City Attorney's office to draft the proposed regulations. Thereafter, Ms. Gomez provided the Commission with a brief overview of the airpark zoning amendments. The Air Park Zoning District exists to recognize that there are areas adjacent to the runways of the City's Air Park in which obstructions and incompatible land uses may pose a hazard to safe air park operations. Therefore, the proposed code amendments are related to the airpark to make it safe and bring it into compliance with the state's statute.

Ms. Gomez explained in detail the Air Park Overlay District and the process involved for permitting, as well as how the new legislature will impact the process, as well as the zoning requirements. She then summarized the significant changes to the ordinance:

- 1) It deletes references to air park variance and replaces it with an air obstruction permit. It will be the same concept but different boards would review with different criteria. It adds a process in the criteria, defined within the state statute for granting the obstruction permit.
- 2) It adds the list of airpark obstruction permits to the list of applications approved by the Planning and Zoning Board (P&Z).
- 3) It restricts specified incompatible uses consistent with the state statute.
- 4) It incorporates language from the state statute requiring cities to develop a procedure to review airport hazards and multiple political jurisdictions.

M. Ross Shulmister, 560 SE 12 Street, Pompano Beach, FL, displayed a Flow Chart on the current approvals of obstructions. He pointed out that it starts with Development Services presenting the case to Planning and Zoning (P&Z) for approval. Next, there is an appeals process to the City Commission and then to the 17<sup>th</sup> Circuit Court by a process called certiorari.

Mr. Shulmister proposed some changes to the procedure and suggested that the matter be initiated not just by the Development Services, but also with the Air Park Manager. They would then present this to the "Aviation Zoning Board." His suggestion is to provide the Air Park Advisory Board an additional duty as the Aviation Zoning Board that could approve/disapprove. The Appellant could appeal to the Zoning Board of Appeals already set up to handle appeals, unless the Commission wants to add to their workload. Then the final appeal can be made to the Certiorari to the 17<sup>th</sup> Circuit Court.

Thereafter, Mr. Shulmister provided a list of suggestions and explained them in detail.

Comr. Hardin asked Ms. Gomez to comment on the Flow Chart presented by Mr. Shulmister.

Ms. Gomez indicated that the suggestions presented by Mr. Shulmister should be reviewed in conjunction with the Air Park Manager. Even though the code does not require the Air Park Manager to be involved, nothing would be done without Mr. Rocco's involvement so that is inherent within the procedures staff would apply. His authority and recommendations are respected on everything aviation related, which could be addressed by policy even though it is not specifically stated by code.

In reference to the Air Park Advisory sitting as the Aviation Zoning Board, the state statute requires a process be put in place. Therefore, it is incumbent on the City Commission to determine the appropriate process. The recommendation provided by Development Services, as well as in conjunction with Public Works, Steve Rocco, and the Air Park consultant is to keep P&Z as the recommending body on these items. Moreover, P&Z is frequently involved in matters of a quasi-judicial nature; therefore, when dealing with obstruction permits that involve people's property rights, P&Z is more familiar with handling those than the Air Park Advisory Board.

In terms of the Appeals, the state statute does not dictate how it is done but requires a process for appeals. The current recommendation is that the City Commission hears any appeals on obstruction permits. In this case, either the City Commission or the Zoning Board of Appeals (ZBA) would be appropriate. The recommendations that follow are existing protocol, but if the Commission wishes to place the item before the ZBA that change can easily be made.

In terms of defining standard for parties wishing to appeal a ruling is something the legal department would consult on and how this would be defined within the City's ordinances or whether it was needed.

Finally, Ms. Gomez stated that on the matters of the joint zoning board, the state statute allows that cities can either enter into an interlocal agreement with other municipalities or do a joint zoning board. That language is reflected within the Code of Ordinances. There is no answer to this yet. The recommendation would be to enter into an interlocal agreement versus a joint zoning board. However, following submittal and acceptance of these code amendments to the state that is when staff will start the process in approaching other cities to figure out how to handle those issues when there are obstructions in other cities that could be obstructions to the City of Pompano Beach's Air Park.

Mark Berman, City Attorney addressed the matter on the Appeals situation. He stated that if the decision is kept with the P&Z and the appeal would then go to the ZBA, the change would have to be done on both not just one. In other words, if the process is changed it should be done completely. Thereafter, an extensive discussion followed among City Commission, Staff and consultant Mike Cary of Kimly Horn regarding obstructions interpretation.

Comr. Moss expressed concerns regarding Mr. Shulmister's proposal. If an advisory board is given the power to make zoning decisions why only this one. Therefore, allowing special powers to one advisory board is not a good idea. Second, there is no requirement to being a pilot to serve on the Air Park Advisory Board. In sum, this is providing too much power to the board members, and it is circumventing the Commission's responsibility for observing and deciding.

Comr. Sobel concurred with the comments made by Comr. Moss. In addition, he commended the City Attorney's Office and Development Services Department for having followed so precisely the new state zoning requirements. It is highly technical, but the goal is to simplify the process and staff has done it to the letter of the law in a way that most benefits the residents and the potential developers in the City of Pompano Beach. He understands to be in compliance with the state's zoning law, the ZBA no longer has a variance application and it is replaced with the Air Park Obstruction Permit in lieu of that.

Ms. Gomez responded that is correct as it relates to Air Park Obstructions. The ZBA will still review variances just not for Air Park zoning.

Mr. Shulmister provided an extensive explanation regarding his suggestions.

Comr. Hardin referred to a minor scrivener's error on Page 11 of 15, Item 2(b). Obstruction Construction or Alternation Notification. The word should be "Alteration"

Mr. Berman will ensure that correction is made.

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie

**Excused:** Fisher

21. [17-529](#) P.H. 2017-76: (PUBLIC HEARING 1ST READING)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, RESCINDING ORDINANCE NO. 2017-42; AMENDING CHAPTER 115, "MISCELLANEOUS BUSINESSES," BY CREATING SECTION 115.28, "MEDICAL MARIJUANA," TO BAN MEDICAL MARIJUANA USES WITHIN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

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

Vice Mayor Burrie announced that the item would be tabled to the July 25, 2017 meeting. A discussion followed regarding the use of Table versus Postpone an item which common practice to table the item has been exercised by the Commission.

Mark Berman, City Attorney stated that the item is on the medical marijuana ordinance and because of the state statute; the City Commission may want to take action here. If it is tabled/postpone today, only one reading will be allowed on it prior to the break of the Commission. He then explained why it could not be done in an emergency manner. He recommended that the item could pass as is and amend it prior to the second reading, which might be more beneficial. To approve it with the understanding today that it may be amended for second reading.

Comr. Sobel withdrew his motion to table.



Mr. Berman indicated that staff recommends that the Commission proceed with first reading and then amend it prior to second reading because this cannot be done prior to September. During the interim month, there may be applications or opportunities for people coming in. Therefore, the Commission could proceed now, and prior to second reading and approval, they will amend it.

David Recor, Development Services Acting Director presented the item and stated that on April 25, 2017 the Commission adopted on second reading an ordinance approving zoning and other regulations related to the processing, dispensing and testing of medical cannabis. In an effort to serve best the City's residents and to ensure compliance with the City's Comprehensive Plan, those regulations addressed issues related to the safety, security, hours of operation, noise, traffic, parking and odor of medical marijuana establishments in order to regulate the distribution and other related uses pertaining to medical cannabis in the City.

Since the adoption of Ordinance No 17-42, Florida Senate Bill 8A was passed on June 9, 2017 during a special session of the Florida legislature. The Bill was signed into law on July 1, 2017. The new law endowed authority and local governments to ban the medical marijuana dispensary Land Use or to establish regulations to permit it. However, the new law includes language, which states local governments may not be more restrictive on this land use than that of pharmacies licensed under Chapter 465, Florida Statutes and determining the location of medical marijuana dispensaries within the City. The State Legislation is not clear whether the new restrictions of regulating this land use apply retroactively or apply prospectively. Under former President Obama's administration, the Deputy Attorney General issued a memorandum to all US attorneys determining that enforcement of federal laws and states where medical marijuana was heavily regulated it would be a low priority. However, with the current president Trump's administration it is now unclear how the President will treat Florida's legalization of medical marijuana while it still remains illegal under federal law, to process dispense or test medical cannabis. As a result, the City is in an uncertain climate with both the passage of Senate Bill 8A and the new administration as to the application of the conflict between state and federal law under the Supremacy Clause of the United States Constitution.

Staff is recommending that the City Commission rescind Ordinance 17-42 and amend Chapter 115 of the City Code of Ordinance to expressly prohibit the processing, dispensing, and testing of medical cannabis in the City based on these reasons.

Vice Mayor Burrie noted that the ordinance and the presentation indicated that the Commission void out the other ordinance and asked if that would be a separate item.

Mr. Berman responded that it was done in one item that addressed one subject matter. In addition, he briefly mentioned that the City set up something that established retail establishments where they can go, health care establishments and industrial uses, where it can be grown in the I1-X General. He said a procedure was set up and there were requirements where in the B-3, B-4, or where they had to be near major arterial, eliminating the amount but still allowing the uses in the City to a limited extent to the benefit of the public. He then explained in detail what the Florida Legislature did in their Special Session, which will change the City's requirements established prior. There is nothing at this point regulating location of pharmacies. Therefore, to change how the City regulates pharmacies to keep these in limited areas would not be fair to pharmacies. They have set the tone for this by preempting what the City can do currently. He also presented another argument regarding the matter. Notwithstanding, the City does not know what the legislature is going to do to straighten out some of the confusing wording.

