



Meeting Minutes City Commission

Wednesday, September 14, 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
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

Budget Workshop Meeting Minutes - August 9, 2022

MOTION was made by Commissioner Parness, seconded by Commissioner Preston, 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

Planning & Zoning Board Meeting Minutes - July 7, 2022

Firefighters Pension Board Meeting Minutes - June 6, 2022

Code Compliance Meeting Minutes - July 27, 2022

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

ACKNOWLEDGEMENT OF CITY BOARD MINUTES – CONTINUED

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

Nays: 0

APPROVAL OF CITY COMMISSION AGENDA

September 14, 2022

MOTION was made by Commissioner Parness, seconded by Commissioner Preston, to approve the agenda as submitted. Voice Vote:

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

Nays: 0

AWARDS & RECOGNITION**1. Certificate of Recognition presented to Alice Taylor for her service to the City of Deerfield Beach as the Chief Executive Officer of Broward Health North.**

Mayor Ganz presented a certificate of recognition to Alice Taylor, for her contributions as Broward Health North CEO, for five years. He applauded her expertise, vision, and contributions; whereas, Ms. Taylor oversaw the \$56 million renovation and expansion of the Broward Health North campus to create a state of the art 409 bed facility and a new emergency room. She also guided Broward Health North to national recognition as an outstanding hospital in hip replacement procedures, stroke response and recovery, and Diabetes Type 2 care. Additionally, Ms. Taylor was a leader in the business community, standing side by side with her staff to enthusiastically promote the "We are Deerfield Beach" video campaign. In closing, Mayor Ganz wished Ms. Taylor well in her retirement.

Ms. Taylor thanked Mayor Ganz and the City for its support and recognition; thereafter, she introduced Matthew Gardner, who will be replacing her as CEO for Broward Health North. She also outlined Mr. Gardner's credentials.

BUDGET & MILLAGE PUBLIC HEARINGS**2. ORDINANCE 2022/018- AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, ADOPTING THE MILLAGE RATE TO BE LEVIED BY THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; STATING THE PERCENTAGE CHANGE BY WHICH THE MILLAGE RATE EXCEEDS THE ROLLED-BACK RATE AS COMPUTED PURSUANT TO SECTION 200.065, FLORIDA STATUTES; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.**

The Ordinance was read by title only.

Anthony Soroka, City Attorney, advised that the City's fiscal year 2023 millage rate is proposed as follows: operating millage – 6.0018, voted debt service – 0.2807, and total millage – 6.2825. The operating millage of 6.0018 is 9.58% more than the rolled back rate of 5.477 mills. He advised that a 4/5 vote is needed to adopt the millage.

Mayor Ganz opened the public hearing for items 2 and 3; however, there were none to speak and the public hearing was closed.

BUDGET & MILLAGE PUBLIC HEARINGS – CONTINUED

Vice Mayor Hudak said the millage rate was reduced for fiscal year 2023; thereafter, he explained the rolled back rate and how the city will receive more revenue even though the millage was lowered.

David Santucci, City Manager, said the rolled back rate did not change the ad valorem revenue coming into the city; he then explained how other revenue sources helped the City absorb inflationary costs and stabilize the millage rate.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Hudak, to approve Item 2, adopted Ordinance 2022/018. Roll Call:

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

Nays: 0

3. ORDINANCE 2022/019 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, ADOPTING THE FINAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

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

MOTION was made by Vice Mayor Hudak, seconded by Commissioner Parness, to approve Item 3, adopted Ordinance 2022/019. Roll Call:

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

Nays: 0

4. ORDINANCE 2022/020 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPROVING THE BUDGET FOR THE DEERFIELD BEACH COMMUNITY REDEVELOPMENT AGENCY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; PROVIDING FOR FUNDING THROUGH TAX INCREMENT FINANCING AS PROVIDED FOR IN PART III, CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

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

MOTION was made by Commissioner Parness, seconded by Vice Mayor Hudak, to approve Item 4, adopted Ordinance 2022/020. Roll Call:

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

Nays: 0

PUBLIC HEARINGS

5. **P.H. 2022-076: Resolution 2022/157 - A Resolution of the City of Deerfield Beach, Florida, relating to the provision of fire rescue services, facilities and programs in the City of Deerfield Beach, Florida; reimposing fire rescue assessments against assessed property located within the City of Deerfield Beach for the fiscal year beginning October 1, 2022; approving the rate assessment; approving the assessment roll; and providing an effective date.**

The Resolution was read by title only.

