



# City of Pompano Beach

100 West Atlantic Blvd.  
Pompano Beach, FL 33060

## Detailed Minutes - Final

### City Commission

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

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

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Tuesday, February 13, 2018

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 6:04 p.m.

#### ROLL CALL

**Present:** Rex Hardin  
Barry Moss  
Beverly Perkins  
Michael Sobel  
Charlotte Burrie  
Lamar Fisher

#### INVOCATION

Dr. Ophelia Sanders, Macedonia Missionary Baptist Church, offered the invocation and was asked to remember former Fire Chief Harry Small who is battling a difficult health issue and Traci who lost her mother, Peri Endelmen.

#### PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk

**APPROVAL OF MINUTES**

[18-207](#) Regular City Commission Meeting Minutes of January 23, 2018

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

**APPROVAL OF AGENDA**

Mayor Fisher announced that items 19 and 20 will be Stricken from the agenda, and items 18, 23 and 25 will be Tabled until February 27, 2018 City Commission meeting.

**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 stated that Consent Agenda item 1 will be pulled for City Commission discussion.

**A. SPECIAL PRESENTATION**

[18-209](#) **Recognition of Pompano Cowboys Football Team & Cheerleading Squads**

The Parks, Recreation and Cultural Arts Department recognized the following Gold Coast Pop Warner Super Bowl football team and Regional cheerleading squads from the Pompano Cowboys Program:

**Pompano Cowboys Football Super Bowl Champion**

Jr Mity Mites - Coach Rodney Adams

**Pompano Cowboys Cheerleading Teams at Regionals**

Jr Pee wee - Coach Nartisha Taylor

Varsity - Coach Felicia Heath

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

**B. PROCLAMATIONS**

[18-177](#) **Black History Month**

Mayor Lamar Fisher proclaimed February 2018 as Black History Month in the City of Pompano Beach. City Historian Hazel Armbrister, along with Commissioner Perkins accepted the proclamation.

Hazel Armbrister, City Historian, accepted the proclamation and thanked Mayor Fisher, and Comr. Perkins. She then requested, "To remember Jones Quarters" and provided a brief history on the location. She mentioned that it did not have a known address at the time, but was located on NW 2nd Street down the road from the Black's Memorial Church of God in Christ and the Antioch Missionary Baptist Church. She described it as a group of houses that housed some people who decided to live there with their children, who presented the City with some good standing names, which included one family member who became a city clerk, another was a collector of antiques, one a director of Boys' Scout, others became teachers and one became an author, as well as others were just simple folks.

Ms. Armbrister indicated that while Jones Quarters do not exists any more it is being remembered by Don Downey on a map housed at the Historic Ali Cultural Arts building, located at 353 Dr. Martin Luther King Boulevard. She said Mr. Downey has indicated that he remembered when his parents brought him to Pompano Beach in 1938 through to 1950. Finally, Ms. Armbrister indicated the maps would not depict what Pompano Beach is today, but it depicts those persons that came to Pompano and turned it into the City that is known today.

**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.

Pursuant to Section 30.07(C)(2)(c) of the City's Code of Ordinances, "Thirty minutes or such time needed to permit ten members of the public to speak, whichever is longer, shall be set aside at the beginning of each City Commission meeting for the "audience to be heard" session. The "audience to be heard" session shall be continued at the end of the Commission meeting in the event that individuals wishing to speak are not reached during the first session". (Effective November 27, 2007)

The following persons were called to speak:

**G.O. Bond Issue** - Joseph Ryan, 427 NE 24th Avenue, Pompano Beach, FL, spoke in opposition of the G.O. Bond Issue and provided details of his reasons why he would not support it. Some of the areas he complained about is the matching funds the city pays coming out of federal government, and funding 10 years of socialist welfare programs that the City cannot afford. Mr. Ryan indicated that the free Enterprise and

Entrepreneurs take care of the fate of the City, which is not needed. He complained that zonings are being changed and there are attempts to invade single residences and make mix zoning an issue. Also, they will destroy people's long venture in paying their mortgages and debts and to make them into something they do not want to be. He alleged that the Fire and Police Departments are approaching \$100 million in payroll and the City has plenty of debts to consider. Therefore, Mr. Ryan encouraged the City Commission to get some experts to decide the fate of the city as it relates to costs.

**Tiger Trail Festival Activities and Events** - Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, Chairman of the Tiger Trail Festival Committee thanked numerous persons who have been attending the activities of the Tiger Trail Festival Committee in honoring Black History month. He said the participation of the community within the City has been outstanding, which could not have happened without the volunteers, which is comprised of approximately 50 persons from throughout the City. He mentioned that the Chamber of Commerce, the Public Works Department, the Parks and Recreation Department, the Police Department, and a number of the Commissioners have been outstanding with the positive public relations stance they have taken for Black History month.

Mr. Phillips reported that they had an event named the Collier City Trailblazers, which was the first of its nature and it was an outstanding success. The Gala was sold out and if they had more room they could have had more people attending. He concluded that the City is "hungry to participate in not only Black History but American History."

Mr. Phillips invited the City Commission to the next and final event, which is the Festival to commence on Saturday, February 17, 2018, from 10:00 a.m. to 7:00 p.m. Mr. Phillips also thanked the sponsors for their participation, as well as the outstanding job performed by the City Manager.

**G.O. Bond Issue** - George Dillard, Pompano Beach, FL, thanked Comr. Perkins and City Manager Greg Harrison for his great work and for promising to assist his neighborhood, therefore, he confirmed that he would support the G.O. Bond. He concluded that anytime there is progress there is success and he is looking forward to this promise being fulfilled. Mr. Dillard named a few issues still happening in the neighborhood that is not good, for example there are chickens running around the neighborhood, drugs, and trash are still plaguing the neighborhood and other things that should have been taken care of years ago, which has not been done. He believes coming together is the beginning, keeping together is progress, and working together is success.

**Bills in Tallahassee for Housing Trust Fund and Pay Day Loan Banks** - Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, mentioned that there are a couple of issues going on in Tallahassee that he is requesting the City Commission ask the City Manager and staff to look at and bring back to the City Commission to take position on. 1) The Housing Trust Fund, which each year the moneys designated are "raided" by the Governor and others. However, Mr. Thrower indicated that the moneys are needed for the homeless and veteran population in the City. Therefore, he requested that staff include this item for the lobbyists' list. 2) There is a Bill in Tallahassee that is pushed by the Pay Day Loan Banks facilities that are looking to increase interest rates and prey on those who cannot afford not to live from paycheck to paycheck. He urged the City Commission to oppose any legislation that will give these institutions the right to prey on the poor and needy, similar to what other cities have done. He indicated that the facilities are needed but to raise rates and prey on the poor should not be tolerated.



Mayor Fisher directed the City Attorney to prepare resolutions for the next City Commission meeting for consideration to oppose those and to send it to Tallahassee. He also advised that the City's lobbyists should know about the resolutions once they are passed so they can work hard against those issues.

**Markham Elementary School** - Dahlia Baker, Pompano Beach Women's Club, 314 NE 2nd Street, Pompano Beach, FL, mentioned that there has been a lot of discussion regarding Markham Elementary School. Therefore, the Women Club representatives are present to request the City Commission to draft a resolution in support of keeping Markham Elementary School open. They are urging the entire community to get behind supporting that school to improve its grades. The Women's Club is also behind the effort to get the grades improved.

Mayor Fisher on behalf of the City Commission stated that they would be honored and privileged to pass such a resolution at the next meeting supporting this effort.

Ms. Baker also requested that the City requests Broward County School Board to dedicate the resources, if necessary, to make it happen.

**Questions on G.O. Bond** - Angela Hill, 760 SE 22nd Avenue, Pompano Beach, FL, stated she has a few questions regarding the G.O. Bond. First, she wanted to know why it needed to be a special election, because the City could have saved approximately \$250,000 by putting the Bond on the November General Elections. She also provided her opinion as to why it may have been decided on to put it on this March's election ballot.

Second, she said the Bond is approximately \$180 million and asked how much is the total cost to be repaid to the credit card lender with fees, since this will be financed. She indicated that she has been told it would be upwards of \$300 million, which does not add up to staff's estimation of six cents per thousand figure. She asked why the opponents of this "money grab" are not allowed to tell the other side of this subject.

Third, Mrs. Hill asked who approved the projects, and how were the costs determined. She indicated that she was unaware of any studies being done of any of the work being put out for bid. She mentioned that in the backup, there is only one page of information for a \$25 million improvement for the betterment of Dixie Highway as proposed by the G.O. Bond. Moreover, it states that "the improvement is not mandated and it goes on to say if the funding does not occur, Florida Department of Transportation (FDOT) will proceed with it, resurface and restripe." Mrs. Hill asked why spend \$25 million and where is all the information related to the matter. She asked if there is any guarantee that the moneys will be spent on the projects and not get reallocated after the fact, if it is passed.

Mayor Fisher mentioned that on the Special Election issue, the City had asked the Supervisor of Elections Office to do the election in August but they could not accommodate the City, so the next available date was in March. Moreover, the rising of costs and interest rates were critical to ensure if it passed to get the best rates available to the City, not knowing the future income as we move "down the road."

City Manager Harrison responded that is correct and explained if there was a fraction of a difference in waiting to sell the Bond, if it passed, would greatly impact the life of the bond of over \$600,000.

Mayor Fisher responded to the \$180 million total cost of the Bond and stated that the projected interest rate was about four points.

Mr. Harrison indicated that the financial advisers recommend that the City uses a high number of four and half percent on these calculations for the sixty cents per thousand and this is affixed rate being forecasted. However if the Bonds sell for less than that, then the sixty cents per thousand would be less. But it would be for the life of the bond, which will be over a 30 year period.

Mayor Fisher indicated that the list of 25 projects were vetted and the City Commission decided on the projects.

Mr. Harrison indicated that is correct and that in October 2017 all of the projects were accompanied with a resolution calling for the referendum in March. He reiterated that the projects were fully vetted in one on one meetings several times with the City Commission and as a group and it was formally acted upon in October.

Comr. Hardin indicated that the parks projects came from the parks' master plan, which were vetted in the community and by the Parks and Recreation Advisory committee and at several community meetings.

Mr. Harrison replied most of them did.

Mrs. Hill asked if the projects came out of the Penny Tax questions that went before the voters in 2016.

Mr. Harrison explained in detail how the process started in 2015 and progressed to the current status of putting a list together for unfunded projects.

Mayor Fisher responded to the question regarding the reallocation of the funds. He stated that the funds are positioned for the 25 listed projects and explained the only way the projects could ever get repositioned, it would have to go before the City Commission, as well as any prioritization.

Mr. Harrison confirmed what the Mayor said is correct and added that the allocations will stay within the related ballots cast. In other words, the Florida law requires that similar projects to be on the same ballot. For example, parks and recreation projects would be one question, and streets, roads and bridges another question, and so forth. So each ballot can independently pass or fail.

Mayor Fisher addressed Mrs. Hill's comments regarding unavailble information regarding the G.O.Bond. He stated that the information on the complete G.O. Bond is on the City's website. So more information is readily available of more than what has been provided in the backup.

Mr. Harrison indicated that he would be happy to meet with Mrs. Hill to go over any concerns that she may have regarding the Bond. As well as there are pamphlets on the table in the lobby that are available with information regarding the Bond and the projects.

Mayor Fisher also explained the calculations in details regarding the repayment of the Bond.

Comr. Sobel stated that he has done extensive research on the G.O. Bond and he will be doing an article on his email regarding his position on the subject. He indicated that he has concerns and he is not in favor of the passage of the bonds. Comr. Sobel indicated that the people of Pompano Beach need to have more open and honest discussion of the actual facts underlining the long term, enormous tax burden that will be added to the residences and businesses in the City. He opined that it will be too burdensome and would force some residents and businesses to go elsewhere. He then provided more details of his understanding of how the calculations of the bonds can be affected due to the economic ups and downs.

Comr. Sobel also complained about the website information being inadequate regarding how the funds will be expended. Actually, the dollar numbers on the projects and on the Bond are speculative. There are no specs rather they are concepts as indicated on the City's website.

Comr. Sobel concluded that it is important that each resident in the City to become fully informed and ask lots of questions, ask why a particular project, why now, why the cost and why the sequencing and ensure the answers are received to those questions. He said the City can educate and the Commissioners and Mayor can advocate.

Mayor Fisher indicated that everyone has an opinion on the subject, but when there is mention of facts it is important to provide the public with enough factual items and not just provide an example, which he used the incident regarding the life guard stations being talked about to cost \$380,000 each, which is not true but rather they are costing \$80,000 each.

Suzette Sibble, Assistant City Manager, responded to some of the points made as it relates to the quantitate information and questions that were asked earlier. First, there was a comment on the interest rate and the potential for it to skyrocket by the time the bonds are sold. It is true, if voters approve the Bonds in March it will take a few months to sell them and raise the proceeds. However, the City has engaged a financial advisor, who submits all the information to her for review. She stated that Public Financial Management is an independent consultant, hired by the City and they make all calculations related to the bond.

Second, in terms of the 3% escalation in the valuation over the 30 years, this is what the financial advisors calculated and prepared the information for a lot of cities in Florida that issues General Obligation Bonds. Therefore, it is typical to calculate at an average of 3% increase in valuation over the life that the bonds would be outstanding. Ms. Sibble indicated that she validated this information and had looked at the City's historical valuation growth over the last 30 years. There has been three recessions over that time so it is a good thing to bench mark against. Also, there has been an average increase of 5% in valuation over the 30 year term. Ms. Sibble stated that they are expecting \$110 million in additional valuation to be added to the City in the next two years. She explained the process of calculation which is conservative based on history and what is expected to come.

Third, Ms. Sibble agreed that the projects amount of \$175 million is based on estimates. Actually, the entire city budget is based on estimates. Capital Improvement Plan that the City Commission adopts every year is based on estimates. However, behind the estimates are the expertise of the engineering staff, and project managers that are out in the field constructing projects throughout the city so they are aware of what is going on

in terms of the indicators as to what things are being sold for. An escalation was built into the numbers noting that the projects will not be constructed immediately, which they will have to be prioritized. Also, there is escalation for inflation as well, there are contingencies, so staff believes cushion has been built in and explained the process in details.

Ms. Sibble mentioned briefly about the Parking Garage, which was a complex financial structure but she is available to discuss why the vision for the parking garage. The economic impact that is being projected for the area will come back to the residents of the City, which is estimated to provide \$100 million in revenues over the next 25 years.

Comr. Sobel provided extensive comments on five points regarding the important projects being built whether the bond passes or not. He also addressed the point regarding the current debts that the City has in place, which is a substantial amount.

Mayor Fisher indicated that Comr. Sobel stated that the projects will be built whether the bond passes or not and asked how will this be accomplished if the bond does not pass.

Comr. Sobel responded that there are other mechanisms that the City has already used such as a \$265 million operating budget on an annual basis. Afterward an extensive debate ensued among Comr. Sobel, and Mayor Fisher regarding the utilization of the annual budget to fund the proposed projects that are presented for the G.O. Bond.

Comr. Hardin asked if the full faith and credit of the City of Pompano Beach is behind the garage.

Ms. Sibble replied no.

Comr. Sobel indicated that whatever the semantics are, if there is a default on that, it ultimately puts the credit rating of the City at risk. Not directly, because the difference between the Certificates of Participation with the garage is that it did not need voter's participation, or needed to comply with the City's charter, because the commission could go ahead and do that. So, now the reason they are doing it this way is because it requires compliance with the City's charter and it requires a vote on a ballot. However, if there is a default on the Certificates of Participation, Comr. Sobel asked how will that affect the credit rating of the City of Pompano Beach.

Ms. Sibble replied that potentially, future creditors would frown on that. However, if there was any indication in the way the City structured it going forward, it would involve a lot of "what if's" but all that could be put behind and it is all the effort and expertise that went into building that financial structure for the garage. Ms. Sibble then expounded on how the bills are being paid, so the City is not in default. Moreover, the investors would react if the City was failing at its debt payment responsibility.

An extensive debate followed among Comr. Sobel, Mayor Fisher and Comr. Hardin regarding the pros and cons on financial decisions being made to get certain projects of the city moving forward. Also, the comments or statements being made by each person on the dais that are proven to be either facts or lies.

**D. CONSENT AGENDA**

There was no discussion on Consent Agenda items 2 through 8.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to approve the Consent Agenda. The motion carried by a unanimous voice vote.**

1. [18-182](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SMALL MATCHING GRANT PRESERVATION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA, DEPARTMENT OF STATE, DIVISION OF HISTORICAL RESOURCES, FOR THE BLANCHE ELY MUSEUM; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$50,000)

**(Staff Contact:** Horacio Danovich/Anthony Alhashemi)

Comr. Perkins pulled the item for discussion. She expressed concern with the Blanche Ely Museum because she did not see in the backup anything pertaining to the landscaping in the process of the renovation.

Anthony Alhashemi, City Engineer, responded that currently the landscaping is not on the list from the historical preservation as acceptable reimbursements. Presently, the only acceptable reimbursed items are building related.

Mayor Fisher asked if there is enough funding to complete the landscaping of the museum.

Mr. Alhashemi responded yes, and he said funds would be coming from the Capital Improvement Projects (CIP) budget.

Horacio Danovich, CIP Manager stated that in the new budget for 2018, it included improvements for Phase II of Blanche Ely, which includes the additional landscaping and additional park-like facilities that are being built to the project. He then explained how the first phase was carried out and the funds spent for it. Currently, he said Phase II is still being designed.

Comr. Perkins asked for a schedule on the completion date.

Mr. Alhashemi responded that Phase I should be completed in April and final completion which will include landscaping and parking would be at the end of summer 2018.

**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. 2018-74**

2. [18-183](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO 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. 2018-75**

3. [18-187](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A THIRD AMENDED AND RESTATED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING AMONG THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, BROWARD COUNTY, THE CITY OF POMPANO BEACH, AND VARIOUS OTHER MUNICIPALITIES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Maggie Barszewski/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. 2018-76**

4. [18-185](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SETTLEMENT AGREEMENT AND RELEASE OF MUNICIPAL LIEN BETWEEN THE CITY OF POMPANO BEACH AND VIRGINIA C. BOONE TO RESOLVE PENDING CITY'S FORECLOSURE ACTION AGAINST 2261 NE 12TH STREET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Fawn Powers)

**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. 2018-77**

5. [18-190](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTIGUOUS SHARED COMMON DOCKING AGREEMENT AMONG SUMMIT POINT, L.L.C., ROBERT G. AND BAMBI J. COLLETTE, AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: John Sfiropoulos)

**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. 2018-78**

6. [18-197](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, URGING ALL MEMBERS OF THE FLORIDA STATE LEGISLATURE TO SUPPORT SENATE BILL 562, AMENDING SECTION 386.209, FLORIDA STATUTES, AUTHORIZING MUNICIPALITIES AND COUNTIES TO REGULATE SMOKING WITHIN THE BOUNDARIES OF CERTAIN PUBLIC PARKS AND DESIGNATED FACILITIES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

**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. 2018-79**

7. [18-201](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A GRANT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, ACCEPTING A GRANT IN THE AMOUNT OF \$287,500.00 FOR THE POMPANO BEACH DRINKING WATER INTERCONNECTS REHABILITATION PROJECT; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: \$287,500)

(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. 2018-80**

8. [18-211](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONSENT FOR BROWARD COUNTY TO PROVIDE A REVOCABLE LICENSE TO HISPANIC UNITY OF FLORIDA, INC. FOR CERTAIN PROPERTY LEASED BY CITY TO BROWARD COUNTY FOR USE BY ANNIE L. WEAVER HEALTH CENTER AND FAMILY SUCCESS CENTER; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

(Staff Contact: Phyllis A. Korab)

**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. 2018-81**



**E. REGULAR AGENDA****9. [18-165](#) P.H. 2018-32: (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 LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FLORIDA INLAND NAVIGATION DISTRICT FOR ALSDORF PARK; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JANUARY 23, 2018**

(Staff Contact: Mark A. Beaudreau)

Mark Beaudreau, Recreation Programs Administrator, presented the item and stated that it is the second reading and there are no further comments on it.

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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: ORD. No. 2018-30**

**10. [18-184](#) P.H. 2018-42: (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 SECOND EXTENSION AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE UNITED STATES COAST GUARD AUXILIARY FLOTILLA 34, FOR A PORTION OF THE PARCEL CURRENTLY LEASED BY THE CITY FROM THE FLORIDA INLAND NAVIGATION DISTRICT, COMMONLY KNOWN AS ALSDORF PARK; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Mark A. Beaudreau)

Mark Beaudreau, Recreation Programs Administrator, presented the item and mentioned it is a second extension agreement for five years, which will allow the men and women of the coast guard auxiliary to continue with their education component and the fine service they perform for the City's community and for their country.

Mayor Lamar Fisher thanked the Coast Guard Auxiliary who was in attendance at the meeting and special thanks to Richard Leys for his leadership and for all the programs being provided to the residents.

**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 roll call vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No:**

11. [18-174](#) **P.H. 2018-34: (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 REMOVE THE TIME LIMIT FOR NEW CUSTOMERS TO RECEIVE NO COST CONNECTION TO THE REUSE SYSTEM; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JANUARY 23, 2018**

(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Utilities Director, presented the item and stated it is the second reading of the ordinance to remove the sunset provision in the reuse cycle and water program.

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

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

**Enactment No: ORD. No. 2018-31**

12. [18-205](#) **P.H. 2018-46: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 34, "CITY POLICY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 34.107, "POSITION CLASSIFICATION PLAN," BY RECLASSIFYING CERTAIN POSITIONS, BY RETITLING CERTAIN POSITIONS; BY CREATING CERTAIN POSITIONS, AND BY RETITLING AND RECLASSIFYING CERTAIN POSITIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$752,821.00, which was previously approved in FY 2018 departmental budgets)

**(Staff Contact:** Ed Beecher)

Ed Beecher, Human Resources Director, presented the item and stated that the proposed ordinance is to modify Section 34.107, Position Classification Plan, of the Code of Ordinances. He explained that this method is used to make changes to the position classification plan. He said it is ministerial in nature to amend the code to what the City Commission approved previously in the budget process and with the approval of the General Employees Union Contract.

Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, asked if the positions are totally necessary.

Mr. Beecher responded that the positions were budgeted, and yes they are necessary.

Comr. Sobel understands that the positions were budgeted for the current fiscal year and asked how many employees' raises were included in the \$752,000.

Mr. Beecher explained that in the backup there are details by position and through the budget process there were 25 budgeted positions, 10 of which had a cost associated with them. In addition, through the General Employees contract there were reclassifications for seven positions and two pay grade increases.

Comr. Sobel said he does not understand the "tightening of belt" concept by allowing \$752,000 for nineteen employees' additional reclassification salary and benefits. Therefore, he asked if there is a time when costs are ever reduced to include cutting salaries.

Additionally, Comr. Sobel requested clarification or reasons behind the increases, as it appears the City is paying very high level salaries for employees when compared to other cities with similar positions.

Greg Harrison, City Manager indicated he did not want to engage in a single argument with Comr. Sobel about this and desires for Comr. Sobel to talk to him about this matter prior to coming to the meeting. He then clarified that this matter was discussed extensively during the budget process and the union contract. A very extensive discussion followed between Mr. Harrison and Comr. Sobel, regarding the various positions that are being reclassified, and the reason provided that the City was losing quality employees in the categories provided. Also, included in the discussion was the Cultural Arts Director position, which is not yet in place.

Comr. Sobel asked when has the City ever spent less or cut back over the last five years, if at all.

Mr. Beecher responded that there was a period of time during 2008 when cutbacks were made. He explained that there are contractual obligations and general employee contracts that require fixed COLA adjustments and performance evaluation. Notwithstanding, in 2008 through 2015 the City had cuts in several departments where there were no raises given, and no COLA adjustments given for several years. So, over time and during the recession period cuts were made. In addition, Mr. Beecher provided a breakdown of the total amount of \$128,000 salary of the CAC Director, which includes all benefits the City offers.

Mayor Fisher indicated that the word “transparency” has been used quite a bit and he wanted to inform the public that the City did not just have a fifteen-minute budget meeting. He stated that the City Commission and staff had several budget workshops that started in May, which is done every year and then one on ones, with the ultimate meeting in July for the full workshop to allow the City Commission to make budgetary decisions. Moreover, with the transparency issue, when the budget is passed the employee classification is included in the budget. Also, when the labor union contracts were passed they were also included in the budget.

