



Meeting Minutes City Commission

Tuesday, January 9, 2024

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 Michael Hudak
Commissioner Ben Preston
Vice Mayor Bernie Parness - via Zoom
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 - November 14, 2023

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

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

Nays: 0

ACKNOWLEDGEMENT OF CITY BOARD MINUTES

Code Compliance Meeting Minutes - September 27 & November 17, 2023

Community Redevelopment Agency Meeting Minutes - October 17, 2023

Planning & Zoning Board Meeting Minutes - November 2, 2023

Cultural Committee Meeting Minutes - November 20, 2023

Community Appearance Board Meeting Minutes - November 30, 2023

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

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

Nays: 0

APPROVAL OF CITY COMMISSION AGENDA*January 9, 2024*

**MOTION was made by Commissioner Preston, seconded by Commissioner Hudak, to approve the agenda.
Voice Vote:**

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

Nays: 0

PRESENTATIONS BY ADMINISTRATION**1. Presentation regarding the Live Local Act.**

Eric Power, Director of Planning & Development Services, highlighted a brief presentation. He said the recently adopted Live Local Act provides new regulations related to affordable housing standards. The Act prohibits local governments from imposing rent controls; prohibits local governments from requiring variances or land use/zoning amendments for zoning, height, or density; and prohibits commission or other board approval, whereby, only administrative approval is needed. Additionally, the Act provides for cities to approve affordable housing developments, to include mixed-use, on any land for commercial or industrial use, provided at least 10% of the units are affordable, which would require commission action; and provides for a city to approve multifamily and mixed use on any commercial or industrial land if at least 40% of the units are affordable for 30 years, which would require administrative approval. He explained that one issue with the Act is if the height of a building is 150 feet, everything within one mile of that area can be built to that height. Thereafter, a photograph of two apartment complexes built within one mile of each other was displayed.

Continuing, Mr. Power outlined the additional housing investments that have been set aside by the State for various programs. Further, he said the Act provides housing incentives to developers, which include various property tax incentives, new sales tax refund on building materials, etc. The requirements of local government consist of considering the reduction of parking requirements if the project is within a half mile of a major transit stop; as of October 1, 2023, and every three years thereafter, the City must create an inventory of all lands owned by the City that are appropriate uses for affordable housing and make it publicly available, which Deerfield Beach has done; requires cities to maintain on its website policies and procedures and expedited processing procedures of permits and development orders, which Deerfield Beach has done for years; and within 10 days of submittal, if the City does not provide notice that the applicant has not submitted a complete application, it is automatically deemed complete and accepted, whereby, city staff notifies the applicant the day of submittal. Lastly, Mr. Power said staff is hoping for possible amendments and clarification on some of the definitions and County Commissioner Steve Geller has been appointed to a Live Local Act working group, and he is seeking municipal input.

In response to the Commissioner Hudak's question, Mr. Power replied that the one-mile radius for building height is city specific.

2. Presentation regarding the cart replacement program.

Chad Grecsek, Director of Sustainable Management, displayed a brief video regarding the cart replacement program. Thereafter, he introduced Eleonel Lorenzo, Operations Manager.

Mr. Lorenzo highlighted a brief presentation. Thereafter, he provided a brief overview of the cart replacement program timeline, whereby, the cart replacement program is set to begin rollout this month. The new 95 gallon, which holds approximately ten, 13-gallon trash bags will replace the 35 gallon and 65-gallon containers. In addition to having a larger capacity, the 95-gallon cart will also optimize collections, reduce maintenance, etc. Mr. Lorenzo explained that staff will begin delivering the new carts mid-January, whereby, residents must store them until the old carts have been retrieved, which will begin mid-February on existing collection days. Once the old carts have been retrieved residents can begin using the new cart, which should be late March. Lastly, he outlined the various outreach and education that has been and will be conducted to ensure the public is aware of the program.

PRESENTATIONS BY ADMINISTRATION - CONTINUED

In response to Commissioner Preston's question, Mr. Lorenzo replied that once the new cart is received, residents must store the cart until the old carts are retrieved.

In response to Commissioner Drosky's question, Mr. Lorenzo replied that both the blue, 35-gallon, and brown, 65-gallon containers will be picked up. Further, he said staff will add additional messaging notifying residents that the blue and brown carts will be picked up.

QUASI-JUDICIAL PUBLIC HEARINGS

3. P.H. 2024-032: APPLICATION 23-RM25-49

Applicant: **NY DEERFIELD BEACH HOLDINGS, LLC, REPRESENTED BY S.H. BRANDT AND ASSOCIATES**

Proposal: Major site plan application seeking approval to construct a 13-unit apartment building.