Mayor Ganz opened the public hearing.

Leann Kenney, 532 NE 8th Avenue, Deerfield Beach, said she remembers the fee being a one-time assessment and asked how it went from \$75 to \$235 and now to the proposed \$295.

Mayor Ganz closed the public hearing; thereafter, he explained that the fire assessment fee is used to offset costs for the fire rescue contract and allows everyone to pay as not everyone pays property taxes.

In response to Mayor Ganz's question, David Santucci, City Manager, replied that the operating fire rescue budget is \$31 million and the overall budget including pension and other benefits pushes the cost to approximately \$39 million.

Mayor Ganz continued to explain the importance of the fire assessment fee and how the fee is calculated differently for businesses. Thereafter, he closed the public hearing.

The Commission briefly outlined either support or opposition to the increased rate.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Hudak, to approve Item 5, adopted Resolution 2022/157. Roll Call:

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

Nays: 1 – Commissioner Preston

6. **P.H. 2022-077: Resolution 2022/158 - A Resolution of the City of Deerfield Beach, Florida, relating to the collection of Nuisance Abatement Services Assessments; adopting findings of fact; approving the rate of assessment for each affected property; adopting the Assessment Roll; providing for notice and providing an effective date.**

The Resolution was read by title only.

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 Parness, to approve Item 6, adopted Resolution 2022/158. Roll Call:

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

Nays: 0

PUBLIC HEARINGS – CONTINUED

- 7. P.H. 2022-087: Resolution 2022/159 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the City's purchase of the privately-owned beach lot located at the north end of Deerfield Beach, legally described as Ocean Vue 3-34 B Lot 3 BLK 2, for \$315,000.00; authorizing execution of documents necessary to effectuate the purchase; providing for implementation and an effective date. (Funds from Account #399-0200-513-60-11 - Property Acquisition (FY23))**

The Resolution was read by title only.

David Santucci, City Manager, advised that the purchase price was negotiated with the owner and the purchase is consistent with the City Commission's objective to obtain as much of the privately held lots as possible. The closing will occur in October if approved. Further, he replied that the number of private lots available for purchase is one, after this.

Mayor Ganz opened the public hearing.

Leann Kenney, 532 NE 8th Avenue, Deerfield Beach, asked where the property is located.

Mr. Santucci replied that this is the third parcel from the north at the Boca/Deerfield Beach border, in front of the Emerald Seas Owner's Association, 660 NE 21st Avenue.

Commissioner Drosky spoke in support of the purchase.

Mayor Ganz said there were 14 parcels on the beach when he was first elected; thereafter, the public hearing was closed.

MOTION was made by Commissioner Drosky, seconded by Vice Mayor Hudak, to approve Item 7, adopted Resolution 2022/159. Roll Call:

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

Nays: 0

PUBLIC HEARINGS – SECOND READING

- 8. P.H. 2022-084: ORDINANCE 2022/021 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, AMENDING CHAPTER 2 "ADMINISTRATION," ARTICLE II "BOARDS, COMMITTEES, COMMISSIONS," OF THE CITY CODE OF ORDINANCES BY CREATING DIVISION 19 "AFRICAN AMERICAN HERITAGE COMMITTEE" TO ESTABLISH THE AFRICAN AMERICAN HERITAGE COMMITTEE AND PROVIDE FOR ITS PURPOSE AND MEMBERSHIP; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

The Ordinance was read by title only.

Anthony Soroka, City Attorney, outlined the appointment structure approved during the first reading; wherein, Mayor Ganz would appoint two regular members and one alternate and all others appointing one regular and one alternate.

Commissioner Preston discussed the possibility of each commissioner having two members and asked that the commission allow the current board members to remain in place as a representative of each commissioner, then appoint one alternate, to ensure the board's effectiveness since events are being planned.

PUBLIC HEARINGS – SECOND READING – CONTINUED

Commissioner Drosky said he would like there to be five regular and five alternates and hopes that current members would continue to participate even if they are not reappointed. Furthermore, he said his appointment would be Ms. Sandra Jackson, who is currently a board member and lives in District 4.

Commissioner Preston reiterated his request that the current members remain as representatives for each commissioner.

Commissioner Parness asked if he would be able to nominate a member who does not live in his district.

Anthony Santucci, City Attorney, said that is correct.

Mayor Ganz agreed with Commissioners Preston and Drosky. Furthermore, he would like to see the board remain intact and agreed that he would nominate whomever necessary to accomplish this goal.

Mr. Soroka advised that no members are being appointed tonight, but will done at a future meeting if the proposed ordinance is approved.