Additionally, Mayor Fisher commended the Fire Department and the General Employees, as well as the Broward Sheriff’s Office (BSO), who worked hard and several years during the recession without any COLA adjustments, as the City continued to cut costs. Moreover, he understands that it is the City Manager’s goals to have each department look to reduce their budget by approximately 10%. Finally, Mayor Fisher indicated that the City wants to ensure that it is staying competitive with the rest of the surrounding cities and ensure the employees that are being invested in are kept in place at the same time they are being awarded for their hard work. In sum, this was totally transparent as reflected in the budget.

In response to Comr. Moss’s question on how many employees are within the City, Mr. Beecher replied 768 full time. Comr. Moss believes that with the 19 proposed reclassification positions the number is small considering the total amount of employees.

Comr. Sobel indicated that since 2005 the number of employees in the City has increased 26% and since the same time the residents increased by 6%.

Comr. Moss indicated that the numbers provided by Comr. Sobel is not quite accurate. The census counts people residing in the City all year round permanently. He mentioned that in his district, the Palm Aire area, at least 40% of the people who owns and pay taxes, as well as rely on the Fire and Police departments, are not

counted as citizens because they live elsewhere. Perhaps, it is safe to say this applies to residents in district 1, where there are many “snow birds” who come from other places.

**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  
Burrie  
Fisher

**No:** Sobel

13. [18-143](#) **P.H. 2018-33: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA AUTHORIZING THE APPROVAL OF A CONTRACT WITH SITEONE LANDSCAPE SUPPLY, HOWARD FERTILIZER & CHEMICAL CO., INC., SUNNILAND FERTILIZER CORP., HELENA CHEMICAL CO., RESIDEX LLC, DIAMOND R FERTILIZER CO. INC. AND HARRELL’S, LLC FOR THE PURCHASE OF FERTILIZER AS NEEDED, PURSUANT TO THE PRICING, TERMS AND CONDITIONS AS PROVIDED FOR IN TOWN OF DAVIE, FLORIDA, RFP NO. B-17-124, ISSUED ON BEHALF OF THE SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING COOPERATIVE, IN THE APPROXIMATE AMOUNT OF \$35,000 PER YEAR; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$35,000.00)

**FIRST READING: JANUARY 23, 2018**

(Staff Contact: Robert McCaughan)

Robert McCaughan, Public Works Director, presented the item and stated that this will allow the City to enter into a co-op agreement to purchase fertilizer for the needs of the City. He said there are no other changes from the first reading of the ordinance.

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

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

**Enactment No: ORD. No. 2018-32****14. [18-166](#) P.H. 2018-31: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA AUTHORIZING THE APPROVAL OF A CONTRACT WITH AUSTIN TUPLER TRUCKING, INC. AND FLORIDA SUPERIOR SAND, INC. FOR THE PURCHASE OF AGGREGATES, TOP SOIL AND SAND, AS NEEDED PURSUANT TO THE PRICING, TERMS AND CONDITIONS AS PROVIDED FOR IN CITY OF MARGATE, FLORIDA, BID NO. 2018-001, ISSUED ON BEHALF OF THE SOUTHEAST FLORIDA GOVERNMENTAL PURCHASING COOPERATIVE, IN THE APPROXIMATE AMOUNT OF \$130,000 PER YEAR; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: 130,000)

**FIRST READING: JANUARY 23, 2018**

(Staff Contact: Robert McCaughan)

Robert McCaughan, Public Works Director, presented the item and stated that this will allow the City to enter into a co-op contract to purchase top soil aggregates in sand. He said there are no changes from the first reading of the ordinance.

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

**Yes:** Hardin  
Perkins  
Sobel  
Burrie  
Fisher

**Absent:** Moss

**Enactment No: ORD. No. 2018-33****15. [18-192](#) Summary Activity Report of Internal Audit Projects for 13 month period from December 2016 through December 2017.**

(Fiscal Impact: N/A)

(Staff Contact: Deusdedit (DC) Kiyemba)

Deusdedit Kiyemba (DC), Internal Auditor, presented the item as the first audit activity report since his appointment last year. He stated that the activity report covers 13 months from December 2016 through December 2017. He reported that the internal audit staff worked on 917 projects totaling \$70.5 million

representing budget, contracts, or revenue dollars. He said the report provides a project summary dashboard and the details section including scope, standards, background, risk ratings, audit results, recommendations and the city department's corrective actions taken to implement the auditor's recommendations.

Mr. Kieyemba indicated that as explained in the cover letter to the report, a consistent process is followed to ensure objectivity and accuracy of the reports. Therefore, the recommendations in the audits are intended to improve, control, reduce risk ratings and increase operational efficiencies. He then elaborated in detail the process involved with the internal auditing activities with the departments within the city.

Mr. Kieyemba reported that 17 projects were completed or had the status as shown in the report. He mentioned that prior to corrective actions, the risk ratings are either red, yellow or green. The auditor's department provide recommendations to get the ratings down to green. The recommendations are intended to reduce the identified risks. He stated that the 17 completed projects include fiscal year 2016 single audit, which is done in partnership with the outside independent auditors. There were 31 parks and recreation and cultural arts department agreements, which were provided with technical assistance. In addition, the review of cloud computing agreements with vendors for outsourced Information Technologies (IT) or other services, fleet services, operations, and communications.

Finally, Mr. Kieyemba indicated that the internal audit department welcomes the City Commission's feedback on the specific activity report or on other current or planned activities, so the requirements and needs will be met.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, stated that the internal auditor is one of the four persons that the City Commission hires and fires and have control over. However, the internal audit report is put under the regular agenda. Therefore, if he truly works for the City Commission why not put his report at the end with all the other persons, i.e. the City Manager, City Attorney and the City Clerk. He feels it is inappropriate to put the auditor's report under regular agenda.

Mayor Fisher explained that it is great to have the public to be able to fully understand the audit and the explanation of the report. This provides a better opportunity for the public to come forward, as well as provide for transparency and honesty to the public. Moreover, the reports are done quarterly throughout the year.

Mr. Kieyemba stated that traditionally the report is done once a year.

Mayor Fisher said it was discussed that perhaps it could be done a bit more frequently.

Mayor Fisher thanked Mr. Kieyemba for providing the report in advance for the City Commission's review prior to formally presenting it at the meeting.

Comr. Sobel thanked Mr. Kieyemba for doing an excellent job on his first time in the position.

Comr. Hardin welcomed Mr. Kieyemba and commended him for doing a good job.

**A motion was made by Commissioner Hardin, seconded by Vice**

**Mayor Burrie, that the Informational Report be ACCEPTED. The motion carried by the following vote:**

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

16. [18-199](#) **P.H. 2018-40: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING CHAPTER 100, "STREETS," TO REFERENCE MODIFICATIONS TO STREET STANDARDS INCLUDED IN THE TRANSIT-ORIENTED (TO)/EAST OVERLAY DISTRICT (EOD) DISTRICT AND OTHER OVERLAY DISTRICTS THAT INCLUDE STREET REGULATING PLANS AND DIAGRAM; PROVIDING FOR THE AMENDMENT OF CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES, BY AMENDING SECTION 155.3501., "TRANSIT-ORIENTED (TO) SPECIAL BASE ZONING DISTRICT," TO MODIFY THE PURPOSE OF THE DISTRICT AND TO ADD AND DELETE TYPICAL LOT DIAGRAMS; TO PROVIDE A REVISED PROCESS FOR CREATING A TRANSIT-ORIENTED (TO) BASE ZONING DISTRICT; CLARIFYING THAT SAID ZONING DISTRICT MUST ALSO BE CONCURRENTLY ZONED WITH AN OVERLAY DISTRICT WITH DISTRICT-SPECIFIC REGULATING PLANS; DEFINING TRANSIT-ORIENTED (TO) DISTRICT STREET STANDARDS; BY INCLUDING ADDITIONAL PARKING STANDARDS INCLUDING VALET AND TANDEM PARKING, SHARED USE PARKING, OFF-SITE PARKING AND LOADING STANDARDS; BY ADDING STANDARDS FOR SURFACE PARKING LOTS AND PARKING GARAGES; BY ADDING ADDITIONAL STREET TREE REQUIREMENTS; BY INCLUDING ADDITIONAL TYPES OF OPEN SPACES; BY CLARIFYING SCREENING, FENCES AND WALL REQUIREMENTS; BY INCLUDING MAXIMUM HEIGHT ENCROACHMENTS; BY MODIFYING BUILDING LENGTH, SEPARATION AND BUILDING BREAK REQUIREMENTS FOR PROPERTIES SUBJECT TO FAA HEIGHT LIMITATIONS; BY INCLUDING ACTIVE USE STANDARDS AND FAÇADE ARTICULATION, ARCHITECTURAL TREATMENT AND COLONNADE STANDARDS; BY CLARIFYING STANDARDS RELATED TO LIVE-WORK UNITS; BY RELOCATING AND MODIFYING THE BUILDING TYPOLOGY AND PLACEMENT REGULATING DIAGRAMS AND RELATED SETBACKS AND LOT STANDARDS PREVIOUSLY INCLUDED IN SECTION 155.3708., "DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT," INTO THE TRANSIT-ORIENTED (TO) DISTRICT REGULATIONS; BY AMENDING SECTION 155.3708., "DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT," TO MODIFY REFERENCES TO THE DPOD REGULATING



PLANS; BY ADDING MINIMUM COMMERCIAL GROUND FLOOR HEIGHT STANDARDS AND REQUIRING ALL BUILDINGS OVER SIX STORIES TO BE DEVELOPED UNDER THE TOWER BUILDING TYPE STANDARDS; DELETING ACCESSORY STRUCTURE AND COLONNADE DESIGN STANDARDS; REMOVING TABLE 155.3708.F.1, WHICH REPEATED THE DENSITIES SHOWN ON THE DENSITY REGULATING PLAN AND RENUMBERING SUBSEQUENT TABLES ACCORDINGLY; ELIMINATING REGULATIONS RELATED TO THE TOWER AND OTHER BUILDING TYPES, WHICH ARE NOW INCLUDED IN THE TRANSIT-ORIENTED (TO) BASE ZONING DISTRICT; ADDING TABLE 155.3708.G.2.a MINIMUM AND MAXIMUM FRONT AND STREET-SIDE SETBACKS; MODIFYING LOT STANDARDS TO REFER TO THE BUILDING TYPOLOGIES IN THE TRANSIT ORIENTED (TO) BASE ZONING DISTRICT; REMOVING REGULATIONS FOR FENCES, WALLS AND HEDGES THAT ARE NOW INCLUDED IN THE TRANSIT-ORIENTED (TO) BASE ZONING DISTRICT REGULATIONS; REMOVING PUBLIC OPEN SPACE CLASSIFICATIONS THAT ARE NOW INCLUDED IN THE TRANSIT ORIENTED (TO) BASE ZONING DISTRICT REGULATIONS; REMOVING STREET DESIGN STANDARDS THAT ARE NOW INCLUDED IN THE TRANSIT-ORIENTED (TO) BASE ZONING DISTRICT; TO CLARIFY THE AFFORDABLE HOUSING REQUIREMENTS; TO DELETE THE BUILDING TYPOLOGY AND PLACEMENT REGULATING DIAGRAMS, AND TO DELETE THE PREVIOUS VERSIONS OF TABLES 155.3709.G.2.a AND 155.3708.G.3.; BY CREATING SECTION 155.3709., "EAST OVERLAY DISTRICT (EOD)" TO ESTABLISH THE OVERLAY ZONING DISTRICT REGULATIONS, REGULATING PLANS, EAST OVERLAY DISTRICT (EOD) USE TABLE AND EAST OVERLAY DISTRICT (EOD) STREET DEVELOPMENT REGULATING DIAGRAMS AND ALL PROVISIONS RELATING THERETO TO GOVERN DEVELOPMENT AND REDEVELOPMENT OF PROPERTIES WITHIN THE EAST TRANSIT ORIENTED CORRIDOR (ETOC) LAND USE CATEGORY; BY AMENDING CHAPTER 155, ARTICLE 9, PART 4, "MEASUREMENT, EXCEPTIONS AND VARIATIONS," TO INCLUDE PARKING GARAGE SHADE STRUCTURES IN THE MAXIMUM HEIGHT EXCEPTION REQUIREMENTS FOR THE EAST OVERLAY DISTRICT (EOD) AND CITYWIDE; BY AMENDING CHAPTER 155, ARTICLE 9, PART 5, "TERMS AND USES DEFINED," TO CREATE OR REVISE VARIOUS DEFINITIONS RELATED TO THE TRANSIT-ORIENTED (TO) BASE DISTRICT AND EAST OVERLAY DISTRICT (EOD) OVERLAY DISTRICT REGULATIONS; BY AMENDING CHAPTER 155, ARTICLE 4, SECTION 155.4222., "RETAIL SALES AND SERVICES USES - RETAIL SALES," TO SEPARATE GROCERY AND CONVENIENCE STORE DEFINITIONS AND USE STANDARDS TO REGULATE PERMITTED USES IN THE EAST OVERLAY DISTRICT (EOD) AND RENUMBERING THE LIST OF USES ACCORDINGLY; BY AMENDING CHAPTER 155, ARTICLE 4, SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO INCLUDE THE EAST OVERLAY DISTRICT (EOD) IN THE EXCEPTIONS FOR OUTDOOR SEATING DISTANCE REQUIREMENTS FROM SINGLE-FAMILY

HOMES OR SINGLE-FAMILY (RS) ZONING DISTRICTS; AND TO ADD THE EAST OVERLAY DISTRICT (EOD) TO TABLE 155.4501.B EXCEPTIONS TO THE MINIMUM SEPARATION OF USES INVOLVING THE SALE OF ALCOHOLIC BEVERAGES FROM CERTAIN EXISTING USES; BY AMENDING CHAPTER 155, ARTICLE 2, TABLE 155.2421.B.1, TO ALLOW ADMINISTRATIVE ADJUSTMENTS TO CERTAIN REGULATIONS IN THE TRANSIT-ORIENTED (TO) BASE ZONING DISTRICT AND THE EAST OVERLAY DISTRICT (EOD); BY CREATING CHAPTER 155, ARTICLE 5, SECTION 155.5605., "PARKING DECK OR GARAGE DESIGN STANDARDS," TO CREATE DESIGN STANDARDS FOR PARKING DECKS AND GARAGES APPLICABLE TO PARKING FACILITIES IN THE EAST OVERLAY DISTRICT (EOD) AND CITY-WIDE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Jean Dolan, Development Services Department, presented the item and stated that both the current and the following item are both for the East Transit Oriented District (ETOD). The first item (16) will be on creating the text, which creates the district, and the second item (17) will be to amend the map to rezone all the properties to be in the Transit Oriented (TO) based district with an East Oriented District (EOD) overlay.

Ms. Dolan indicated that the Land Use Plan Amendment requires one more reading, and is planned for February 27, 2018, where they will do an overview of the Comp Plan Amendment and do the second reading. In other words, they will do the second reading of the land use and the zoning will happen concurrently at the hearing on February 27, 2018. Consequently, this item will be on the Text and the next agenda item will be on the Map. Since the Map is quasi-judicial the hearing on the text will be closed, and then they would open the quasi-judicial, which will include the swearing in, before doing the map.

Ms. Dolan provided an overview of the extensive outreach process that has been done over the past three years, as it travelled through the approval process. She said there were 18 meetings, 12 public hearings to date and all allowed for public comments. There were four (4) very specific outreach meetings where they not only had presentations, but also had look up stations where anybody with property in the district or near the district by their addresses were pulled up on a map, and they were told specifically how their property would be affected. In addition, Ms. Dolan mentioned that the outreach meetings were constructive and provided staff with the core of the issues to be addressed in the zoning code. Ms. Dolan mentioned that there are two more public hearings remaining this one and the one on February 27, 2018, where there is additional opportunity for public debate.

The attached Exhibit 1 provides the detailed information on the ETOC Zoning Map and Text Amendments that was presented by Ms. Dolan outlining all the changes.

Don Patterson, Riva Development Corporation, 808 East Las Olas Boulevard, Fort Lauderdale, FL 33301, stated that the Planning and Zoning department did a phenomenal job in modifying the current zoning plan for parking in particular. He pointed out that after reviewing the documents he identified a missed opportunity. He said that overlays are really about trying to increase densities in certain communities where they are trying to

grow economic vitality, etcetera, and more particularly, through mixed use development, which he provided a brief background on the particular type development.

Mr. Patterson suggested that the document as presented, should include the idea that off-street parking would not be limited to non-residential uses but instead also make provisions for residential uses in particular, as it relates to mixed use development. He then referred to item F "Off-site parking" permitted. He said the modification could simply be, "Unless it is included as part of the mixed use development."

Mayor Fisher mentioned he received Mr. Patterson's email with the suggested changes and he had asked staff if this would be a good change.

Ms. Dolan responded yes. She stated that they spent a couple of hours on the matter and they recognized in a (TOD) that is some ways down on the continuum, from auto oriented to transit oriented, they would want to have this kind of scenario where there could be offsite parking for residential. She indicated that the City is far down on the auto oriented end of that continuum, therefore, they are unsure the district is ready for offsite non-residential parking. Nevertheless, they recognize that there is a specific proposal in mind when Mr. Patterson came up with the need. This will appear before the CRA Advisory Board on February 20, 2018, where the projects will be considered and the commission decides on which development agreement would be approved. The scenario is not necessary for one project but it is for the other. Therefore, staff would prefer to get clear direction on what the specific needs are for the particular project at hand, prior to creating the code amendment package to address the issue.

Mayor Fisher clarified that the City Commission in whatever decision is made on February 20th, the commission would have the opportunity at the second reading to perhaps make a change if they felt it prudent to do so.

Ms. Dolan replied no and explained that the change being proposed by Mr. Patterson is to the (TO) based district. However, staff felt it would be better to deal with his item in the (DPOD) overlay.

Mayor Fisher suggested that Mr. Patterson continue to work with staff between now and the second reading and hopefully he will attend the CRA meeting on February 20, 2018, and a satisfactory development agreement can be reached with everybody involved. If the City does need to make a change a re-advertisement would be done accordingly.

Ms. Dolan indicated that they would want to take it through the traditional process, through Planning and Zoning Board and the two readings as a standalone.

Doug Matthes, Pompano Beach, FL, provided comments regarding the American Institute of City Planners (AICP), which is a national organization with a good set of standards for city planning and so forth. He then read an article he got from their website regarding their obligation to serve the public's interest.

Mr. Matthes stated that he was unable to find the public hearing, workshop or public meetings with open discussion and debate. He said he attended two meetings and he encountered no public open discussion or debate regarding the proposed ETOC zoning changes, which will change the effect in Old Pompano, which is

his neighborhood. He said they are not in the ETOC but the proposal will have a major effect on his neighborhood.

He said he took some extracts from the ETOC presentation which are as follows:

- Current residential units 1,076
- Proposed residential units 4,798 with 300 in affordable housing. This will mean 6,000 more residents in cars in his neighborhood. It also represents a four and a half time increase in the population.
- Residential street uses from the ETOC presentations - NE 4th Street City bus route runs the entire length and the Coconut Creek Parkway runs the entire length of NE 4th Street.
- NE 1st Street, NE 2nd Street, NE 4th Street designated as primary routes between Federal Highway and Old downtown area. He said it is going through his residential area.
- NE 3rd Street and MLK Boulevard designated as a primary route from Dixie Highway to NE 5th Avenue. This will create more gridlock already experienced in the area.
- Planned statements encourage multi-family use and discourage single-family use.
- No more minimum parking required.
- Atlantic Boulevard will exceed capacity in 2030.

Mr. Matthes stated that there is no traffic plan for his area and there are already a lot of cut through traffic, there is gridlock on NE 5th Avenue.

Additionally, Mr. Matthes stated that in the document it mentions three types of bike lanes, and mentioned that in other states they put a concrete barrier between a bike trail and any kind of motorized vehicle.

Mr. Matthes urged the City Commission to vote no on this item and the following one, until all the points he made earlier are straightened out.

In the meantime, he asked not to put any more traffic in his neighborhood, do not make NE 4th Street, NE 2nd Street, and 1st Street funnels to the downtown, do not remove the diverter at the corner of NE 20th and NE 2nd Street.

Mayor Fisher commented on the public meeting process that Mr. Matthes complained about earlier. Mayor Fisher indicated that in 2015, 2016 and 2017 the meetings that took place, which he had attended some of those workshops. He said there were at least two meetings that there was an opportunity for public dialogue, as recently as December 2017 at the Planning and Zoning Board hearing. Also, on October 9, 2017, the City Commission had a workshop where the public was able to engage and talk back.

Mayor Fisher added that he would try to get some answers on the traffic issues as that is a concern of everybody, whether they will dump the traffic back into the neighborhoods. He said the City wants to be protective in that matter. So, they want to ensure that the residential areas are protected for height and traffic.

Ms. Dolan indicated that an extensive traffic study was done and as a result, there is a whole traffic study

requirement in the EOD overlay. At the end of the code is listed all the requirements for the traffic studies.

Additionally, Ms. Dolan indicated that there will not be any removal of diverters.

Thomas Drum, 2700 NE 8th Street, Pompano Beach, FL, distributed some material to the City Commission with certain Facts and Solution. See Exhibit II attached for further details.

Comr. Sobel asked about the Bright Line Rail Service and how that will affect the calming of traffic, as well as how is that figured into this plan.

Ms. Dolan responded that they have not figured it into the plans. She said the traffic consultant provided how many crossings per day. Notwithstanding, the Bright Line is a really fast train and it does not stop in Pompano Beach yet. She said to get a station in the City would be a huge economic boom to the City in terms of economic development. Eventually, there is a hope to have a Bright Line station in Pompano Beach. However, staff did not factor in the crossing of the Bright Line train.

Vice Mayor Burrie indicated that she sits as the City's representative on the Metropolitan Planning Organization (MPO) board and they have discussed the matter, although they do not have any control over it because it is privately owned. She agreed with the statement made by Mr. Drum on the synchronization of the traffic lights being affected by the Bright Line train. In sum, although the train goes fast it does disrupts traffic.

Michael Skversky, Pompano Beach, FL, asked if another parking garage is being built.

Ms. Dolan replied that they are creating design standards for parking garages. She said in order to take advantage of the development rights that they are creating with the lands use change, structured parking must be used.

Jocelyn Jackson, Pompano Beach, FL, reported that recently, as she was crossing the tracks on Atlantic Boulevard and Dixie Highway, she heard the sound of the train and noticed an elderly couple in wheel chairs going across the railroad tracks. Actually, they were on the outside of the tracks and barely missed the Bright Line train. She said she had a picture of the incident and will email it to the City Manager. She concluded that something needs to be done with regard to the train traveling along the tracks and the timing of the horns with the actual arrival at the crossing gates.

Mayor Fisher requested a motion to amend the permitted use table concerning the beer and wine issue that staff brought forward.

**MOTION: Comr. Hardin made a motion, seconded by Vice Mayor Burrie to amend the ordinance. On voice vote it was unanimously approved.**

Comr. Hardin asked if someone decided to develop a piece of property on Atlantic Boulevard would it then be at the time when a traffic study will be done. Also, will they have to show the impacts and identify the impacts of their development project.

Ms. Dolan replied yes. She said the whole objective is to minimize cut through traffic and to create a design that almost forces it. She explained that the ETOC goes from Cypress Road to the intercostal.

Comr. Perkins asked for a repeat on the amendment of the ordinance.

Mayor Fisher indicated that the amendment was to allow in the permitted use table the beer and wine specialty store.

Vice Mayor Burrie referred to Mr. Matthes comments on the traffic on NE 4th, 1st and 3rd Streets and understands what he is saying, because she lives in a neighborhood and they cut through Cresthaven all the time. Speed humps and stop signs have not calmed the traffic. She is concerned if traffic is diverted and if it is going through the single-family areas, which will create problems.

