



Meeting Minutes City Commission

Tuesday, June 21, 2022

7:00 PM

Commission Chambers

CALL TO ORDER AND ROLL CALL

The meeting was called to order on the above date by Mayor Bill Ganz at 7:00 p.m., in the City Commission Chambers, City Hall, Deerfield Beach.

Present: 5 – Commissioner Todd Drosky
Commissioner Michael Hudak
Commissioner Bernie Parness – via Zoom
Vice Mayor Ben Preston
Mayor Bill Ganz

Also Present: 3 – City Manager David Santucci
City Attorney Anthony Soroka
City Clerk Samantha Gillyard

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Thereafter was a moment of silence, followed by the Pledge of Allegiance.

APPROVAL OF CITY COMMISSION MINUTES

Regular City Commission Meeting Minutes – June 7, 2022

MOTION was made by Commissioner Preston, seconded by Vice Mayor Hudak, to approve the minutes as submitted. Voice Vote:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

ACKNOWLEDGEMENT OF CITY BOARD MINUTES

Community Appearance Board Meeting Minutes - April 27, 2022

Code Compliance Meeting Minutes - April 27, 2022

Cultural Committee Meeting Minutes - January 18, January 24, February 7, March 21, & April 18, 2022

African American Heritage Board Meeting Minutes - May 12, 2022

Police Pension Board Meeting Minutes - February 28, 2022

ACKNOWLEDGEMENT OF CITY BOARD MINUTES – CONTINUED

Firefighters Pension Board Meeting Minutes - February 21, 2022

MOTION was made by Vice Mayor Hudak, seconded by Commissioner Preston, to acknowledge the board minutes. Voice Vote:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

APPROVAL OF CITY COMMISSION AGENDA

June 21, 2022

Mayor Ganz asked that Item 9 be discussed after public comment; there was no objection from the Commission.

MOTION was made by Commissioner Preston, seconded by Vice Mayor Hudak, to approve the agenda as amended. Voice Vote:

Yeas: 5 - Commissioner Drosky, Commissioner Parness, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

AWARDS & RECOGNITION**1. Proclamation in recognition of National Certified Nurse Assistants Week.**

Mayor Ganz presented a proclamation in recognition of National Certified Nurse Assistants Week. Nursing assistants provide as much as 90% of the care received by residents in nursing homes and other long-term care settings. The Annual National Nursing Assistants Week is a special week to recognize the efforts and dedication of these important health care workers. In closing, Mayor Ganz proclaimed the week of June 16 – 22, 2022 as National Certified Nurse Assistants Week.

PUBLIC COMMENT

Lisa Lake, 225 SE 10th Street, Deerfield Beach, said there is constant speeding and noise on her street and it is ruining the quality of life. Previously, speed bumps were installed, but they have been removed because it slowed response time for the fire department; however, she found out that fire does not use that route. Lastly, she said car thefts are rampant as someone is checking to see what doors are open.

Peggy Noland, 325 SE 3rd Terrace, Deerfield Beach, said there is no left turn signal at the traffic signal located at 2nd Avenue and Hillsboro Boulevard.

David Santucci, City Manager, said there will be targeted enforcement on 10th Street. Further, staff will look into the traffic light and speak with FDOT about it.

DEPARTMENTAL BUSINESS

- 9. Resolution 2022/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a Sign Relocation and Reconstruction Agreement with Clear Channel Outdoor, LLC pursuant to the City's Billboard Relocation Policy and Section 70.20, Florida Statutes; authorizing execution of the Sign Relocation Agreement; providing for an effective date. (Tabled from May 17, 2022)**

DEPARTMENTAL BUSINESS – CONTINUED

The Resolution was read by title only.

Scott Backman, representing Clear Channel, provided a PowerPoint presentation on the project which entailed background on billboards, litigation, and the City's 2017 ordinance to provide a billboard sign relocation and reconstruction agreement. The goal was to remove old signage and allow the new billboard on commercially/industrially zoned property. Also, the City's ordinance outlines a number of corridors the City wishes to encourage this type practice, namely, Dixie Highway, whereby, there are four (4) billboards directly on or in close proximity to the Dixie Highway Corridor. Mr. Backman outlined the terms of the agreement: Clear Channel will voluntarily remove four existing billboards; however, one of the signs is in Pompano Beach but impacts the City, so it is included. Additionally, they agreed to utilize light blocking technology for the facing-west face. He commented on the meetings held with the neighboring communities and the willingness to address their needs which will be discussed shortly. Other agreements include: compensation of \$30,000 annually to the City and to adhere to city regulations for removal and relocation of billboards. Lastly, a number of public service components available to the City in the billboard.

Mr. Backman said the sign is proposed at the Sports Mall, west of Powerline Road, on the south side of SW 10th Street. The sign is high and would be erected above the tree canopy and the proximity to the closest homes in Independence Bay. The survey shows the sign being angled so it faces outward toward 10th Street in both directions and away from the adjacent properties on either side. Mr. Backman displayed a graphic showing the proposed sign and the other four (4) signs proposed for removal along Dixie Highway; one sign is visible from Dixie Highway, but is located on the southside of 48th between Federal Highway and the railroad tracks. Thereafter, he displayed a photo of each billboard from the road.