Finally, after the reviewing of additional information and discussion prior to the meeting, staff recommends that the City disband the dispensing facilities. Therefore, Mr. Berman suggested that the Commission approve the item in its current state with the understanding for second reading and amended ordinance will be brought back to the Commission for approval. This will provide sufficient time to pass this item prior to the Commission going on break in August.

Comr. Hardin indicated that it is unfortunate the state “messed this up badly” that the City cannot institute what the voters have asked for. He agrees with going with the conservative approach at this time and ban it.

Comr. Sobel reiterated Comr. Hardin’s comments and noted that the City Attorney’s Office spent so much careful time and energy trying to adequately protect the residents and set forth a very specific policy. The ordinance was enacted, and if we go ahead with this today, we will be losing our legal standing, and essentially, we are chasing a possibility without really knowing. The state legislature acted quickly and apparently very ambiguously. He is uncertain if it is prudent for the City to chase that kind of process and put us in the same position. Once this is passed, the City will lose its pre-existing ordinance standing, which is critical to this. Therefore, Comr. Sobel suggested that the Commission pass a moratorium with regard to application or enforcement of it, but allow the statutes to stand so the City can maintain its strong pre-existing position.

Mr. Berman indicated he should have mentioned earlier the moratorium option as it was discussed prior on a one on one basis with the Commission. The ordinance would stay in place is the only benefit with the moratorium. This could be prepared for both readings for the second meeting of the month. Whether the City has standing or not is still to be determined by the court or by the legislature. He mentioned after polling several cities they found out that Lighthouse Point is banning, and Fort Lauderdale may go with what they have in place. Cities are handling it differently and it is a “mixed bag at this point.” There is no clear consensus. It is a policy determination and each has its individual risks.

Comr. Sobel proposed that the City do not give up its excellent legal position at this point based on the uncertainty through either the courts or legislature, and pass a six-month moratorium in lieu of that with the potential to extend if necessary, to keep our position and firm policy at the same time protect the citizenry. He then asked how this would be accomplished.

Comr. Sobel made a motion, seconded by Comr. Hardin to amend the ordinance in lieu of banning it to have a moratorium on the enforcement of it for a period of six months. No vote was taken.

Mr. Berman respectfully suggested that the Commission postpone this with the understanding of what will be brought back to the Commission. Therefore, we will not lose the advertising and the ability to proceed if there are further developments prior to the next meeting. In sum, he suggested to postpone this item to second reading where it may be stricken and for the July 25, 2017 meeting bring an ordinance back for a moratorium for six months.

**A motion was made by Commissioner Hardin seconded by Vice Mayor Burrie to postpone First Reading until July 25, 2017 City Commission meeting. The motion carried by the following vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

**Excused:** Fisher

**A motion was made by Commissioner Hardin, seconded by Commissioner Sobel to direct the City Attorney to prepare a Moratorium. The motion carried unanimously by voice vote.**

22. [17-509](#) P.H. 2017-77: (PUBLIC HEARING 2ND READING)  
AN ORDINANCE AMENDING CHAPTER 92, "CEMETERIES," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 92.06, "CEMETERY HOURS," TO AMEND THE HOURS FOR VEHICULAR TRAFFIC AND THE HOURS OF OPERATION FOR THE CEMETERY OFFICE; BY AMENDING SECTION 92.26, "PERPETUAL CARE FUND," TO MODIFY REQUIREMENTS FOR USE OF FUNDS; BY AMENDING SECTION 92.32, "PLOT PRICES AND SERVICE CHARGES," TO REFERENCE BURIAL VAULT SALES; BY AMENDING SECTION 92.44, "CONCRETE BOXES; VAULTS," TO MODIFY REQUIREMENTS FOR PROVISION OF AND INSTALLATION OF VAULTS; BY AMENDING SECTION 92.65, "MONUMENTS," TO MODIFY LOCATIONS WHERE MONUMENTS ARE AUTHORIZED; AND BY AMENDING SECTION 92.66, "BRONZE MARKERS," TO INCLUDE THE CENTER LAWN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

FIRST READING: JULY 11, 2017

**(Staff Contact:** Robert McCaughan)

Robert McCaughan, Public Works Director presented the item and stated that the code currently restricts the use of the cemetery perpetual care fund to be used only on Capital Improvement projects. Consequently, staff is requesting modification of the code to allow spending on operational expenses, specifically to purchase bronze grave markers, which earn revenue from the cemetery. In addition, request is made to modify the code to allow sale of concrete burial vaults, which also earn revenue for the cemetery.

Finally, Mr. McCaughan indicated that it was mentioned that the change of the time at the cemetery but he thinks it is unnecessary to be in the ordinance. Nevertheless, it closely mirrors the actual hours of the

cemetery office open to serve clients at the cemetery. The cemetery is always opened for the public's visit.

Joe Ryan, Pompano Beach, FL, inquired when the cemetery would be full considering the present rate of growth.

Mr. McCaughan responded that an analysis was done, so perhaps it would be 25 years from today. He then explained due to the assessment done 3,000 grave plots were added to the cemetery, which will push out to 25 years.

In response to Comr. Moss' question Mr. McCaughan stated the cemetery has three (3) columbarium with 96 Niches each. They are together in the north lawn aboveground. In addition, there are cremation lots in-ground for sale.

Comr. Hardin asked if time is specified by ordinance in any other area of the City.

Mr. McCaughan responded we do for the parks, but he is unsure there is a legal requirement for the hours.

Comr. Hardin asked if they could eliminate the hours from the ordinance.

Mark Berman, City Attorney responded it could be done between first and second readings.

Comr. Hardin indicated that in the ordinance Page 3 of 4, Section 92.65 monuments, reads: "Monuments or stones of any kind or enclosure shall not be permitted in the north lawn or west lawn or center lawn sections." Further, it states, "Monuments may be placed in the center lawn sections blocks..." This makes it inconsistent.

Mr. McCaughan indicated he would check into it and amend accordingly.

Vice Mayor Burrie indicated that historically, the money budgeted for the cemetery has been \$25,000 for years. Therefore, once the concrete boxes are utilized, would it necessitate an increase in the budget.

Mr. McCaughan responded perhaps not and explained when the vaults are sold at revenue it will increase.

**A motion was made by Commissioner Sobel, seconded by Commissioner Hardin to amend the proposed ordinance to remove the time periods, and everything else remain the same. The motion carried unanimously on voice vote.**

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

**Excused:** Fisher

23. [17-505](#) P.H. 2017-67: (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 LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND OFFERDAHL'S HAND-OFF FOUNDATION, INC., FOR THE GRIDIRON GRILL-OFF FOOD AND WINE FESTIVAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: Estimated costs of \$218,414.96 for the 5 year contract)

FIRST READING: JUNE 27, 2017

(Staff Contact: Mark A. Beaudreau/Cynthia Kitts)

Mark A. Beaudreau, Recreation Programs Administrator presented the item and stated that there were no changes from the first reading.

**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. 2017-56**

24. [17-294](#) P.H. 2017-36: (PUBLIC HEARING 2ND 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 6STANDARDS 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)

POSTPONED FROM APRIL 11, 2017  
FIRST READING: MARCH 28, 2017

(Staff Contact: David Recor)

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

25. [17-506](#) P.H. 2017-65: (PUBLIC HEARING 2ND READING)  
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CODE OF ORDINANCES BY AMENDING SECTION 96.26, "PUBLIC NUISANCES," TO PROVIDE FOR THE REMOVAL OF ANY COMBUSTIBLE, EXPLOSIVE AND HAZARDOUS MATERIAL OR OTHER CONDITION WHICH HAS THE POTENTIAL TO CAUSE IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY AND WELFARE OR THE ENVIRONMENT EITHER BY ITSELF OR INTERACTION WITH OTHER FACTORS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

FIRST READING: JUNE 27, 2017

(**Staff Contact:** Russell Ketchem/Robert McCaughan)

Robert McCaughan, Public Works Director presented the item and indicated that in Chapter 96.26 various public nuisances have been identified, which currently there are twelve (12), so this would be number thirteen (13). He explained that recently hazardous materials were discovered on private property that were safely recovered and safely disposed. Therefore, at the recommendation of the City Attorney, they thought it best to include that public nuisance in the ordinance.

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

**Excused:** Fisher

**Enactment No: ORD. No. 2017-57**

26. [17-487](#) P.H. 2017-66: (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 THIRD AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE SAMPLE-McDOUGALD HOUSE PRESERVATION SOCIETY, INC.; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$40,000.00)

FIRST READING: JUNE 27, 2017

(Staff Contact: Erjeta Diamanti)

Erjeta Diamanti, Budget Officer presented the item and indicated that there was no changes from the first reading.