John McWilliams, Engineer, Kimley Horn and Associates, 5200 NW 33 Avenue, Fort Lauderdale, FL, stated that he has been assisting the team with traffic engineering throughout the whole process. They looked at the specific issue earlier on and at each neighborhood that would potentially be affected by the ETOC and did some preliminary identification of existing cut through patterns that were already identified. Also, they looked at corridors that they believe are candidates for speed reduction, as well as a volume reducing corridor. He said that there are different ways to control speed, as well as restrict volume. They did look at the intersection as well. He explained the process they used, and confirmed that they did not ignore it through the process, but it is just a question of timing.

Comr. Sobel stated that he wanted to comment on the separation of churches, bars and preschools. He understood that under the City's zoning, in general, they had to be at least 500 feet apart. However, in the overlay district he could not find it. Therefore, it appeared that the separation between churches, bars and preschools were eliminated.

Ms. Dolan replied yes they did an extensive presentation on this to the Planning and Zoning Board, because it was the one issue that came up. She explained the process of determining the regulations. She said everything is exempt from those distance requirements except small restaurants with a full bar and strictly bars and lounges. Large restaurants with a full bar are exempted. A detailed analysis was done of the location of the churches and schools within the district and they found it to be limiting. In sum, the biggest thing that made the Planning and Zoning Board agreed to keep the separation requirements was the fact that the City wanted Day Care Centers. Therefore, now that they are replacing the AOD with the EOD everyone agreed 5-1 that they could keep the exemption in the code.

Comr. Perkins stated that she agreed with some of the comments Mr. Matthes made and she is concerned with the outreach efforts and questioned whether or not the people in that area actually know what is going on. She understands that there have been meetings in 2016-2017 and asked if a mail out was sent to everybody that would be affected by this.

Ms. Dolan replied yes they mailed to everyone within the district and within 500 feet of the district. She said both the City and the County did mail outs so there were 12 different public hearings done.

Comr. Perkins was concerned as to how the residents are being informed about the meetings since some residents were complaining that they did not receive some notices of the meeting.

Ms. Dolan indicated that in addition to the mailings they had posted 42 signs in the district. Moreover, all the meetings were well attended.

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

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

#### **QUASI-JUDICIAL PROCEEDING**

Mark E. Berman, City Attorney, advised that items 17,19-22&24 are listed under Quasi-Judicial Proceeding and are quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

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

#### **17. 18-198 P.H. 2018-39: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH FLORIDA, REZONING PROPERTIES DESIGNATED AS THE EAST TRANSIT ORIENTED CORRIDOR IN THE CITY'S COMPREHENSIVE PLAN FUTURE LAND USE MAP AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" OF THIS ORDINANCE FROM SINGLE-FAMILY RESIDENCE (RS-1), SINGLE-FAMILY RESIDENCE 2 (RS-2), SINGLE-FAMILY RESIDENCE 3 (RS-3), TWO-FAMILY RESIDENCE (RD-1), MULTIPLE-FAMILY RESIDENCE 12 (RM-12), MULTIPLE-FAMILY RESIDENCE 20 (RM-20), MULTIPLE-FAMILY RESIDENCE 45 (RM 45); LIMITED BUSINESS (B-1); COMMUNITY BUSINESS (B-2), GENERAL BUSINESS (B-3), GENERAL BUSINESS PLANNED COMMERCIAL DEVELOPMENT (B-3/PCD), MARINE BUSINESS (M-1), PARKS AND RECREATION (PR), TO TRANSIT ORIENTED (TO) WITH THE EAST OVERLAY DISTRICT (EOD); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE

DATE.

(Fiscal Impact: N/A)

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

Jean Dolan, Development Services Department, presented the item and stated that as discussed earlier this is the map amendment that is the companion item to the text change. She said the current zoning map is a mixture of districts and primarily certain areas depicted in dark red and pink only allows non-residential uses currently. In order to do mixed uses in those areas it is necessary to have flex units and the applicant must come in with a proposed development plan.

Additionally, with the rezoning to the TO based district and the EOD overlay, the zoning may well look like the presented and will connect up to the TO district in the downtown. So, it will create a continuous mixed use opportunity from Dixie Highway to the Intercostal. She said there are different set of regulations on the map to include the core centering edge, the use areas, the street regulating diagrams and all those additional map requirements that create the specific amendments.

Meeting went into Recess

Meeting Reconvened

**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. [18-191](#) **P.H. 2018-45: (PUBLIC HEARING)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ALLOCATING A MAXIMUM OF NINETY-NINE (99) FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED IN PALM AIRE, WEST OF POWERLINE ROAD AND SOUTH OF PALM AIRE DRIVE NORTH ON PROPERTY COMMONLY KNOWN AS 2606 PALM AIRE DRIVE NORTH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be TABLED. The motion carried**



**unanimously.**

19. [18-193](#) **P.H. 2018-44: (PUBLIC HEARING 1ST READING)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ALLOCATING 0.7 ACRES OF NONRESIDENTIAL FLEXIBILITY TO CHANGE A RESIDENTIAL LAND USE CATEGORY TO A COMMERCIAL LAND USE CATEGORY ON PROPERTY LYING SOUTH OF NE 28TH COURT AND EAST OF FEDERAL HIGHWAY AND COMMONLY KNOWN AS 1628, 1642, 1656, 1670, 1684 AND 1698 NE 28TH COURT; PROVIDING CONDITIONS AND FOR REVERSION OF NONRESIDENTIAL FLEXIBILITY IF CONDITIONS ARE NOT MET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

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

20. [18-195](#) **P.H. 2018-43: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING SOUTH OF NE 28th COURT AND EAST OF FEDERAL HIGHWAY AND COMMONLY KNOWN AS 1628, 1642, 1656, 1670, 1684 AND 1698 NE 28TH COURT FROM RS-4 (SINGLE-FAMILY RESIDENTIAL) TO B-3 (GENERAL BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Jean Dolan/David Recor)

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

21. [18-215](#) **P.H. 2018-47: (PUBLIC HEARING 1ST READING)**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA ALLOCATING 0.7 ACRES OF NONRESIDENTIAL FLEXIBILITY TO CHANGE A RESIDENTIAL LAND USE CATEGORY TO A COMMERCIAL LAND USE CATEGORY ON PROPERTY LYING SOUTH OF NE 28TH COURT AND WEST OF FEDERAL HIGHWAY AND COMMONLY KNOWN AS 1628, 1642, 1656, 1670, 1684 AND 1698 NE 28TH COURT; PROVIDING CONDITIONS AND FOR REVERSION OF NONRESIDENTIAL FLEXIBILITY IF CONDITIONS ARE NOT MET; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**SECOND READING: FEBRUARY 13, 2018**

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

Jean Dolan, Development Services Department, announced that Jennifer Gomez, Assistant Director, Development Services was handing out letters that they received regarding the application both for and against the project.

Mayor Lamar Fisher, Vice Mayor Burrie and Comr. Hardin all declared that they had ex-parte communications regarding this particular project, the garage and its development. Comr. Sobel also announced that he had ex-parte communications with Steven Wherry, Esq. who explained to him what they are trying to do with respect to the parking garage, the surrounding neighborhood and the Civic Center property.

Mark Berman, City Attorney, asked everybody on the City Commission who had ex-parte communications if they had the same nature of conversation as Comr. Sobel indicated in his declaration. All replied yes, but Mayor Fisher indicated he did not meet with Mr. Wherry, he met with other folks from the applicant. Vice Mayor indicated she spoke with Dennis Mele.

Ms. Dolan presented the item and indicated it is a companion item. She said the first item is for the flex and the following item is for the rezoning. She provided a brief overview of both items, and said thereafter, the applicant will make an overhead presentation to the City Commission.

Ms. Dolan stated that the residential to commercial flex application is to allow a commercial land use and a residential designated parcel. This is a companion item to the rezoning request from RS-4 (Single-family Residential) to B-3 (General Business) to allow the applicant, Pompano Ford Lincoln, to expand their existing parking lot and eventually build a parking structure that utilize their existing parking lot and also a portion of the 0.7 acres subject to the flex allocation and rezoning request. She said the area encompasses six (6) single-family homes, two (2) of which are owned by the applicant and the remaining four (4) are under contract for purchase.

Additionally, Ms. Dolan stated the flex resolution includes conceptual site plans for both the parking lot and the parking structure that include the conditions of approval that was requested by the Planning and Zoning Board (P&Z). She said the companion rezoning also includes a voluntary use restriction that limits the future B-3 uses on the property to either residential, gardens, parking lot or parking structure. Therefore, to ensure compatibility, as well as the setbacks and buffering with the adjacent single-family homes, the future parking structure is required to have a residential façade facing the single-family homes and to meet the parking garage design standards that are being adopted into the City's code.

Dennis Mele, Esq., 200 East Broward Boulevard, Fort Lauderdale, FL, on behalf of the applicant, stated he has a PowerPoint presentation, which he presented to the City Commission. Please refer to Exhibit III - copy of the Powerpoint presented.

Mr. Mele mentioned that the presentation was prepared for a variety of different reasons and so there are a number of slides he would go through quickly.

Colleen Weaver, 1614 NE 28th Court, Pompano Beach, FL, stated that she resides at the northwest corner of

the proposed project. She said she will be really impacted by the proposed changes and she is unhappy about it. Ms. Weaver said she understands progress needs to take place but she does not feel this particular project is in the best interest of the community. The negative financial impact to the neighboring properties will be substantial. Also, she is concerned about the security of her property. She said there was a promise to put a gate to block the property off and should the project be approved then this must be done.

Janine Hurt, 1529 NE 28 Court, Pompano Beach, FL, stated that her property value has gone down approximately \$4,000 in the past 30 days since this project became public. She said Ford wants to do a four year disruption to her street and to her life to construct this enormous garage. She said she is not against Ford improving, but rather they are encroaching. She complained that the two houses that Ford purchased has not been maintained and the property has been an eyesore to the neighborhood with trash and unkempt yards and fences, as well as the homeless trespassers. Ms. Hurt stated they are a neighborhood and complained that the project is too big, too negative and too one-sided. Therefore, she urged the City Commission to think about the negative impact to the people and not disappoint by voting for one business profit line.

Tina Alba, representing Richard Ellis, 1557 NE 28th Court, Pompano Beach, FL, stated they are two doors away from the Hurt's. She stated that they run their business out of their house and this project will be an encroachment. She said progress is fine but not in her neighborhood. Therefore, she urged the City Commission not to allow this company to encroach on the neighborhood's livelihood.

Jeff Hurt, 1529 NE 28th Court, Pompano Beach, FL, stated that his father was the first lifeguard that was hired by the City of Pompano Beach, and worked for 33 years as a lifeguard. He said if he was alive he would be happy to hear how much is being spent on the new lifeguard stations.

Mr. Hurt says he has been residing in his house for 37 years and this project is bad news. He complained that the value of his property will go down and it will be difficult for someone to purchase a house located next to a four story parking garage. Mr. Hurt indicated that the area is residential and at one point there were approximately 42 children living in the neighborhood. Therefore, he urged the City Commission not to support this item.

Mr. Mele displayed a map of the area and the property they owned that is already zoned for the automotive use. Therefore, in order to build a garage on the property it would need to be taller and narrow in order to fit the inventory. He said on the western edge of the northern portion of the property they are showing a 30 foot buffer, which will be heavily landscaped and trees will be planted before getting to the point where the garage would start.

Mr. Mele addressed the construction time issue and stated that they are not planning on four (4) years of construction. Rather, they are planning for a short period of time. Furthermore, they plan to demolish all seven structures at the same time upon receipt of the demolition permits. This is estimated to demolish and cleanup the lots in two weeks. He said once they build the parking lot it will remain as is until they are ready to build the garage. So it would not be four years of continuous construction.

Mr. Mele addressed the beeping sound from the delivery trucks and explained that the car carrier would come into the site and unload. There is no need for them to backup, so there is no need for a beeping to occur.

Moreover, the cars being removed from the carriers are regular cars, hence they do not beep outside of the car.

Mr. Mele stated that they will definitely have a gate. He mentioned that they have to secure the inventory for the dealership so a gate will be erected and monitored by a security. In addition, he stated that in the coming week, they will have representatives out to the property to clean it up, where it was reported that the two houses were an eyesore.

Finally, Mr. Mele stated that the proposal was taken to the Pompano Beach Economic Development Council who recommended approval along with approval from the Planning and Zoning Advisory Board.

Vice Mayor Burrie asked what type of measures they will put in to ensure security to the home that is next to their property, where an alleyway will be created.

Mr. Mele stated that they can put a gate in for that homeowner who will be affected.

Vice Mayor Burrie reported that when the proposal was presented to the community at a meeting most residents accepted it. However, she would like to be assured that the residents that are living on the street who are directly impacted by the proposed garage are satisfied.

Mr. Mele confirmed that the property will be gated and fenced.

Comr. Hardin asked who will maintain the property that will be outside the wall. Mr. Mele stated that they will maintain it.

Mr. Mele stated that the flex resolution limits them to the site plan and they cannot change it at will.

Comr. Sobel said the discussion he is hearing is different from the one he had with the other attorney, Mr. Wherry, who promised to send him some follow up information, which is a list of the transactions or incentives that had been given to other people in the neighborhood so far.

Comr. Sobel asked how much the "Dog Lot" was appraised for.

Robert Bimonte, 11537 SW 34 Lane, Miami, FL 33165, stated he is not sure why the question is being asked because it has nothing to do with the project being discussed, and so he does not have that information readily available. He said the second question regarding the amount offered to Mr. Mello for his house, he said they offered \$220,000, which is in the lower range of the houses on the block. However, Mr. Mello did not take the offer and provided his reasons why.

Mr. Bimonte responded to Comr. Sobel's question regarding valuation differential of rezoning properties that are B-3 zoned. He said currently, if he added up all the properties the ones they own and the six they are buying, the assessed value is \$1,427,000 and the appraised value is \$2,225,000, but they paid \$2,619,000, which is considerable over what they are worth. Therefore, he opined he did not hurt those people they bought the property from. Finally, Mr. Bimonte indicated that when the project is completed the value should be

approximately \$10,150,000.

A debate followed among Comr. Sobel and Mayor Fisher regarding sticking to the relevant subject since the item under discussion is quasi-judicial proceedings.

Mark Berman, City Attorney pointed out to the Commissioner and the entire Commission that this is a record that has been created and is being created, which could be a record for an appeal. Therefore, the record should be kept as clean as a discussion of the item before the Commission of the current presentation and the application. Consideration and discussion should be geared to the presentation, to the request, and to the evidence presented solely.

Greg Harrison, City Manager clarified that the property that Comr. Sobel was referring to being appraised, there was an appraisal in 2015. Staff had discussions with Holman regarding the property, but there are no discussions that intertwine with the current transaction being discussed at this time.

Comr. Sobel asked if an appraisal was done on the dog lot property, which Mr. Harrison replied yes, but it was done in 2015.

Mr. Mele confirmed that this is not a contract zoning and nothing like this is being done in this case. In addition, he stated the only conditional zoning that he is aware of is when there is a planned unit development district and conditions are attached to it. Therefore, with a straight zoning district you cannot attach conditions.

Comr. Perkins asked if the majority of residents in Vice Mayor Burrie's district are in favor of the project.

Vice Mayor Burrie responded that according to what she saw when she attended the Cresthaven Civic Association, the meeting room was full and the most people she had ever seen in attendance. She said at the end of the presentation majority of the Cresthaven residents were in favor of the project.

Comr. Perkins asked Mr. Mele what else he could do for the five people who spoke earlier, to make their situation more convenient for where they are living.

Mr. Mele reiterated some of the things he mentioned earlier such as the demolition of the houses will take a long time, but he indicated that these will be done the same time to take care of the concerns of dust, dirt and noise over an extended time.

Mr. Mele stated that in terms of when they start construction of the parking lot they could do the perimeters and landscaping at the early part of the job so while the trees are growing, paving is taking place. When it is time to build the garage they can work on the perimeters first prior to start of the vertical construction. So, there are a variety of things that can be done. He said he would be happy to meet again with their neighbors to see what other suggestions they may have. He reminded them that there is a site plan that must go through the process and they would like to ensure that it is as painless as possible for all concerned.

Comr. Perkins indicated that since this is Vice Mayor Burrie's district, she will follow her lead on this one. Nevertheless, she would desire to see a discussion between the applicant and those residents that are

concerned about their homes and work with them.

Vice Mayor Burrie agreed with that suggestion.

Mr. Mele committed that they will do it.

Mayor Fisher asked to see the site plan presented earlier. He stated that he sees the wall on the western portion and the wall goes north and south, yet there are some areas on the western part of the wall which they own and will maintain it. But there is a home to the west of that area with a back yard. He asked how they are going to be able to protect that neighbor. Will there be a fencing mechanism put in place, to provide that owner the privacy needed.

Mr. Bimonte identified the red line as the property line. The rectangle where all the trees are located, there is a wall and the same one that shows on Phase 1. He said they can do one of two things with the area of concern. They can either build a fence, if the Weaver's would like it, or not build a fence and leave it open so it appears that all that space is their property.

Mayor Fisher stated that he would think they would want some privacy at that particular time. And what they do not want to do is to create that alleyway going north and south for people to hide out in that area. So they will need to secure that and by working with staff and the building department that can be corrected.

Mr. Mele stated that it is not unusual to have a building, a setback, and a property line. So they will put a fence on the property line and then they would secure both the northern and southern sides of the little thing that sticks out in whatever manner is acceptable to their neighbors.

Mayor Fisher asked how large is the buffer from the building to the street.

Mr. Bimonte replied 70 feet, and 30 feet to the west side to the wall.

Mr. Mele stated that they did a shadow study based on the four story building to show that it does not create the situation that would be with a taller building. He confirmed that only new cars will be going into the building.

Mr. Mele pointed out that the flex resolution states that they must build this in substantial conformity with the two site plans attached. The first one is the parking lot and the second is the parking garage. So they will secure the lot that sticks out to the west with fencing in either of the two manners, whichever is acceptable to the neighbors to the west.

Comr. Hardin asked if the planned trees at the far end of the western line has to be there, or could they be removed to the east against the wall to give his neighbor a larger backyard.

Mr. Mele responded that the trees are existing.

Comr. Sobel opined that the discussion on fencing and landscaping is minutia. He stated that he attended the Cresthaven Association meeting and the residents were vehemently opposed to the project.

Janine Hurt, 1529 NE 28 Court, Pompano Beach, FL, stated that she was at the meeting, and said the people were not there for Ford, rather they were there for the Broward Sheriff's Office (BSO) because they were talking about all the crimes and the vehicles that were getting doors opened. However, as soon as BSO left she said everybody left, except the few who wanted to hear again what Ford was saying, just to see if there was anything different.

Comr. Sobel concluded that the four story parking garage is going to permanently alter the entire neighborhood for the worse.

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

**Yes:** Hardin

Moss

Burrie

Fisher

**No:** Perkins

Sobel

**Enactment No: RES. No. 2018-82**

22. [18-214](#) **P.H. 2018-48: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING SOUTH OF NE 28TH COURT AND WEST OF FEDERAL HIGHWAY AND COMMONLY KNOWN AS 1628, 1642, 1656, 1670, 1684 AND 1698 NE 28TH COURT FROM RS-4 (SINGLE-FAMILY RESIDENTIAL) TO B-3 (GENERAL BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**SECOND READING: FEBRUARY 13, 2018**

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

Jean Dolan, Development Services Department, presented the item and indicated that as previously stated, the rezoning is the companion item to the flex allocation that need to run together. Therefore, there are no additional items to the complete presentation made at the previous agenda item.

Dennis Mele, Esq., stated on behalf of the applicant they would consider the discussion on the previous item as part of the record for this one. He said he has nothing more to add.

**A motion was made by Commissioner Hardin, seconded by Vice**

**Mayor Burrie, that the Ordinance be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Burrie  
Fisher

**No:** Perkins  
Sobel

**Enactment No: ORD. No. 2018-34**

23. [18-124](#) **P.H. 2018-18: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LOCATED ON NW 31ST AVENUE AND APPROXIMATELY 500 FEET SOUTH OF DR. MARTIN LUTHER KING, JR. BLVD. FROM B-3 (GENERAL COMMERCIAL) TO B-4 (HEAVY BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: DECEMBER 12, 2017**

(Staff Contact: Maggie Barszewski/David Recor)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be TABLED until the February 27, 2018 City Commission meeting. The motion carried unanimously.**

24. [18-161](#) **P.H. 2018-35: (PUBLIC HEARING 2ND READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A TWELVE FOOT UTILITY EASEMENT LYING SOUTH OF SAMPLE ROAD AND EAST OF POWERLINE ROAD WITHIN PROPERTY LOCATED AT 1800 WEST SAMPLE ROAD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**FIRST READING: JANUARY 23, 2018**

(Staff Contact: Maggie Barszewski/David Recor)

David Recor, Director of Development Services, presented the item and stated this is the second reading and that there are no additional comments from staff.

Mathew Scott, Dunay Miskel & Backman LLP, 14 SE 4th Street, Boca Raton, FL, was available to answer any questions.



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

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: ORD. No. 2018-35**

**END OF QUASI-JUDICIAL PROCEEDING**

**25. [18-180](#) P.H. 2018-37: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, "ZONING CODE," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 155.3205, "SINGLE-FAMILY RESIDENCE 4 (RS-4)," SECTION 155.3207, "TWO-FAMILY RESIDENCE (RD-1)," SECTION 155.3302, "LIMITED BUSINESS (B-1)," SECTION 155.3307, "COMMERCIAL RECREATION (CR)," SECTION 155.3502, "PARKS AND RECREATION (PR)," AND SECTION 155.3505, "TRANSPORTATION (T)," TO REVISE MINIMUM AND MAXIMUM REQUIREMENTS IN ZONING CODE DIAGRAMS TO CONFORM WITH CORRESPONDING TABLES, AND BY DELETING CERTAIN UNNECESSARY DIAGRAMS; BY AMENDING SECTION 155.4210, "INSTITUTIONAL: OPEN SPACE USES," TO AMEND THE DEFINITION OF "PARK OR PLAZA" AND MODIFY STANDARDS FOR SAME; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be TABLED until the February 27, 2018 City Commission meeting. The motion carried unanimously.**

**26. [18-189](#) P.H. 2018-38: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 152, "BUILDINGS," TO REVISE FLOODPLAIN MANAGEMENT REGULATIONS, BY AMENDING SECTION 152.21, "DEFINITIONS," TO MODIFY AND PROVIDE ADDITIONAL DEFINITIONS; BY AMENDING SECTION 152.22, "APPLICABILITY," SECTION 152.24, "PERMITS," SECTION 152.29, "FLOOD RESISTANT DEVELOPMENT OF BUILDINGS AND

STRUCTURES,” AND SECTION 155.32, “MANUFACTURED HOMES,” TO REVISE PROCEDURES, CRITERIA AND REQUIREMENTS FOR DEVELOPMENT IN FLOOD HAZARD AREAS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Jean Dolan, Development Services Department, presented the item and mentioned that in October 2017 staff brought these amendments before the City Commission as a discussion item because they are trying to revamp the City’s Community Rating System (CRS) program to maintain or improve the rating even though the new manual has now been adopted and has become effective, which requires more stringent criteria to get the points under the CRS system.

Additionally, she said amendments have been made to Chapter 152, by adding free board standards for development that includes residential, which was not included in the Building Code at the time, but now it is, as of January 1, 2018. The new Building Code now requires these free board standards. It also changes the definition of substantial improvement and substantial damage. Instead of 50% it has been lowered to 49%. Stricter standards means additional points in the CRS. Also, staff has made critical facilities required two feet of free board, which is already required in the Building Code and now it has been mirrored in Chapter 152.

Ms. Dolan stated that the enclosure limit agreements relate to a space underneath a home that is not allowed to be occupied because it is in a floodplain. So, there must be an agreement to ensure future owners know they can enclose that space and use it as habitable space.

Finally, Ms. Dolan stated that the manufactured homes also will have to comply with the free boards standards that are being applied to other residential units.