Lou Musica, Clear Channel Outdoor, provided a list of LED inventory throughout the tri-county area; whereby, Clear Channel operates 70 LED faces. Thereafter, he provided various factors regarding the illuminated billboard including Florida Department of Transportation (FDOT) regulations. FDOT requires a minimum display time for each message as six seconds, but their current policy is every eight seconds. Also, Florida Statutes 479 does not allow animation or movement; thus, the images will be still or static. The three necessary components used to make sure the billboard will never be too bright are: ambient light sensor, dimming software, and incorporating maximum brightness limits, which is 0.3 foot-candle measured from a specific distance. The State of Florida has used LED billboards for many years to display disaster and emergency messages as well as Amber alerts; whereby, Clear Channel has an agreement with the US Marshalls and FBI to provide service to these entities free of charge and also work with local law enforcement.

Continuing, Mr. Musica provided a view of LED lighting and explained how the technology focuses the light in a specific direction. Thereafter, he provided a video to show how the lights on the sign fade out depending on the directional approach to the sign, even at night. Mr. Musica continued to show billboards with directional lighting technology and how being 30 degrees off center stops people from seeing the lights. The louvers on the sign, are both vertical and horizontal. The vertical louvers block the light from the frames; furthermore, the right side has regular diode, no light blocking. He then displayed a daytime video of the sign and explained how the light spread shows no light reaching the apartments. Mr. Musica provided scientific values regarding the foot candle measurements with 0.2-foot candles (fc) being the maximum brightness of the operating sign. He said 0.0 is no change and the data provided from the sign's location to the northernmost home measures 0.007 fc. Mr. Musica displayed other photos of their billboards.

Commissioner Drosky provided detailed commentary on the proposed resolution; wherein, he outlined the purpose of the 2017 ordinance and how the impact to residents would be lessened. The billboard is seven stories and that does not lessen residential impact. The slide shows 220 feet from the nearest resident, but that is from the actual structure (home), but it is 180 feet from their yard which is not that far. Commissioner Drosky said this is the Commission's discretion to allow the billboard or not; he continued outlining how the proposed billboard is a violation of the 2017 City ordinance. He said along with SW 10th Street, which the Commission cannot control, the residents cannot handle adding this billboard. He said approaching Powerline Road on SW 10th Street, the road will be elevated, starting at Independence Bay, and will look like Sample Road and 441 near the casino. The elevation begins after the entrance at Independence Bay, rises up, goes over Powerline Road and comes back down. On the rise, people will see the billboard, seven stories tall, which is too much for this residential area. Also, the City's ordinance

DEPARTMENTAL BUSINESS – CONTINUED

requires curtailing the number of signs to the minimum reasonably necessary to identify a residential or business location and the nature and use to allow smooth navigation at these locations. He said approving the proposed resolution defeats the purpose of the City's ordinance.

Continuing, Commissioner Drosky said he does not see how removing the other billboards and adding the proposed billboard does not preserve every zoning district in the City. Another regulation outlined in the ordinance is to protect property values by precluding signs that create a nuisance to the occupancy or use of other properties, which this does not. He said if this billboard were proposed for an industrial area, the conversation would be different, but not with violations of the ordinance. In 2018, the City removed five billboards and two others were replaced and installed on the Turnpike, north of Wiles Road and I-95 and Hillsboro Canal. Neither went on a residential road or near residents; in fact, the one installed on I-95 and Hillsboro Canal, the Boca Raton residents said the light was shining in their yards and the Commission fixed the problem. He said it does not make any sense to hurt the City's residents. Thereafter, Commissioner Drosky displayed video footage of the proposed billboard location and photos of current billboards along Dixie Highway. He said his main objections are safety, property values, aesthetics, and environmental concerns.

Mayor Ganz left the dais temporarily at 7:52 p.m. and returned at 7:53 p.m.

Commissioner Drosky explained the safety implications from Powerline Road to Sawgrass Expressway; whereby, in 2021, there were 109 traffic accidents and 784 traffic citations written in the City just in that stretch. In 2020, 84 traffic accidents; 2019, 122 traffic accidents and 1,415 traffic citations issued. Many of those crashes are due to the high rate of speed coming off the expressway and adding a visual impairment distraction will only make matters worse. Commissioner Drosky then provided the most recent facts from the 2018 US Department of Transportation regarding distracted driving. During that time, there were 33,654 fatal crashes in the Country involving 51,490 drivers. Of those fatal crashes, 36,560 people were killed. He outlined a few distractions that contribute to car crashes: cell phone, distracted by outside person, object or event which included electronic billboards. Commissioner Drosky continued to outline facts he researched that warned against electronic billboards; whereby, the City of Philadelphia proposed that billboards be a minimum of 1,000 feet from its residents. He continued to outline other warnings against electronic billboards and the potential for injury or fatalities.

Additionally, Commissioner Drosky said along with cities that have banned billboards, entire states have followed suit. He said he found a Philadelphia based article regarding property values when billboards are in close proximity to the property revealing that billboards have negative financial and economic impacts. In Philadelphia, there is a statistically significant correlation between real estate value as measured by sales price in proximity to billboards; properties within 500 feet have a decreased value of \$30,826 and greater than 500 feet experience a decrease of \$947 for every billboard in that tract. The article also addressed income; whereby, for strict sign-controlled cities, income is higher than non-strict cities. The home vacancy and poverty rates for strict controlled cities is lower. He explained that the City cannot regulate billboards in this regard due to State law and must be conscience of the need for property tax revenues, as the millage rate is not being raised.

