



Meeting Minutes City Commission

Tuesday, February 7, 2023

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:

Commissioner Todd Drosky
Commissioner Bernie Parness
Commissioner Ben Preston
Vice Mayor Michael Hudak
Mayor Bill Ganz

Also Present:

City Manager David Santucci
City Attorney Anthony Soroka
City Clerk Heather Montemayor

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

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

APPROVAL OF CITY COMMISSION MINUTES

Regular City Commission Meeting Minutes - January 10, 2023

MOTION was made by Commissioner Parness, seconded by Vice Mayor Hudak, to approve the meeting 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

African American Heritage Board Meeting Minutes - September 8, 2022
Code Compliance Meeting Minutes - December 13, 2022
Marine Advisory Board Meeting Minutes - October 20, 2022
Community Appearance Board Meeting Minutes - January 11, 2023
Hillsboro Inlet District Meeting Minutes - November 21, 2022

ACKNOWLEDGEMENT OF CITY BOARD MINUTES - CONTINUED

MOTION was made by Commissioner Parness, 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

February 7, 2023

MOTION was made by Commissioner Preston, seconded by Commissioner Parness, 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. Proclamation recognizing February 2023 as American Heart Month.**

Mayor Ganz presented a proclamation to Chandra Roberson, Senior Development Director at American Heart Association, in recognition of American Heart Month.

Ms. Roberson thanked the City of Deerfield Beach on behalf of the American Heart Association for advocating and supporting American Heart Month.

2. Presentation of the 2022 Smart Growth Excellence Award to the City of Deerfield Beach for the Btactical Project: NE 3rd Avenue "Make Broward Better at Tedder."

Priscilla Cygielnik, Director of Environmental Services, stated that the City was awarded the 2022 Smart Growth Excellence Award for the Btactical Project.

Nadia Locke, Smart Growth Partnership, introduced Jesus Fuentes, Smart Growth Partnership. Thereafter, she explained that the award is for the Btactical Project, Make Broward Better at Tedder. The intent of the award is to recognize projects, polices, and other types of efforts involving the smart growth principles made by public, non-profit, and private industries. She stated that the City of Deerfield Beach was also recognized in 2014 for the Complete Streets Guidelines and commended the City for being forward thinking and progressive. Ms. Locke provided staff with the award and thanked the City for their leadership in South Florida and assisting with the creation of smart growth projects.

Mayor Ganz thanked staff and the volunteers who assisted with the project, as it provided the City with the opportunity to see how it would affect the community.

Eric Power, Director of Planning & Development Services, thanked Smart Growth Partnership for their recognition; whereas, this is the third time the City has been recognized by an outside agency for this project. Further, he said staff has had conversations with BSO regarding how improvements can be made to NE 3rd Avenue, whereby, previous issues were resolved but new issues have been created; nonetheless, these temporary projects assist with making future permanent improvements.

Vice Mayor Hudak said this project brought the community together, and although it was a short-term fix, it showed what can be done to a very hazardous road. Thereafter, he thanked staff for all their hard work.

PUBLIC COMMENT

Michael Lubin, 16 Little Harbor Way, Deerfield Beach, reiterated his previous concerns with the current construction hours. Thereafter, he commented on situations he's encountered regarding the construction noise and asked for them to be amended to 8:00 a.m. to 5:00 p.m., Monday - Friday and 9:00 a.m. - 3:00 p.m. on Saturdays. Further, he commented on Deerfield Beach's education system and provided a brief overview of programs being offered at Deerfield Beach Middle and High Schools. Lastly, he thanked the Commission for the high school excellence awards, as the monies funded two academic scholarships.