Mayor Fisher mentioned that in the Summary and Explanation Background sheet, the first sentence states October 24, 2018, but this should read October 24, 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

**27. [18-196](#) P.H. 2018-41: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 155, “ZONING CODE,” BY AMENDING SECTION 155.4203., “RESIDENTIAL: GROUP LIVING USES,” AND SECTION

155.4209, "INSTITUTIONAL: HEALTH CARE USES," TO CREATE NEW STANDARDS REQUIRING BOTH ASSISTING LIVING FACILITIES AND NURSING HOMES TO BE EQUIPPED WITH A PERMANENT EMERGENCY GENERATOR; TO ALLOW THE DEVELOPMENT SERVICES DIRECTOR TO APPROVE SITE PLAN MODIFICATIONS FOR THE PLACEMENT OF SUCH GENERATORS IN CERTAIN CIRCUMSTANCES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

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

Jean Dolan, Development Services Department, presented the item and stated that after the recent hurricane in September 2017, there were some tragic deaths in Nursing Homes in Hollywood because they did not have backup power. Therefore, the State passed some regulations that had to be complied with by November for emergency power generators. The cities are now taking that forward and making those temporary plans permanent. Therefore, this code amendment would require nursing homes and adult living facility to have permanent backup power to run the entire facility and keep the facilities at a reasonable temperature and ensure that all their other electrical equipment needs can be operated to protect the lives of the people within those facilities.

This amendment is presented to the City Commission to approve making those temporary plans permanent. This must be complied with according to the City's residence by June, so if they do not have the plans in place already, they do not have a lot of time to get those in place. Consequently, staff will be conducting an outreach program to make them aware that the City is adopting this ordinance.

Ms. Dolan mentioned that the City Attorney brought to her attention the 80 degrees, which the state rule you must have power for 96 hours, and fuel to provide the electric service for 96 hours on site and to keep the facility at 80 degrees or less. The 80 degrees was left out of the version which will be brought back at second reading with the 80 degrees included as well as the 96 hours.

Comr. Sobel indicated that he recently read that Broward County was promulgating a similar ordinance and asked if the City is matched up to them with the criteria.

Ms. Dolan responded that she has not seen the County's ordinance, but their ordinance would only apply to the unincorporated areas, because those are the areas they zone.

Comr. Sobel asked if the proposed ordinance is consistent with the state law.

Ms. Dolan replied yes, and that it is more stringent than the state law.

**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. [18-179](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING NANCY GRANT TO THE AIR PARK ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF DONALD S. MCNIEL, ALTERNATE #2; SAID TERM TO EXPIRE ON JULY 1, 2019; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

W.P. Davis, Jr. - District 1  
Richard Tobin - District 1  
Kerry-Ann Parsons - District 2  
Charles H. Bechert, III - District 3  
David Baumwald - District 4  
*Nancy Grant - District 5*  
David Miller - District 5

(Staff Contact: Asceleta Hammond)

Comr. Moss pointed out that for many years Mr. Al Ritter a World War II pilot served District 5 very well. Since his retirement at age 95, no one has represented District 5 on the Board. Also, for the last year, Ms. Grant has attended all the meetings as an observer.

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

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

**Enactment No: RES. No. 2018-83**

29. [18-202](#)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MARCUS A. MCDOUGLE TO THE UNSAFE STRUCTURES AND HOUSING APPEALS BOARD OF THE CITY OF POMPANO BEACH AS A SOCIAL WORKER; FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 13, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

Latoya T. Almonord, *Company CEO* - District 1

Claudia Mazzocchi, *Structural Engineer* - District 1

John F. Neff, *Civil Engineer* - District 1

Jacqueline Reed, *Business Admin.* - District 2

Charles H. Bechert, III, *Attorney* - District 3

David Baumwald, *Real Estate/Construction* - District 4

**Marcus A. McDougale, *Social Work/ Company President* - District 4**

Alicia Howard, Healthcare *Economics Consultant* - District 5

(Staff Contact: Asceleta Hammond)

Comr. Hardin nominated inserting the name Marcus McDougale, seconded by Burrie.

Mayor Fisher pointed out that since this item has a specific requirement for a Social Worker, which Marcus McDougale is the only qualified applicant, would it not only require his application be placed before the City Commission, or does all the applicants have to be listed even though they cannot qualify.

Mark Berman, City Attorney indicated that he will have to review the rules of the Board because sometimes it may mention it is the goal to use a particular profession, but will allow the filling of the position by other available persons. Nevertheless, he would check into the rules because they are enacted by Broward County and the State Building Codes.

Mayor Fisher recommended for the future, only the qualified applicants should be listed as available for the vacant specific profession.

Mr. Berman as well as Asceleta Hammond, City Clerk confirmed that they would check into the criteria governing the Board and provide an answer to the City Commission.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to insert the name MARCUS A. MCDOUGLE and 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. 2018-84**

30. [18-204](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **RICHARD J. LEYS** TO THE PARKS AND RECREATION ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF CHRISTOPHER G. MULLON; SAID TERM TO EXPIRE ON AUGUST 22, 2019; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**APPLICANTS:**

Latoya L. Almonord, *Alternate 1* - District 1

Charles H. Bechert, III, *Alternate 2* - District 3

Mary C. Antoine - District 1

Patricia DeSanctis - District 1

Rafal Dradrach - District 1

Bruno Munoz - District 1

Kerry-Ann Parsons - District 2

***Richard J. Leys - District 3***

Sarahca Peterson - District 3

Philip J. Schulte - District 3

Hazel K. Armbrister - District 4

Monifa Aruwajoye - District 4

David Baumwald - District 4

Jazzmann LeSane - District 4

Marguerite K. Luster - District 4

Marcus A. McDougale - District 4

Shelton Pooler - District 4

John Reed - District 4

Bettye A. Walker - District 4

Andy Cherenfant - District 5

Frank Shulman - District 5

Mona Silverstein - District 5

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Hardin, seconded by Commissioner Sobel, to insert the name Richard J. Leys and Commissioner Perkins nominated Jazzmann LeSane. The name**

**RICHARD J. LEYS was inserted and the Resolution was ADOPTED accordingly. The motion carried by the following vote:**

**Yes:** Hardin

Moss

Sobel

Burrie

Fisher

**No:** Perkins

**Enactment No: RES. No. 2018-85**

#### **F. REPORTS**

**Gregory Harrison, City Manager - City Clerk Annual Evaluation** - Mr. Harrison stated that pursuant to City Commission direction some months ago to have the Administration bring up any salary reviews due for the charter officers directly hired by the City Commission at its meeting. Therefore, it is time to review Ms. Asceleta Hammond, City Clerk and requested that Ed Beecher, Human Resources Director present to the City Commission information to this regard.

Ed Beecher, Human Resources Director, indicated that the City Commission requested that the Department develop an evaluation process, consequently he presented them with a review of the City Clerk. He indicated that Ms. Hammond's evaluation is due on February 18, 2018.

In response to Vice Mayor Burrie's question regarding the form, Mr. Beecher responded that he does not have a form and that this method was used previously for the review of the City Attorney. He added that regular City employees can earn from 1% to a maximum of 3% for their annual review.

Mayor Fisher stated that the City Commission had awarded the City Attorney a 3% and indicated that the City Clerk deserves same and some. He indicated that Ms. Hammond is an incredible City Clerk.

**MOTION:** A motion was made by Comr. Hardin seconded by Vice Mayor Burrie to increase the City Clerk's salary by 3%. On voice vote the motion carried unanimously.

Comr. Sobel stated that the City Clerk does an incredible job and no matter what the issues she is always there, she gets the answers and responds in a timely manner. He said she is an asset for the residents of the city.

**Cost of Lifeguard Towers** - Mr. Harrison indicated that he needed to correct the record regarding the comment made on the lifeguard towers costing \$1.4 million. He explained that in the description it states a complete remodeling of the ocean rescue building. Notwithstanding, the building is outdated and is listed accordingly in the City's inventory. This particular project came up for discussion in 2015, on a one on one, as well as open discussion regarding the deplorable condition of the towers and that it would involve a complete

remodel. Mr. Harrison stated the information is available on the City's website.

**Community-wide Meeting** - Mr. Harrison announced that the next community-wide meeting to hear about the Bond issue will be on February 22, 2018 at 6:00 p.m. at the Emma Lou Olson Center. He invited all those who are curious about this matter to attend.

**Habitat for Humanity Houses** - Mr. Harrison reported that on February 2, 2018, approximately 12 staff members, which included he and Phyllis Korab, Brian Donovan, Deusdedit Kiyemba (DC), Rob McCaughan, Hal Beard, Gene Zamoski, Barbara Harrison, and Joseph Tiramai, volunteered to roof a house within the City to assist the Habitat for Humanity Houses. Mr. Harrison mentioned that they plan to do something like this on a monthly basis to assist with the Habitat for Humanity houses.

**Illegal Dumping Signs** - Mr. Harrison indicated that at the last City Commission meeting he displayed a sign indicating the reward of \$1,000, which has increased to \$3,000 for illegal dumping. He indicated that the signs will be erected in areas that people habitually dump, and hopefully the residents around the areas will be able to collect by turning in these violators.

Finally, Mr. Harrison announced that the City will initiate double coverage for bulk trash in the northwest section of the City to commence this week. In addition, there will be a litter crew to pick up trash starting with all the lots owned by the Community Redevelopment Agency (CRA), as well as mow the grass regularly. When these are completed the City will go into private properties and aggressively require they do the same thing to get their lots cleaned up.

**Mark Berman, City Attorney - Executive Session** - Mr. Berman announced that pursuant to Florida Statute 286.011(8)(A) for governing public meetings, as the attorney of the City he wishes to provide advice concerning litigation in the matter Pompano Beach Community Redevelopment Agency and the City of Pompano Beach v. Broward County Case No. 14-009654(18), 17th Judicial Circuit Broward County Florida.

Mr. Berman explained pursuant to the statute he has to make the announcement, however, the notice of time and place can come later. However, traditionally, he has always made the announcement, so he mentioned the meeting is tentatively set for March 13, 2018 at 5:00 p.m. in the City Commission Chamber Conference Room, City of Pompano Beach, 100 West Atlantic Boulevard, Pompano Beach, FL 33060. He said should there be a change at all, there is still another meeting on February 27th to amend the time and place publically for the City Commission, which will be posted. He further explained that originally the date was set for February 27th but unfortunately Ms. McKenna could not be there, however, all attorneys must be present. They have requested that they would announce at the CRA meeting on February 20th for the March 13th which is the plan at this time.

In response to Mayor Fisher's question, Mr. Berman responded that they could do the meeting on February 20th as the City Commission but not as the CRA Board. The CRA desires to make an input and wants to be present, so the Commission would likely act in both capacities.



After some discussion on the most appropriate date for both the City and the CRA, Mr. Berman indicated that he will discuss it with the CRA representatives in the morning and contact the Commission tomorrow to see if they can make it happen. It was the consensus of the Commission to accept Mr. Berman's recommendation.

Mr. Berman added that present at the meeting would be the members of the City Commission, the Mayor, members of the CRA Board, City Attorney, the Executive Directors Kim Breismiester, and Chris Brown, Mr. Harrison, City Manager, Claudia McKenna, Jamie Cole (he will check Mr. Cole's availability or Mr. Abbott's as well.)

**Asceleta Hammond, City Clerk - Appreciation.** Ms. Hammond expressed appreciation to the Mayor and Commissioners for allowing her to serve them in the ways she do, and if there are any questions or requests, she is privileged to assist.

**Commissioner Rex Hardin - Tiger Trail Festival Event** - Comr. Hardin stated "Hats off" to the Tiger Trail Festival organizers for the Collier City Trailblazers event. He stated that David Miller and the whole team did a wonderful job. It was stunning to see the Trailblazers being recognized in such a dramatic way. He also commended City staff Mark Beaudreau, who was present. Comr. Hardin thanked everybody involved in planning the event for doing a great job. Finally, Comr. Hardin mentioned that he hopes it will be a yearly tradition incorporated as part of the celebrations.

**Commissioner Barry Moss - Collier City Trail Blazers Recognition** - Comr. Moss agreed with Comr. Hardin's sentiments regarding the Collier City Trailblazers event. He indicated that he, along with Comrs. Hardin and Sobel were present. He agreed that a wonderful job was done in organizing it and it was fascinating and enlightening to learn the history of the community.

**Tiger Trail Festival Gala** - Comr. Moss congratulated the Tiger Trail Festival group for the wonderful Gala at the Westin Hotel. Among those attending were Mayor Fisher, and Vice Mayor Burrie, all elegantly dressed and he said the food was good.

**Groundbreaking in Collier City** - Comr. Moss announced that on Thursday, February 22, 2018 at 10:00 a.m. there will be a groundbreaking for the Legacy II Townhome development on NW 27th Avenue just south of Dr. Martin Luther King Boulevard. This will be the completion of the project, as Phase 1 was completed some years ago.

**Fire Station 52 Open House** - Comr. Moss announced that on Monday, February 26, 2018 from 10:00 a.m. to 1:30 p.m. there will be an Open House at Fire Station 52. Also, on NW 27th Avenue south of Atlantic Boulevard, he encouraged residents to take a look to see how badly these facilities need to be updated. The building was built in the early mid seventies.

**Pet Lodge Ribbon Cutting** - Comr. Moss announced that on Saturday, March 3, 2018 at 11:00 a.m. the Pet Lodge on NW 31st Avenue in Collier City will be having a ribbon cutting. Comr. Moss mentioned that this is another good thing happening in Collier City at a rapid pace.

**Commissioner Beverly Perkins - Demise of Beverly Boynton and Attorney Dwight Evans** - Comr. Perkins mentioned two people from District 4 both passed away on February 8, 2018. She indicated that Ms. Patricia Boynton had been residing in the City of Pompano Beach for over 60 years, and she has two daughters who recently resigned from the Broward Sheriff's Office. Also, Attorney Dwight Evans passed away and he served on the Planning and Zoning Board from 1989 to 1996, and then served again 2014, to present. She mentioned that "our prayers and thoughts" are with the family during this difficult time.

**Commissioner Michael Sobel - Chickens, Cultural Arts Center (CAC) and G.O. Bond** - Comr. Sobel mentioned about the wild chickens in the northwest area, the cultural arts center and the G.O. Bond, which he said are related.

Comr. Sobel indicated that with regard to the wild chickens, he was embarrassed by the investigative report. Nevertheless, he commended Comr. Perkins for bringing it to attention. He said he has nothing against chickens but what he gets out of it is that if any member of the commission had to take \$1,000 every month out of their pockets instead of taxpayer dollars to trap the chickens, it would not have taken nine months for them to figure out the vendor was substantially doing the job right or adequately. He concluded that a regular business would after one week get a count of chickens caught and then figure that something is not right.

Furthermore, Comr. Sobel said he observes more when he drives around in a golf cart. He said often times he is in the northwest area and hear people talking about things they have no idea about, which are going on in the east. And likewise, the people in district 1 rarely go over to the northwest to see the conditions of the chickens and the litter, or to go to the Ali Center to see the soulful Sundays to see what is going on over there.

Therefore, he suggested that perhaps the City could arrange to get some buses on special occasions and rotate the buses to transport people with stops in the west, and the east solely for the benefit of the Pompano Beach residents. This will allow them to see what their city is all about and get a better understanding of everything that is going on.

Comr. Sobel mentioned with regard to the CAC, when the building opened up, the City Commission expressed concerns regarding programming and the need to get the center up and running with as much excellence and as few mistakes as possible. At the time they needed oversight, management and the Board of Directors were supposed to be overseeing the financial records. However, as the article in the Pelican newspaper mentioned, and he has acquired a great deal of information, which he has forwarded to City Manager Harrison and Assistant City Manager Korab that there have been problems. Notwithstanding, Ms. Korab is following up on it and has prepared a report for the City Commission. Therefore, getting to the root of the problem, or find out where there is mismanagement, a lack of funds, why there is a deficit, how the City will handle the transition moving forward are all to be addressed. Finally, Comr. Sobel stated that the City Commission had an idea when it opened up that they would provide sufficient oversight so that now, one year later, there would not be these problems being experienced, which they were initially hoping to avoid.

Comr. Sobel stated that similar to the chicken trapper that the city did not properly oversee, and just like the

CAC that has developed problems due to somebody's lack of oversight. Now here he is with the issue of the G.O. Bond and the fact that they are talking about concepts and no specifications, no real facts, no real costs, just our best guess with a high risk, long term mortgage tax burden, which is the only seed money. City staff is saying do not worry, trust us, we are going to manage and oversee these 25 projects with this \$322 million bond which is just the startup costs. He said it does not include the long term operational costs or the maintenance costs or what any of that is going to be. So, he thinks the wild chickens and the trapper and the CAC experiences probably give some insight on what everybody need to be very concerned about with regard to the venture and the proposal and promises of the G.O. Bond. Consequently, Comr. Sobel said he is not going to be in favor of the bonds at this time, and urged each resident to educate themselves, to read up on the G.O. Bond and to review the material with caution. He cautioned that if upon seeing line items with various millions assigned to it, you should ask yourself questions like why is there a substantial need and has one been shown for the project, why was it selected, when is it going to be sequenced and prioritized and so on.

**Vice Mayor Charlotte Burrie - Metropolitan Planning Organization (MPO)**- Vice Mayor Burrie reported that the MPO has a C-slip program, which is basically for complete streets. She proudly announced that NW 16 Avenue project has now gone through its first funding round and they will be getting sidewalks, bike paths. For the complete streets so far \$1,982,234 will be spent out of MPO money.

**K-9 Bronze statue for Dog Park** - Vice Mayor Burrie was unsure anybody could recall, but sometime ago a K-9 by the name of Drake, which was a Florida highway patrol K-9 dog was killed in his home. They built a memorial to K-9 Drake, which is a 6 foot bronze statue that has been sitting in front of Dr. Ken Simmons veterinarian office. He is leaving his practice and he wanted to know if the City would like to get the statue to put in the dog park. Upon agreement of the City Commission she will pass the information on to the City Manager. It was the consensus to proceed.

**Free Paint for Needy Residents** - Vice Mayor Burrie indicated she has been discussing with the Assistant City Attorney who has been able to obtain moneys in settlements on liens and is doing a fantastic job from it. Years ago Broward County used to provide free paint to people who could not afford to paint their houses. Vice Mayor wanted to know if the moneys coming in from the payoff of these liens and fines less overhead costs, could go into a fund similar to what Broward County does, to provide free paint from the City of Pompano Beach to those residents who cannot afford to paint their houses. Vice Mayor Burrie stated that she has received information regarding five violators in Cresthaven alone that code compliance has cited, because they needed to paint their houses. She said all five people are in their 80's, two are in wheel chairs and one is on oxygen. They do not have the money to purchase the paint, but the neighbors would assist with painting their houses if the paint was supplied by the City. She is unsure if the liens money can be used for a project of this nature.

Mark Berman, City Attorney, explained that as for the building code violations the answer would be no. If it is building related it must go into the fund of violation fines, for violations of the building code and must go back in the building fund. Other code enforcement and violations would be money into the City and could be designated. Nevertheless, he will check into it further and get an answer to the City Commission within the week.

Vice Mayor Burrie clarified that she meant code compliance, not building, because the City wants its residents to comply and there are people who want to comply but they just do not have the wherewithal to do it.

Comr. Moss mentioned that Vice Mayor Burrie could refer these people to get in touch with Rebuilding Broward, which has done such a wonderful job in Collier City. Perhaps Rebuilding Broward could do the painting for them if we could allocate funds to assist.

Vice Mayor Burrie mentioned that years ago Rebuilding Broward did come into the Highlands area but they determined that the area was not blighted enough so they went somewhere else.

Mayor Fisher mentioned that there is a new group running the program at this time.

Comr. Moss suggested that they could do spot lots in various places.

Vice Mayor Burrie indicated that some of the homes receiving violations are for small things, such as paint job, a facial board, something like that and since there is no CRA in the area they could not pay for those things anyway. So if some of the code enforcement funds could be used to help some of these residents that need help.

**Mayor Lamar Fisher - Class Action Law Suits** - Mayor Fisher indicated that previously he had requested for more information and received the support of the City Commission in joining the class action lawsuits of the Opioids. Consequently, City Attorney Berman has provided memos to the City Commission of several firms, which Mayor Fisher is requesting the support of the Commission to go ahead and move forward and talk to the Delray Beach firm who is representing a few cities. He said Delray is a sister city and they have the same issues with sober homes and so forth.

Comr. Sobel indicated that he did not see that memo.

Mayor Fisher explained that it was presented to them in November 13, 2017.

Mr. Berman indicated that he had provided the information from the two leading firms Napali Skolnick out of New York but has an office in Miami, and the Delray firm is from California with a local office in Palm Beach.

It was the consensus of the City Commission to move this matter forward.

**Dunkin Donuts Cooperation with the City** - Mayor Fisher thanked Dunkin Donuts for their corporation and announcement that as of this week they will no longer be utilizing Styrofoam cups for the environment.

**Expedia selects City of Pompano Beach as a great City** - Mayor Fisher announced that they are doing great things in Pompano Beach and reported that this past few weeks the City of Pompano Beach was one city out of each state that Expedia picked/selected as one of the greatest city. Kudos to everybody for what is

being done in the City for making the living experience great for the City residents as well as the tourists who visits us.

**Black History Bronze Structure** - Mayor Fisher indicated that February is celebration of Black History month and he thought, with the City Commission's support, the City Manager could check into getting some sort of bronze structure made to commemorate Dr. Martin Luther King, Jr. (MLK) and President Barack Obama together and place them somewhere along the renamed MLK Boulevard, which will make a statement in celebration of Black History that has a huge history of the first black president, as well as to place Dr. Martin Luther King, Jr. on the boulevard, it would be "cool." Also, it would make a statement that Pompano Beach is diverse and celebrates its black history.

Greg Harrison, City Manager indicated that this would be a great project for the public arts committee.

Mayor Fisher suggested that City Manager Harrison follows up on this matter.

#### **G. ADJOURNMENT**

The meeting adjourned at 11:05 p.m.