Commissioner Drosky referenced the video he created and outlined the three billboards to be removed and said adding another in District 4 does not reduce sign pollution. Thereafter, he provided a closer look of the billboards which are all in deplorable condition. He said the billboards do not belong in District 1 and present a safety hazard. Thus, he will work with Vice Mayor Hudak to get these billboards removed no matter what it takes. If they are unable to take care of their signs in District 1, how can they be expected to take care of the signs in District 4. He continued to show the other billboards, locations, and condition and believes they should pursue Code Enforcement and present as an unsafe structure, as many are rusted and appear to be collapsible. Furthermore, Commissioner Drosky presented an article from *Scientific Reports*, published September 2015, outlining how light pollution disrupts sleep behavior in three living animals, whereas, the sign would be across from Quiet Waters Park and the bald eagles' nest. Prior to concluding, Commissioner Drosky presented a snippet from a previous City Commission meeting, wherein, Commissioner Preston spoke in defense of a resident.

Due to technical difficulties, only a portion of the video was heard.

DEPARTMENTAL BUSINESS – CONTINUED

Vice Mayor Hudak said the billboards along the corridor are within 50 feet of resident homes and have been there for 45 years and have experienced a lower property value as a result. He commented on the billboards that negatively impact the Dixie Highway corridor and although one billboard is in Pompano Beach, removing it will improve the area. Signs such as these contribute to the dilapidation of the area and deters developers. He said he fully supports the removal of all four billboards that have disgraced the City for over 45 years; this is the opportunity to do so. Although he does not want the digital signs, he is looking out for the City as a whole. Thereafter, he asked the City Attorney to comment on recent discussions regarding the billboards.

Anthony Soroka, City Attorney, said billboards are currently prohibited in the City, so a new billboard cannot be installed other than with the exception of a removal and relocation agreement. As for the billboard prohibition that existed when the Commission passed the ordinance, the billboards displayed are considered legally non-conforming signs, which means they can remain going forward and cannot be rebuilt, unless totaled by something like a hurricane. The difficulty is that they are on private property and usually, the lease agreement is normally long term to get them removed. He has witnessed other cities passing a billboard ban and build in a 20-year recapture period where the existing signs still have another 20 years, but has been subjected to extensive litigation which also has issues. Thus, municipalities would still have billboards for another 20 years, so companies recoup their investment from when the property was purchased/leased and for monies spent building those signs. Lastly, he said it is very difficult to get billboards removed that are legally non-conforming other than what is being proposed.

Vice Mayor Hudak clarified that there is no way to remove the Dixie Highway billboards without approving the proposed resolution.

Mr. Soroka replied it would be really challenging; the proposed option is the best way for removal. He said there could be significant legal issues if the City tried to have the billboards removed.

Vice Mayor Hudak said he is not a proponent of adding more billboards, but as a commissioner, he has to look at what is best for the City in its entirety. While he appreciates Commissioner Drosky's research and understands his stance, he must consider all the residents.

Commissioner Parness spoke in support of the proposed resolution and expressed dissatisfaction that there has not been an attempt to remove the billboards from Dixie Highway until now. Although the billboard is 65 feet tall and digital, he opined that it can be useful in an emergency and convey valuable information. He said instead of cars idling in front of Independence Bay, drivers are warned ahead of time when, for example, SW 10th Street is closed. Commissioner Parness continued to outline reasons to approve the resolution.

Commissioner Preston said for the past few weeks, he has been inundated with calls and e-mails primarily opposing the relocation of billboard signs from Dixie Highway to SW 10th Street. Commissioner Preston outlined considerations for the billboard: \$30,000 annually to the City into perpetuity; side with the residents who have lived with the billboards and want the monetary award; side with District 4 residents who say the sign is too much. He also spoke with those who do not want the billboards in their neighborhood either, but have lived with it for many years and others should likewise. Furthermore, he has spoken with various District 4 residents concerned about a decrease in property taxes [s/b value] but no concern for their neighbors. The decision should be based on altruism, unselfish concern for the welfare for others, and asked if the concerns for District 4 neighbors are legitimate and could affect their lives unfairly and he believes it would. He also asked that the District 4 residents consider the neighbors to the east and remember they too have issues and every resident should accept the challenge to show that we are all neighbors.

Mayor Ganz outlined some of the terms of the proposed resolution; removal of four signs located in an industrially zoned area, and \$30,000 annually to the City. He advised that the signs along Dixie Highway, as explained by Vice Mayor Hudak, have been there for 45 years; however, the residents have not had to live with those billboards for 45 years because they chose to move to a location with signs. The residents in Independence Bay did not have a sign when they purchased their properties. This will be the only sign

DEPARTMENTAL BUSINESS – CONTINUED

from I-95 to Weston, FL, along the Sawgrass corridor. From a business standpoint, this is a bad deal when considering the proposed location of the new sign and the monetary payment which is nothing. Thereafter, he commented on two signs in 1994 in Hallandale Beach that were expected to generate \$250,000 and the City was to receive \$10,000 or 6% of that revenue. He said \$30,000 yearly for this pristine area is not worth it and it does not help pay for even half of the Juneteenth event. He objected to taking a problem from one area and giving it to another. He then reviewed the photos of the current billboards and opined that property values will not increase even if they are removed. Additionally, he said although the technology is fascinating, it does not sway him because a giant billboard in someone's backyard who has never had to deal with it, coupled with a giant sound wall to be installed in front of their homes is insult to injury. Mayor Ganz also expressed dissatisfaction with Commission comments. Thereafter, he advised that Mr. Backman has contributed to his campaign. Lastly, he said the billboard will not be dedicated to showcasing emergencies or missing children and this is a bad deal for everyone.