Daniel Shanetzky, 34 Keswick B, Deerfield Beach, said on January 28th, the Cultural Committee hosted the Brazilian festival, which was well attended. Thereafter, he thanked the Commission and City Manager for their approval of the event, and thanked staff for assisting with the event. Further, he said backup generators provide power in an emergency; nevertheless, noise is measured by decibels and the Broward County noise ordinance allows 60 decibels from 7:00 a.m. to 9:00 p.m. and 55 decibels from 9:00 p.m. to 7:00 a.m., and if not followed a \$114 ticket will be issued. Mr. Shanetzky outlined three measures used to absorb noise, sound absorbing enclosure, acoustic barriers, and isolation mount, and suggested educating those who have backup generators.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, spoke in support of amending the construction hours and commented on Homeowner Association's (HOA's) establishing their own hours for construction, 9:00 a.m. to 4:00 p.m. Monday - Friday and none on Saturday and suggested that the entire city adhere to those hours; nonetheless, if a noise survey is conducted, HOA's should not be included.

Howard Noland, 325 SE 3rd Terrace, Deerfield Beach, provided John Chekerotis, former police officer's, background, credentials, and a brief overview of the impacts he made to the community. Thereafter, he asked that street signs be added, from the Pier to SE 4th Street, in his honor.

William Galsterer, 1102 Little Harbor Drive, Deerfield Beach, commented on a situation that occurred at an Airbnb at 6 Little Harbor Way. He said due to the ongoing disruption, he contacted the non-emergency number, but by the time police arrived they advised that nothing could be done because the situation had already been resolved. He stated that he was very displeased with the entire situation and earlier today he requested the report and was told that only notes were taken. Thereafter, he asked what more he can do.

Mayor Ganz said the police showed up, but unfortunately, they are limited to what they can do if the issue is resolved prior to them arriving; nevertheless, he asked that Chief Hofstein find out exactly what happened with the interaction, so it can be addressed.

Willie Graham-Bracy, 501 NW 1st Terrace, Deerfield Beach, thanked the Mayor for the prompt response regarding her previous request of the missing fire hydrant at Johnnie McKeithen Park. Further, she commented on speeding near the boat ramp and asked if a speed bump can be installed.

Tom Schuessler, 59 Little Harbor Way, Deerfield Beach, asked if building codes could be re-addressed to restrict developers from building large homes within residential areas with the intent of turning them into Airbnb's. He stated that the current lot coverage is 40% and suggested that it be reduced to 35% and asked that 3 story homes be eliminated. Thereafter, he spoke in support of amending the construction hours.

Commissioner Parness commented on the negative impacts reducing the construction hours could have on the City, i.e. longer build times, lack of growth, etc.

Mayor Ganz answered questions/comments posed by the public. He stated that construction hours were addressed and amended years ago based on a previous request made by Mr. Lubin; nonetheless, Deerfield Beach is the most restricted city in the area when it comes to construction hours. Further, he does not agree with limiting what people can do with the size of their homes, as that is not the issue. The issue is the State Legislature not fully restricting Airbnb's and limiting cities on what can and cannot be enforced; therefore, he suggested that residents contact the State. Mayor Ganz said some HOA's may have their own construction hours, but not all; whereas, most adhere to City's regulations. He spoke in support of the measures stated regarding generators and asked that staff look to see if it's something that can be implemented. Thereafter, Mayor Ganz outlined the steps for installing traffic calming devices and asked that staff contact Ms. Graham-Bracy. Although, he was unable to attend, Mayor Ganz said he received

PUBLIC COMMENT - CONTINUED

positive feedback regarding the Brazilian festival and thanked staff and the Cultural Committee for their efforts.

In response to Vice Mayor Hudak's question, Anthony Soroka, City Attorney, replied that the State Legislature and State Law preemption does not apply to HOA restrictions; therefore, if Little Harbor was able to organize and effectuate an HOA, they would be able to circumvent the challenges they have been faced with.

In response to Commissioner Parness' question, Mr. Soroka replied that this would apply to community associations, i.e. HOA's, condominiums, etc. Further, they would have to record a declaration of restrictive covenants.

In response to Mayor Ganz's question, Mr. Soroka replied that HOA's have the ability to restrict hours of construction as they have their own regulatory authority to go stricter than the City's code.