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Lamar Fisher, Mayor

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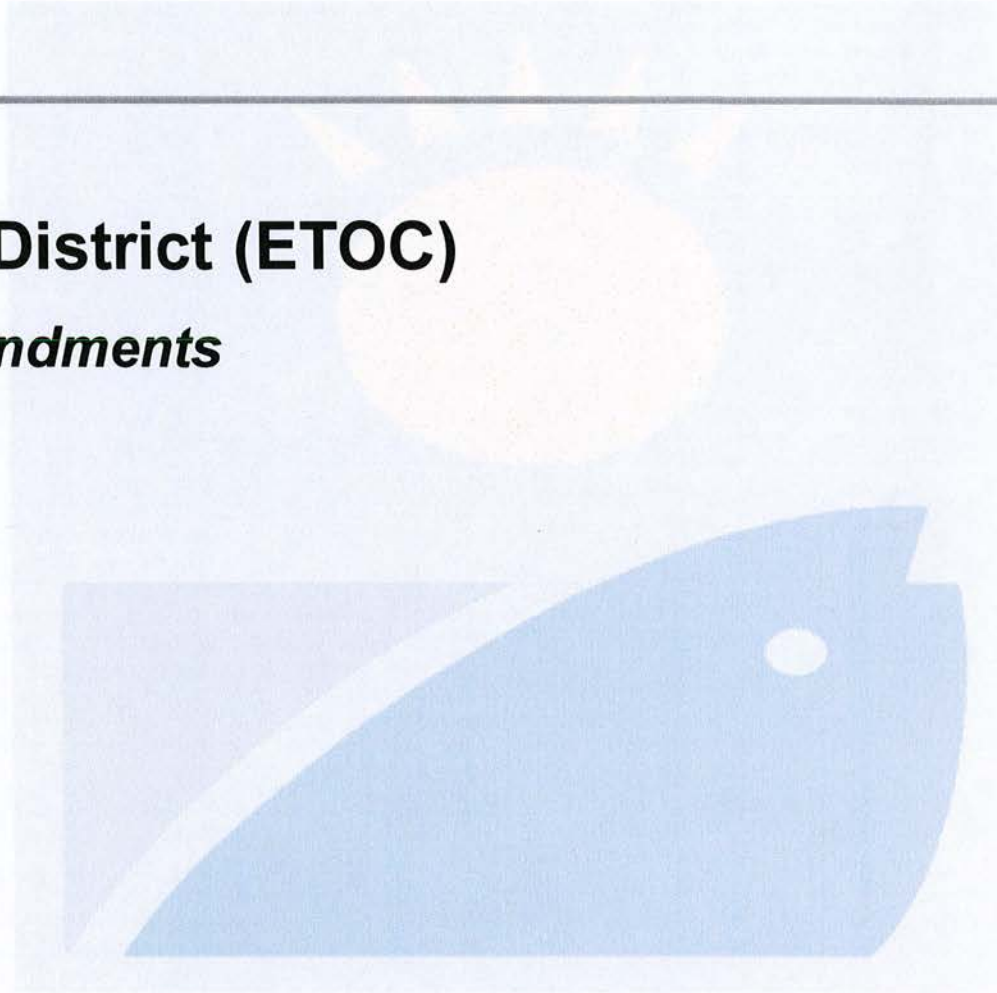
Asceleta Hammond, City Clerk

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# **East Transit Oriented District (ETOC)**

## ***Zoning Map and Text Amendments***

***February 13, 2018***  
***City Commission Public Hearing***



# Introduction

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- East Transit Oriented Corridor (ETOC)
  - Land Use Plan Amendment : Overview and Second Reading on February 27, 2018
  - Zoning Code Text Amendment: First Agenda Item
  - Zoning Map Amendment: Next Agenda Item (Quasi Judicial Agenda)



# Public Outreach and Approval Process

## 2015

- November 12, 2015 - Commission/Stakeholder Kick-off Meeting

## 2016

- March 16, 2016 - Workshop – Stakeholder, East CRA Advisory Committee
- April 16, 2016 - Public meeting (Saturday, 10-12:30 PM)
- April 20, 2016 - LUPA P&Z Workshop at 6 PM
- May 25, 2016 - P&Z Hearing for LUPA
- June 28, 2016 - City Commission First Reading and County transmittal for LUPA
- December 01, 2016 - BCPC Hearing

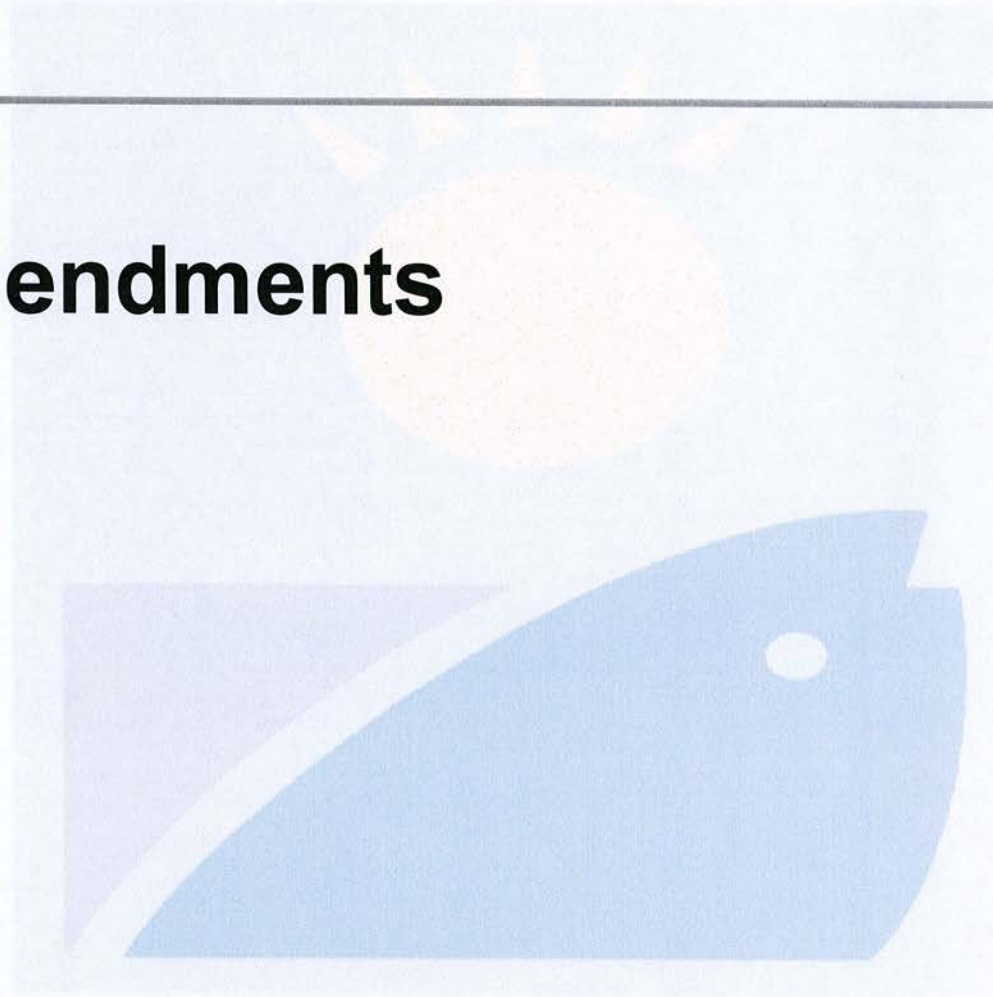
## 2017

- January 24, 2017 - Broward County Commission (BCC) First Reading and Transmittal of City and County Plan Amendment to State
- March 23, 2017 - BCPC Second Reading LUPA
- April 25, 2017 - County Commission Second Reading LUPA
- June 15, 2017 - ETOC/Dixie/Atlantic Blvd Transportation/Traffic: 1<sup>st</sup> Public Meeting (present issues and gather public input)
- July 19, 2017 - ETOC/Dixie/Atlantic Blvd Transportation/Traffic/Zoning: 2<sup>nd</sup> Public Meeting (present preliminary roadway design and draft zoning)
- August 30, 2017 - ETOC/Dixie/Atlantic Blvd Transportation/Traffic/Zoning: 3<sup>rd</sup> Public Meeting (final roadway design and zoning)
- October 09, 2017: Planning Board and Commission Workshop (Comp Plan and Zoning Text and Map Amendments)
- November 15, 2017 DRC Meeting
- December 20, 2017 Planning and Zoning Board Hearing
- **February 13, 2018 City Commission Comp Plan Adoption and 1<sup>st</sup> Reading Zoning Text and Map Amendments**
- February 27, 2018 City Commission 2<sup>nd</sup> Reading - Adoption Comprehensive Plan Text and Map Amendments and Zoning Text and Map Amendments

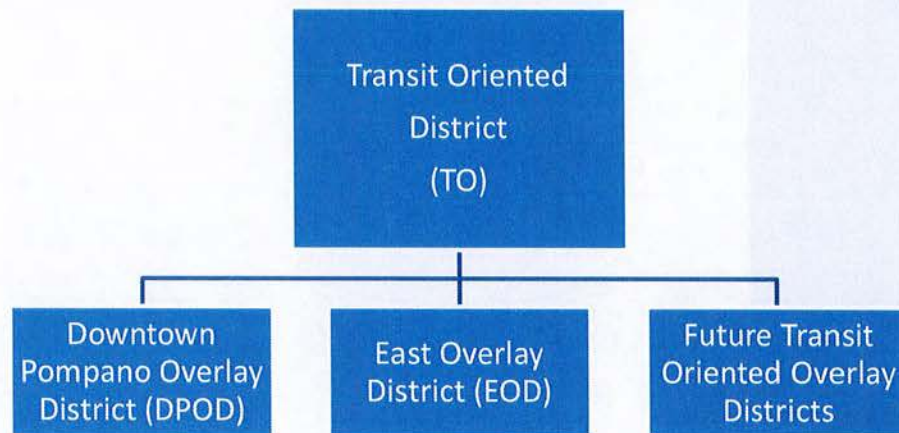


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# **Zoning Text Amendments**



# Organization of Proposed Form-Based Regulations



## General Development Standards (TO):

- ☐ Purpose
- ☐ Use Standards
- ☐ Application and Required Elements\*
- ☐ Street Standards\*
- ☐ Vehicular Access and Circulation
- ☐ Parking Standards\*
- ☐ Landscape Standards
- ☐ Open Space and Greenway Standards\*
- ☐ Fences and Walls
- ☐ Lighting
- ☐ Height Standards\*
- ☐ Design Standards\*
- ☐ Building Typologies and Dimensional Standards\*

## Specific Development Standards (Overlay Districts):

- ☐ Purpose
- ☐ Applicability
- ☐ Regulating Plans
- ☐ Permitted Uses
- ☐ Density
- ☐ Street Design, Hierarchy and Connectivity
- ☐ Existing and/or Designated Open Spaces
- ☐ Designated Greenways
- ☐ Setback and Frontage Requirements
- ☐ Parking Requirements

## Primary Changes to TO District Code since October 9<sup>th</sup> Workshop

1. **Street Trees** – Soil volume, suspended pavement systems, tree standards.
2. **Building Length and Separation** –Modified for buildings affected by FAA Height Limits
3. Removed **awning and rooftop** regulations
4. **Revocable License Agreements** for airspace encroachments above the Right-of-Way
5. Modified **Parking Structure Standards** reference new General Code Parking Garage Design Standards in 155.5605 and modify tertiary street active use liner to 70% with 20% administrative adjustment
6. Remove text and tables that repeated requirements on Regulating Plans and Building Type Diagrams



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## Primary Changes to EOD District Code since October 9<sup>th</sup> Workshop

1. **Parking standards** were modified to require parking per current code for multifamily development in the Edge subarea.
  2. **Modified use standards** for medical office to allow emergency procedures after hours, allow medical office on first floor.
  3. **Traffic Analysis requirements** added.
  4. **EOD Building Heights Regulating Plan:** Two changes: height of parcel adjacent to and east of the Koi Development, added Harbor Village PCD to Core subarea.
  5. **EOD Use Area/Density Regulating Plan:** Two corrections: Added Harbor Village PCD to MM 0-90 use area; changed color of RM 24 designated half-block west of NE 18<sup>th</sup> Avenue between NE 1<sup>st</sup> and NE 2<sup>nd</sup> Street
  6. **EOD Designated Publicly Accessible Open Space and Greenway Systems Plan:** Created themed streets by identifying preferred tree species on most greenway streets.
  7. **EOD Permitted Use Table:** Modified Note 5 to allow up to 50% of the active use fronting on Federal Highway and Atlantic Boulevard to be used for residential lobby entrance rather than limiting it to nonresidential active use.
  8. **Affordable Housing requirements** in the Comprehensive Plan text repeated in the Code.
-



## Proposed Additional Change to EOD District Code Permitted Use Table

TABLE 155.3709.E.2: PRINCIPAL USES REGULATING TABLE

P = PERMITTED S = SPECIAL EXCEPTION BLANK = NOT PERMITTED 1 = 2nd Floor Only if multistory building fronting Federal Highway or Atlantic in the Core sub-area 2 = In Core sub-area only east of 20th Avenue 3 = Except If directly abutting or across the street from an RM or RS use-area/zoning district 4 = Maximum 30,000 sf 5 = Except for residential lobby entrances (no greater than 50% of building frontage), the first 20-feet of depth fronting on Federal Highway and Atlantic must be nonresidential active use. 6 = See modified use standards in 155.3709.E.1.e.

Use Types		Use Areas (EOD)					
		MM		MUR		RM24	RM36
		1st & 2nd Floors	3rd Floor & above	1st & 2nd Floors	3rd Floor & above		
Retail / Personal Services (155.4221)	Dry cleaning or laundry drop-off establishment	P	P	P			
	Funeral home or mortuary			P			
	Laundromat			P			
	Personal and household goods repair establishment	P	P	P			
	Personal services establishment (6)	P	P	P			
Retail / Retail Sales (155.4222)	Antique store	P	P	P			
	Art gallery	P	P	P			
	Beer or Wine Store, Specialty	P	P	P			
	Book or media shop	P	P	P			
	Consignment boutique (6)	P	P	P			
	Drug store or pharmacy	P	P	P			
	Farmers' market	P	P	P			
	Grocery store	P	P	P			
	Home and building supply center	P(4)	P(4)	P(4)			
	Other retail sales establishment	P	P	P			
	Indoor mall or marketplace	P	P	P			
Visitor Accommodation Uses (155.4225)	Condo Hotel	P	P	P	P		
	Bed and Breakfast inn	P	P	P		P	P
	Hotel or Motel	P	P	P			
Industrial Services Uses	Repair of scientific or professional instruments	P	P	P			

5 of 8 G:\Zoning 2009\Special Projects\ETOC\City Commission Documents\08-EOD UseChart with Beer Wine Specialty

### Beer or Wine Store

#### 2. Definition

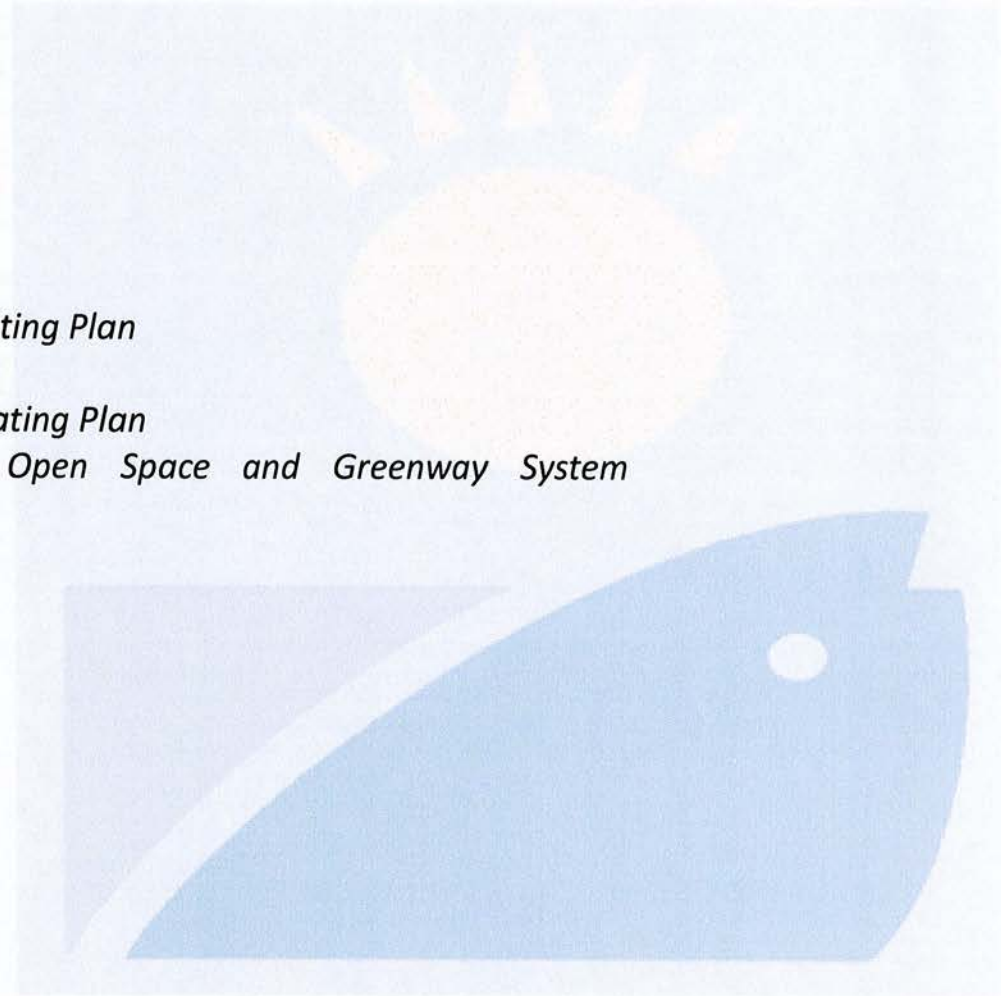
A beer or wine store is an alcoholic beverage establishment licensed by the state exclusively for the retail sale of beer and/or wine in sealed containers for consumption off the premises where sold. **A beer or wine store may be considered a specialty store if the establishment emphasizes a single unique type of specialty beer or wine not readily available at a grocery or convenience store, such as beer or wine made from craft or microbreweries or wineries, or beer or wine from a specific geographic region.**

## **SUMMARY:**

### **Section 155.3709:**

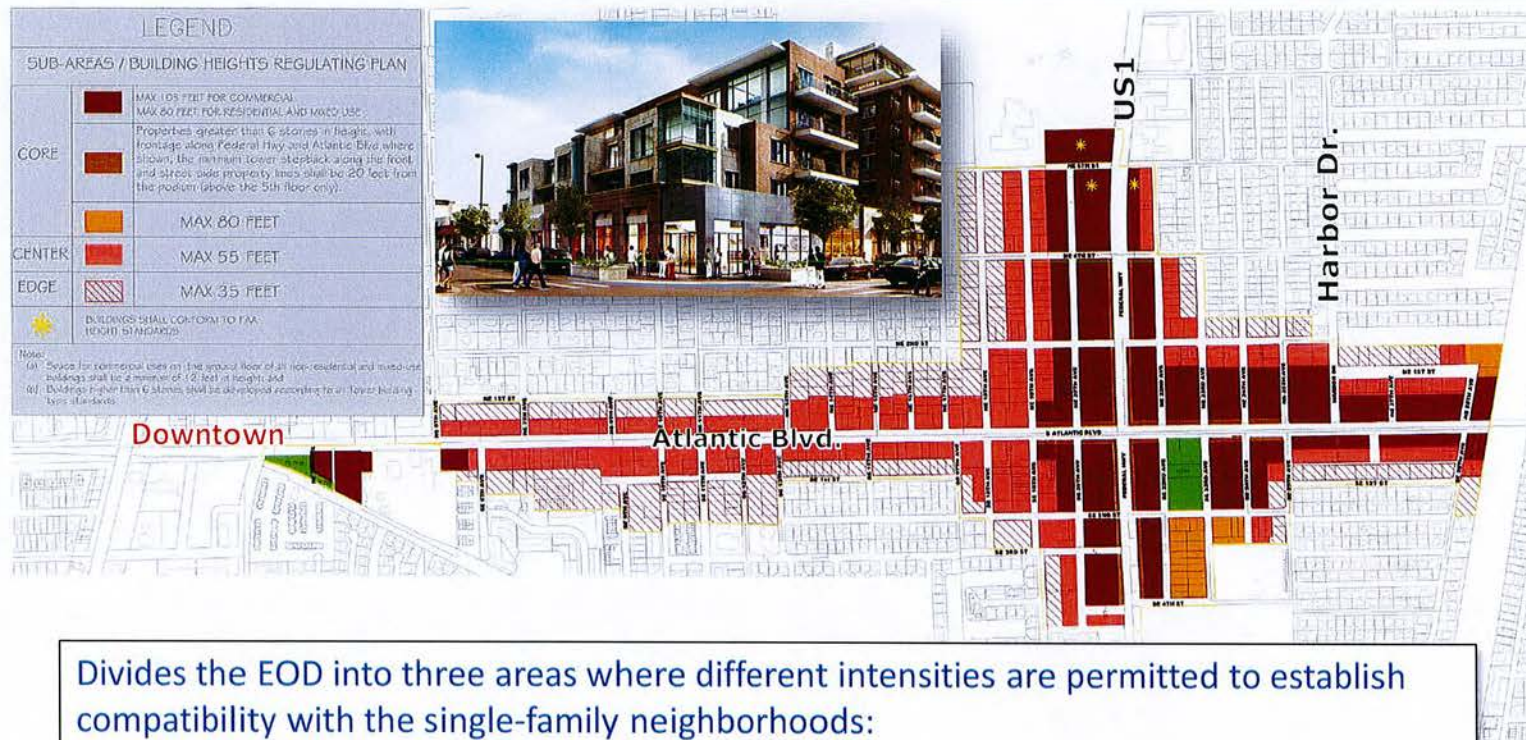
#### **East Overlay District (EOD)**

- **Regulating Plans:**
  - *Sub-Areas/Building Heights Regulating Plan*
  - *Use Areas/Density Regulating Plan*
  - *Street Network Connectivity Regulating Plan*
  - *Designated Publicly Accessible Open Space and Greenway System Regulating Plan*





## The Sub-Areas/Building Heights Regulating Plan:



Divides the EOD into three areas where different intensities are permitted to establish compatibility with the single-family neighborhoods:

- **Core:** area with the highest intensity and maximum building height of either 105' or 80' (stepback may apply)
- **Center:** area with a medium intensity and maximum building height of 55'
- **Edge:** area with the lowest intensity and maximum building height of 35'



## The Use-Areas/Density Regulating Plan:

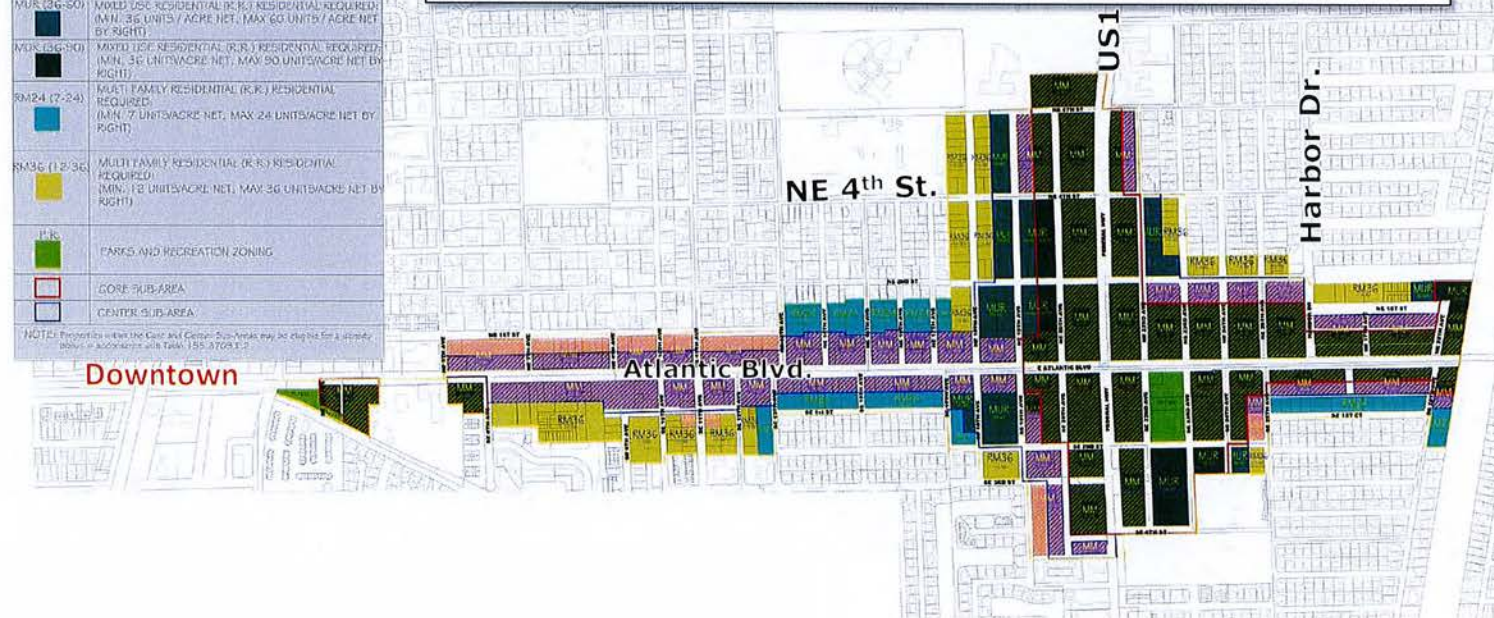
Divides the EOD into four use types where different densities\* are permitted to establish compatibility with the single-family neighborhoods:

- **Mixed-Use Main Street (MM)**
- **Mixed-Use Residential (MUR)**
- **Residential Multi-Family (RM)**
- **Parks and Recreation Zoning (PR)**

\* Limited Density Bonuses are available within the Core and Center Sub-Areas.