Mayor Ganz opened the public hearing.

Sandra Jackson, 386 SW 35th Avenue, Deerfield Beach, thanked the Commission for their decision and said it would be good to keep the same people on the board since new events are forthcoming and are being planned with the same members. Lastly, she said they have worked well together.

Mayor Ganz closed the public hearing.

MOTION was made by Commissioner Preston, seconded by Commissioner Parness, to approve Item 8, adopted Ordinance 2022/021 as amended, each commissioner appointing one regular and one alternate member for 10 members total. Voice Vote:

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

Nays: 0

- 9. P.H. 2022-085: ORDINANCE 2022/022 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING ARTICLE IV “DEPARTMENTS, DIVISIONS, OFFICES AND AGENCIES” OF CHAPTER 2 “ADMINISTRATION” OF THE CITY CODE OF ORDINANCES TO REVISE THE NAMES OF CITY DEPARTMENTS AND PROVIDE FOR ORGANIZATIONAL CHARTS TO BE INCLUDED IN THE ANNUAL BUDGET; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

The Ordinance was read by title only.

There was no discussion amongst the Commission.

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 Parness, to approve Item 9, adopted Ordinance 2022/022. Roll Call:

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

Nays: 1 - Mayor Ganz

PUBLIC HEARINGS – SECOND READING – CONTINUED

10. P.H. 2022-086: ORDINANCE 2022/023 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, AMENDING CHAPTER 38 "FINANCE AND TAXATION," ARTICLE VI "MISCELLANEOUS FEES," OF THE CITY CODE OF ORDINANCES BY CREATING SECTION 38-182 "TRANSACTION CONVENIENCE FEES" TO PROVIDE FOR THE IMPLEMENTATION OF A CONVENIENCE FEE FOR USE OF A CREDIT CARD, BANK DEBIT CARD, CHARGE CARD, AND ELECTRONIC FUNDS TRANSFER FOR PAYMENTS TO THE CITY OF DEERFIELD BEACH; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

Mayor Ganz opened the public hearing.

Amie Kay Tanner, 111 SE 5th Avenue, Deerfield Beach, asked how the service fee is determined.

Leeann Kenney, 532 NE 8th Avenue, Deerfield Beach, clarified that the proposed ordinance would require payment of a fee when using a credit card.

Mayor Ganz replied that the credit card company is charging the city for any transactions paid by credit card, i.e. parking, which has amounted in a large expense to the city. Therefore, the ordinance would pass the charges directly only onto the consumer as opposed to the city. Additionally, he replied that if the payment method is by automatic check, there is no fee. He reiterated that it is for credit card usage.

Marcia Avant, 825 NE 4th Court, Deerfield Beach, asked if the fee applies to water bills.

Mayor Ganz replied that it is dependent on how the consumer sets up the payment option, i.e. automatic payment from checking account, does not incur a service fee.

David Santucci, City Manager, replied that debit cards are considered Mastercard or Visa.

Lastly, Ms. Avant asked if the water bill is paid online every month if it is not automated, a convenience fee will apply.

Mayor Ganz replied yes.

Sandra Jackson, 386 SW 35th Avenue, Deerfield Beach, asked about the debit card charges since it comes directly from a savings or checking account.

Mayor Ganz replied that if a routing and checking account number are provided then it will be pulled directly from that source, then, no fee; debit cards will be charged a convenience fee.

William Lane, 11 Tilford A, Deerfield Beach, said the city has incurred \$850,000 in fees due to credit card usage.

Mayor Ganz closed the public hearing.

Vice Mayor Hudak explained that there are different charges depending on the type of credit card being used, since some offer rewards and that can make the fee higher or lower.

MOTION was made by Vice Mayor Huda, seconded by Commissioner Parness, to approve Item 10 adopted Ordinance 2022/023. Roll Call:

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

Nays: 1 - Mayor Ganz

PUBLIC COMMENT

Rick George, 203 NE 8th Terrace, Deerfield Beach, commented on a rezoning application for a project coming before the City Commission, located on Federal Highway and 2nd Street. Mr. George referenced Section 96-68 of the Land Development regarding purpose and intent; whereas, the site must demonstrate unique property considerations and rezoning to a PDD with a public benefit which otherwise would not be permitted. He opined that a 277-unit rental apartment building will have turnover and is not sure if the City needs such a property or if the property considerations are unique. He also commented on the (c)(4) "A high quality of design and materials that is integrated throughout the site and will be complimentary to and enhance the surrounding neighborhood and the city as a whole"; whereas, he does not understand how it will enhance the neighborhood. Mr. George continued to outline land development criteria that the project does not achieve, as well as the increase to his property taxes, traffic congestion due to new residents, and other concerns. Lastly, he recommended the closure of 4th Street and is willing to petition to do so as traffic calming, e.g. speed bumps, will ruin the quality of life.