Location: The properties are generally described as OCEAN VUE 3-34 B LOT 3, 4 & 5 BLK 9 and located at **1974 & 1980 NE 5th Street**.

The Resolution was read by title only.

Steve Brandt, 5010 N. Federal Highway, Lighthouse Point, representing the applicant, waived the quasi-judicial proceeding. Thereafter, he briefly highlighted a presentation. He stated that the applicant is seeking to construct a 13-unit apartment building on three lots that is zoned RM-25. Thereafter, a photograph of the location was displayed. Further, he said the design of the building is consistent with the Cove Overlay District standards. The current development consists of one single-family home and three apartment units; whereby, the applicant is proposing to redevelop the property to construct 13 apartment units. The proposed development will have 28 parking spaces plus four tandem spaces. Thereafter, the ground level plan was displayed, which consists of one elevator, stairs, indoor bicycle parking, additional storage areas, two accessible parking spaces. The floor plans for the second, third and fourth floors were displayed, which consist of a mixture of one, two-, and three-bedrooms units; all units have one balcony, but some have additional balconies. The fifth-floor plan was displayed, which is the owner's suite, four-bedroom unit with many balconies. Thereafter, he outlined the roof and elevation materials. Lastly, a video of the proposed building was displayed.

In response to Commissioner Hudak's question, Mr. Brandt replied that they are rental apartments.

In response to Vice Mayor Parness' question, Mr. Brandt replied that the lease requirements will be based on the market; whereby, he does not believe the owners would be interested in having restrictions on their lease requirements.

Vice Mayor Parness spoke in opposition to them becoming short term rentals.

Mr. Brandt stated that having short term rentals on 12 rental units would become a handful for the management company, so he does not anticipate that occurring; however, with many of the surrounding properties being short term rentals, one or two of the units may be utilized for short term rentals.

In response to Mayor Ganz's question, Mr. Brandt replied that the owners can rent the units for the allowable terms.

Anthony Soroka, City Attorney, stated that pursuant to state law, the City cannot restrict the frequency or duration of vacation rentals.

Mayor Ganz opened the public hearing.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, said the applicant is not requesting variances; therefore, she asked why a major site plan application is needed.

Howard Haimowitz, 536 NE 20th Avenue, Deerfield Beach, spoke in opposition to the application.

QUASI-JUDICIAL PUBLIC HEARINGS - CONTINUED

Jon Ounjian, 1938 NE 6th Street, Deerfield Beach, commented on Senate Bill 102. Further, he said the public roadway and easement was provided to this applicant, allowing them to build two additional units, which he disagreed with. Thereafter, he suggested revising the Code, so developers cannot utilize public right-of-way. Mr. Ounjian said a homeowner's association could be created and they could restrict the length and term of a rental property.

Martha Montejo, 497 NW 36th Avenue, Deerfield Beach, spoke in support of the application, as it will help elevate the City.

Julie Rodriquez, 150 SE 7th Street, Deerfield Beach, said she hopes that this project does not turn into short terms rentals, as she does not agree with them.

Bob DiChristopher, 517 NE 6th Avenue, Deerfield Beach, said the Code does allow for developers to use the adjoining right-of-way as their gross acreage and agreed with revising the Code.

Mayor Ganz closed the public hearing.

Eric Power, Director of Planning & Development Services, said the Code relating to density does allow for one half of any adjacent right-of-way to be utilized. He stated that staff has researched this language, and this definition has been a part of the Code since inception; whereby, changing that definition would make all commercial and multi-family residential properties non-conforming. Further, he said every city defines lot coverage, net acres, and gross acres differently; nevertheless, this definition is not uncommon.

Mayor Ganz asked what kind of negative impacts would changing the definition have on existing properties.

Mr. Power replied that in a redevelopment situation or if a development did not fully meet the density requirements it would create a Bert Harris Act situation, as well as other takings that are no longer allowed by the State. Further, he said there are two types of development applications, major and minor, whereby, all brand-new, multi-family and commercial industrial developments are a major application. Thereafter, he defined a minor site plan application.

In response to Mayor Ganz's question, Mr. Soroka replied that if the Commission denies a site plan, the specific code provision that the applicant is not in compliance with must be stated.

In response to Mayor Ganz's question, Mr. Power nodded his yes that they are in compliance with all code requirements.

Mayor Ganz said it's disappointing to hear that the owners will not be willing to add rental restrictions, but unfortunately, the City cannot regulate short term rentals. Further, he said there have been complaints over the years that Deerfield Beach, especially the barrier island is the most restrictive. Thereafter, he provided a brief overview of the Bert Harris Act.