CONSENT - BOARD APPOINTMENT

- 3. Resolution 2023/025 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Lisbeth Linert as a regular member to the Deerfield Beach Education Advisory Board to fulfill an unexpired term; providing for an effective date.**

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

There was no discussion amongst the Commission.

MOTION was made by Commissioner Drosky, seconded by Vice Mayor Hudak, to approve Item 3, adopted Resolution 2023/025. Voice Vote:

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

Nays: 0

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

Mayor Ganz opened the public hearing for Items 4, 6 & 8; 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 Items 4, 6 & 8 of the Consent Agenda. Roll Call:

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

Nays: 0

- 4. Resolution 2023/026 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the submission of a public art challenge grant application to Bloomberg Philanthropies for a public art project in collaboration with Art4Hope; authorizing in-kind services as matching funds if the grant funds are awarded; authorizing execution of a grant agreement, if awarded; and providing for an effective date.**

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

5. **Resolution 2023/027 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an agreement with Great Lakes Dredge & Dock Company, LLC and the Town of Hillsboro Beach for the City's Joint Beach Renourishment Project with the Town of Hillsboro Beach, utilizing the terms of the City of Boca Raton's Bid No. 2023-06-FV and contract and the mandatory alternates provided for in the bid, in a total joint project sand placement amount not to exceed \$4,000,000; providing for execution and an effective date. (*Funding to be determined*)**

The Resolution was read by title only.

David Santucci, City Manager, provided a brief overview of the item. He explained that as of today, the executed contract has not been received but both parties confirmed that execution and receipt of the contract is eminent and should be provided by the end of the week. Thereafter, he provided a brief overview of the bid process, the beach renourishment area, and the costs associated with the project, which was outlined at the January 24th Commission meeting.

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

MOTION was made by Vice Mayor Hudak, seconded by Commissioner Parness, to approve Item 5, adopted Resolution 2023/027. Roll Call:

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

Nays: 0

6. **Resolution 2023/028 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a settlement of the Workers' Compensation claim of Janice Major in the amount of \$62,437.40; authorizing execution of documents necessary to effectuate the settlement; and providing for an effective date. (*Funds from Account #606-0900-519-30-41 - Workers Compensation Legal*)**

7. **Resolution 2023/029 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, amending the 2022/2023 schedule of City Commission meetings; providing for an effective date.**

The Resolution was read by title only.

David Santucci, City Manager, said the request to move the March 21st Commission meeting to March 28th is due to more than one elected official attending Broward Days. Further, staff received the budget hearing schedule for Broward County and the School Board; therefore, staff is requesting to change the September 19th Commission meeting to September 13th, as September 19th interferes with the County.

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

There was no discussion amongst the Commission.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Hudak, to approve Item 7, as amended, adopted Resolution 2023/029. Roll Call:

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

Nays: 0

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

8. Resolution 2023/030 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving and authorizing execution of a Form Participation Agreement with Broward County for publication of legal notices on a County designated publicly accessible website; providing for implementation and an effective date.

DEPARTMENTAL BUSINESS

9. Resolution 2023/031 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, adopting the City's 2023 State Legislative Agenda; providing for transmittal, implementation, and an effective date.

The Resolution was read by title only.

Commissioner Preston asked that the name for Active Aging be updated to Braithwaite Center for Active Aging.

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

MOTION was made by Commissioner Preston, seconded by Commissioner Parness, to approve Item 9, as amended, adopted Resolution 2023/031. Roll Call:

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

Career Fair - David Santucci, City Manager, said the event will take place at the Hillsboro Technology Center on February 16th from 3:00 p.m. to 6:00 p.m.; whereby, various businesses will be in attendance, as well as community stakeholders. Thereafter, he thanked Economic Development for their efforts in creating the event.

District Meetings - Mr. Santucci said there will be four district meetings that will be geared towards providing an educational opportunity to the public for the referendum that will be on the March 14th ballot. He advised that residents are welcome to attend any of the meetings, regardless of their districts, and virtual options will be available for some. Thereafter, he stated that the election will be citywide.