Mayor Ganz said this issue will not be presented tonight and thanked residents for attending; however, it will be difficult for the Commission to debate the issue without the presentation. Furthermore, there have been many changes to the project and will be discussed on October 3rd. Mayor Ganz recommended that those commenting on the project, outline their concerns and then the Commission will debate at the next meeting when the project is presented.

Lettie Cronin, 869 NE 4th Street, Deerfield Beach, said everyone is concerned with the zoning and would like the item postponed. She said the concern is the traffic; whereas, she was almost struck while on 4th Street which is why it was closed. Other concerns include safety, height and privacy, and the dog park.

Vice Mayor Hudak said he recommended the residents attend this meeting to outline their concerns. Also, a district meeting will be held on Tuesday, September 20th, at 7:00 p.m., City Hall, to discuss this property. The developer will be in attendance to address any concerns, along with city staff.

Anthony Soroka, City Attorney, advised that if other commissioners plan to attend the district meeting, that a notice be posted and minutes be taken.

Leeann Kenney, 532 NE 8th Avenue, Deerfield Beach, spoke in opposition to the Federal Highway project due to the overabundance of traffic and safety issues. This project affects both districts one and two to Martin Luther King, Jr. Avenue, and beyond. If approved, the project would be hardship to the community.

Mae Francis Feagin, 3500 NW Natura Boulevard Deerfield Beach, said the City's buses are supposed to be for seniors, but there is difficulty catching the bus because the driver does not stop unless the person is visibly at the stop, and does not give enough time to catch up. She also expressed concern with the lack of communication between bus 1 and 2 as you have to sit and wait for the other bus for more than one hour which is not considerate of the seniors.

Sandra Jackson, 386 SW 35th Avenue, Deerfield Beach, commented on a situation she reported to the Commission regarding a pothole and it has not yet been resolved. She said two tires were damaged and she had to purchase less expensive tires since the tires she wanted were not in stock. Furthermore, she is still awaiting payment and will not sign off on completion until the correct tires are installed. Ms. Jackson asked that someone speak with John's Eastern about the second tire so she can have the alignment done.

Marcia Avant, 825 NE 4th Court, Deerfield Beach, said the Federal Highway project is not desired by anyone in the community. Ms. Avant also commented on an Airbnb that is next to her. Originally, the home was a three-bedroom home and the new owners have transformed it into a six-bedroom home. She outlined various illegal activities happening at the home and her attempts to have the police come out.

PUBLIC COMMENT – CONTINUED

Marsha Sassone, 517 NE 6th Avenue, Deerfield Beach, spoke in opposition to the Federal Highway project due to traffic concerns. It is her understanding that the traffic study was developed in 2020 to determine the impact of traffic; however, that was during lockdown for the pandemic, and does not seem accurate. She proposed that any vote be postponed until a new traffic study is done.

Amie Kay Tanner, 111 SE 5th Avenue, Deerfield Beach, said an Airbnb is located at 63 SE 5th Avenue. She asked if there is a framework for Airbnbs and if so, she would like to have it. She said her car was struck by someone there and would like to know how the residents are protected in these situations.

April Bolowich, 899 NE 4th Street, Deerfield Beach, outlined her traffic concerns in relation to the Federal Highway project. Thereafter, she commented on using emergency rescue services and asked that the item be postponed and the request for the 277 units be denied.

Stefan Bolowich, 899 NE 4th Street, Deerfield Beach, said the traffic study was performed during COVID which was not a normal time, and even now, it is still abnormal. He said the Federal Highway project's concept is flawed and brings down the entire neighborhood; thus, Mr. Bolowich recommended reducing the units by half and increase the rent rate as it would generate the same profit.

Jim Bass, 515 NE 8th Avenue, Deerfield Beach, said he and his wife carefully reviewed the zoning criteria, property values and the area's potential and did not purchase with the anticipation of a zoning change. He said the zoning should remain as is and the presence of apartment buildings in the proximity of anyone's home is depressive for property values, especially for the homes directly abutting the property. Mr. Bass concluded that the zoning should not be changed.