LEGEND	
USE-AREAS / DENSITY REGULATING PLAN	
MM (0-24)	MIXED-USE MAIN STREET (O.R.) OPTIONAL RESIDENTIAL (MIN. 0 UNITS/ACRE NET, MAX 24 UNITS/ACRE NET BY RIGHT)
MM (0-60)	MIXED-USE MAIN STREET (O.R.) OPTIONAL RESIDENTIAL (MIN. 0 UNITS/ACRE NET, MAX 60 UNITS/ACRE NET BY RIGHT)
MM (0-90)	MIXED-USE MAIN STREET (O.R.) OPTIONAL RESIDENTIAL (MIN. 0 UNITS/ACRE NET, MAX 90 UNITS/ACRE NET BY RIGHT)
MUR (36-60)	MIXED-USE RESIDENTIAL (O.R.) RESIDENTIAL REQUIRED (MIN. 36 UNITS / ACRE NET, MAX 60 UNITS / ACRE NET BY RIGHT)
MUR (66-90)	MIXED-USE RESIDENTIAL (O.R.) RESIDENTIAL REQUIRED (MIN. 36 UNITS/ACRE NET, MAX 90 UNITS/ACRE NET BY RIGHT)
RM24 (7-24)	MULTI-FAMILY RESIDENTIAL (O.R.) RESIDENTIAL REQUIRED (MIN. 7 UNITS/ACRE NET, MAX 24 UNITS/ACRE NET BY RIGHT)
RM36 (12-36)	MULTI-FAMILY RESIDENTIAL (O.R.) RESIDENTIAL REQUIRED (MIN. 12 UNITS/ACRE NET, MAX 36 UNITS/ACRE NET BY RIGHT)
PR	PARKS AND RECREATION ZONING
	CORE SUB-AREA
	CENTER SUB-AREA

NOTE: Properties within the Core and Center Sub-Areas may be eligible for a density bonus in accordance with Table 155.8709.1.2





## The Use-Areas/Density Regulating Plan:

### Amendments

#### Section 155.3709:

#### East Overlay District (EOD)

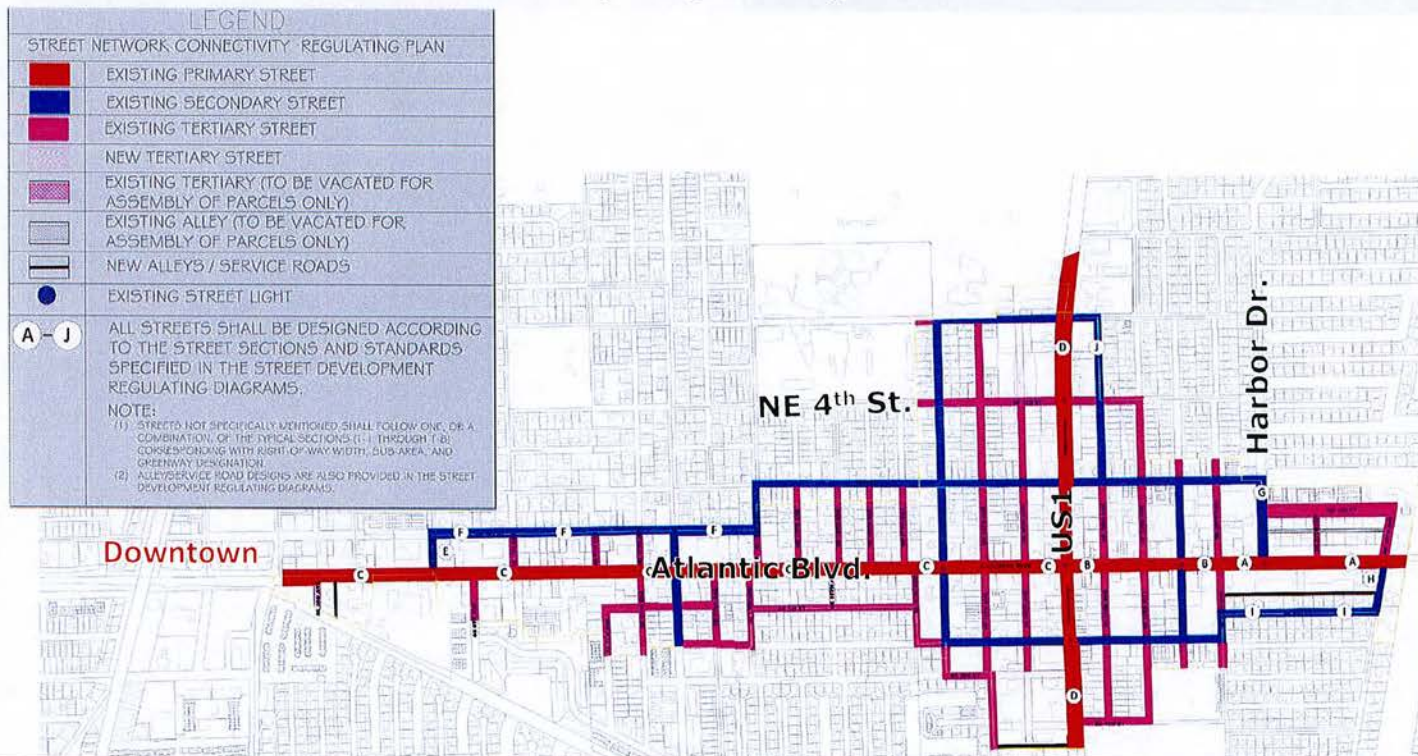
- Use Areas and Densities:

- **Residential Multi-Family (RM):**

- Along the district edges;
    - Residential is required;
    - Non-residential is prohibited;
    - Minimum density ranges between 7 u/a and 12 u/a; Maximum density ranges between 24 u/a and 36 u/a by right
    - Areas in blue (west of 18<sup>th</sup> Avenue and behind Atlantic Square):
      - only permitted to have zero-lot lines and townhouse typologies (no flex or apartment buildings permitted)
      - Townhouse development on properties north of Atlantic Blvd. shall have a minimum of 230 feet of frontage along the street
    - Rest of RM areas are permitted townhouse and flex typologies
    - Duplexes are not permitted anywhere



## Street Network Connectivity Regulating Plan:



- Shows location of existing and required new streets needed to create prescribed network of streets within District
- Establishes hierarchy of streets (Primary, Secondary, Tertiary Streets and Alleys) in terms of pedestrian connectivity
- Establishes criteria for % of active use required along the ground floor



# Designated Publicly Accessible Open Space & Greenway System Regulating Plan:

LEGEND	
DESIGNATED PUBLICLY ACCESSIBLE OPEN SPACE & GREENWAY SYSTEM REGULATING PLAN	
	EXISTING DESIGNATED PUBLIC OPEN SPACE
	NEW DESIGNATED PUBLICLY ACCESSIBLE GREENWAY SYSTEM
	NEW DESIGNATED PUBLICLY ACCESSIBLE WATERWAY SYSTEM



## GREENWAYS FLOWERING TREES LEGEND:

	LIVE OAK (QUERCUS VIRGINIANA)		APPLE BLOSSOM SHOWER TREE (CASSIA JAVANICA)
	YELLOW POINCIANA (PELTOPHORUM PTEROCARPUM)		GOLDEN TRUMPET (TABEBUIA CHRYSOTRICHA)
	SILVER TRUMPET (TABEBUIA CARAIBA)		PURPLE TRUMPET (TABEBUIA IMPETIGINOSA)
	GOLDEN SHOWER TREE (CASSIA FISTULA)		ROYAL POINCIANA (DELONIX REGIA)



## **SUMMARY OF OTHER CODE CHANGES RELATED TO THE TO/EOD**

**Ch. 155, Article 9** – TO/EOD related definitions (Active Use; Types of Open Spaces, etc)

**Chapter 100** – Streets (Acknowledges specific street design for EOD)

**Ch. 155, Article 4** – Use Standards (separating grocery and convenience store definitions; alcohol separation requirements for AOD also permitted in EOD)

**Ch. 155, Article 2** – Allowable Administrative Adjustments (10-20% for EOD standards related to max block length and perimeter; # of access points; minimum lot depth and width; floor plate size; minimum ground floor active use liner depth; maximum building length; active use requirements on tertiary streets; minimum open space size).

**Ch. 155, Article 5** – Created Section 155.5605 Parking Deck or Garage Design Standards

**Ch. 155, Article 3, Section 155.3708 Downtown Pompano Overlay District** – Modified to reflect standards transferred to TO District.



# Next Steps

- February 13, 2018 City Commission 1<sup>st</sup> Reading Zoning Text and Map Amendments
- February 27, 2018 City Commission 2<sup>nd</sup> Reading - Adoption of ETOC Comprehensive Plan (LUPA) Text and Map Amendments and Zoning Text and Map Amendments
- State Compliance Review and Broward County Planning Council Recertification of LUPA

## Process:

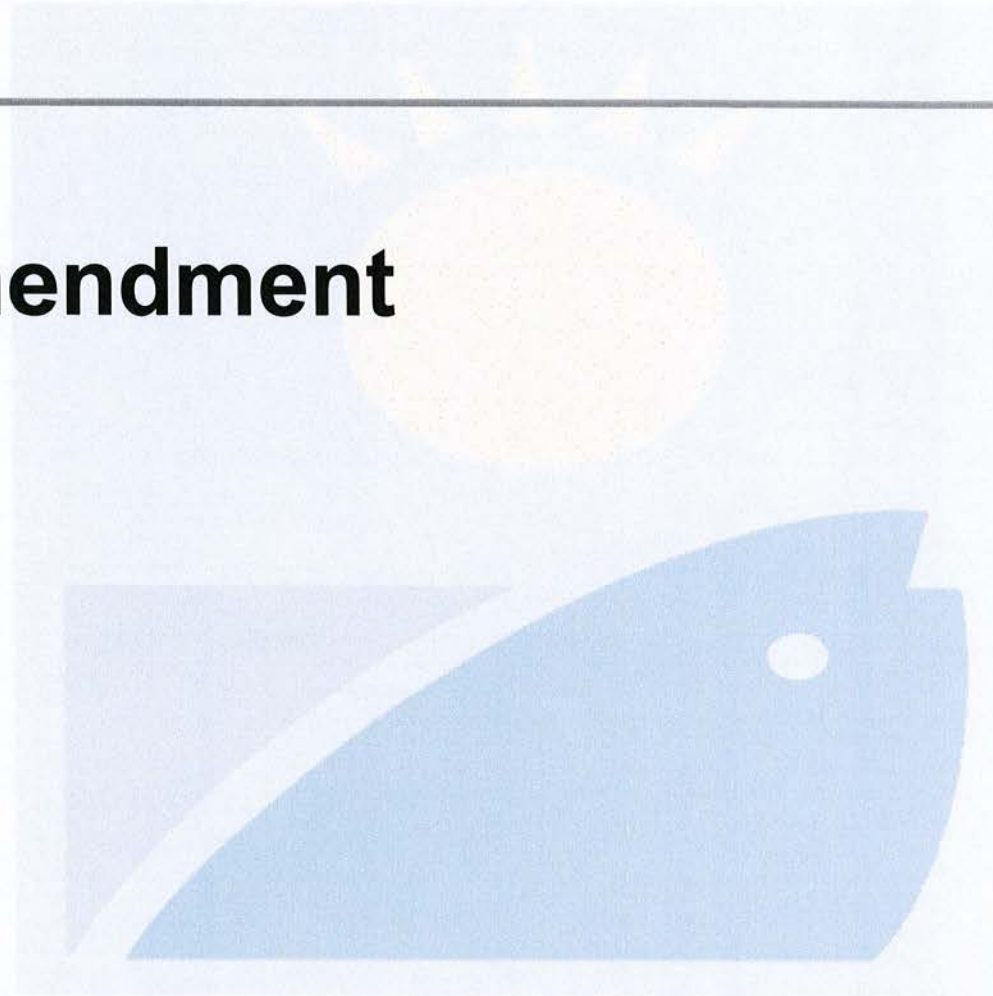
- Public Hearing and Commission Discussion on TO/EOD Zoning Text Amendment
- Close Public Hearing and Motion on Zoning Code Text Amendment

### Open Quasi-Judicial Hearing for Map Amendment (Rezoning)

- Staff presentation
- Public Hearing and Commission Discussion on Zoning Map Amendment
- Close Quasi-Judicial Public Hearing and Motion on Zoning Map Amendment

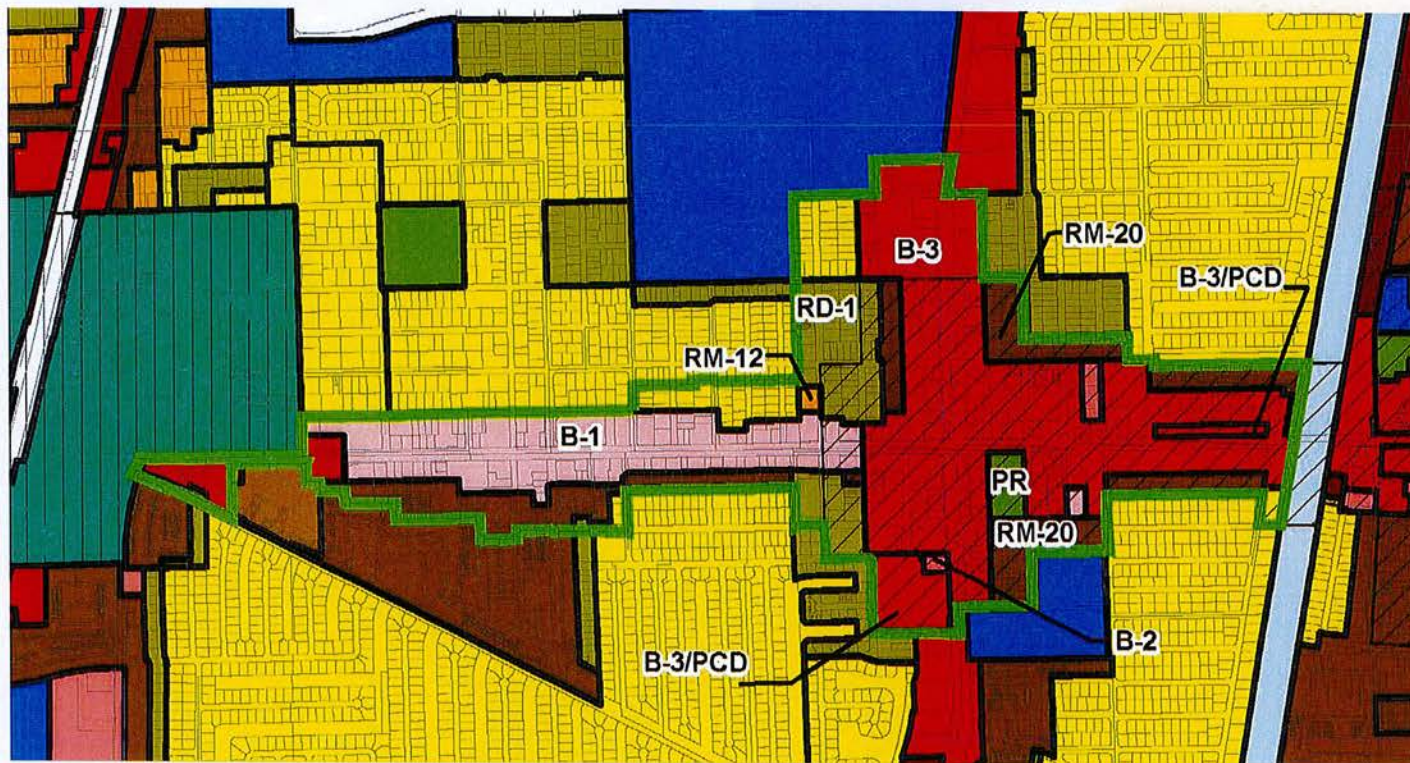
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# Zoning Map Amendment





# Adopted Zoning Map:





## Proposed Zoning Map Amendment: TO/EOD

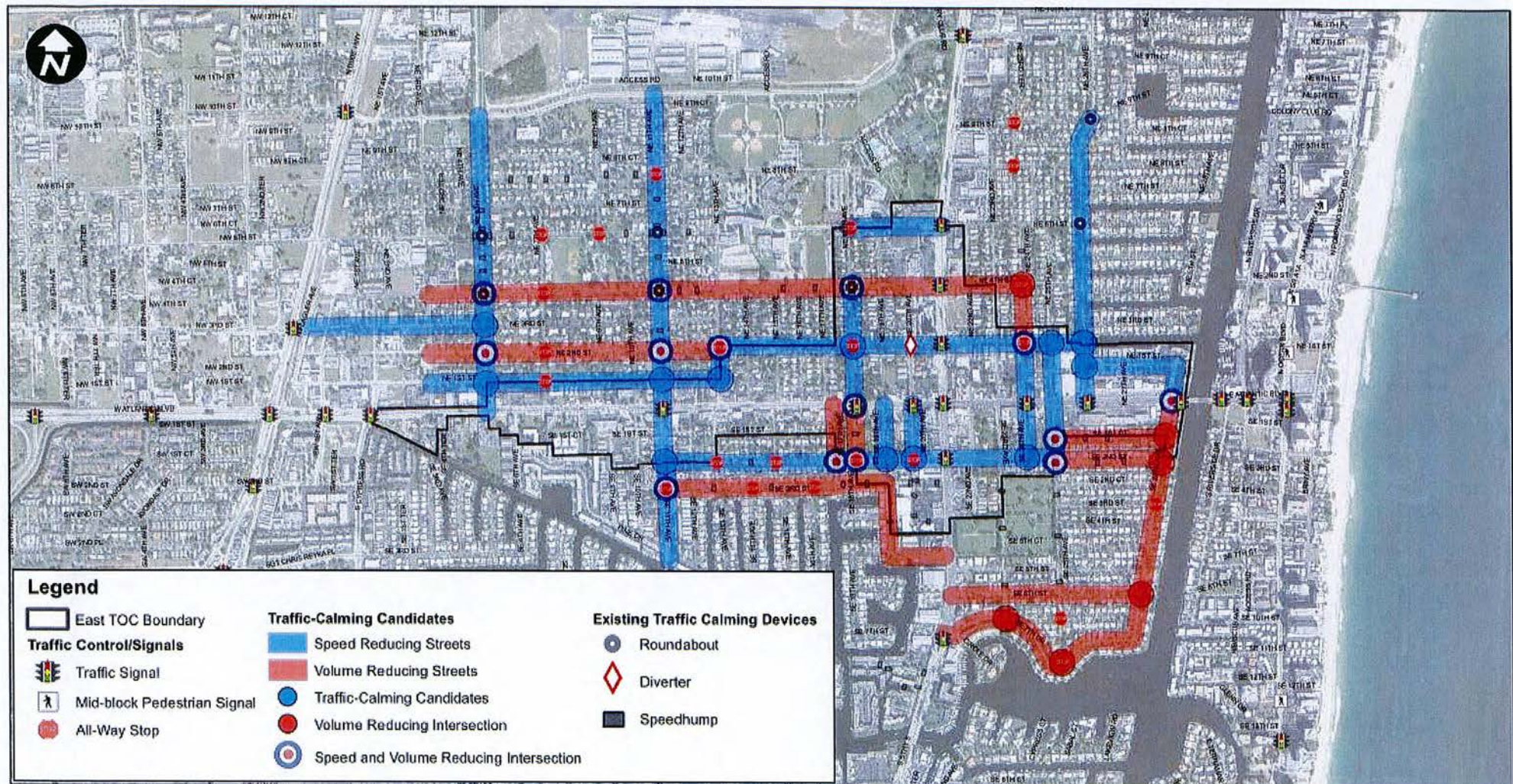


# QUESTIONS AND DISCUSSION

## THANK YOU!



# Potential Neighborhood Protection Corridors





## **THE FACTS**

- Pompano Beach needed/needs a face lift for current residents and tourists.
- Pompano Beach must have a plan for building and density.
- A corporation's vision may not be what current residents/taxpayer have envisioned.
- Tourism is Florida's Number One Industry. Currently, and Pompano Beach is not alone with this, cities want it both ways. Municipalities want to attract increased tourism, while at the same time increasing residential dwellings.
- Retail is shuttering stores at an amazing rate. E-commerce has come to rule the marketplace. Adding retail space, other than service-oriented, is a pipe-dream. Just take a look at the north side of Atlantic Blvd. from 26<sup>th</sup> Ave east. The ice cream shop went under, 5 Girls Burgers is barely hanging on, and I still have not seen a storefront in the new Parking Garage.
- If your population grows, more services, such as police, fire, utilities, roads (which we have few of) are definitely needed.
- The more dwelling units you add, the more traffic you will have on 3 main arteries that are included in the proposed East Transit Oriented Corridor (ETOC); 1) A-1-A, one lane in each direction with a scramble lane in the middle; 2) Atlantic Blvd., two lanes each direction with some left-hand turn lanes, and 3) Federal Hwy., 3 lanes in each direction with left-hand turn lanes, and please, let's not forget the new, even skinnier, 2 lane each direction Atlantic Boulevard Bridge.
- Brightline will affect East-West traffic and signaling (currently 22 crossings each day, with a total of 32 planned) with a detrimental back-up of eastbound traffic in the EOD.
- Currently, approx. over 1500 dwelling units have been approved, especially if you take into consideration Broadstone, to the south of the ETOC. We have yet to see the impact of all these units on our traffic systems.
- Hovering cars, driverless cars, and drone taxis are not a near-term reality.
- Neither is the expectation that residents and tourists will resort to walking, or riding bikes in sharrow lanes, particularly when you consider we are speaking of a mostly ageing 65 + year old population not accustomed to physical exercise.
- With all of the new dining and hotel opportunities, we are going to have many more visitors, local and tourists.

## **THE SOLUTION**

The ETOC will forever change Pompano Beach, yet 95% of the residents I surveyed had no idea of what is being proposed. And let me tell you, their vision did not align with your proposed vision when the increased density was explained. Although this has been in the works for a while, I feel it is being shoved down our throats by elected representatives, who may not be in office once this could be passed. Please remember, trust in politicians is at an all-time low. Couple that with fiscal failures for the

Beach Fire Station, the Parking Garage, and the Pier Construction, and I do not think the Pompano Beach Commission should decide this for the residents. I think the residents should, and it should not be a short amount of time like the current G.O. Pompano initiative. I want this to be on the ballot in November, which will give us enough time to explain it to the current residents. No building permits for multiple residential dwellings or commercial structures shall be issued before the vote on Tuesday, Nov. 16. Single family homes being demolished and rebuilt as single family residences are exempt. In that window, I, with a volunteer force and social media, will inform residents of the benefits and drawbacks, and will continue working towards a plan similar to Lauderdale-By-The-Sea, where redevelopment has occurred, yet they kept that safe, tourist-draw ambiance.

If the ballot decision goes in favor of less density, I want a 1 Year Moratorium on building in the ETOC effective 1/1/2019. That will allow us time to assess how the current new construction affects our quality of life (QoL). You can always build more in the future, but you cannot have evaporating structures.

You may say why stop when we just got the ball rolling, but I want what you currently have planned to be a strike, and not end up as a gutter-ball for all of us. Or worse, a wrecking ball. Pompano Beach has made some terrific gains recently, and I applaud those accomplishments.

One simple fact remains: Others are planning our future, but we should have the strongest voice in our destiny, and the destiny of the city!