**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  
Sobel  
Burrie  
Fisher

**No:** Perkins

**Enactment No: ORD. No. 2017-58**

27. [17-534](#) P.H. 2017-78: (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 LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND LS EVENTS LLC FOR THE BRAZILIAN FESTIVAL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: Estimated cost of \$232,327.50 over the next 3 years)

FIRST READING: JULY 11, 2017

**(Staff Contact:** Mark A. Beaudreau)

Mark Beaudreau, Recreation Programs Administrator presented the item and stated that this is one of the notable events. It will be the sixth year of the Brazilian festival and it brings together the cultural diversity especially in northeast Broward County. The promotor, Luciano Smalley, is present for any questions.

Luciano Smalley stated that they have been working for six years and have put Pompano Beach on the map, as they are hosting the largest Brazilian festival in the Southeast Coast of the United States. He thanked the Commission for their participation in this effort.

Mr. Smalley stated for the first time in the history of the Brazilian festival in the United States, they will be broadcasting live with flashes. In addition, Mr. Smalley promised to contact the softball team and the baseball team to assist them, because it is their duty to unite the community.

Comr. Perkins inquired as to what fund the estimated cost would be realized.

Mr. Beaudreau responded most is coming as in-kind costs for BSO, Parks and Recreation and Public Works and hard costs for equipment purchases from the Working Capital.



**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

28. [17-454](#) Acceptance of the City Manager's Recommended Operating/Capital and Line Item Detail budget books for FY2017-18 and approval of public hearing dates to adopt the FY2017-18 budget.  
(Fiscal Impact: N/A)

**(Staff Contact:** Erjeta Diamanti)

Erjeta Diamanti, Budget Officer, presented the item and indicated that the FY 2018 recommended budget books were distributed to the City Commission. One is the Operating Budget with the Capital section and the other is the Line Item Book. The handout for the July 17, 2017 budget workshop is included with the distribution documents.

Additionally, Ms. Diamanti requested approval of the public budget hearing dates for September. The first tentative public hearing will be on September 13, 2017 at 5:15 p.m. and the final public budget hearing will be on September 20, 2017 at 5:1 p.m. in the City Commission Chambers. Consequently a motion was made to include the approval of the dates of September 13, 2017 and September 20, 2017 at 5:15 p.m. for the budget public hearing first and second respectively and to accept the Recommended budget books.

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

29. [17-515](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, GRANTING THE CITY MANAGER AUTHORITY DURING THE CITY COMMISSION'S AUGUST HIATUS TO PERFORM AND FINISH SUCH MATTERS AS MAY HAVE BEEN BUDGETED AND AUTHORIZED, SUBJECT TO RATIFICATION THEREAFTER; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

(**Staff Contact:** Greg Harrison)

Greg Harrison, City Manager indicated that this is a requirement under the City Commission rules and regulations when they are on their August Hiatus.

**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  
Burrie

**Excused:** Fisher

**Enactment No: RES. No. 2017-287**

30. [17-535](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **RICHARD H. SAMOLEWICZ** TO THE POMPANO BEACH POLICE & FIREFIGHTERS' RETIREMENT SYSTEM OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON SEPTEMBER 12, 2020; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

(**Staff Contact:** Asceletha Hammond)

APPLICANTS:

Richard H. Samolewicz, Incumbent - District 3  
Raymond Nies - District 1  
Robert J. Sikorski - District 1  
Kenneth A. Campbell - District 3

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

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2017-288**

31. [17-536](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING \_\_\_\_\_ TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM MIMI BOTSCHELLER, ALTERNATE 2; SAID TERM TO EXPIRE ON FEBRUARY 1, 2019; PROVIDING AN EFFECTIVE DATE. (Fiscal Impact: N/A)

**(Staff Contact:** Asceleta Hammond)

APPLICANTS:

Joseph Grisafi, Resident - District 1  
Amanda Hart, Designer - District 1  
Dwight Hoffman, Teacher - District 1  
Claudia Mazzocchi, Structural Engineer - District 1  
Carol Romano, Resident - District 1  
Donna Russo, Art Teacher - District 1  
Sharon Stone-Walker, Business Developer - District 2  
Michael Tipton, Performing Arts Manager - District 2  
Dahlia Baker, Program Assistant - District 3  
John Cote, Artist - District 3  
Michelle R. Cote, Office Manager/Bookkeeper - District 3  
Patricia Knight, Art Teacher - District 3  
Sarahca Peterson, CEO - District 3  
Tyler Townsend, Museum/Collector - District 3

APPLICANTS - Continued:

David Baumwald, Commercial Remodeling - District 4  
Jazzmann LeSane, Founder/President - District 4  
Karen Jean Leventhal, Free Lance Writer - District 5  
David Miller, Graphic Artist - District 5  
Cynthia Morales, Product Specialist - District 5  
Shellie Morrison, Business Owner - District 5  
Ellen Scheffler, Furniture Designer - District 5  
Mona Silverstein, Landscape Designer - District 5  
Agata Mosery, Designer - Boca Raton  
Cherie Saleeby, Artist - Hillsboro Beach  
Carol Dickler, Fashion Designer - Lauderdale-by-the-Sea

**A motion was made by Commissioner Perkins to insert the name Jazzmann LeSane, and Comr. Moss recommended Mono Silverstein. The motion failed by the following vote:**

**Yes:** Perkins

Sobel

Burrie

**No:** Hardin

Moss

Fisher

**Mark Berman, City Attorney announced the meeting was adjourned to a time certain of 10:00 a.m. on July 12, 2017, in the City Commission Chambers. All items on the agenda that were not called will be dealt with on Wednesday, July 12, 2017 at 10:00 a.m. Vice Mayor Burrie will be chairing the meeting in the absence of Mayor Fisher.**

32. [17-538](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING WILLIAM R. GRISSINGER TO THE MARINE ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF W.P. DAVIS, JR. AS ALTERNATE 1; SAID TERM TO EXPIRE ON JULY 1, 2019; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

APPLICANTS:

William R. Grissinger - District 1

**A motion was made by Commissioner Hardin, seconded by Commissioner Sobel to insert the name WILLIAM R. GRISSINGER, and that the Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie

**Excused:** Fisher

**Enactment No: RES. No. 2017-289**

#### **F. REPORTS**

**City Manager Gregory Harrison – Fire Station 103 Certificate** – Mr. Harrison displayed a gold LEED certificate for Fire Station 103, which is a rating certification established by the US Green Building council, and verified by Green Business Certification, Inc. He noted that staff achieved the level of certification during the construction of the project.

**City Attorney Mark E. Berman – Clarification on Marijuana Moratorium** – Mr. Berman indicated he wanted to clarify the moratorium that the Commission instructed him to prepare in a previous Agenda item. He stated a moratorium requires that the City is actively working on regulations. The discussion they had earlier, indicated that the City should do a moratorium just so the City does not lose its standing, but he said it is more than that. The City has to be actively working on regulations. Therefore, the City Attorney and Development Services Offices will be actively working on modifying the regulations currently in place, or at least reviewing it. During the time of the moratorium staff will be actively working on potentially modifying a regulation based upon the state's action and what other evidence taking place around the City.

**City Clerk Asceleta Hammond** – No Report.

**Commissioner Rex Hardin – Fireworks Celebration** – Comr. Hardin stated that the City had a great fireworks celebration on July 4 on the beach. The entertainment was great, and everyone appeared to enjoy the event. Great job and once again the City of Pompano Beach had wonderful fireworks.

**Commissioner Barry Moss – Fireworks Celebration** – Comr. Moss agreed that the fireworks were spectacular, however, they were shot off at the end of the pier, which was a little too close to the beach. In the past, they were put on the barge that went out further. Perhaps, this would be a better practice for the future.

**Habitat for Humanity House Dedication** – Comr. Moss announced that on Saturday, July 15, 2017 at 1:00 p.m., Habitat for Humanity will have a dedication of several of their homes at 2812 NW 2<sup>nd</sup> Street, in Collier City, and invited everyone to attend.

**Community Redevelopment Agency (CRA) Plans for Collier City** – Comr. Moss announced that on July 15, 2017 at 2:00 p.m. the Collier City Civic Association would conduct a workshop with the CRA about plans for Collier City. He stated that several years ago, a Master Plan was done and several residents of Collier City would like to revisit it.

**Commissioner Beverly Perkins – Unveiling of Martin Luther King Blvd.** – Comr. Perkins announced that there would be the unveiling and renaming of the Martin Luther King Blvd. on September 15, 2017, which will commence at the Annie Gillis Park on Martin Luther King Blvd. However, more update will be forthcoming.

**Commissioner Michael Sobel – Wedding Anniversary** – Comr. Sobel announced that last night was his 35<sup>th</sup> Wedding Anniversary and wanted to thank his wife for her patience and remind her that he loves her to the moon and back. He will be taking a trip with her to Europe during the Commission hiatus.

**Newsletter** – Comr. Sobel thanked the people who have read and those who responded in appreciation to his newsletter sent out by email. He stated that the City does a great job on multiple levels through the website, press releases and through other commission's emails of keeping people updated on what is going on in the City. Therefore, he indicated that his goal as the District 1 Commissioner is to keep everyone apprised as much as he can about the particulars, and provide them with an easy mechanism to discover what is going on. Therefore, he invited anyone wishing to be added to his email list to contact him at [Michael.Sobel@copbfl.com](mailto:Michael.Sobel@copbfl.com).