Sean Cronin, 869 NE 4th Street, Deerfield Beach, opined that the current views for the neighborhood as well as City Hall will be ruined with the Federal Highway project as it will tower over everything. He advised that the developer is trying to purchase the properties around the parcel and incorporate a dog park. If the duplexes are purchased, the same will be done. Mr. Cronin said the nearby church has started blocking off their parking lot because of the current traffic issues; whereby, this project adds to the issue and will force vehicles onto 4th Street. Also, a Chik Fil A could be added to the building next to Dunkin Donuts and only have an entrance and exit on the same street with minimal access, which he stated is improper planning. Lastly, he reiterated on the current traffic congestion and the potential increase if the apartment complex is built. In closing, Mr. Cronin provided statistical information regarding dog owners whereby, the project could likely generate 105 dogs and exacerbate the current conditions.

Mayor Ganz encouraged the public to continue to attend as developers will sometimes stall their presentation to discourage public attendance and input. Thereafter, he asked that any one still interested in speaking to come forward, but suggested waiting until October 3rd so the residents are not burned out.

Paul Boutelle, 203 NE 9th Avenue, Deerfield Beach, said his home looks directly onto the back of the Federal Highway project's building. He also said he would like the vote to be postponed.

Mayor Ganz reiterated that the project will come before the Commission on October 3rd and the residents will have an opportunity to address it then, as well as during the District 1 meeting, September 20th.

Richard Rosenzweig, 97 Farnham E, Deerfield Beach, said on the November ballot, is an item to change the Charter from elected officials serving for two terms, going to three terms. Mr. Rosenzweig expressed concern as he does not understand why it is necessary. He said if approved, the third term should only apply to newly elected commissioners to avoid the appearance of impropriety.

Grover Smith, 227 NE 8th Terrace, Deerfield Beach, said he works with Florida Department of Transportation on design engineering of traffic control and advised that he acquired a document on the Federal Highway project which was not adequately submitted. He advised that a lot of criteria was not submitted, such as storm water pollution, utility replacement, 25 feet access to FDOT, and no records were found which means an FDOT permit was not given. Additionally, the traffic study is inaccurate. Mr.

PUBLIC COMMENT – CONTINUED

Smith said there are 7 fiber areas within that area for utility replacement, besides Florida Power & Light. A retaining pond or enlarged storm sewers will be needed to accommodate runoff; furthermore, what he located is only a pre-application and nothing has gone to FDOT. In closing, Mr. Smith recommended postponing the item and asked that the completed documents be provided.

Jenny Lee, 507 SE 7th Avenue, Deerfield Beach, said she would like to briefly discuss the I Will Tell Film Festival she founded in London and asked for consideration to bring the event to the City. Thereafter, she outlined both social and financial reasons it would be beneficial to the City and its residents. She started the festival 16 years ago and outlined the type stories told bring different perspectives and draw people together; therefore, she asked the Commission for consideration.

Emma Nessler, 869 NE 4th Street, Deerfield Beach, agreed with the comments of the residents regarding the Federal Highway projects and advised that the residents were not properly notified.

Jim Bass, 515 NE 8th Avenue, Deerfield Beach, added to his previous comment regarding the Federal Highway project and commented on projects that should not have gone forward, i.e. the marina and Dragon Club. He asked that the project not go forward.

Mayor Ganz asked about the 4th Street road closure.

Mr. Bass said he believes it was a consequence of the Dragon Club to stop people from driving back and forth.

Ms. Bolowich explained the sequence of events in 2002 that resulted in the closure of NE 4th Street; whereby, one child was struck by a vehicle and another child's bike was struck in the front yard and dragged halfway down the block. She said it was a result of the 4 a.m. liquor license used by Roadhouse. The closure was temporary and barriers were removed approximately 7 to 8 years later.

Mr. Bolowich said a petition was used to force the closure which he explained.

Mayor Ganz advised that the Federal Highway project cannot be postponed at this time because the item is not before the Commission. He welcomed the residents to contact him. Thereafter, he responded to questions regarding the Airbnb's; whereas, the City has guidelines for these establishments and are required to register but are typically found out through residents reporting them. The problem is that they are highly defended by Tallahassee which limits what the City can do.

David Santucci, City Manager, advised that the extent of city laws pertaining Airbnb's is the registration policy and regulation which is the same as other residents for noise, code violations, law enforcement activities which is why it is important to report them. When the property is registered, the City is able to monitor the amount of calls and enforce more stringently. Recently, the City Commission passed an ordinance to increase the amount of the daily fine for nuisance properties, in line with State Statutes.