# NE 28<sup>TH</sup> COURT REZONING & FLEX APPLICATIONS

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City Commission 2<sup>nd</sup> Reading  
Tuesday, February 13<sup>th</sup>, 2018



# Aerial Map



 Properties PFL owns

 Subject Properties for Rezoning

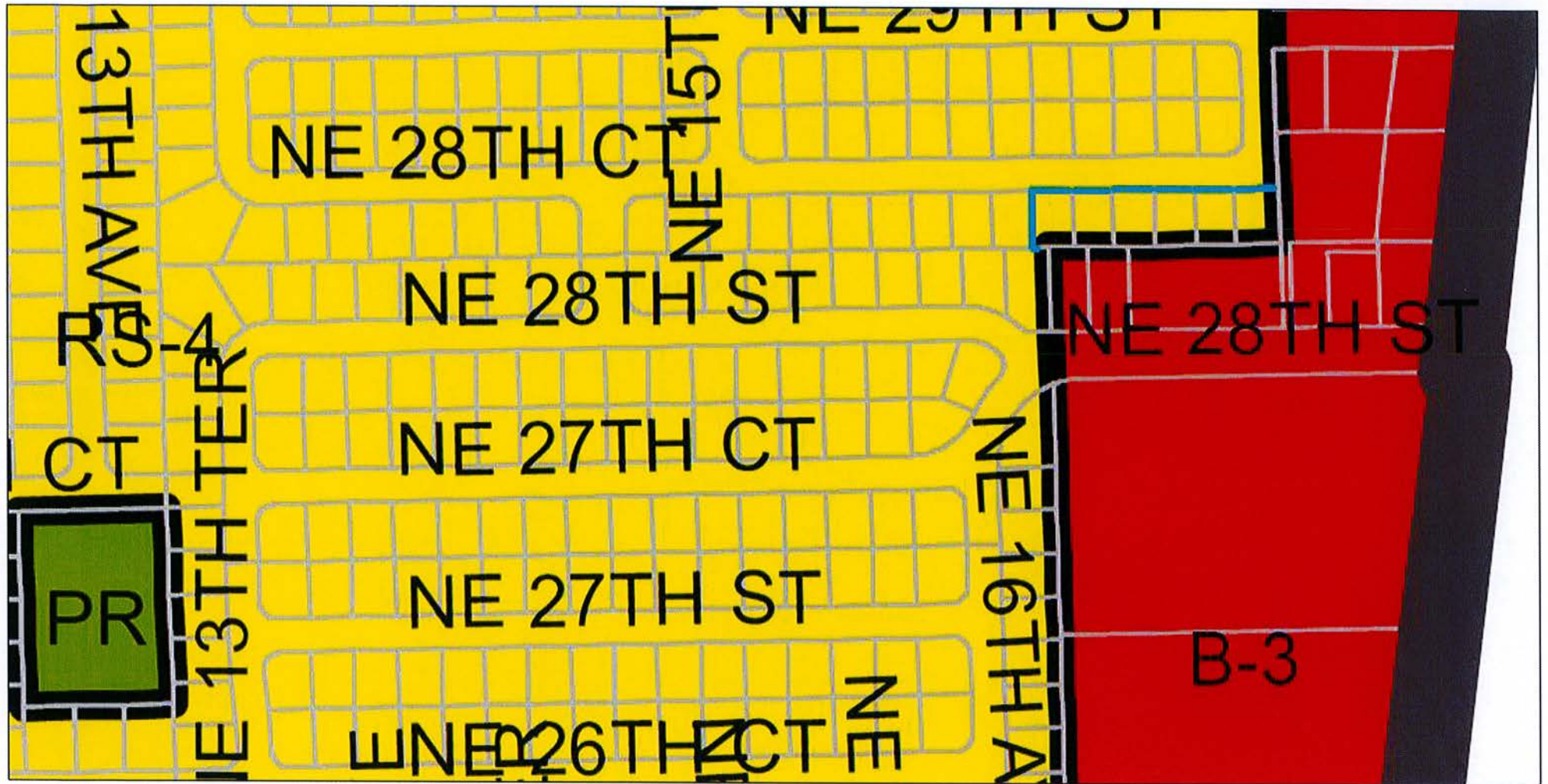


# Site Plan Area





## Zoning Map





## Rezoning / Flex Standards

- ***Consistent with the Goals, Objectives, & Policies in the City's Comprehensive Plan, the rezoning will:***
  - Create a commercial node at the east end of the block and allow for sufficient space to enhance buffering & transition from the neighborhood to the commercial lot (Policy 01.03.07)
  - Protect the single-family neighborhood by eliminating traffic from car carriers (Policy 01.03.08)
  - Provide the proper buffers & develop a low-rise parking structure, which will promote long-term growth & stability.
  - The use is sustainable & will increase economic vitality, compatible with the adjacent residential uses (Policy 01.03.11)
- ***Compatible with adjacent land uses & suitability of the parcel for various development patterns, the flexibility will:***
  - Create a proper transition from commercial to residential that would be more compatible with the adjacent single-family homes than what is in place today.



## Public Benefits

- Eliminate 60+ trips per day.
  - Enhanced security for the neighborhood through motion detected lighting & sprinkler systems.
  - Create a better transition between the commercial & residential development.
  - Allow Pompano Ford Lincoln (PFL) the ability to provide better buffers between commercial & single-family.
  - The more land available, the lower the parking structure will be.
  - A commitment from PFL to site plan the ability of trucks to unload within the parking facility & eliminate cut-through traffic from car carriers as well as loading & unloading on NE 28<sup>th</sup> Street.
  - Declaration of Restrictive covenants to limit uses to:
    - A. Dwelling, live/work\*
    - B. Dwelling, multifamily\*
    - C. Arboretum or botanical garden
    - D. Community garden
    - E. Park deck or garage (as principal use)
    - F. Parking lot (as principal use)
- \* Subject to the future allocation of flexibility units

## Federal Highway Corridor

- Dealerships need space to be successful especially as they combine
- **110** – Number of high-paid employees at Pompano Ford Lincoln
- The dealership generates a large amount of customers that frequent other local businesses
- **2007** – The original Ford & Dodge dealerships left N. Federal Hwy
- Loss of the employees & customer traffic had a detrimental effect on the Corridor
- The original Ford location is now an LA Fitness with less & lower paid employees
- Took about 9-10 years for the site to be repurposed; & counting for the Northern properties that were formally retail

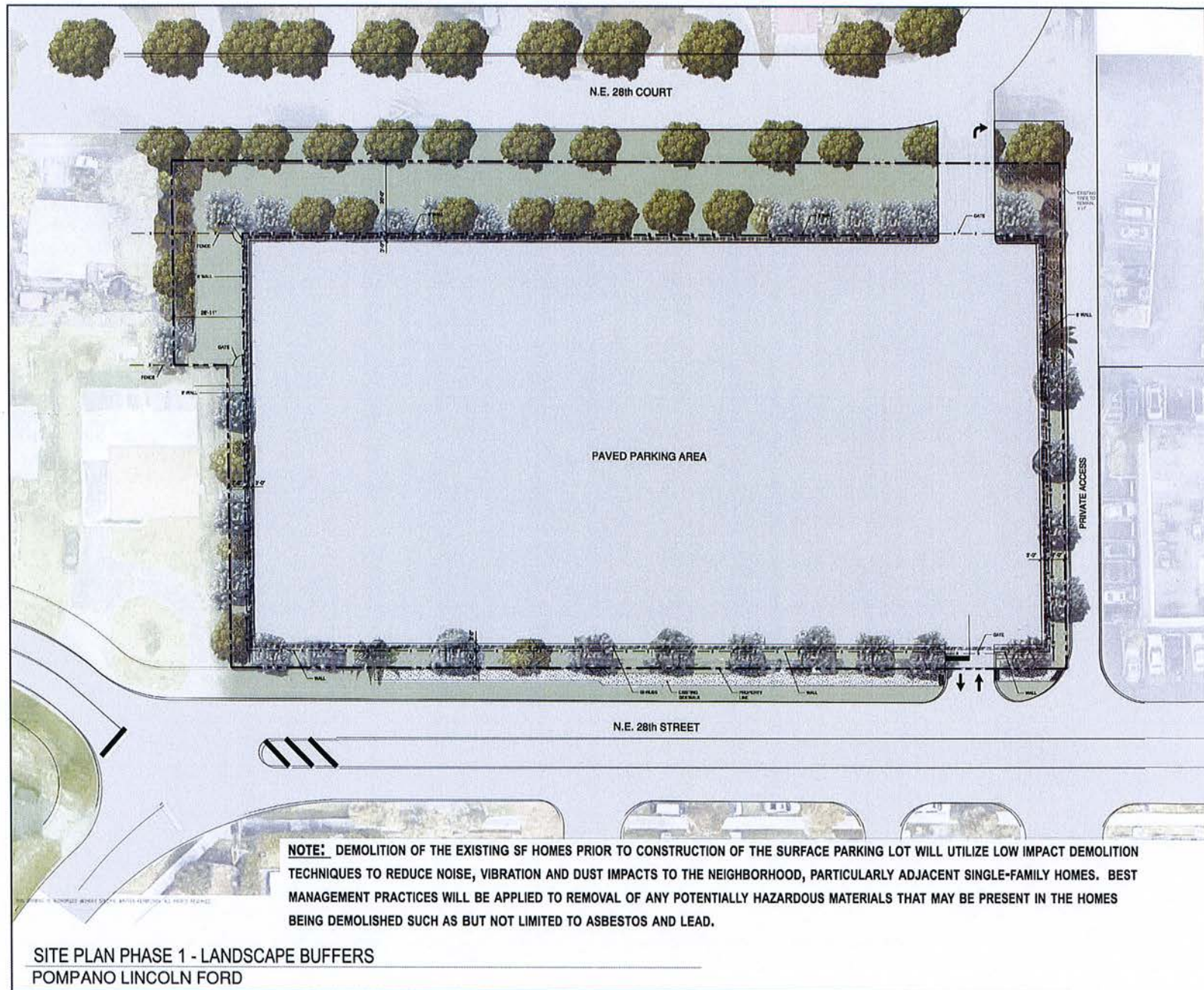


# Subject Site Aerial

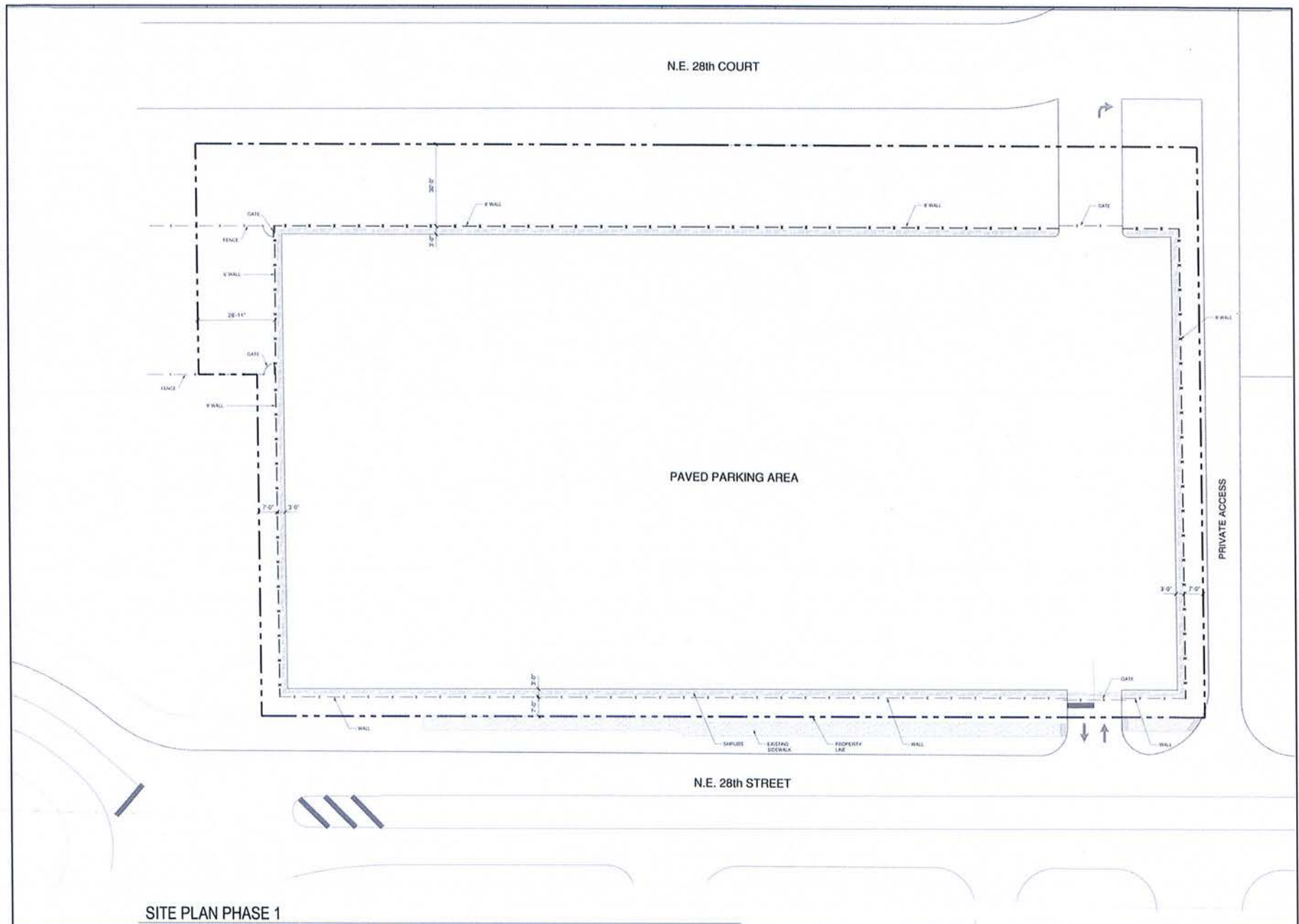




# Site Plan – Phase 1



# Site Plan – Phase 1





# Site Plan – Phase 2





## Southwest Aerial View





## Northeast Aerial View





## View from NE 28<sup>th</sup> Street





## View from NE 28<sup>th</sup> Court



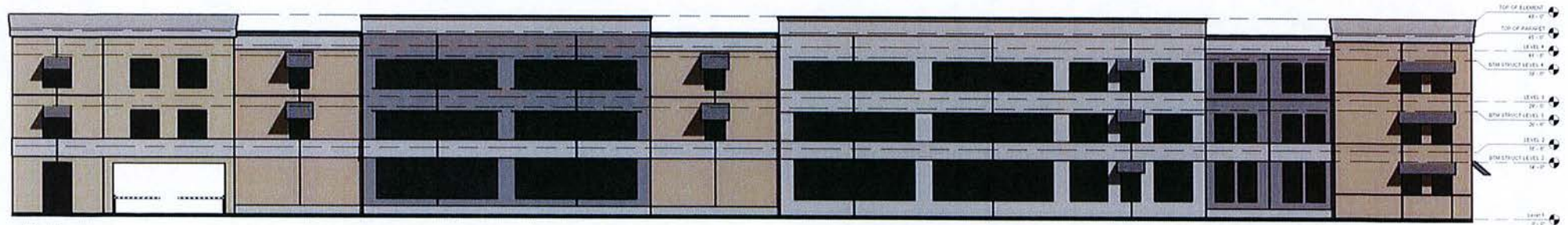


## View from NE 17<sup>th</sup> Avenue

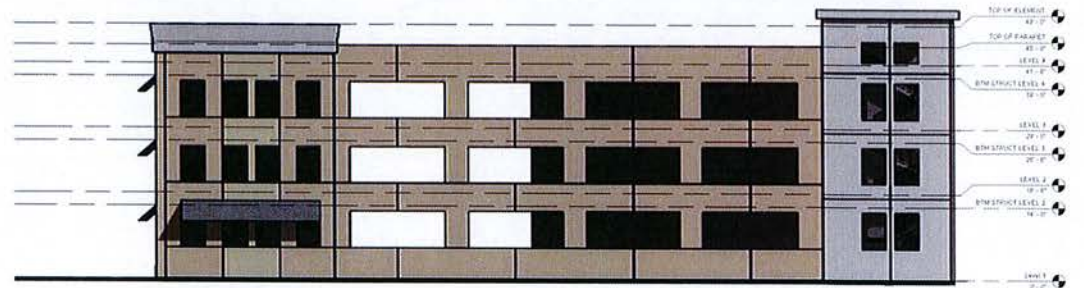




# North & West Building Elevations



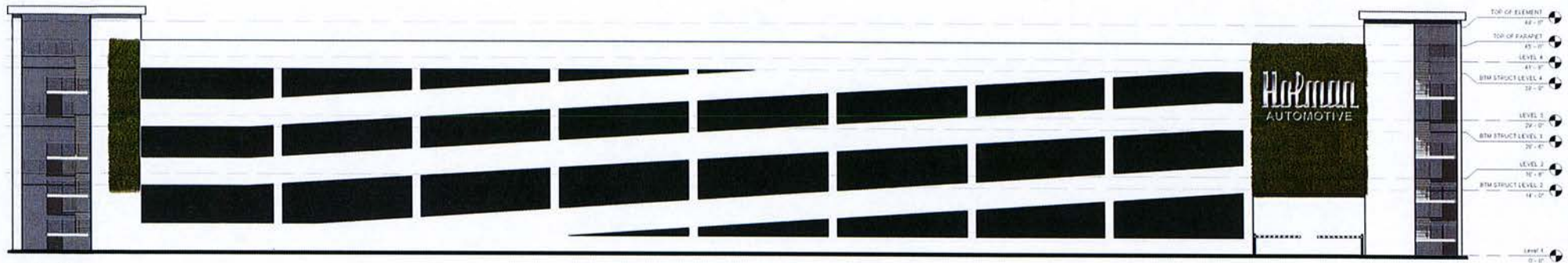
2 North  
3/32" = 1'-0"



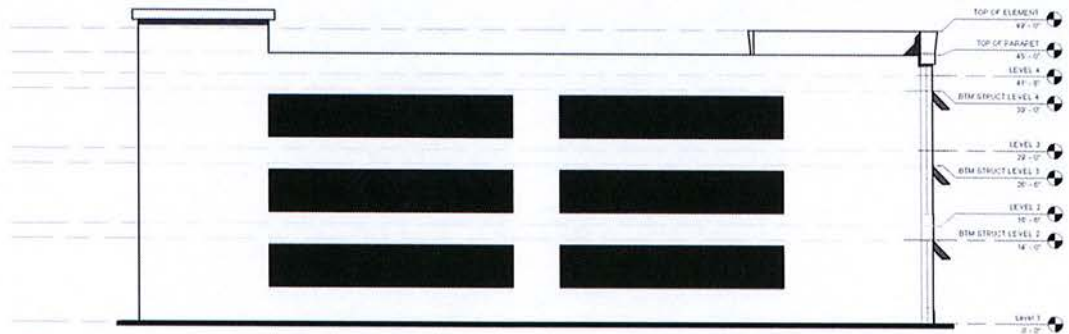
1 West  
3/32" = 1'-0"



# South & East Building Elevations

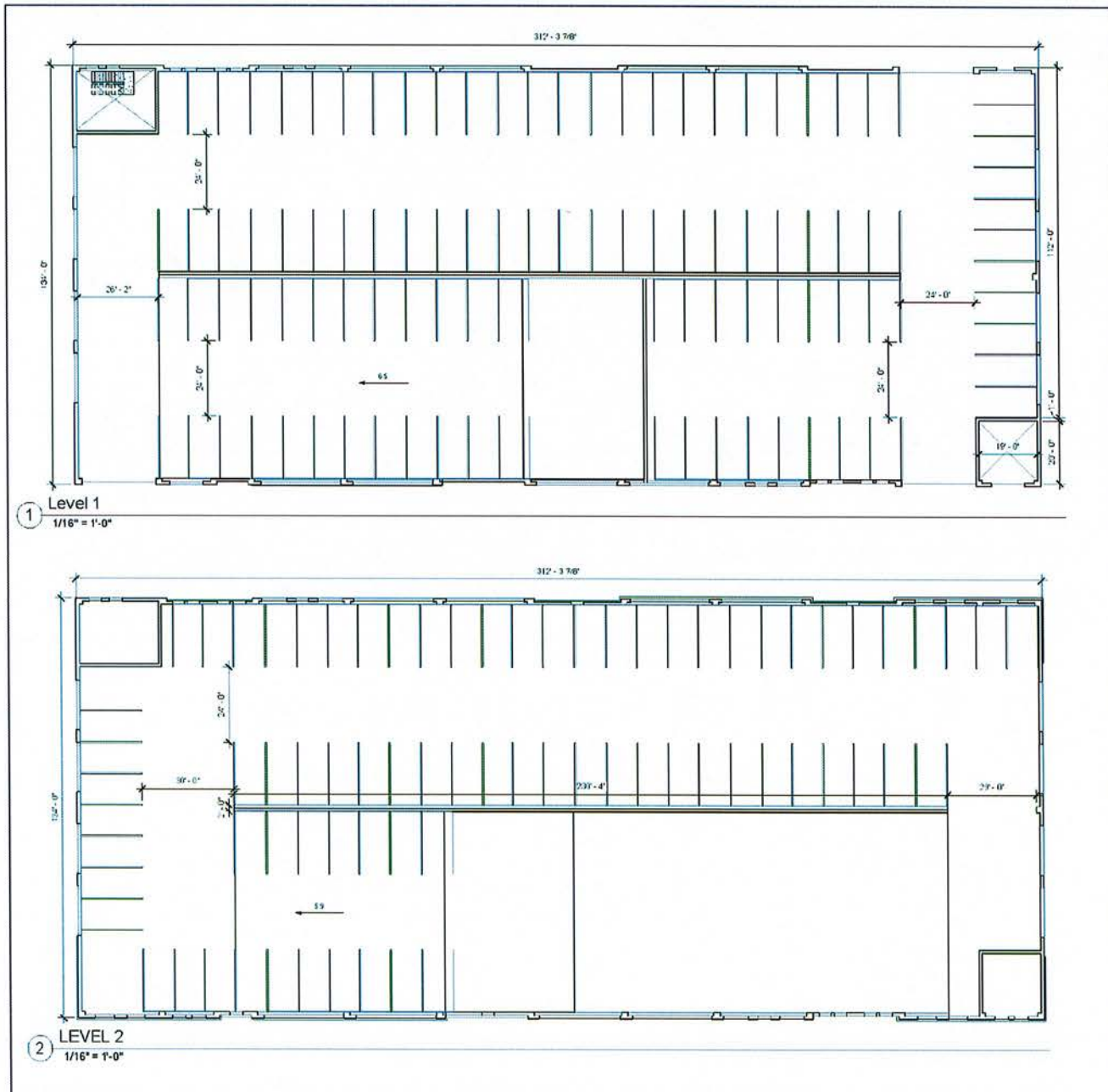


1 South  
3/32" = 1'-0"

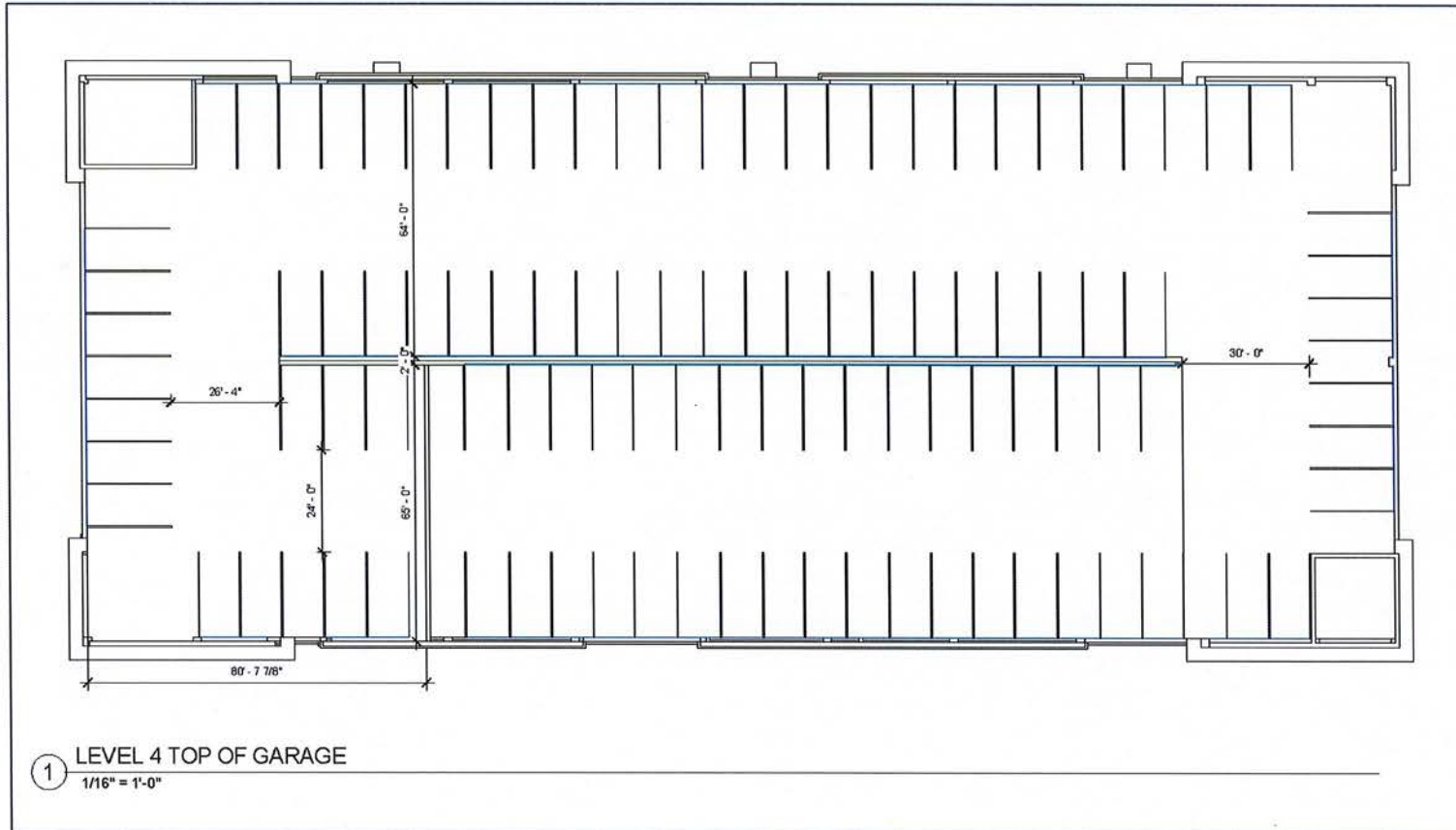


2 East  
3/32" = 1'-0"

# Garage Levels



## Garage Levels Cont'd





## COMMUNITY OUTREACH

Neighborhood Meeting (Temporary Use Permit) • <b>130 notices mailed / 5 residents attended</b>	Thursday, October 12 <sup>th</sup> , 2017
Meeting with 1629 NE 28 <sup>th</sup> Court neighbors	Friday, November 10 <sup>th</sup> , 2017
Meeting with 2900 NE 17 <sup>th</sup> Avenue neighbors	Monday, November 13 <sup>th</sup> , 2017
Meeting with 1643 NE 28 <sup>th</sup> Court neighbor	Wednesday, November 15 <sup>th</sup> , 2017
Meeting with 1614 NE 28 <sup>th</sup> Court neighbors	Wednesday, November 15 <sup>th</sup> , 2017
Economic Development Council	Monday, December 4 <sup>th</sup> , 2017
Neighborhood Meeting (City-Initiated Rezoning & Flex Applications) • <b>130 notices mailed / 5 residents attended</b>	Tuesday, December 12 <sup>th</sup> , 2017
Neighborhood Meeting (Rezoning & Flex Applications) • <b>124 notices mailed / 9 residents attended</b>	Monday, January 8 <sup>th</sup> , 2018
Cresthaven Civic Association	Thursday, January 11 <sup>th</sup> , 2018
Economic Development Council	Monday, January 22 <sup>nd</sup> , 2018