Vice Mayor Hudak said this is not about the money for him, and is open to renegotiations, but determining what is right for the City as a whole. Dixie Highway is the center of the City and that has been dilapidated and even though it may not start development, it would not stop it. Although the residents have dealt with the signs for all these years, to say they have to continue because no one wants the digital sign out west, is not looking out for the City as a whole.

Mayor Ganz commented on how residents along Dixie Highway knew the signs were there and residents out west did not have signs and the lies told to the residents near the landfill. He said the disservice is that the Commission has allowed them to be in that condition.

Commissioner Parness said because of the proximity to a commercial property, something was going to be built there. He opined that they did not expect it to always be residential. The sign is going up on a commercial property and it should have been investigated before purchasing a home there. Furthermore, he said removing the signs from Dixie Highway and constructing one in District 4 is the right thing to do.

Mayor Ganz opened the public hearing.

Dawn Applebee, 407 Congressional Way, Deerfield Beach, spoke in opposition to the proposed resolution. She also commented on her community volunteerism and the upcoming construction projects her community is facing.

Denise Bogner, 1157 SW 26th Avenue, Deerfield Beach, along with two other residents, spoke in opposition to the proposed resolution, for reasons outlined by the Commission, and also because it may set a precedent for others.

Gilda Youngblood, 1342 SW 44th Terrace, Deerfield Beach, spoke in opposition to the proposed resolution because of the distractions the billboard will cause which will only add to the accidents in that corridor.

Leah Bido, 612 Freedom Court, Deerfield Beach, spoke in opposition to the proposed resolution because the technology primarily affects the visibility of the night sky and does not cut light pollution. Ms. Bido also said there was no communication from Clear Channel and Independence Bay. Lastly, she said the \$30,000 annual payment pails in comparison to the revenue Clear Channel generates annually.

Santo Listro, Waterways HOA President, 1037 SW 42nd Terrace, Deerfield Beach, spoke in opposition to the proposed resolution for reasons outlined by the Commission.

Monica Rodriguez, 406 Freedom Court, Deerfield Beach, spoke in opposition to the proposed resolution, for reasons outlined by the Commission.

Jerry McGuinn, 101 Centennial Court, Deerfield Beach, spoke in opposition to the proposed resolution due to the increased potential of accidents for young teens.

DEPARTMENTAL BUSINESS – CONTINUED

Sandra Jackson, 386 SW 35th Avenue, Deerfield Beach, spoke in opposition to the proposed resolution.

Carol Landry, 4248 SW 11th Street, Deerfield Beach, spoke in opposition to the proposed resolution.

Paula Cook, 62 Centennial Court, Deerfield Beach, spoke in opposition to the proposed resolution.

Christina Constantino, 1236 SW 48th Terrace, Deerfield Beach, spoke in opposition to the proposed resolution.

Nancy Kasmarski, 1100 SW 42nd Avenue, Deerfield Beach, spoke in opposition to the proposed resolution.

Daryl Brown, 262 Farnham K, Deerfield Beach, spoke in opposition to the proposed resolution and also asked if there is another way to remove the billboards along Dixie Highway without approving the agreement. She also recommended finding another location for the billboard.

Wiley Timmons, 117 Centennial Court, Deerfield Beach, spoke in opposition to the proposed resolution.

Lisa Lake, 225 SE 10th Street, Deerfield Beach, spoke in opposition to the proposed resolution and said the signs on Dixie Highway are a blight to the community and no one should have to live with them.

Jason Lisnak, 505 Freedom Court, Deerfield Beach, spoke in opposition to the proposed resolution and said Clear Channel has not maintained the billboards along Dixie Highway and does not agree with a new billboard which may ultimately result in the same dilapidation. He also commented on the increased potential for accidents.

Name & address inaudible, spoke in opposition to the proposed resolution because of the lights that will be a disruption to those with sleeping problems as well as the children possibly climbing the structure.

Inaudible, Freedom Court, Deerfield Beach, spoke in opposition to the proposed resolution.

Francis Deluise, 42 Centennial Court, Deerfield Beach, spoke in opposition to the proposed resolution due to the safety risks.

Dean Kallan, 3250 SW 2nd Court, Deerfield Beach, spoke in opposition to the proposed resolution; thereafter, he commented on the annual payment from Clear Channel not being worth it and the need to remove those signs on Dixie Highway.

Name & address inaudible, spoke in opposition to the proposed resolution and commented on various obstacles in her community.

Laura Stephens, 82 Centennial Court, Deerfield Beach, spoke in opposition of the proposed resolution.

Tameisha Hoggins, 109 Freedom Court, Deerfield Beach, spoke in opposition of the proposed resolution.

William Lane, 11 Tilford A, Deerfield Beach, asked if there is a requirement to care for the billboards once installed.

Julie Sasvari 1227 SW 25th Avenue, Deerfield Beach, said the way to fix the problem is getting rid of the signs on Dixie Highway instead of removing and installing a new one.

Marlene Kimmelman, 1048 SW 42nd Avenue, Deerfield Beach, spoke in opposition to the proposed resolution.

DEPARTMENTAL BUSINESS – CONTINUED

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, spoke in opposition to the proposed resolution and said campaign contributions should be outlined by each commissioner tonight. Further, she recommended billboard placement at Military Trail and 10th facing north as a better location and disagreed with the annual payment proposed by Clear Channel.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, said the removal of billboards along Dixie Highway would be an improvement for the corridor. She said she supports the new billboard if that is the only way to remove the billboards along Dixie Highway; however, if there is a way to remove the billboards without the agreement, she would vote no.