Anthony Soroka, City Attorney advised that the State passed a law several years ago that restricts local government from prohibiting vacation rentals or limiting duration/frequency of the rentals. If within a condo, community or homeowner association, there may be governing rights, but the City cannot act in this regard.

Mayor Ganz said anyone uncomfortable with contacting the police to call him directly and advised that the police will speak with residents tonight if desired.

Commissioner Preston commented on a scary situation that arose from having an Airbnb near his home and said the State should be looking out for the residents.

Commissioner Parness implored the residents to consider who they vote for when it comes to Airbnb's. He also commented on allowing the residents to decide on whether the Commission should serve a third term. Additionally, he said other cities either have no term limit or more than two.

There was a brief recess from 8:46 p.m. till 8:51 p.m.

CONSENT – BOARD APPOINTMENTS

11. Resolution 2022/160 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing members to the Affordable Housing Advisory Committee for a two-year term; providing for conflicts and an effective date.

The Resolution was read by title only.

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 Commissioner Preston, seconded by Commissioner Parness, to approve Item 11 adopted Resolution 2022/160. Voice Vote:

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

Nays: 0

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

12. Resolution 2022/161 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a work authorization with Hazen and Sawyer, PC for consulting services for the City's Stormwater Utility Program in an amount not to exceed \$105,000.00; authorizing execution of the Work Authorization; providing for an effective date. (Funds from Account #460-5070-538-30-99 - Other Professional Services & Account #460-5070-538-32-99 - Other Contractual Services)

The Resolution was read by title only.

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 Parness to approve Item 12, adopted Resolution 2022/161. Roll Call:

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

Nays: 0

DEPARTMENTAL BUSINESS

13. ORDINANCE 2022/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING AND RENAMING SECTION 2-1 "CITY SEAL" OF CHAPTER 2 "ADMINISTRATION" OF THE CITY CODE OF ORDINANCES TO INCLUDE THE CITY'S CURRENT OFFICIAL SEAL AND CITY LOGO; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

DEPARTMENTAL BUSINESS – CONTINUED

David Santucci, City Manager, said this is a clean-up item; whereby, the City has trademarked and used the new city logo with buck horns but within the code of ordinances is the older version of the diamond shaped logo. The Public Affairs & Marketing Department has slightly updated the city seal by adjusting the graphic of the deer in the center of the logo and asked approval to reflect the existing logo and seal.

There was no discussion amongst the Commission.

Mayor Ganz opened the public hearing.

Amie Kay Tanner, 111 SE 5th Avenue, Deerfield Beach, said the Deerfield Beach logo is still part of the Gold Coast which was on the old Christmas stationery.

Daniel Shanetzky, 34 Keswick B, Deerfield Beach, spoke in support of updating the logo with the deer as it is a good recognition of the city and gives the city identity.

Mayor Ganz closed the public hearing.

MOTION was made by Commissioner Parness, seconded by Commissioner Preston, to approve Item 13 on first reading. Voice Vote:

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

Nays: 0

COMMENTS BY ADMINISTRATION & LEGAL

CITY ATTORNEY - No Report.

CITY MANAGER**14. Management Recommendations and Response to the Preliminary & Tentative Audit Findings provided by the State of Florida's Auditor General's Office.**

David Santucci, City Manager, provided a PowerPoint presentation regarding the response to the preliminary audit findings. He advised that on May 21, 2019, the City Commission directed him to request an audit from the Attorney General. He provided a timeline of actions by the Joint Legislative Audit Committee. The preliminary and tentative findings were provided to the city on August 12, 2022 and responses made by City on September 12, 2022. The audit included records from October 1, 2018 till January 31, 2020 and focused on compliance in accounting policies and procedures, internal controls for payroll, investment policies and employee benefit plans. Furthermore, the audit was expanded to a comprehensive operational audit and included 66 areas of governmental operations and multiple activities which resulted in 15 findings and recommendations.

Mayor Ganz explained that this does not mean 15 out of 66 areas had findings.

Mr. Santucci said there were only four areas with findings and recommendations: payroll and personnel administration; procurement and expenditures; motor vehicles; and administration and management. All responses were provided by the deadline. Mr. Santucci outlined the findings and recommendations as well as staff's response: 1) any city employee with salary allocations from the Community Redevelopment Agency does maintain timesheets for time spent by CRA/Economic Development, City Clerk staff, and other staff on CRA activities. In fiscal year 2023, a cost allocation study will be conducted to develop the allocation methodology of administrative charges assessed by the CRA. 2) The finding advised that the interview scoring sheets for job applicants are not always completed properly or contained errors and the response highlights a revision to human resource policies in July 2020 as well as August 2022. In place now is a dual review of scoring sheets, mathematical and automated calculations were added to the evaluation sheets, with the verification for accuracy occurring before employment offer.