Additionally, Comr. Sobel mentioned that this past week a great deal of misinformation was posted regarding the treatment of the City's Animal Control with regard to stray animals and particularly about feral cats. Subsequently, the City and the Commission was inundated with phone calls and emails. Therefore, he will be writing about the City's policy in his next newsletter. It should be clear that for immediate purposes the City does not round up colonies of feral cats and does not automatically euthanize them. However, there is a differential between the City's ordinance on the treatment of it and it differs from the Broward County ordinance, which he will address in his newsletter.

**Protection of Employees under Contract** – Comr. Sobel indicated that when the City writes up employment contracts to consulting firms and otherwise, there are multiple provisions in there about the treatment of employees. However, he is concerned how employees are handled, specifically by subcontractors or consulting firms that the City hires through the Request for Proposals (RFP). He has not seen any information that legally mandates that the employees of these companies be treated appropriately. Perhaps there is something there or something more can or should be added. Thereafter, he explained what precipitated his comments with a potential Community Redevelopment Agency (CRA) employee.

Mark Berman, City Attorney responded that as it relates to the City, our contracts do state that all laws must be followed at all times and there is a non-discrimination clauses. The City requires that all laws be properly followed. He is unfamiliar with the specific situation mentioned, but it should be happening under City contracts. The CRA would have to address it specifically and their attorney and CRA director should be apprised so that they can respond to that. In addition, the City contracts all have clauses that require following all laws, rules, regulations, ordinances, and so forth. Finally, Mr. Berman mentioned that if it comes up and the situation involved the City where it can be documented or demonstrated that there is a need for additional language, it is something that staff could check into. Comr. Sobel indicated that he planned to bring up the matter with the CRA. However, the Commission just wanted to ensure that the

employees are protected.

**Vice Mayor Charlotte Burrie – Fireworks Issues** – Vice Mayor Burrie stated there is a group of people in Cresthaven that are concerned about the fireworks. She explained that fireworks in the neighborhoods are turning into the same type of fireworks that the City puts on at the pier and other cities put on with the proper pyrotechnics in the area. She said Cresthaven was lit up like a Christmas tree. In fact, they start the week prior to the night of July 4 and the week after. However, there is a new, young group of people who want to work with the City and the Broward Sheriff's Office (BSO) to come up with some type of educational plan to educate the citizens about "blowing off these very dangerous fireworks." Vice Mayor Burrie referred to the incidents mentioned in the news and particularly the one incident that occurred in the City of Pompano Beach where three (3) young children had their fingers and hands blown off from these fireworks. The people setting off the fireworks are not criminals, instead they want to have fun and celebrate July 4. The City like other cities does have an ordinance that prohibits blowing off fireworks.

Vice Mayor Burrie stated that there are residents in Cresthaven that want to sit down with the administration to come up with some ideas where the neighborhoods could be watchful, because it is difficult for BSO to catch the person(s) who are violating the law by setting off the fireworks. The City of Coral Springs have an active law and they did a sweep through the neighborhood for education purposes instead of citing violators. Vice Mayor indicated that she has people who are willing to help with the fireworks that have become prevalent. In addition, she asked if the City could obtain a copy of the Coral Springs ordinance so staff could determine if anything could be done with assisting BSO and Code Compliance in trying to keep the City and the children safe, while enjoying the holiday and the fireworks. Therefore, she desires the cooperation of the Administration, Chief of Police, and BSO Sheriff to educate people about the dangers of the fireworks.

Comr. Sobel agrees with Vice Mayor Burrie's comments. However, he does not think a specific ordinance needs to be in place to ensure a goal is set forth proactively getting BSO and the City involved next year in an education process to protect the children and the residents.

Vice Mayor Burrie indicated the City has an ordinance in place to prohibit blowing off fireworks, but none for the sale of the fireworks. Therefore, she would like to see a copy of Coral Springs ordinance, which could be a starting point for the City to meet and get the community involved.

Greg Harrison, City Manager responded that he would ensure the Commission receives a copy of the Coral Springs ordinance and staff will start evaluating the matter.

Vice Mayor Burrie stated that she would also like to work together to set up a meeting with those residents who are willing to assist with this issue.

John Hale, Police Chief, BSO, stated that they have been dealing with Mr. Papazini, one of the motivated residents willing to assist and that Lieutenant Hedlund had worked with him prior to the July 4 celebrations. Notwithstanding, Chief Hale mentioned that regarding the issue that exists, there is a loophole in Florida State law where a waiver is signed at the fireworks dealers, show a driver's license and a person can buy and possess any amount of fireworks desired, however, you are not allowed to light them. He understands the safety issue and it was a tragedy that happened at the McNair Park, but it is unrealistic to think that the police can enforce approximately 75% of residents purchasing fireworks and setting them off. He indicated that he resides in Coral Springs and people were setting off fireworks up to 4:00 a.m. in the morning. He

has seen the public awareness program they have done which promoted public awareness, but it did not reduce the fireworks that were going off in that City. Nevertheless, he promised to approach the issue and look at different options. However, some personal responsibility must be exercised by those residents purchasing and setting off those “bombs.”

Vice Mayor Burrie stated that she certainly understands the next to impossible task of the BSO officers enforcing the shooting of the fireworks but wanted to bring this issue up for discussion on how they can make people more aware of the dangers of fireworks or more guided missiles.

Chief Hale stated that the Sheriff’s office does a public ad campaign on Fourth of July where they have the TV stations come out and the Fire Rescue Division perform blow up demonstration.

Comr. Moss asked if there are any state laws that would prohibits the City from enacting an ordinance prohibiting the sale of these items.

Mr. Berman agreed with Chief Hale’s comments and explained that the problem is in Tallahassee because of the availability. There are places that are selling professional grade fireworks to the public in general who are not trained and do not know how to use them safely. The only requirement needed is to sign a waiver, swear under oath and get your signature notarized, agreeing to use it for agricultural purposes or that you are a professional user. In sum, something needs to be done at the Tallahassee level, as it is too easy to get them here in the State of Florida. Nevertheless, staff is willing to look at any other ordinances that may help to do more than the outright prohibition on it. Mr. Berman stated enforcement is the problem.

Comr. Perkins stated that perhaps the City could consider having a company come in and do the fireworks display over at the Mitchell Moore Park area, because not everyone is going to the beach to watch the fireworks. Better yet, to have different locations in the City display it, and maybe people might just decide not to purchase, but instead watch the professionals display them.

Greg Harrison, City Manager reminded the Commission that he is their contract administrator on all contracts. Therefore, if they are approached by a sub-contractor, the contracted firm, or individuals that alleged something is going on within the contracted document, they should notify him. He will then investigate and take care of it on the spot.

#### **G. ADJOURNMENT**

The meeting recessed at 11:00 p.m. and continued on July 12, 2017 at 10:00 a.m. The meeting adjourned at 11:25 a.m.

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Lamar Fisher, Mayor

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Asceleta Hammond, City Clerk



# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Fisher, Lamar		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE City of Pompano Beach Commission	
MAILING ADDRESS 290 S.E. 5th Terrace		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Pompano Beach	COUNTY Broward	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED July 11, 2017		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE	

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

**PRIOR TO THE VOTE BEING TAKEN** by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

**WITHIN 15 DAYS AFTER THE VOTE OCCURS** by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

## APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

## DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Lamar Fisher, hereby disclose that on July 11, 20 17:

(a) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, \_\_\_\_\_;
- ☐ inured to the special gain or loss of my relative, \_\_\_\_\_;
- ☐ inured to the special gain or loss of \_\_\_\_\_, by  
whom I am retained; or
- ☐ inured to the special gain or loss of \_\_\_\_\_, which  
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Under the provisions of Florida Statutes, Section 286.012 and Section 112.3143, at the Pompano Beach City Commission Meeting held on July 11, 2017, I abstained from voting on the following Agenda Item:

- Item 1 - Louis B. Fisher is requesting to transfer ownership of Block 28, Lot 7, Plot 1, and Plot 2 to Lamar & Susan Fisher in the Pompano Beach South Lawn.

The nature of the conflict, which I orally disclosed prior to the vote on this item, my father, Louis B. Fisher, desires to transfer cemetery plots over to me and my wife.