Cathy Novello, 408 Freedom Court, Deerfield Beach, spoke in opposition to the proposed resolution as light will blare into the community and will be a huge distraction to drivers. She also commented on the other projects that will dampen the community's quality of life.

Vice Mayor Hudak left the dais temporarily at 9:43 p.m. and returned at 9:45 p.m.

Mayor Ganz closed the public hearing and said that the condition of the billboards on Dixie Highway also fall on him, not only Vice Mayor Hudak. Also, it is not wise to reward a company for removing an asset that they have already abandoned. He also spoke about the traffic accidents along SW 10th Street whereas, the billboard will compound the issues; thereafter, he outlined research he obtained regarding banning billboards. Furthermore, he also commented on selfish motives for those supporting the illuminated billboard and using the money to support another district that would not be impacted.

Vice Mayor Hudak left the meeting temporarily at 10:01 p.m. and returned at 10:02 p.m.

Mr. Backman thanked everyone for the civil discussions and reiterated the intent of the resolution, removal of four signs and installation of a new billboard. He agreed that the location chosen is an excellent location and 45 years ago, Dixie Highway was the best north south corridor. He said removing the signs on Dixie Highway and placing the proposed sign along the corridor is a better location and will become a major corridor because of the expected expansion of the Sawgrass Expressway. He explained why the signs are in their current condition and because the signs are legally non-conforming signs they are limited by how much can be done to them. Although they can maintain the signs, they are unable to make any infrastructure improvement to the signs because once they get to a state of disrepair, they cannot repair them, unless from a storm or something of that nature.

Mr. Musica responded to comments made by the Commission and public; billboards in Philadelphia and Sweden, various studies regarding how long people look at billboards when driving, light pollution and effect on animals and sleep, and other considerations.

Commissioner Drosky said there are a total of 32 e-mails opposing the billboard and explained that there is a win-win in this scenario. Furthermore, this is not about one district against another, as this is one city and the common enemy is the company. He reiterated using code enforcement and pursuing removal through the County's unsafe structures. Additionally, he recommended working with Clear Channel to have them relocate the location in a commercial corridor, away from residential.

Vice Mayor Hudak agreed with Commissioner Drosky about the City being one. He asked if the City has any other alternatives to remove the Dixie Highway signs within 20 years.

Mr. Soroka replied that reporting to Code Enforcement for maintenance purposes maybe an option, but there are limitations because the magistrate is not going to order the signs to be removed.

Vice Mayor Hudak commented on home values and advised that he would not recommend a billboard for the Cove because there are thousands of residents next to the Cove within 50 feet. He said the decision is to either go support the proposed resolution or vote no and keep the other eyesores for another 20 years.

Mayor Ganz continued to discuss the consequences of supporting this resolution and asked for full support of the Commission.

DEPARTMENTAL BUSINESS – CONTINUED

In response to Vice Mayor Hudak's question, Commissioner Drosky replied that the Broward County Unsafe Structures Board is viable and he will fight to remove those billboards. Additionally, he reiterated working with the applicant to find another location.

Mr. Soroka advised that the City has an unsafe structures chapter within the Code and provides that buildings or structures that become unsafe, unsanitary or deficient in adequate facilities for means of egress or constitutes a fire or windstorm hazard, or illegal or improper use, occupancy or maintenance which do not comply with the provisions of the applicable minimal housing code or have been substantially damaged by the elements, acts of God, fire exposure or otherwise shall be deemed unsafe and a permit shall be obtained to demolish the structure. Ultimately, the Building Official makes the determination about whether it qualifies as an unsafe structure under the Florida Building Code and other codes; if made, there is a process for an appeal before the Unsafe Structures Board, followed by a hearing to present evidence for both sides, the City, the property owner/tenant, then a decision would be made.

MOTION was made by Commissioner Drosky, seconded by Commissioner Preston, to deny Item 9.
Roll Call:

Yeas: 4 - Commissioner Drosky, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 1 - Commissioner Parness

After the roll call, Commissioner Parness left the meeting at 10:32 p.m. and Mayor Ganz called for a five-minute break before the remaining items were discussed.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

Mayor Ganz opened the public hearing; however, there were none to speak and the public hearing was closed.

There was no discussion amongst the Commission.

MOTION was made by Vice Mayor Hudak, seconded by Commissioner Preston, to approve Items 2 – 8 of the Consent Agenda. Roll Call:

Yeas: 4 - Commissioner Drosky, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

- 2. Resolution 2022/101 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, granting a 10 foot by 10 foot utility easement on the southeast corner of State Road A1A and NE 2nd Street to Florida Power & Light Company for the S-Curve Utility Undergrounding and Streetscape Project; authorizing execution of the Easement; providing for implementation, conflicts, and an effective date.**
- 3. Resolution 2022/102 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the ranking and award of Request for Qualifications #22-12-JW for executive recruitment services to the three responsive and responsible proposers; providing for execution of contracts for recruitment services on an as needed basis; and providing for an effective date. (*Funds from Other Contractual Services accounts*)**
- 4. Resolution 2022/103 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an agreement with Gladstone & Associates, LLC for consulting services for the Community Services Department for a one-year term in an amount not to exceed \$45,175.00, with one, one-year renewal option; waiving the**