COMMENTS BY ADMINISTRATION & LEGAL – CONTINUED

Mr. Santucci continued outlining the finding and responses for areas 3 – 9. These responses addressed findings for excessive leave payout; excessive overtime, whereby, more than 20 hours will require written justification by the department director; monitoring firefighter pension policies and procedures; controls over the City's procurement of services for evaluation criteria whereas, the City will increase objectivity in the evaluation process; in response to finding 7, staff updated the sports policy as adopted by Commission on January 14, 2020 and developed a process to obtain documents before the program started, and if funds remain, the City will either reimburse for a covered expense or make the expenditure. Next, the P-card policy was updated on August 30, 2021, along with the enhancement to the internal P-card policy and handling was transferred to accounts payable to increase transaction review, as well as other changes. Further, the travel policy was updated on June 15, 2021 and the form now includes departure/return times and meal allowances.

Continuing, Mr. Santucci outlined the responses for areas 10 – 15. He advised that take home vehicle assignments were reduced and ownership of the process is handled by fleet and requires city manager approval with a recommendation from the department director and fleet manager; completed agreement is required before keys are received. The next finding also pertained to take-home vehicles; whereby, the city did not maintain records supporting the value of personal use and reported as taxable income to the Internal Revenue Service. The policy now requires completion of documents for IRS compliance and failure to maintain IRS compliance is grounds for termination of privileges and the full tax burden will be passed onto employee. Response to finding 12 provides that GASB 75 OPEB reporting caused the negative impact on the Solid Waste Fund, a rate sufficiency study is underway and should be completed in the fall for City Commission review. City controls over budgetary process was addressed and the response advised that since fiscal year 2022, all funds are budgeted if revenues and/or expenditures are anticipated or expected, budget amendments are completed within 60 days of year-end and budget amendments now occur throughout the fiscal year for compliance. Furthermore, since fiscal year 2021, the Chief Financial Officer has been following the requirement to document and provide the quarterly investment reports as per city policy. The last finding concerns accountability of city-owned property; whereas, new capital items will be physically tagged, continued annual inventory of capital assets, but in fiscal year 2023, a physical verification will be done semi-annually and lastly, the transfer and disposition of property requires his authorization and signature prior to the disposition transaction.

In closing, Mr. Santucci provided a summarization of the audit and advised that of the 15 items, 14 have corrective actions in place, one was outside the City's purview and the request for information was made to the Broward Sheriff's Office which will be forwarded to the plan auditor and standard operating procedures were adopted or ready for implementation within 60 days. Finally, staff awaits further feedback/requests from Attorney General's Office, the official audit, and follow-up is expected within 18 months. Thereafter, Mr. Santucci entertained questions by the City Commission.

Mayor Ganz said if improper handling is determined regarding pensions, claw back options should be considered for calculations performed incorrectly. Additionally, he recommended the commission really consider who is being appointed to the board that maybe outside the union to provide greater insight to the Commission. Also, he said BSO will work with the City to make sure calculations are done properly. He applauded staff efforts of addressing many of the areas of concern.

Commissioner Preston applauded the City Manager's efforts and believes that the issues will continue to diminish.

Pending Railroad Strike – Mr. Santucci advised that there is a pending strike and he is concerned because a lot of chemicals and fuels are received by freight and a long-term strike could have a negative impact on the City. He is watching it closely, but is implementing measures to hopefully combat the situation.

COMMENTS BY MAYOR & CITY COMMISSION**VICE MAYOR HUDAK****DISTRICT 1**

Public Participation – Vice Mayor Hudak thanked those in attendance for participating as it helps him understand their interest.

COMMENTS BY ADMINISTRATION & LEGAL – CONTINUED**COMMISSIONER PRESTON****DISTRICT 2**

District Meeting – Commissioner Preston said he will hold a district meeting on September 29th at the Hillsboro Community Center, 7 p.m.