July 21, 2017

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

# City of Pompano Beach Utilities Department

## Review of Rate Process and Proposed Rates

July 11, 2017





# WATER, REUSE, AND WASTEWATER UTILITY FUND

# HISTORY OF UTILITY RATE ADJUSTMENTS PER YEAR

UTILITY	FY 2010*	FY 2011*	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	8-YR Annual Avg.
Water	11.0%	14.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	3.1%
Reuse***	0.0%	40.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	5.0%
Wastewater	7.0%	10.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	2.1%

\*Effective 9/3/10

\*\*Effective 1/1/11

\*\*\*Effective 7/12/11 for Class 2 only (connected to system after July 12, 2011)

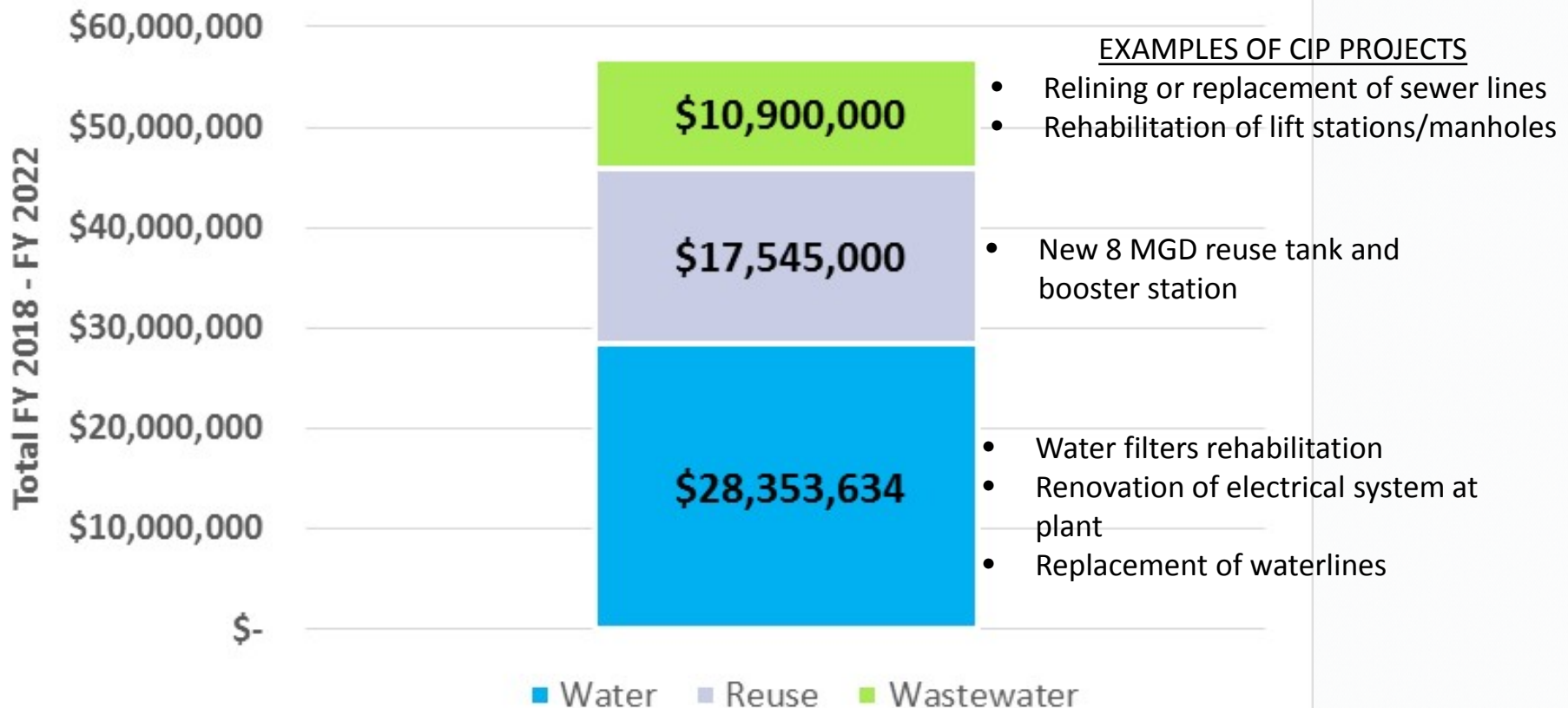
- Last increase was on January 1, 2011 for water/sewer and July 12, 2011 for reuse
- Nationally water and sewer rates have increased by 5.34% and 5.98% per year respectively from 2004 to 2016 (Source: AWWA/RFC 2016 Water and Sewer Rate Survey)

# KEY DRIVERS of UTILITY FUND

- Funding of 5-Year CIP (in today's dollars)- \$56.8 Million
- Use of State Revolving Fund Loans (SRF) to fund 63% of CIP – SRFs carry low interest rates
- Projection of Broward County wastewater rates – 3%/yr. for 3 years and 5% thereafter
- Target debt service coverage and fund balances – 2.0/1.5 (Revenue Bond/Total Debt Service Coverage) and 50% of Total Revenue Requirements