Commissioner Preston said although he understands the residents' concerns, the application meets all the necessary criteria.

Commissioner Drosky agreed, whereby, the density is less than the Code, and there's fewer units and more parking than permitted in the Code. Further, he spoke in opposition to short term rentals.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item 3, adopted Resolution 2024/001. Roll Call:

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

Nays: 0

PUBLIC HEARINGS

4. **P.H. 2024-035: Resolution 2024/002 - 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 southeast of the main beach parking lot, and legally described as Deerfield Beach 4-4 B Lots 1 thru 3 BLK 13, for \$913,000.00; providing for the settlement of all claims of the property owner regarding the property for 5 annual payments of \$65,000.00 conditioned upon receipt of a full release; authorizing execution of documents necessary to effectuate the purchase and settlement; providing for implementation and an effective date. (Funds from Account #399-0200-513-60-11 - Property Acquisition (FY24))**

The Resolution was read by title only.

Anthony Soroka, City Attorney, outlined the key business terms.

David Santucci, City Manager, highlighted a brief presentation. He explained that as part of the strategic plan, the City Commission wanted to ensure that the beach was for public use; therefore, staff has aggressively been seeking the purchase of the privately owned beach lots. Thereafter, various photographs of the 2014 beach properties were displayed. Further, he said the property includes the grassy berm, as well as the beach sand. He explained that part of the purchase price includes five installment payments of \$65,000, which recognizes the beach amenity operations. Thereafter, various photographs of the 2024 beach properties were displayed. The purchase and sale terms include \$913,000, due by January 31, 2024, whereby, staff is recommending the use of Fund Balance. The \$65,000 over five years will commence on October 2024, and will be budgeted in the General Fund.

In response to Commissioner Hudak's question, Mr. Santucci replied that property includes the grassy berm and extends to the water.

In response to Commissioner Preston's question, Mr. Santucci replied that staff was unaware that the area used for beach concessions was private property. Further, he said the beach concessions were operating in that area for well over a decade.

Mr. Soroka said the City received a demand letter pointing out the discrepancy.

Commissioner Drosky said out of the remaining beach lots left, this is the biggest. Thereafter, he spoke in support of the item, as the beach belongs to its residents. Further, he said this commission should be applauded for their efforts to ensure that the public property was put back into the public domain. Commissioner Drosky said this commission tried to get private funding, and funding through Forever Floirda, but the beach did not qualify. Lastly, he commended the Commission and staff for a job well done on this great accomplishment.

Commissioner Hudak agreed, as this purchase is a great accomplishment. He commended Mr. Santucci and Mr. Soroka for their efforts. Thereafter, he spoke in support of the item. He said based on the actual square footage, the price is fair; therefore, he supports the purchase.

Mayor Ganz provided a brief history of events that have occurred over the years with the private beach lots. Further, he said at one time city staff oversaw beach concessions, which was operated in the same area, so although beach concessions are currently not being ran by city staff, the responsibility falls on the City; whereby, that is the reasoning behind the additional payment. Mayor Ganz said being able to walk away from his position knowing that all privately owned beach lots are in the public domain is extremely rewarding.

Vice Mayor Parness spoke in support of the purchase, as the beach belongs to the people of Deerfield.

Mayor Ganz opened the public hearing.

Bob DiChristopher, 517 NE 2nd Avenue, Deerfield Beach, commented on the installation of the groins, which has eroded the beach. He said per State Statute, an erosion control line can be established; whereby, if the City established a renourishment project and expands the beach to the east, it would be public property from the current erosion control line to the mean high water.

PUBLIC HEARINGS - CONTINUED

Dan Herz, 330 SE 19th Avenue, Deerfield Beach, commented on the agenda item backup. Thereafter, he provided a brief overview and history of the purchase of the property, as well as the beach concessions. He stated that there is a for-sale sign on the parcel, which highlights the dimensions. He briefly commented on the amount of money the City has spent on other beach parcels. Lastly, he asked the Commission to vote against the purchase of this parcel, so a better deal can be sought.

Maria LoRicco, 1551 SE 12th Street, Deerfield Beach, asked what the taxes are on the property and if any tax revenue will be lost.

Roger Freitag, 418 SE 2nd Street, Deerfield Beach, asked for clarification on the ownership of the remaining properties.

Lucia Delgenio, 707 North Shore Drive, Deerfield Beach, asked if beach concessions will be increased, and if the City will receive additional revenues.

Joe Hines, 559 NW 47th Terrace, Deerfield Beach, asked when the demand letter regarding the beach concessions was received and when was the beach concession operation moved.