Deerfield Beach School History – Commissioner Preston provided the history of how Braithwaite School came into fruition. Dating from 1903, the first school opened for African Americans and was located at First Zion Baptist Church which is still in the City. In 1905, Bertha Ely was appointed teacher to the Deerfield Colored School No. 9 and completed her teacher's exam in September 1905. In 1907, Dade County Board of Colored Instruction voted to begin a school for whites in Deerfield Beach, which is presently Deerfield Beach Elementary. In 1907, Ms. Ely Powell Womack petitioned the School Board of Dade County to build a school for Black students in Deerfield Beach. Two years later, the request was granted and she purchased a lot for \$40 at NW 4th Street and NW 1st Avenue. In 1928, the board agreed to purchase five acres and the NW 4th Street site was purchased for \$500; in 1929, a three-room school was built for \$6,434 for Black children. Financial assistance was offered by Julius Rosenwald, President and CEO of Sears & Roebuck, and made Braithwaite Elementary a reality. Braithwaite replaced the name Deerfield Colored School No. 9 and was named in honor of William Stanley Beaumont Braithwaite. In 1959, Deerfield Park Elementary was opened as a breakoff of Braithwaite Elementary. Braithwaite continued to serve the community by helping adults learn to read and teaching trades to the community.

Commissioner Preston said Braithwaite School was located at NE Focal Point (Center for Active Aging) which is currently under construction. He asked that the Commission consider renaming the building Braithwaite Center for Active Aging. He said it has been confirmed with the State that there is no problem with the renaming. Additionally, he would like to rename NW 1st Avenue to Braithwaite Place; wherein, these considerations will be presented to the Commission at an upcoming meeting. Additionally, he has spoken with the Historical Society who agreed with his recommendation. Lastly, with the Commission's support, he will continue to gather information.

There was no opposition to the request.

Thereafter, Commissioner Preston said Mr. Rosenwald's contribution was honorable because most people were not helping the Black community in this magnitude.

COMMISSIONER PARNES**DISTRICT 3**

Health & City Wellness – Commissioner Parnes commented on recent health issues, but advised that he is doing well. He also commented on living in the City for 32 years and how the City is important to him as a whole, not based on districts. Commissioner Parnes continued to outline the positive changes in the City and his desire to see the City succeed.

COMMISSIONER DROSKY**DISTRICT 4**

Solid Waste Interlocal Agreement – Commissioner Drosky said the City Manager will provide the Commission with a draft agreement for solid waste disposal and recyclable materials presented by the Solid Waste Working Group yesterday. He asked that the Commission review it and offer opinions to the City Manager and City Attorney as it will impact Broward County moving forward. He said the Executive Committee is proposing to run the authority with 11 members, consisting of one member from the County and five members from large municipalities, three from medium, and two from small municipalities. Deerfield Beach is considered the last large municipality. All municipalities have 30 days to provide comments.

Saturday Office Hours – Commissioner Drosky said he will hold office hours on Saturday, October 1st and can be contacted directly for an appointment or through the City Manager's Office.

SW 10th Street Workshop – Commissioner Drosky said on September 19th at the Oveta McKeithen Recreational Complex 6 p.m. till 8 p.m., Florida Department of Transportation is hosting a workshop regarding the aesthetics for the SW 10th Street project. Public input is requested and he encouraged everyone to attend.

COMMENTS BY MAYOR & CITY COMMISSION – CONTINUED

Independence Bay Community – Commissioner Drosky informed the Broward Sheriff's Office that the residents are having difficulty between 8 a.m. and 9 a.m. going west from their community. He said the people traveling east on SW 10th Street are blocking the intersection when the light is red which is a recurring problem.

Fiber Optic Project – Commissioner Drosky said he continues to receive complaints regarding the AT&T fiber optic project in west Deerfield Beach, along 45th Avenue; whereas, a water main was broken and residents had to boil their water. Also, some yards and properties have been demolished and he is receiving complaints from the Riverglen and Harbors at Riverglen communities. He asked that staff address the issue.

David Santucci, City Manager, said their permit has been pulled to rectify those issues.

MAYOR BILL GANZ

Fire Optic Project - Mayor Ganz agreed that the work being done by AT&T has destroyed people's yards.

District 1 Meeting – Mayor Ganz said he does not think it is a good idea for other elected officials to attend Vice Mayor Hudak's meeting, based on the discussion with the City Attorney during the recess, and because the item will come before the City Commission.

Attorney General Audit – Mayor Ganz applauded the City Manager and staff for the actions taken on many findings outlined in the audit.

ADJOURNMENT

There was no additional business to discuss.

MOTION was made by Vice Mayor Hudak, seconded by Commissioner Parness, to adjourn the meeting at 9:55 p.m. Voice Vote:

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

Nays: 0

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

Samantha Gillyard, CMC, City Clerk