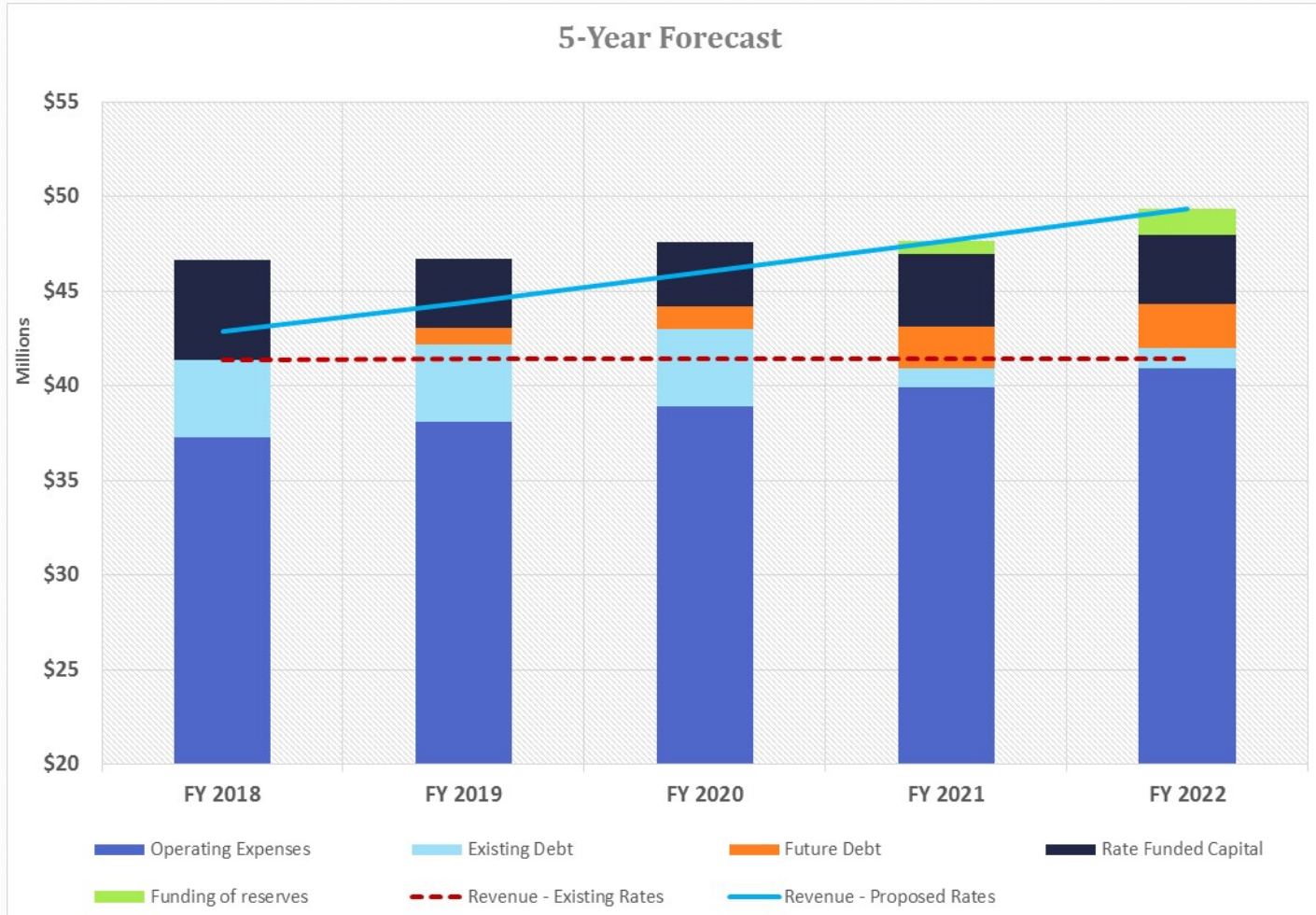
# UTILITY FUND 5-YR CIP

## FY 2018 - FY 2022 CIP





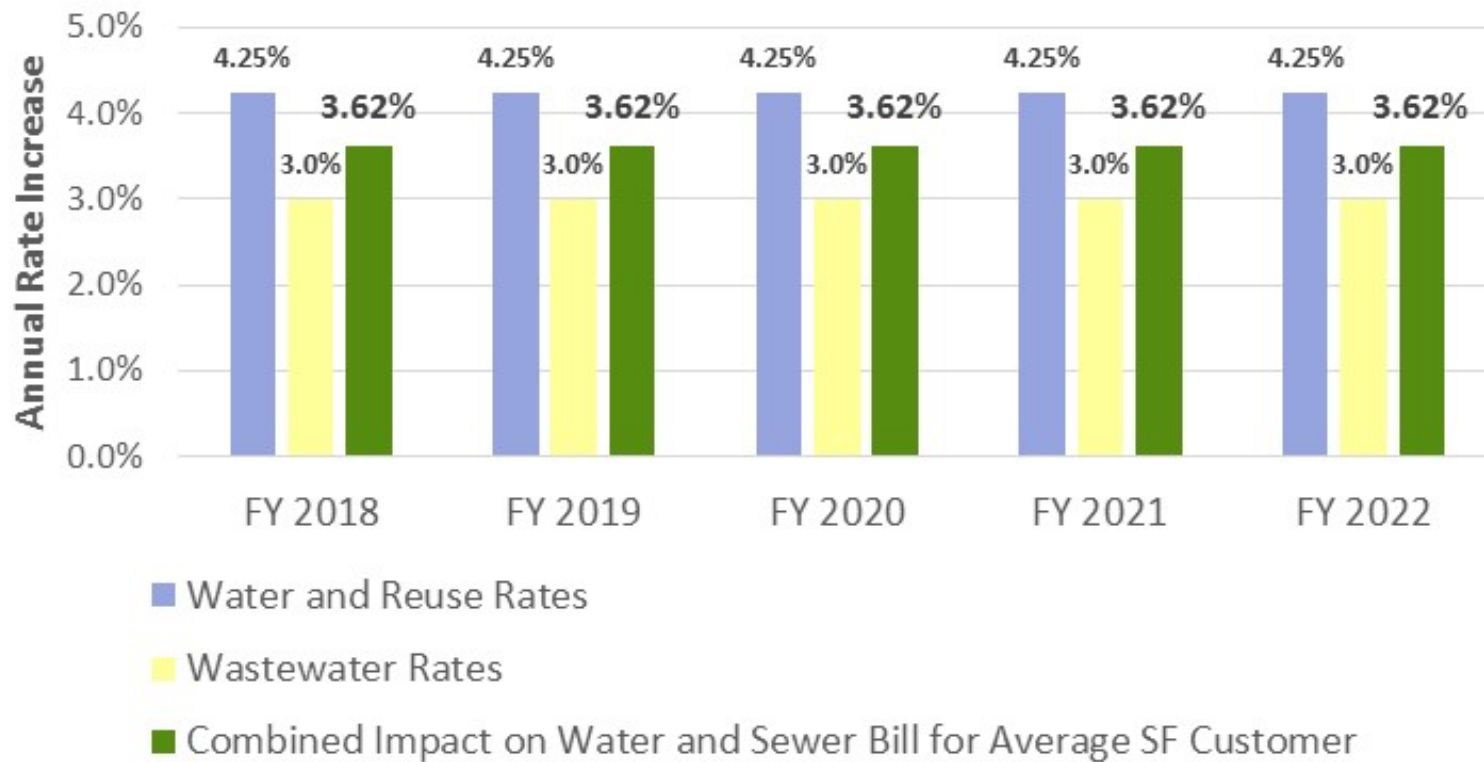
# REVENUE REQUIREMENTS



Revenues under current rates are projected to create a \$5 million deficit in FY 2018. Future rates must cover the existing deficit, future increases in operating costs, and replenish fund balances. (Current revenues of \$41.4 million must cover \$49.4 million in revenue requirements by FY 2022, a 19.3% increase).



# PROPOSED ANNUAL RATE INCREASES

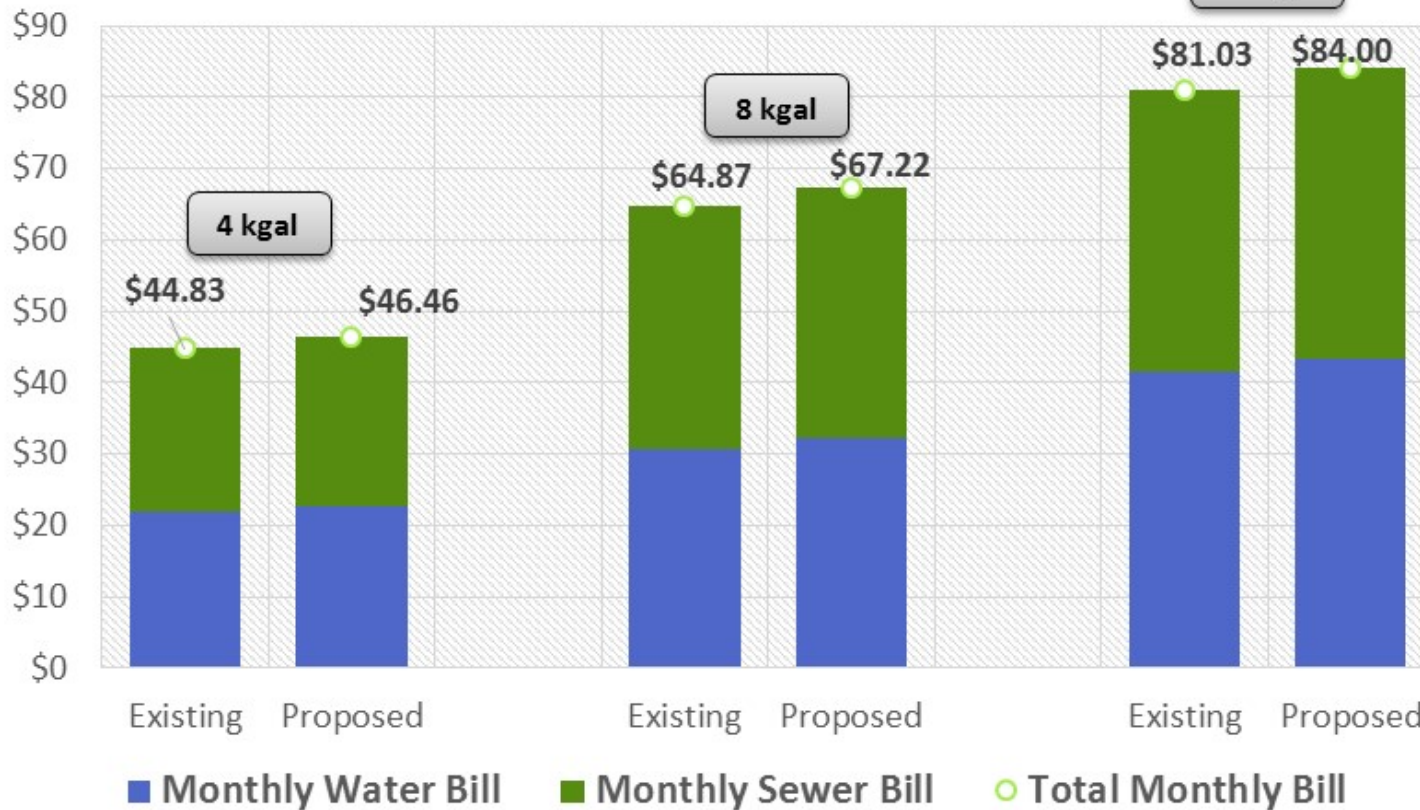


Use reserve funds in first few years to spread out increases over a five-year period