Carlos Reyes, 945 SE 5th Court, Deerfield Beach, said he was under the impression that the beach was public; nonetheless, he has since learned that is not the case. Further, he asked for clarification on the demand letter, whereas, he expressed confusion on the lack of knowledge regarding the property.

Julie Rodriquez, 150 SE 7th Street, Deerfield Beach, asked how the City will come up with the money since it was not budgeted.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, said technically the City was squatting on the property, and expressed confusion as to why an eviction period was not established. Further, she asked if the beach concession operation was removed once the demand letter was received and why the City did not purchase the parcel five years ago when it was sold for \$270,000. Thereafter, she expressed concerns with the \$65,000 over the next five years. Lastly, Ms. Freitag suggested that the City hire Robert Sweetapple.

Patricia Saunders, 252 SW 34th Avenue, Deerfield Beach, asked if the original owner can be found.

Jon Ounjian, 1938 NE 6th Street, Deerfield Beach, commented on the City's legal services. Thereafter, he expressed confusion with the City operating on a private parcel and asked for clarification on demand letter.

Mayor Ganz closed the public hearing.

Mr. Soroka said the demand letter was received back in June, so negotiations have been going on since that time; with the initial asking price of \$2.85 million. Thereafter, he commented on two settlements, whereby, the City purchased each parcel for less than the assessed value. Further, he said it has taken a long time to get to his point, but he believes this is as good as it will get without proceeding to litigation. Mr. Soroka said the City does not lease property to the concessionaire, but the City does allow them to put their concessions on city property.

Mr. Santucci said tax and previous owner information can be obtained through the Broward County Property Appraiser's website; nevertheless, the taxes were \$5,000.

Mayor Ganz said when the City purchases private property it comes off the tax roll. Further, he said when the very first parcel came forward, he voted against it due to the cost, which set the appraisal mark for the remaining lots. Although the City is not bidding against anyone, the City would have taken the property when it was \$270,000, but unfortunately, it was never offered. Thereafter, he commented on the size of the properties being inaccurate and individuals purchasing them for the wrong amounts. He explained that the remaining privately owned lots are those that are adjacent to actual properties next to it, i.e. beach lot next to a condo. Mayor Ganz said he does not like spending this amount of money for these type properties; nevertheless, after 100 years, these wrongs are being corrected, which will benefit future generations.

PUBLIC HEARINGS - CONTINUED

Lastly, he said the concessions have been ran at this location for decades, and although it's frustrating and he would like clarification on the \$65,000 over the next five years, he reiterated that all the wrongs are being corrected.

In response to Commissioner Preston's question, Mr. Santucci replied that the City has operated a beach concession on the sand for decades, whereby, the City was under the impression that only the grassy berm was privately owned due to the depiction outlined on the Broward County Property Appraiser's website. Thereafter, Mr. Santucci provided a brief explanation of the sale price.

In response to Mayor Ganz's questions, Mr. Santucci replied that the beach concessions were not pulled right away, as the request did not come up during negotiations. Further, the demand letter outlined the usage of the property from the time the owner purchased it, which was five years ago. Lastly, he said the initial payment of \$913,000 is being recommended to come from the Fund Balance, but if there is an operational savings then the use of Fund Balance will not be used. The \$65,000 over the next five years will be budgeted in the General Fund operating expenditures for the next five years.

Mayor Ganz said if approved, anything that is set up in the location will be revenue to the City.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to approve Item 4, adopted Resolution 2024/002. Roll Call:

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

Nays: 0

PUBLIC HEARINGS - SECOND READING

- 5. P.H. 2024-033: ORDINANCE 2024/001 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING ARTICLE I "IN GENERAL" OF CHAPTER 66 "TRAFFIC AND VEHICLES" OF THE CITY CODE OF ORDINANCES TO CREATE SECTION 66-2 "SPEED DETECTION SYSTEMS FOR ENFORCEMENT OF SCHOOL ZONE SPEED LIMITS" TO AUTHORIZE THE PLACEMENT AND INSTALLATION OF SPEED DETECTION SYSTEMS ON ROADWAYS MAINTAINED AS SCHOOL ZONES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

The Ordinance was read by title only.

Rodney Brimlow, Director of Public Safety, said prior to second reading approval, the City Commission must determine that the school zones where the speed detection speed systems would be placed or installed constitute a heightened safety risk, which is not defined in great detail in the State Statute, so the speed study that was performed will assist in making make the determination; and given that speeding in school zones creates an unacceptable hazard for students and that the enforcement of the applicable speed limits in school zones through the use of speed detection systems may reduce instances of speeding in school zones. Thereafter, he highlighted a brief presentation, which was presented at the October 17, 2023 commission meeting. Further, he said information was found during the Vision Zero research, whereby, from 2018 - 2022, there were 192 crashes that involved serious bodily harm and/or fatalities, with the majority of them being near schools. Additionally, 29% of those crashes involved bicycles or pedestrians. Lastly, Mr. Brimlow said the City's motivation factor for this project is to ensure that our 6,580 students feel safe and are being protected.