## PUBLIC HEARINGS

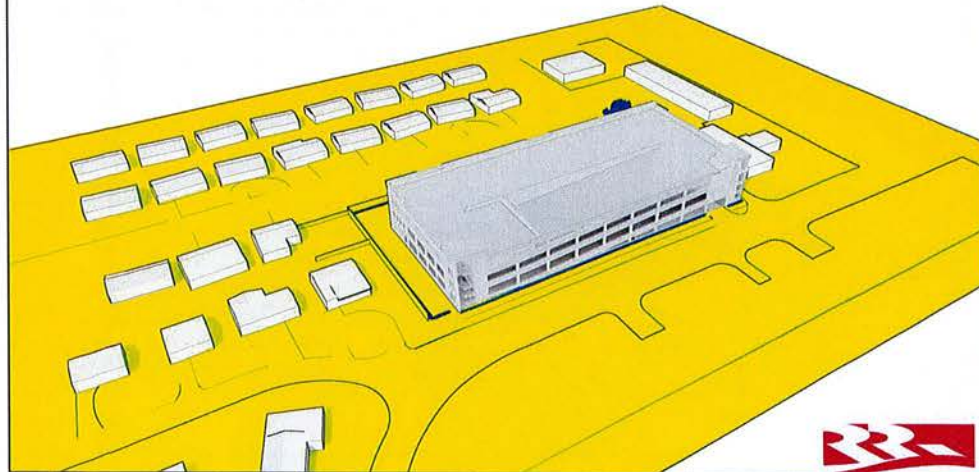
Zoning Board of Appeals	Thursday, October 19 <sup>th</sup> , 2017
Planning & Zoning Board	Wednesday, December 20 <sup>th</sup> , 2017
Planning & Zoning Board	Wednesday, January 24 <sup>th</sup> , 2018

# Shadow Study- Spring Equinox

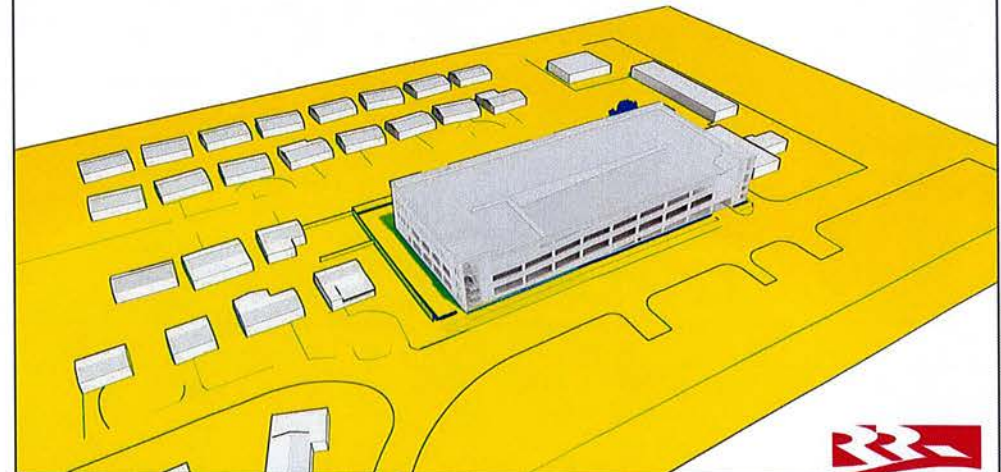
MARCH 20: 9AM  
SOLAR STUDY



MARCH 20: 3PM  
SOLAR STUDY



MARCH 20: 12PM  
SOLAR STUDY



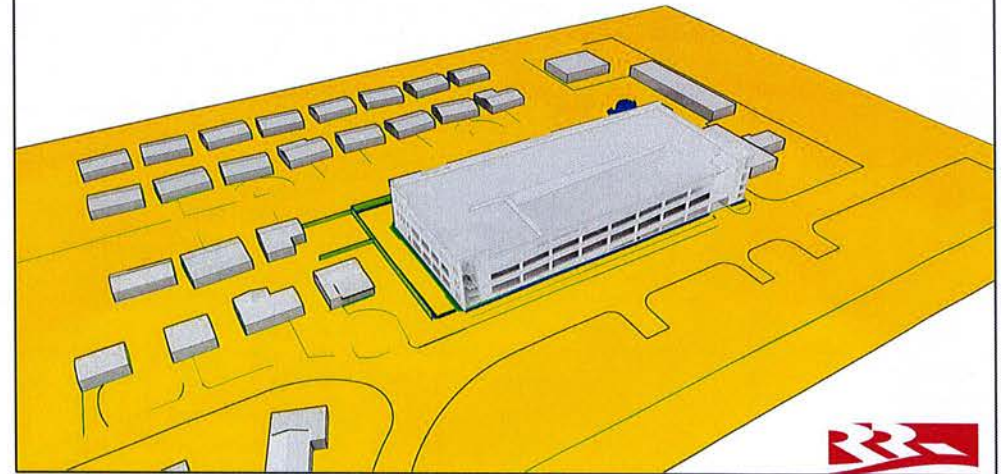


# Shadow Study- Summer Solstice

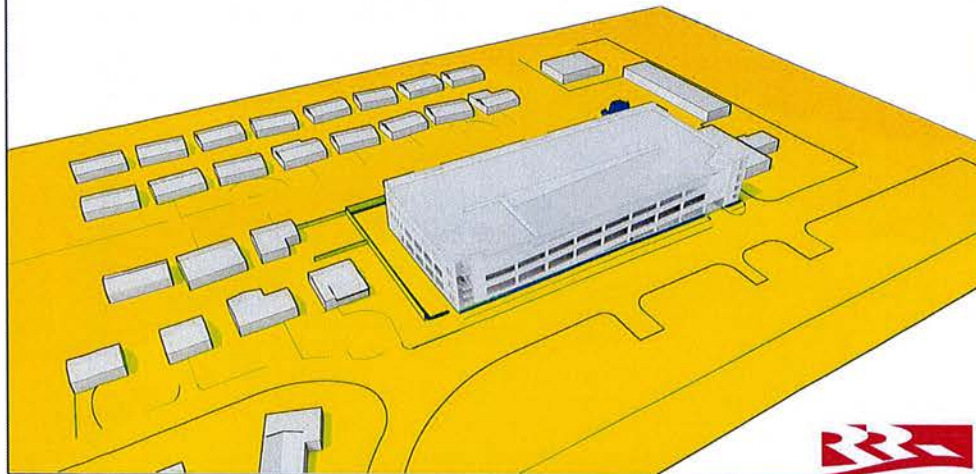
JUNE 21: 9AM  
SOLAR STUDY



JUNE 21: 12PM  
SOLAR STUDY



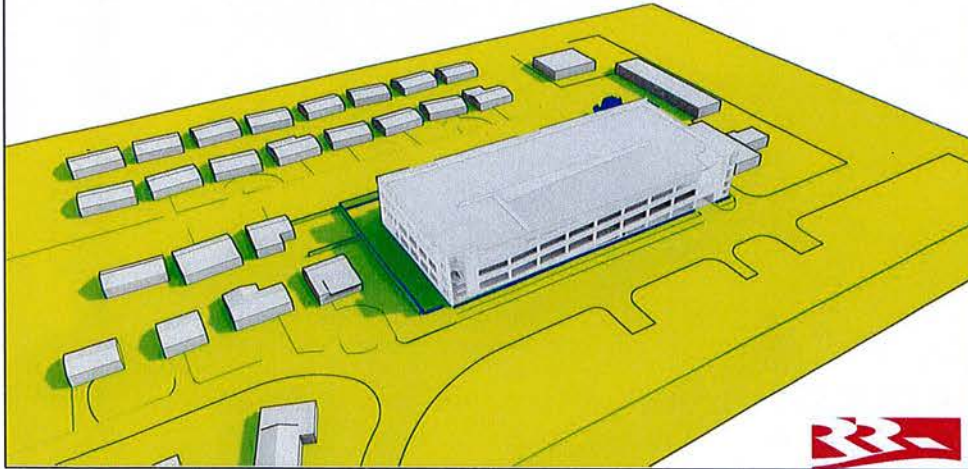
JUNE 21: 3PM  
SOLAR STUDY



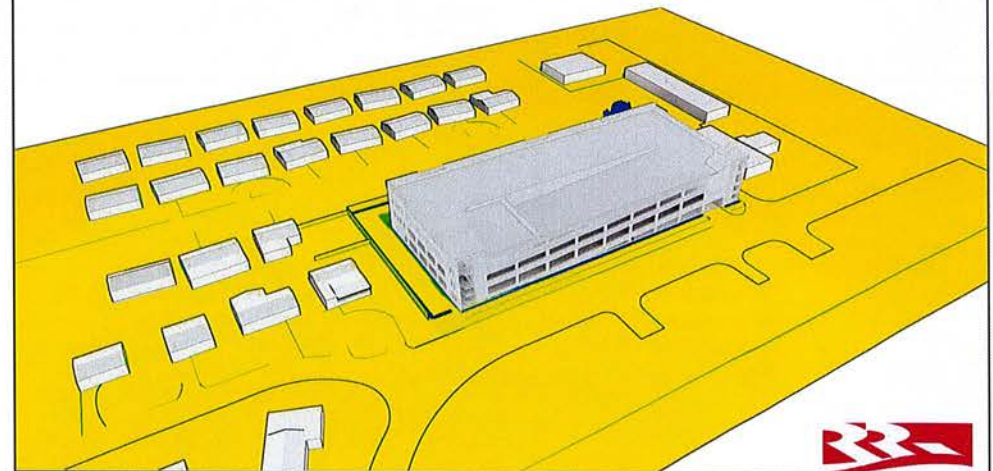


# Shadow Study- Autumnal Equinox

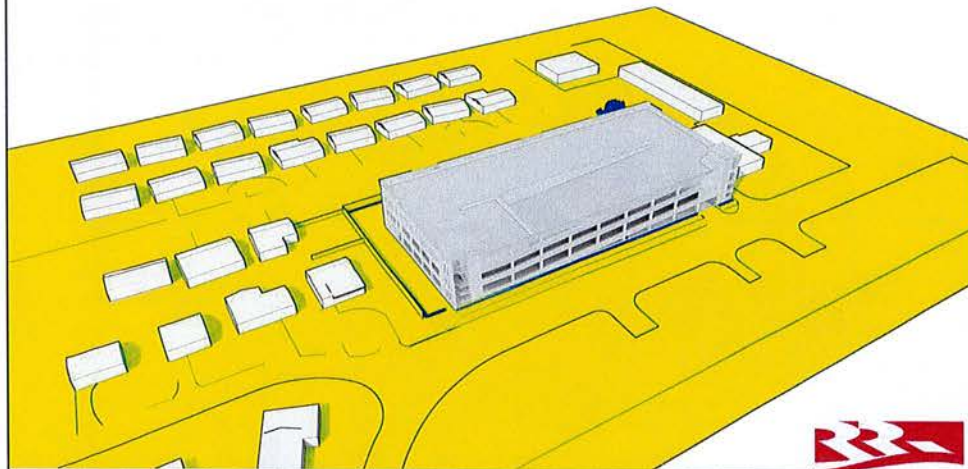
SEPT 21: 9AM  
SOLAR STUDY



SEPT 21: 12PM  
SOLAR STUDY



SEPT 21: 3PM  
SOLAR STUDY



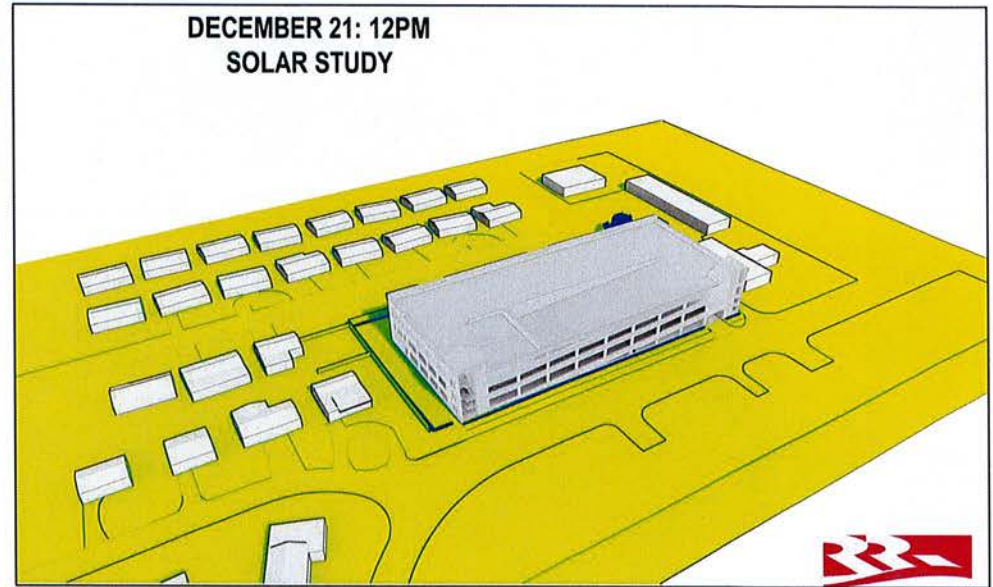


# Shadow Study- Winter Solstice

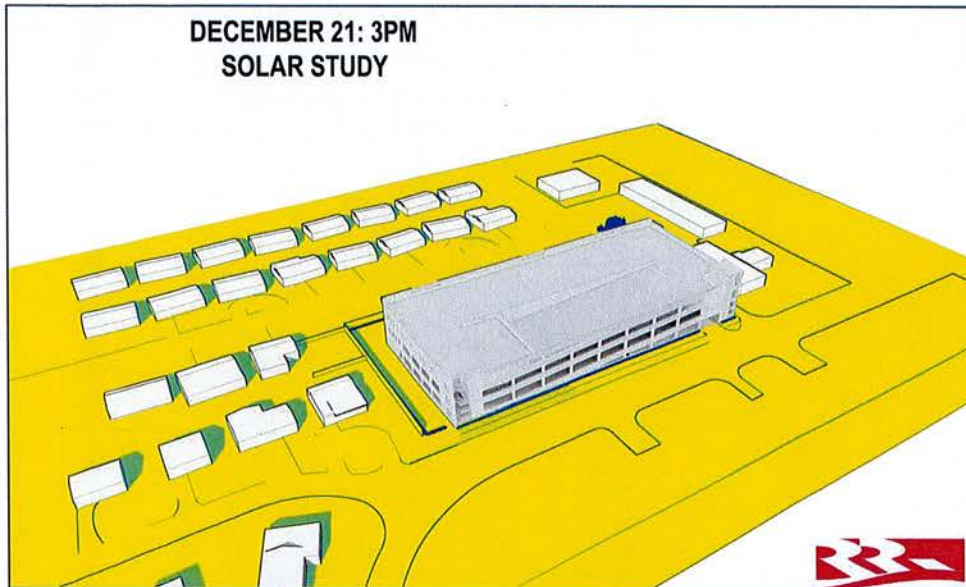
DECEMBER 21: 9AM  
SOLAR STUDY



DECEMBER 21: 12PM  
SOLAR STUDY



DECEMBER 21: 3PM  
SOLAR STUDY



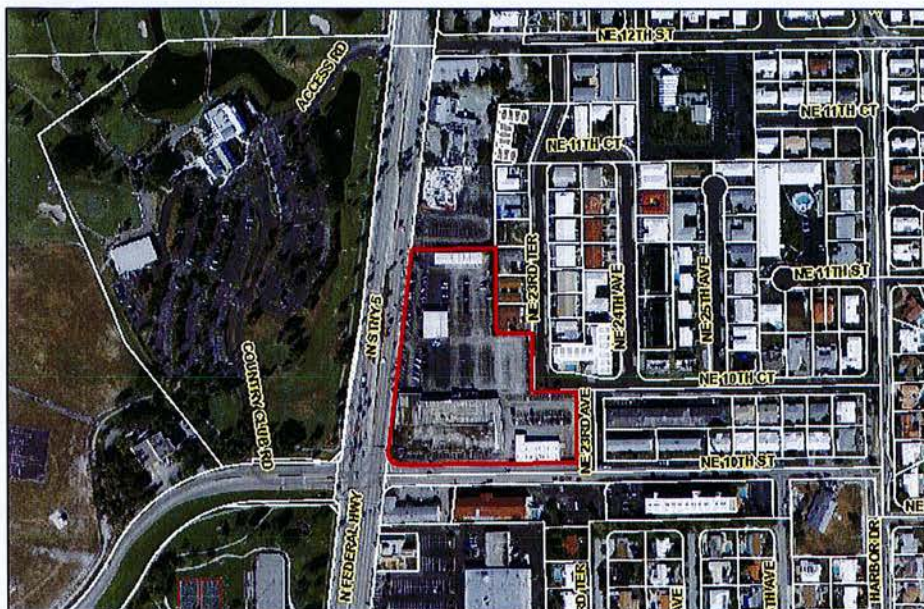
## Next Steps

- City Commission on February 27<sup>th</sup>, 2018 for Rezoning – First Reading & Flex Application Approval
- Site Plan Phase I submittal – March 2018
- Site Plan Phase II submittal – March 2021
- Site Plan Phase II completion – January 2022



# Original Ford Dealership

2007:



2017:



2011:



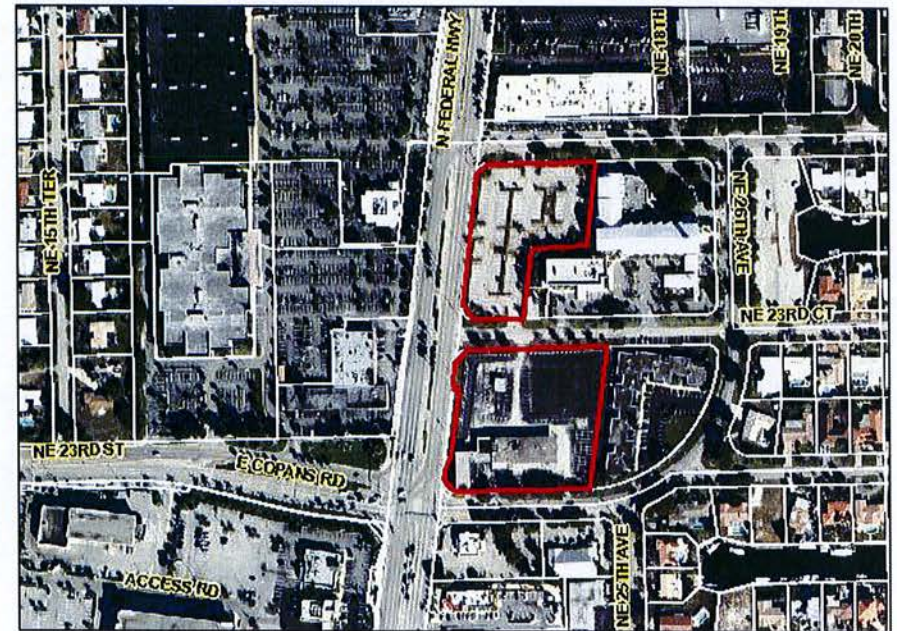


# Original Dodge Dealership

2007:



2011:



2017:





# Home Values –

## NE 28<sup>th</sup> Court, Pompano Beach, 33064

*(Source: Broward County Property Appraiser)*

North side of NE 28<sup>th</sup> Court (across the street from commercial property):

House Number	Lot Sq. F.	Bldg. Sq. F.	2018 Market Value	2018 Market Value – Dollars per Bldg. Sq. F.
1685	5,673	1,175	\$156,290	\$133.01
1671	5,146	1,231	\$165,920	\$134.79
1657	5,146	1,235	\$157,700	\$127.69
1643	5,146	1,055	\$164,170	\$155.61
1629	5,146	1,181	\$143,670	\$121.65
1615	5,146	1,391	\$176,420	\$126.83
<b>Average</b>	5,233.83	1,211.33	\$160,695.00	\$133.26

South side of NE 28<sup>th</sup> Court (abutting commercial property):

House Number	Lot Sq. F.	Bldg. Sq. F.	2018 Market Value	2018 Market Value – Dollars per Bldg. Sq. F.
1698	5,568	1,030	\$138,220	\$134.19
1684	5,131	1,030	\$166,970	\$162.11
1670	5,136	1,517	\$207,880	\$137.03
1656	5,141	1,414	\$187,270	\$132.44
1642	5,146	1,140	\$163,010	\$142.99
1628	5,152	1,130	\$155,580	\$137.68
<b>Average</b>	5,212.33	1,210.17	\$169,821.67	\$141.07

Note:

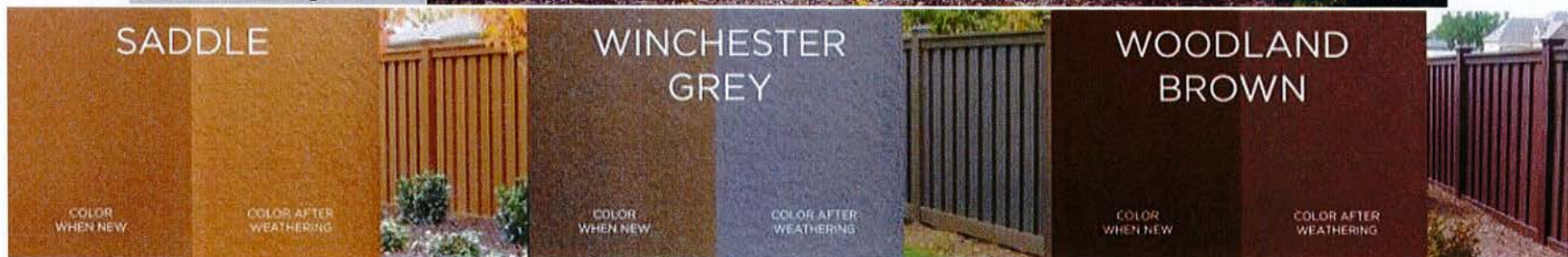
- PFL purchased 1698 NE 28<sup>th</sup> Ct on 3/20/17 for \$228,800
- PFL purchased 1684 NE 28<sup>th</sup> Ct on 8/10/17 for \$280,000





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## COMMUNITIES