*Water and reuse rate increases are the same over the forecast period*

# RESIDENTIAL SINGLE-FAMILY CUSTOMER IMPACTS for FY 2018

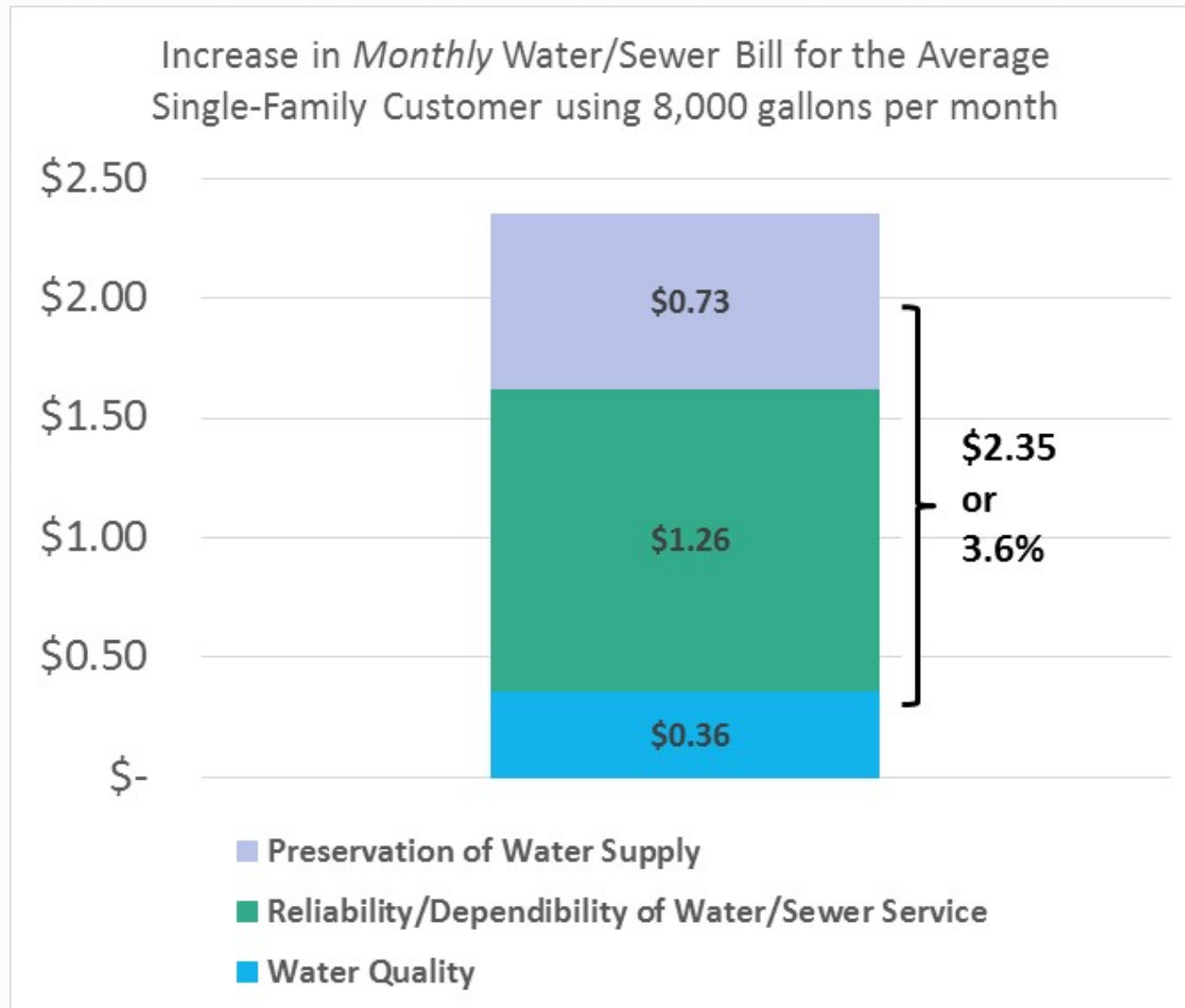
Residential Customer Impacts



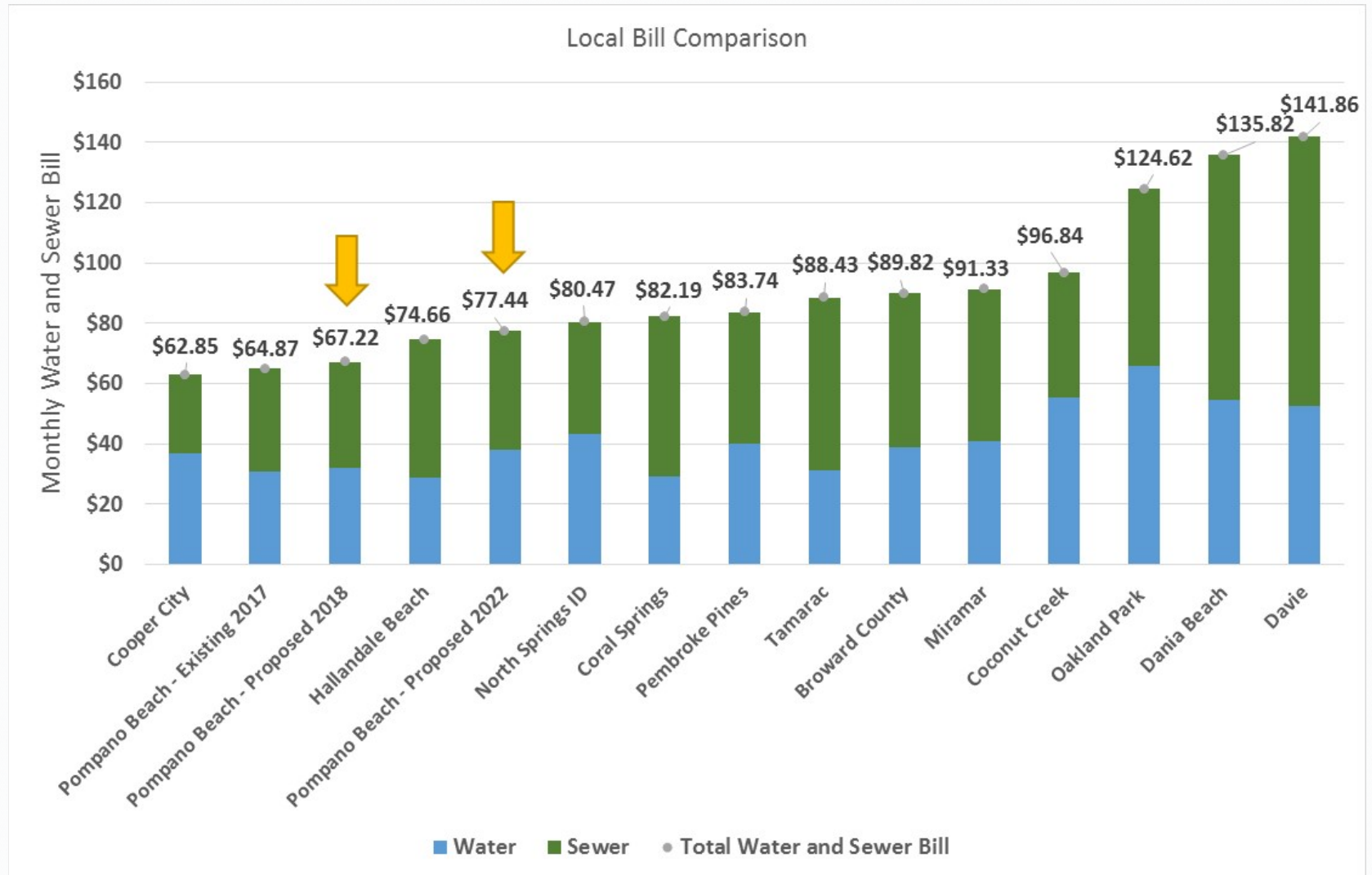
\*Average single-family customer monthly water and sewer bill will increase by **\$2.35** in FY 2018, or **3.6%** increase

\*Average residential customer uses 8 kgal (1,000 gallons ) per month of water

# BREAKDOWN of RATE INCREASES



# LOCAL COMPARISON FOR SINGLE-FAMILY (using 8 kgal)





# RESIDENTIAL MULTI-FAMILY CUSTOMER IMPACTS for FY 2018

3/4" Meter: 5kgal Use - 3 Units



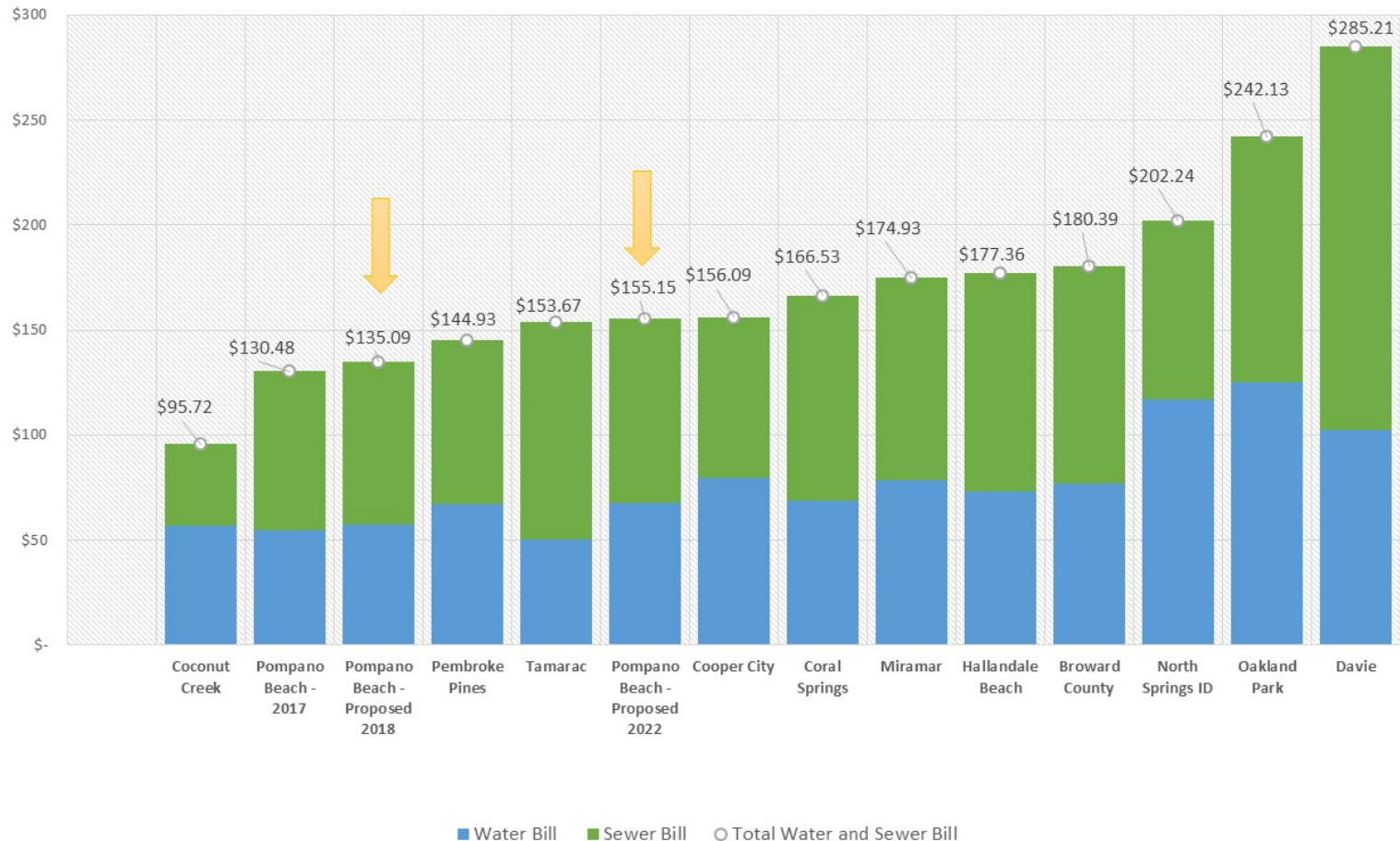
8" Meter: 3kgal Use - 241 Units



Represents average small and large multi-family customers

# LOCAL and REGIONAL COMPARISON FOR MULTI-FAMILY (small multi-family customer)

2017 FL Local Bill Comparison - Multi Family (3/4" Meter, 5kgal Use/Unit, 3 Units)



# CONCLUSIONS

- Proposed water/wastewater rates for average customer are low compared to others
- Use of reserve funds helps mitigate rate increases
- Availability of SRF funding may impact future proposed rates
- Future Broward County rate increases may impact proposed rates