Mayor Ganz opened the public hearing.

Roger Freitag, 418 SE 2nd Street, Deerfield Beach, asked if cameras can be installed to assist with the issue.

Ashley Gombs, 1331 SW 10th Terrace, Deerfield Beach, spoke in support of the item, as the speeding near Deerfield Beach High School and Deerfield Park Elementary is outrageous.

PUBLIC HEARINGS - SECOND READING - CONTINUED

Dan Herz, 330 SE 19th Avenue, Deerfield Beach, commended the Director of Public Safety for his efforts with this project.

William Lane, 11 Tilford A, Deerfield Beach, spoke in support of the project, and suggested that something similar be installed in Century Village.

Mayor Ganz closed the public hearing. Thereafter, he said in the previous presentation, it was stated that 6,459 individuals were going over 11 miles an hour in a school zone.

In response to Mayor Ganz's comment, Mr. Brimlow provided a brief overview of the difference between the speed cameras and red-light cameras. Further, he said the ticket is \$100, and it will not impact an individual's insurance or driver license.

MOTION was made by Commissioner Preston, seconded by Commissioner Hudak, to approve Item 5, adopted Ordinance 2024/001. Roll Call:

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

Nays: 0

PUBLIC COMMENT

Willie Rosetta Graham-Bracy, 501 NW 1st Terrace, Deerfield Beach, asked if the thrift shop can be brought back. Further, she thanked the Commission for the installation of the fence at Johnnie McKeithen Park.

Roger Freitag, 418 SE 2nd Street, Deerfield Beach, thanked city staff for fixing the clock tower. Further, he suggested that individuals purchase cans in lieu of bottles, crush them and then bring them to a recycling center. Lastly, he asked that he be allowed to keep his blue recycling can.

Mae Francis-Fagen, 3500 SE Natura Boulevard, Deerfield Beach, asked that the City participate in events that involve special needs children.

Bob DiChristopher, 517 NE 6th Avenue, Deerfield Beach, asked that he be allowed to keep the 95 and 65-gallon containers. Thereafter, he commented on the Live Local Act.

Sandra Jackson, 386 SW 35th Avenue, Deerfield Beach, thanked everyone involved in the toy giveaway.

Jon Ounjian, 1938 NE 6th Street, Deerfield Beach, commented on the Live Local Act and said the City must be proactive when these type issues arise. Further, he said Boca Raton and Boynton Beach do not allow short term rentals.

Dan Herz, 330 SE 19th Avenue, Deerfield Beach, commented on the previous bids for the pier restaurant lease, Toulia Amanna's lawsuit, the August 22, 2023 Special City Commission meeting, and the City's legal services. Further, he said the Community Redevelopment Agency meetings are available through Zoom but are not being video recorded. Lastly, he asked why all backup is not provided prior to the meetings.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, requested numerous garbage cans, as one 95-gallon container will not be large enough for some families. Further, she asked if the privately owned beach parcels are invoiced for the beach renourishment projects and beach cleanups.

Ed Tobia, 1590 SE 8th Street, Deerfield Beach, applauded the City for only providing one garbage container, whereby, he brings his recyclables to the recycling center. Further, he asked if fencing is required around a new construction development.

Carrie Hellenbrecht, 884 NW 47th Street, Deerfield Beach, agreed with charging the privately owned beach lots for beach cleanups and beach renourishment projects. Further, she said an email was sent regarding military banners and asked if it would be considered.

PUBLIC COMMENT - CONTINUED

Mayor Ganz said the request regarding the military banners was provided to the City Manager, and he is looking into it.

In response to Commissioner Preston's comment, David Santucci, City Manager, stated that due to Braithwaite Center for Active Aging being utilized as one facility, a thrift store is not allowed; nonetheless, once the new facility is established the City will provide a similar experience for the elderly community.

Mayor Ganz answered questions/comments/concerns posed by the public. Further, he said there is not a lot of clarification when it comes to the Live Local Act; nonetheless, it is well intended but poorly executed. Mayor Ganz said every city should have the ability to make adjustments to protect their cities and residents, whereas, what is good for the Panhandle or more rural areas, is not good for Broward County, etc. The change in the garbage containers is not something people will initially be happy with, but having multiple cans has become problematic; nevertheless, if additional containers are needed it can be explored.