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS – CONTINUED

requirements for competitive solicitations set forth in Sec. 38-127 of the Code of Ordinances; authorizing execution of the Agreement; providing for an effective date. (*Funds from Account #001-1701-564-32-99 - Other Contractual Services*)

5. **Resolution 2022/104 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an Interlocal Agreement with Broward County for Fiscal Year 2021-2022 Disbursement of HOME Program Funds for the Homebuyer Purchase Assistance Program in the amount of \$230,781.00; providing for execution; providing for implementation and an effective date.**
6. **Resolution 2022/105 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a Piggyback Contract with ER Tech Systems Group, Inc. dba Broadcast Systems, utilizing General Services Administration Contract #GS-07F-173GA for the West Water Treatment Plant Site Security Project; authorizing the expenditure of funds in an amount not to exceed \$267,489.38 for Phase III of the Project; providing for execution and an effective date. (*Funds from Account #413-5000-536-60-31 - Improvements other than Buildings*)**
7. **Resolution 2022/106 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Third Amendment to the Tower Site License Agreement with NCWPCS MPL 25-Year Sites Tower Holdings LLC for the tower located at NE 2nd Street; consenting to the sublease with Dish Wireless, LLC; authorizing execution of the Third Amendment; providing for an effective date.**
8. **Resolution 2022/107 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Second Amendment to the Tower License Agreement with NCWPCS MPL 28-Year Sites Tower Holdings LLC for the tower site located at 200 Goolsby Boulevard; consenting to the sublease with Dish Wireless, LLC; authorizing execution of the Second Amendment; providing for an effective date.**

DEPARTMENTAL BUSINESS – CONTINUED

10. **Resolution 2022/109 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, adopting an official city flag; providing for an effective date.**

The Resolution was read by title only.

David Santucci, City Manager, thanked the Public Affairs & Marketing Department for their efforts in producing the flag renderings; which were presented to the Commission. After individual polling, a majority of the Commission selected the first choice.

Vice Mayor Hudak spoke in support of Option A, first choice.

Commissioner Preston said upon adoption, he would like the City's flag along with the American flag at every park in the City.

Commissioner Drosky asked if a plan is in place to roll out Commissioner Preston's recommendation and whether the park poles can support numerous flags. He advised of a possibility of flying the State flag along with the City flag.

Mr. Santucci explained that he has not had an opportunity to research; notwithstanding, there are existing areas in the City, i.e. Central City Campus, with three distinct flag poles and staff is ready to fly the City flag. It is not customary to fly another flag below the American or State flag, but to erect separate flag poles;

DEPARTMENTAL BUSINESS – CONTINUED

therefore, poles would have to be constructed in additional areas. He reminded the Commission that in some instances, the State and City flag would be flown. Based on Commissioner Preston's comments, the flag would be in every park, including neighborhood and pocket parks which requires maintenance by personnel as well as lowering the flags when needed. Currently, flags are displayed at larger parks with available staff to raise and lower the flags, which may be a wise alternative. Furthermore, additional flag poles would be erected to include locations where the American is located, accompanied by the State and City flags. He advised that additional research is needed and will respond to the Commission once done.

Mayor Ganz opened the public hearing; however, there were none to speak and the public hearing was closed.

MOTION was made by Vice Mayor Hudak, seconded by Commissioner Preston, to approve Item 10, first choice, adopted Resolution 2022/109. Voice Vote:

Yeas: 3 - Commissioner Drosky, Commissioner Preston, and Vice Mayor Hudak

Nays: 1 - Mayor Ganz

11. Resolution 2022/110 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, supporting the installation of an outdoor fitness court with artwork; providing for implementation and an effective date.

The Resolution was read by title only.

Teresa Rynard, Director of Parks & Recreation, provided a brief PowerPoint presentation outlining the process in applying for a distinction that included a fitness court and artwork. Ms. Rynard outlined the history of the National Fitness Campaign and their focus on areas with the greatest health disparity throughout the Country and North America. The outdoor fitness court is 35 feet X 35 feet and includes a full body training system, 30 individual pieces and used by 28 users simultaneously. Additionally, there is a free fitness app available to everyone from beginner level to Elite Force Training to use at the court, challenges can be done via a national leaderboard. Certified ambassador training is available for up to 12. Thereafter, Ms. Rynard provided a brief history of the artist, Jean-Michel Basquiat, and the campaign which was only open to 10 cities by invitation. The art chosen is called Johnny Pump, which is New York slang for fire hydrant, and the piece sold in 2020 for \$100 million. Lastly, Ms. Rynard displayed the location which is along Pastor Ford Linear Park along with a digital display of the proposed rendering.

Thereafter, Ms. Rynard entertained questions of the Commission.

In response to Commissioner Drosky's question, she replied that the open side and wall side would be perpendicular to the road; therefore, coming eastbound on SW 10th Street, the mural will be seen as you get closer, you will see the court, which allows the mural to be exposed.

Mayor Ganz opened the public hearing.

Terry Scott, 180 SW 3rd Avenue, Deerfield Beach, spoke in support of the Resolution and thanked Ms. Rynard for her work in the City.

Mayor Ganz closed the public hearing.

MOTION was made by Commissioner Preston, seconded by Vice Mayor Hudak, to approve Item 11, adopted Resolution 2022/110. Roll Call:

Yeas: 4 - Commissioner Drosky, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

COMMENTS BY ADMINISTRATION & LEGAL

CITY ATTORNEY - No Report.