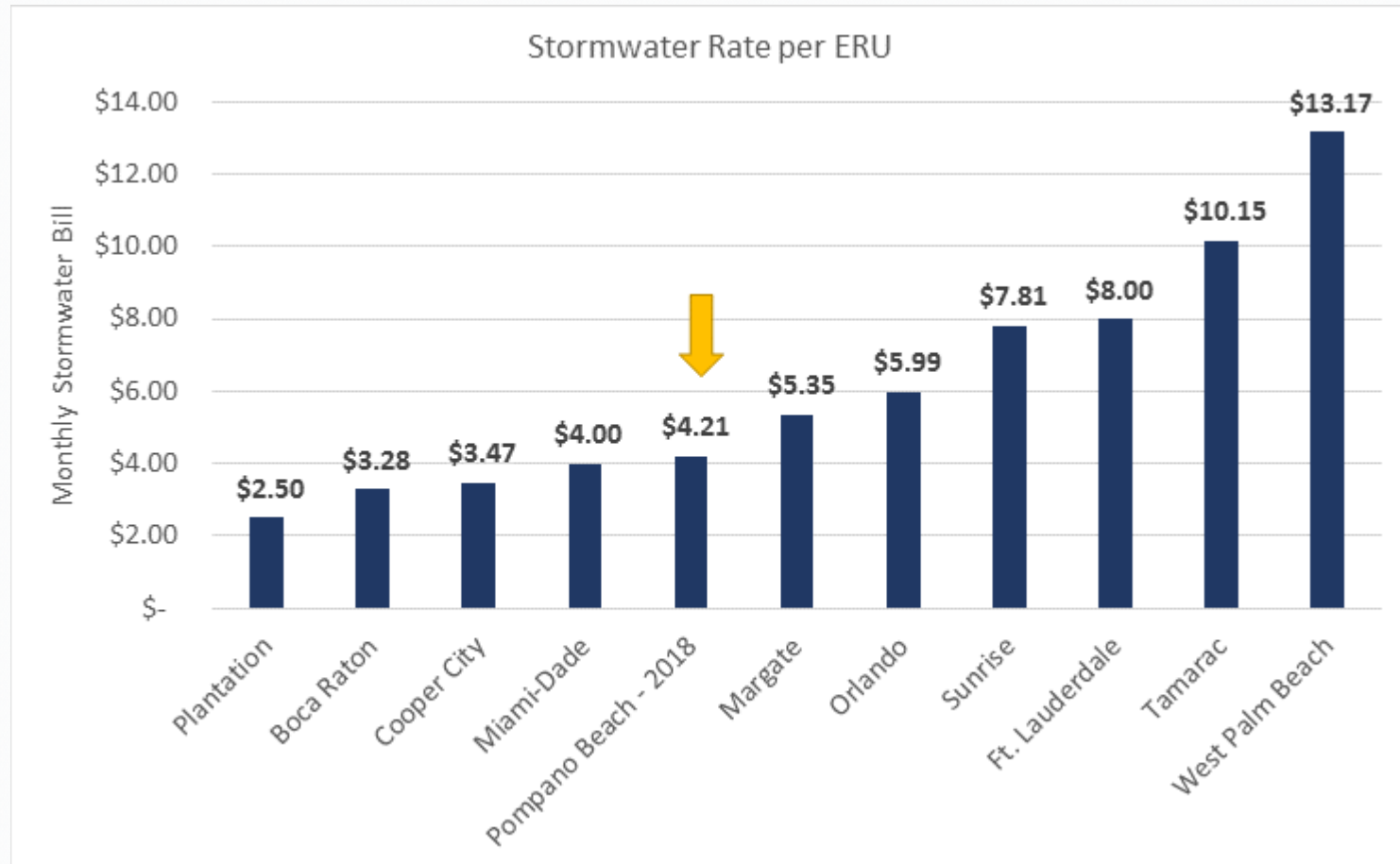
# STORMWATER FUND



# APPROVED STORMWATER RATES

YEAR	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Rate per ERU	\$3.21	\$3.43	\$3.68	\$3.93	\$4.21	\$4.50	\$4.82	\$5.15	\$5.52	\$5.90
% change		6.8%	7.3%	6.8%	7.1%	6.9%	7.1%	6.8%	7.2%	6.9%

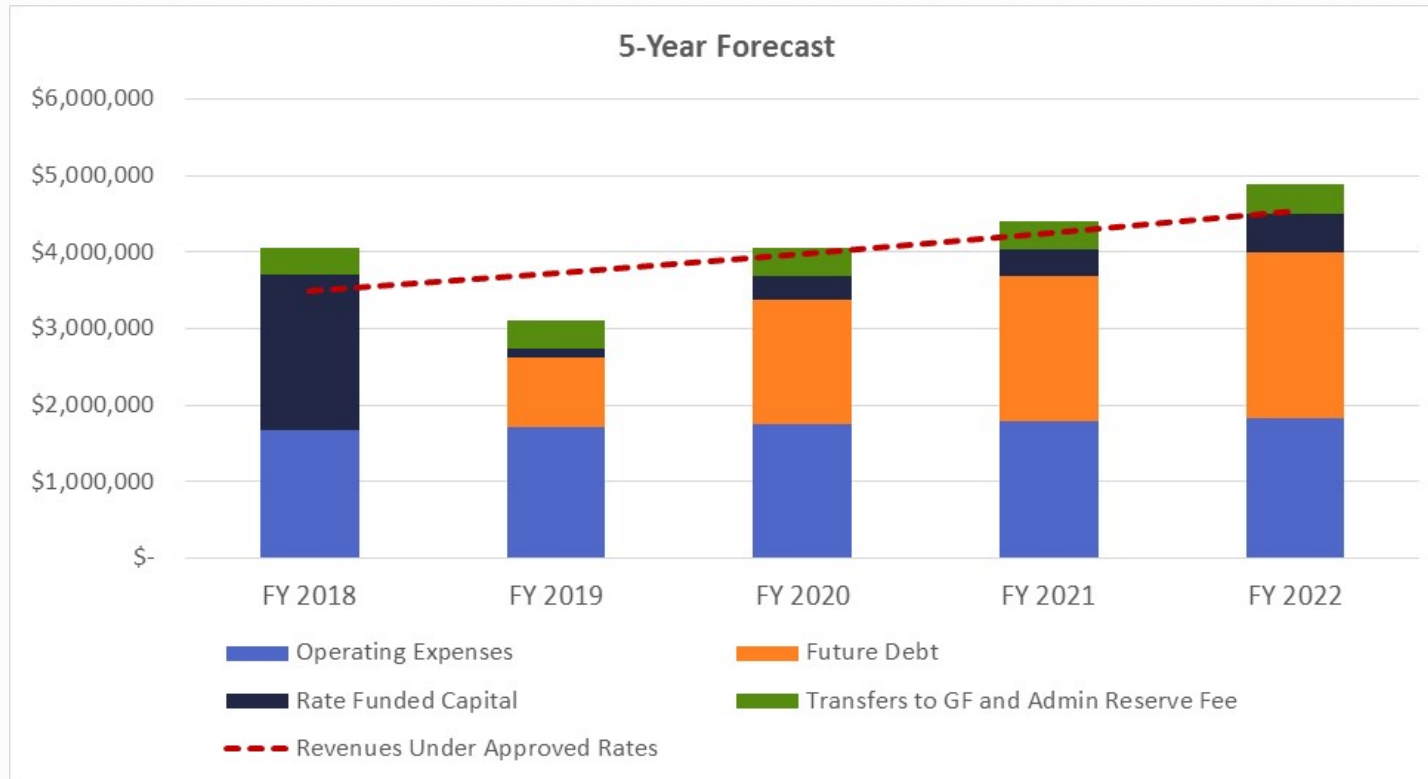
# STORMWATER RATE COMPARISON



# KEY DRIVERS of STORMWATER FUND

- 5-Year construction costs (in today's dollars)-  
\$30 Million
- SRF funding for majority of CIP
- Target debt service coverage and fund balances –1.5 Total Debt Service Coverage and 50% of Total Revenue Requirements
- No interest on initial SRF funding

# REVENUE REQUIREMENTS



Revenue requirements increase a total of 20% from FY 2018 to FY 2022 but this does not include replenishment of fund balance applied in early years



# CONCLUSIONS

- Approved stormwater rates are adequate in the next few years
- However, availability of SRF funding and cost of construction will impact sufficiency of revenues under approved rates in later years
- Additional stormwater projects may also impact sufficiency of future rates