Anthony Soroka, City Attorney, said when the preemption went into place that prevented cities from being able to adopt regulations that would restrict the duration or frequency of vacation rentals, a grandfather provision was put into place, whereby, if a city had an existing ordinance prior to a certain date, it could still be enforced.

Mayor Ganz asked staff to look at the requirements for single-family developments, whereby, adding fencing during construction may be something to implement.

CONSENT - BOARD APPOINTMENT

Mayor Ganz opened the public hearing for Items 6 - 9.

- 6. Resolution 2024/003 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Shane Cutler as a regular member on the Marine Advisory Board; providing for an effective date.**

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

- 7. Resolution 2024/004 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the settlement of all claims against the City in the Litigation Styled *Carolyn McNamara vs. City of Deerfield Beach*; authorizing execution of documents necessary to effectuate the Settlement; providing for an effective date. (Funds from Account #606-0900-519-37-70 - Risk Management/General Liability Legal)**

Dan Herz, 330 SE 19th Avenue, Deerfield Beach, asked for the location of the sidewalk, and if it has been repaired.

Mayor Ganz closed the public hearing for items 6 - 9.

David Santucci, City Manager, said he is unsure of the location; nevertheless, once staff is aware of an incident it is repaired.

- 8. Resolution 2024/005 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an updated Security Program Plan for the Community Shuttle Program with Broward County; providing for implementation and an effective date. (Deferred from December 12, 2023)**
- 9. Resolution 2024/006 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an updated System Safety Program Plan for the Community Shuttle Program with Broward County; providing for implementation and an effective date. (Deferred from December 12, 2023)**

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Items 6 - 9 in concert. Roll Call:

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

Nays: 0

DEPARTMENTAL BUSINESS

10. Resolution 2024/007 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the ranking and award of Request for Proposals No. #24-02-BA for the SE 8th Avenue Area Stormwater Capital Improvement Project; authorizing the City Manager to execute an agreement with the top ranked, responsive and responsible proposer, Emerald Construction Corporation d/b/a Neucor Construction in an amount not to exceed \$2,731,792.79; providing for implementation and an effective date. (Funds from Account #462-5070-538-65-30 - Stormwater Capital Fund)

The Resolution was read by title only.

David Santucci, City Manager, provided a brief overview of the item. Further, he said a lot of close coordination will be established with the surrounding residents throughout the duration of this project.

Commissioner Hudak spoke in support of the project. Thereafter, he thanked the City Manager and staff for their efforts.

In response to Commissioner Hudak's question, Priscilla Cygielnik, Director of Environmental Services, replied that the notice to proceed will be issued within the coming months. Further, she said work is anticipated to occur over a one-year period; nonetheless, once the contract is executed, the construction schedule is established and material is delivered, staff will have a better understanding of the timeframe and will notify residents accordingly.

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

MOTION was made by Commissioner Hudak, seconded by Commissioner Preston, to approve Item 10, adopted Resolution 2024/007. Roll Call:

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

Nays: 0

11. Resolution 2024/008 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Ferraro Law Firm, P.A. to serve as outside counsel representing the City in litigation related to Per- and Polyfluoroalkyl Substances (PFAS) at the direction of the City Attorney; approving and authorizing execution of an agreement for retention of outside counsel on a contingent fee basis; providing for implementation and an effective date.

The Resolution was read by title only.

Anthony Soroka, City Attorney, stated that the proposal is on a contingency basis and is at no cost to the City. Further, he explained that the Ferraro Law Firm, P.A. is the only law firm in South Florida that is on the executive committee for the multi-district litigation throughout the Country.

Mayor Ganz opened the public hearing.

Bob DiChristopher, 517 NE 6th Avenue, Deerfield Beach, said if the water quality standards are applied to the portable water, there will be a pretty sizeable settlement; whereby, if the water quality standards are applied to the effluent, the numbers will be significantly higher.

DEPARTMENTAL BUSINESS - CONTINUED

Mayor Ganz closed the public hearing.

MOTION was made by Commissioner Hudak, seconded by Commissioner Preston, to approve Item 11, adopted Resolution 2024/008. Roll Call:

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

Nays: 0

COMMENTS BY ADMINISTRATION & LEGAL**CITY ATTORNEY**

Executive Session - Anthony Soroka, City Attorney, said he is requesting an executive session in the litigation styled *City of Deerfield Beach vs. Class Action Restaurant Group, LLC*, as well as *Class Action Restaurant Group, LLC vs. City of Deerfield Beach*.

Live Local Act - Mr. Soroka said he and Eric Power, Director of Planning & Development Services, are aware of the proposed amendment, which would remove industrial use as one of the areas exempted from regulation, change the distance, as it relates to height, from one mile to a quarter mile, as well as others.