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

Speeding Tickets - Vice Mayor Hudak stated that the City does not receive revenue from speeding tickets; nevertheless, the Commission is urging stronger enforcement for the public's safety. Thereafter, he commented on his child's classmate who lost her life in a car accident.

Cove Construction - Vice Mayor Hudak asked staff to continue to monitor the construction near the brewery to ensure they are adhering to their permits.

Mail in Ballot Requests - Vice Mayor Hudak said the vote by mail ballot requests expired on December 31st; therefore, he urged those who wish to vote by mail to visit the Supervisor of Elections website and reapply.

COMMENTS BY MAYOR & CITY COMMISSION - CONTINUED

District 1 Meetings - Vice Mayor Hudak said his office hours will be on Saturday, February 11th from 9:00 a.m. to noon and the District 1 meeting will be held in the Commission Chambers on February 15th at 7:00 p.m.

COMMISSIONER PRESTON**DISTRICT 2**

District 2 Meeting - Commissioner Preston said the meeting will be held at Hillsboro Technology Center on February 22nd at 7:00 p.m. Thereafter, he provided a brief overview of the agenda and urged the public to attend at least one of the meetings.

Pastor Ford Linear Park - Commissioner Preston said there was a ribbon cutting for the newly installed exercise station and he encouraged everyone to check it out. He said this is the second exercise station out of ten in the Country, and ours is even more unique because of the artwork displayed, which is from a well-known artist, Jean-Michel Basquiat. Thereafter, he commented on a challenge that took place between BSO fire rescue and law enforcement and thanked staff for their hard work throughout the project.

COMMISSIONER PARNESS**DISTRICT 3**

Restrictions - Commissioner Parness commented on state mandated laws that affect local communities, i.e. Airbnb's, open carry permits, etc. Thereafter, he urged the public to contact their state legislature to express their concerns.

District 3 Meeting - Commissioner Parness said the meeting will take place on February 24th at Century Village. Thereafter, he advised that his office is open the first and third Monday of every month from 9:00 a.m. to noon in the main clubhouse. Commissioner Parness urged the public to attend one of the district meetings, so they can become educated about the referendum and vote yes.

Mail in Ballot Requests - Commissioner Parness said voters can also call the Supervisor of Elections Office to request a vote by mail ballot.

COMMISSIONER DROSKY**DISTRICT 4**

District 4 Meeting - Commissioner Drosky said the meeting will take place on Monday, February 13th at 7:00 p.m. in the Commission Chambers due to a scheduling conflict with Constitution Park; nevertheless, there will be a virtual option. Thereafter, he asked that staff add the other district meetings to his calendar.

Shred Event - Commissioner Drosky said the free event will take place at Fire Station 66 on Saturday, February 11th from 8:00 a.m. to noon.

Broward League of Cities Installation Dinner - Commissioner Drosky said he will be inducted as the president on Saturday, June 17th at 7:00 p.m. at Margaritaville.

MAYOR GANZ

Speeding - Mayor Ganz reiterated Vice Mayor Hudak's comments, whereby, the City does not receive revenue from speeding tickets. He continues urging stronger traffic enforcement to protect the public. Thereafter, he commented on Thais Haug, a 19-year-old who lost her life due to another person speeding, a motorcycle fatality that occurred 6 days ago, as well as many others. He said speeding is an issue due to the long gaps between lights, especially out west. Mayor Ganz said he will address this every meeting due to the severity of the situation, as these fatalities must stop.

Pioneer Park - Mayor Ganz asked for increased patrol in the pioneer park area. Thereafter, he commented on a situation that was posted on social media and urged the public to contact the police.

Congratulations - Mayor Ganz extended an early congratulations to Commissioner Drosky for his installation as president of the Broward League of Cities.

ADJOURNMENT

There was no additional business to discuss.

MOTION was made by Commissioner Parness, seconded by Commissioner Preston, to adjourn the meeting at 8:15 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

Heather Montemayor, CMC, City Clerk