CITY MANAGER

Broward County School Board – David Santucci, City Manager, advised that he received a notification on June 8th from Superintendent Cartwright's office regarding the principal selection for Deerfield Beach High School; whereby, a meeting was scheduled for Monday, June 13th at 6:30 p.m., at Cathedral Church of God. Mr. Santucci said he learned that not all residents are open to attending public meetings at a church; therefore, he contacted the Government Affairs Office and explained that choosing a facility not common to the general public should be reconsidered. When he received a response from the Office's representative, Mr. Santucci recommended Deerfield Beach High School or another public center so that no resident would feel unwelcome. He advised that this was the only involvement from the City.

12. Presentation regarding the status of drainage projects.

SE 8th Avenue - Priscilla Cygielnik, Director of Environmental Services, provided a PowerPoint presentation outlining the conditions for various projects throughout the City, recent flood events, improvements, project status, next steps, and the 2022 FSA Stormwater Utility Report that was recently published for all municipalities. Ms. Cygielnik outlined the existing conditions for SE 8th Avenue; whereas, through FEMA grant funding, a 30% conceptual drawing, as part of the Master Plan, was achieved. This area is prone to frequent flooding and the goal to develop a cost effective and feasible engineering solution to address flooding. Funding was appropriated through the American Rescue Plan Act and is appropriated for design and construction. She then outlined the problems existing on SE 8th Avenue; level of service (LOS) deficiencies due to inactive drainage infrastructure, low volume grades, and others. As residents have experienced, staff was able to confirm that the main line that drains the area does not have capacity to drain when there are peak flows.

Continuing, Ms. Cygielnik said the existing as-built drainage is inadequate as there are not enough exfiltrations, trenches, pipes, catch basins, etc., to hold the water and provide capacity. The outfall is to Little Harbor, so when the water is above the drainage outlet, the water does not have any where to flow. The goal of the project is to provide added capacity which will be done with increased catch basin pipes, so the water is stored in ground and will reduce the impact on the road when traffic is at a high. Ms. Cygielnik provided topographical images of SE 8th Avenue to demonstrate depressed areas for flooding. Thereafter, images were shown of SE 8th Avenue after a flood event and reiterated the recommendations for SE 8th Avenue. Lastly, the SE 8th Avenue project has been awarded to Craig A. Smith & Associates, Inc., and funded through the American Rescue Plan as approved by the City Commission on April 19, 2022; the project is estimated at \$2.44 million with a 60% design submittal by September 2022 and a public presentation in Fall 2022.

Deer Run - Next, Ms. Cygielnik presented issues associated with Deer Run and provided a background on the area. Deer Run was a top priority capital project, due to frequent flooding and the goal is to develop a cost effective and feasible engineering solution for flooding; it is also funded through the American Rescue Plan. The flooding problem stems from inadequate drainage structure; whereas, there are not sufficient catch basins and pipes. There is very limited exfiltration pipe that drains to a stormwater retention pond on the western portion of the subdivision, which does not have adequate drainage. Ms. Cygielnik outlined the as-built drainage system which is not consistent throughout the neighborhood. The topographical map illustrated a flat area so the water does not have anywhere to go. Also, she displayed a photo after a recent flood event and the impact to the neighborhood. She outlined the recommendations: upsize existing drainage infrastructure, construct new drainage, as well as construct a stormwater gravity outfall and outfall to Quiet Waters Park by constructing a stormwater pump station at a neighborhood pocket park. She advised that the pump station will reduce the travel time to the outfall. Lastly, the project status was outlined: City Commission Approval was awarded to Thompson & Associates, Inc. on April 19, 2022; 60% design plans are scheduled for early fiscal year 2023; the estimated cost is \$3.6 million and partial funding from the American Rescue Plan.

COMMENTS BY ADMINISTRATION & LEGAL – CONTINUED

NW 45th Street & Crystal Lake Drive – Ms. Cygielnik presented issues associated with Crystal Lake Drive and 45th Street as identified in the Master Plan. Ms. Cygielnik provided a brief background on the area which was funded with the FMA Grant that developed up to 30% design documents. The intent is to develop underground drainage infrastructure prior to a local agency program project with FDOT that will construct road improvements for Complete Streets. The problem is similar to others, a lack of drainage infrastructure and inadequate outfalls. The intent is to build infrastructure where its lacking and provide positive drainage to the lake. There is limited as-built drainage in the area which was demonstrated on the topographical map as most of the area is flat. Ms. Cygielnik outlined the recommendations: reduce the severity of flooding which was done by providing an improved outfall at Crystal Lake Drive and a new outfall for NW 45th Street to Sailboat Lake. The project was recently awarded to Stantec Consulting, approved by City Commission on April 5, 2022, with an estimated cost of \$2.6 million and funded in Fiscal Year 2024.

FSA Report 2022 – Ms. Cygielnik said the report was received last week and shows the City's comparison to other cities and the overall average need. She said over five years, communities estimate an average need of \$18.9 million; when staff developed the CIP the estimate resulted in approximately \$18.8 million in needs; however, the plan is to tackle projects over a 10 year term. Thereafter, she listed month rates for stormwater utility fees. Thereafter, Ms. Cygielnik entertained questions by the Commission.

In response to Commission Preston's question, Ms. Cygielnik replied that College Park, NE 1st Terrace, is on the radar and though staff tried to secure Hazard Mitigation Grant Funds, it was unsuccessful this year. Additionally, she advised that College Park is a top priority in the Master Plan which is why staff applied for grants. Unfortunately, during the grant process, they were unable to demonstrate the cost benefit to FEMA which is required; nevertheless, other funding options will be pursued. Furthermore, American Rescue Plan was not identified for that community when the projects were prioritized like SE 8th Avenue and Deer Run. CSLIP funding through FDOT was the impetus for getting NW 45th Avenue and Crystal Lake Drive completed; however, they will not pay for underground storm drainage which has to be complete before the road change.