CITY MANAGER

Street Lights - David Santucci, City Manager, said there are a number of street light issues, which staff is addressing; nevertheless, this is an issue many municipalities are facing, due to the lack of supplies, theft of copper, etc.

Pool Closure - Mr. Santucci said minor repairs need to be done to the inlets; therefore, staff is going to coordinate the installation of the bulk head to coincide with these repairs, which will take approximately five to six weeks to complete.

Broward County Commission Meeting - Mr. Santucci said there will be an item regarding Waste Management's Land Use Plan Amendment on the January 23rd agenda.

CITY COMMISSION BUSINESS

12. ORDINANCE 2024/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING ARTICLE II "BOARDS, COMMITTEES, COMMISSIONS" OF CHAPTER 2 "ADMINISTRATION" OF THE CITY CODE OF ORDINANCES TO CREATE SECTION 2-26 "CRIMINAL HISTORY BACKGROUND CHECKS" FOR CERTAIN ADVISORY BOARDS AND COMMITTEES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

The Ordinance was read by title.

Commissioner Drosky provided a brief overview of the item, which includes Level II Background Checks on board and committee members who interact closely with the public, minors, elderly, and individuals with special needs. These board/committees include the Education Advisory Board, Cultural Committee, and the African American Heritage Board; whereby, the Planning & Zoning Board interacts with the public during their meetings only. Further, he said the three boards/committees mentioned act as city representatives, wear city t-shirts, provide individuals with direction, etc.; therefore, he believes background checks should be instituted for these three boards/committees. Commissioner Drosky said this request is not unique to Deerfield Beach, but regardless if it is or is not, it is something that should be implemented to protect the City's residents, children, and senior citizens. He stated that within 30 days of adoption, the individuals on these three boards/committees would be subject to a Level II Background Check.

Commissioner Preston said although he understands Commissioner Drosky's stance, he disagreed with the Ordinance, whereby, the Elected Officials are not background checked; therefore, it should not be

CITY COMMISSION BUSINESS - CONTINUED

imposed onto others. Further, he said events become a recruiting tool to persuade individuals in getting involved with their community, i.e. joining a board/committee. He disagreed with implementing background checks as there have not been any issues, nor are they required for Elected Officials, who are paid city employees. Commissioner Preston said the State has never implemented a law or requirement pertaining to board/committee members being background checked. Thereafter, he commented on various cities that do not require background checks on their board/committee members, i.e. Boca Raton, Lighthouse Point, Pompano Beach, etc. Although it is well intended, it becomes a solution in search of a problem, and will cause individuals to not want to be involved in their communities. Lastly, he reiterated that if this is going to be done on board/committee members, it should start at the top with the Elected Officials.

Commissioner Hudak agreed with both sides, but stated that nonpaid school volunteers are required to be background checked; nonetheless, is this Commission going to wait until something happens or take a proactive stance. Thereafter, he thanked the members for their time, as it is truly appreciated. These members, which are far and few, participate in city events and are active during commission meetings, which makes our job easier; however, the residents must be protected. Thereafter, he commented on the repercussions the City could face should a member have some type of criminal background. Commissioner Hudak said this is not being brought forward to exclude people, but this commission is taking a proactive approach to ensure the City and residents are protected.

Commissioner Preston said this ordinance is written to exempt the Commission, which he disagreed with. Furthermore, no one else in the County is performing background checks on their board/committee members, whereas, he has been told it will discourage people from volunteering. He said the more people that are involved, the better Deerfield Beach will be. Thereafter, he reiterated that background checks should start at the top with the Commission, and disagreed with it not being uniformed, whereas, it only pertains to certain boards/committees, which sends the wrong message.

Commissioner Drosky said this ordinance was worded to include those members who interact with the public. Furthermore, he disagreed with this being a deterrent for people wanting to participate, whereby, it is a way to protect the individuals in this city. Commissioner Drosky said the Elected Officials are continuously background checked, which he outlined; nonetheless, he has no objections to the Elected Officials receiving background checks. He stated that just because it is not a requirement of other cities or the County, doesn't mean it should not be for Deerfield Beach, and agreed with the City taking a proactive approach.

Commissioner Preston said this commission looks into what other cities are doing when it's convenient, which he disagreed with; nevertheless, the fact that other cities are not imposing this requirement should tell this commission something. Thereafter, he continued to express concerns with imposing this requirement, as it is invasive.