Commissioner Preston continued to ask questions regarding a resident who commented on the flooding in College Park and the impact it has on her property. He asked if a berm can be built.

Ms. Cygielnik replied that the area needs undergrounding and funding must be sought out. She said property owners can find ways to bring relief to their properties, but staff can only continue to seek funding for underground infrastructure improvement.

David Santucci, City Manager, advised that he will have Ms. Cygielnik and staff reach out to the resident to determine if minor modifications can be made to alleviate the issue.

In response to Commissioner Drosky's question, Ms. Cygielnik replied that the kickoff meetings are internal administrative affairs to discuss the process and get a consultant on board with the Master Plan recommendations, then a pre-development meeting is set up with the County as their permission is needed. Further, having the meetings will ensure that what staff is proposing is feasible.

Commissioner Drosky asked that the public meetings be placed on the Commissions' calendar when possible.

There was a brief discussion regarding storm events and temporary measures to reduce flooding in certain areas in the City.

COMMENTS BY MAYOR & CITY COMMISSION**COMMISSIONER DROSKY****DISTRICT 4**

Smoking Ban at Public Beaches & Parks – Commissioner Drosky said the Governor signed the bill allowing municipalities to regulate smoking at parks and beaches. He recommended a draft ordinance and giving

COMMENTS BY MAYOR & CITY COMMISSION – CONTINUED

the City Attorney an opportunity to research other municipal actions in this regard.

Mayor Ganz commented on the difficulty with enforcement.

Commissioner Drosky agreed, but would like to proceed.

Florida League of Cities – Commissioner Drosky said the FLC's 100th year anniversary is upcoming and he would like a proclamation created and asked that Vice Mayor Hudak take it with him to the conference in August.

Independence Day – Commissioner Drosky wished everyone a safe and happy 4th of July celebration. He also advised that there will likely be many visitors due to demand.

Billboards – Commissioner Drosky said he would be willing to assist with actions on the old billboards in District 1. He asked the City Attorney to approach the applicant (Item 9) to discuss other locations for the illuminated billboard. Thereafter, he reiterated the deplorable conditions of the billboards and the desire for City Attorney involvement.

COMMISSIONER PRESTON**DISTRICT 2**

Juneteenth – Commissioner Preston applauded staff on the Juneteenth event and said many people commented on having a parade. The parade would build momentum for the event as people would have already gone to the park after the parade instead of waiting for everyone to come.

Football Camp – Commissioner Preston said three (3) NFL players are hosting a football camp this Saturday from 10:30 a.m. – 12:30 p.m. at Oveta McKeithen Recreational Complex; thereafter, food will be available. He said all the players were previously part of the Packer Rattlers and want to give back to the community.

Cool Zone – Commissioner Preston said a cool zone was needed at the Juneteenth event as everyone complained about the heat and if it were incorporated and advertised, the event would continue to grow. Lastly, the event was seen on two local channels, 7 and 10.

Vice Mayor Hudak said maybe additional landscaping for the event would be helpful as it would provide more shade; furthermore, he applauded the event's success.

VICE MAYOR HUDAK**DISTRICT 1**

Airbnb – Vice Mayor Hudak said there is a home in his community that recently sold and is still being used as an Airbnb. Over the weekend, there was a party with over 200 people in a two-bedroom home which created a lot of chaos. He advised that the police were attentive to the matter and it was handled exceptionally. He encouraged people to call the police in these situations as they should not have to deal with these type disruptions.

Financial Disclosure (Item 9) – Vice Mayor Hudak advised that Scott Backman contributed to his campaign.

MAYOR BILL GANZ

Juneteenth – Mayor Ganz applauded the event and the only thing he did not see was the tent previously used. He also commented on the event being around Father's Day weekend and suggested researching another day, so it is not competing against other events. Furthermore, he said parades shut off access for businesses and people would be unable to patronize. As such, he does not favor parades because people would likely blame Juneteenth as the reason; notwithstanding, he agreed that something should be done and recommended something similar to a Jamboree to get everyone out at the beginning of the event.

Independence Day – Mayor Ganz said he believes Boca Raton will be doing fireworks, which may help as

COMMENTS BY MAYOR & CITY COMMISSION – CONTINUED

it will bring others to their city, but it could be a detriment to the City.

Education Advisory Board – Mayor Ganz said he does not understand why the Chair of the Board decided to attend a meeting by a self-proclaimed activist who does not own property in the City, nor have children in the school system. Although he understands the friendship, the Chair decided to go to this meeting instead of a meeting where the Broward County School Board Superintendent was present. Furthermore, Mayor Ganz said it would have been better for the Chair to hear directly from the Superintendent instead of someone who has no bonds to the City. Lastly, he said if the Chair were his appointee, he would remove the person.

ADJOURNMENT

There was no additional business to discuss.

MOTION was made by Commissioner Preston, seconded by Vice Mayor Hudak, to adjourn the meeting at 11:33 p.m. Voice Vote:

Yeas: 4 - Commissioner Drosky, Commissioner Preston, Vice Mayor Hudak, and Mayor Ganz

Nays: 0

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

Samantha Gillyard, CMC, City Clerk