Mayor Ganz said he has no objections with making background checks a requirement to run for office. Thereafter, he commented on various individuals that have run for office. Further, he said he has always been a huge champion of background checks, as instances have occurred in the past. Mayor Ganz disagreed with this being a deterrent, whereby, school volunteers are background checked. Thereafter, he commented on an event that occurred involving a member and a vendor. The boards/committees that are outlined in the Ordinance have the potential to interact with the public, but during city events, there are vendors, charitable groups, etc. that participate who are not background checked, which is concerning; nevertheless, he spoke in support of the background checks, and suggested including the Elected Officials and candidates. Mayor Ganz reiterated that he does not believe it will deter individuals, but if some are worried about passing the background check, they probably shouldn't be a member.

Commissioner Preston stated that city funds are disbursed to organizations that are constantly around children and the elderly, and they are not background checks. He stated that there are many loose ends to this which is challenging. Furthermore, he reiterated that he has heard from various elected officials that it will become discouraging to individuals and it should start at the top, with this commission.

Mayor Ganz had no objections to including the Commission, and reiterated that anyone who cannot pass a background check, he is okay with them not being involved.

CITY COMMISSION BUSINESS - CONTINUED

Vice Mayor Parness said regardless of what other governmental entities are doing, someone has to start, whereby, he would feel terrible if something were to happen that could have been prevented. Further, he asked who would make the determination as to what constitutes someone from not being allowed to volunteer. Thereafter, he spoke in support of the Ordinance and if this commission finds it is not working, then it can be rescinded, and if it does in fact work, then it can be expanded.

In response to Commissioner Hudak's question, Anthony Soroka, City Attorney, replied that the qualifications for being a city commissioner or mayor are dictated by state law and city charter, which he believes does not currently specify that a Level II background check is required; therefore, he would like time to investigate prior to second reading if this is a desire of the Commission. Further, he explained that this ordinance was mirrored by others throughout the State, whereby, it was not suggested by Commissioner Drosky to exclude the Elected Officials.

Commissioner Drosky said the proposed ordinance is directed to Article II; therefore, it can be amended or changed at any time. Further, he believes that the suggested changes would be outside of Article II, so those changes would affect another area of the Code, which he is open too.

Commissioner Preston reminded Vice Mayor Parness that background checks are already in place for sports volunteers.

In response to Commissioner Preston's question, Mr. Soroka replied that state law does not require Level II background checks for boards/committees.

Mayor Ganz opened the public hearing.

Dan Herz, 330 SE 19th Avenue, Deerfield Beach, spoke in opposition to the Ordinance, as it excludes the Commission.

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

Patricia Saunders, 252 SW 34th Avenue, Deerfield Beach, asked how the three boards/committees were chosen.

Diane Chisholm, 375 NW 7th Court, Deerfield Beach, spoke in opposition to the Ordinance and agreed that if it is going to be implemented, it should be across the board. Although she does not have a criminal record, this ordinance deters her from volunteering, as she feels this commission does not trust her. Ms. Chisholm stated that she does not believe Commissioner Preston would choose criminals to serve as volunteers. She said the boards/committees are here to give suggestions, so she is confused as to where the interaction is coming from; nonetheless, she suggested that city paraphernalia not be given out to members. Lastly, she stated that the terminology "certain boards" should be removed from the Ordinance.

Mae Francis-Fagen, 3500 SW Natura Boulevard, spoke in opposition to the Ordinance. Thereafter, she provided a brief overview of her background as a volunteer.

Janice Fulmore-Tigner, 1090 SW 4th Terrace, Deerfield Beach, commented on her tenure as a city board member. Further, she agreed with omitting the terminology "certain boards" and stated that it should start with the Elected Officials and include all boards. Lastly, she asked if it will also be imposed onto student volunteers.

Katy Freitag, 418 SE 2nd Court, Deerfield Beach, agreed with including the Elected Officials, and that it should be across the board, to include all boards/committees. Further, she said many organizations, i.e. Women's Club, Kiwanis, etc. are required to have background checks. Lastly, she reiterated that this should be required for all boards/committees, as they represent the City in some way.

Willie Rosetta Graham-Bracy, 501 NW 1st Terrace, Deerfield Beach, agreed that this should be for all city boards/committees. Further, she said having a background check done on an individual doesn't mean they aren't a criminal.

CITY COMMISSION BUSINESS - CONTINUED

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, said each elected official has to recommend an individual to a board/committee, whereby, when she was a commissioner, she got to know the person who she was nominating. Thereafter, she expressed concerns with the way the Ordinance is written.

Barri McMillon, 456 NW 1st Terrace, Deerfield Beach, agreed with it being implemented for all boards/committees.

Mayor Ganz closed the public hearing. Thereafter, he said knowing a person and knowing their background is different, whereas, you don't know what people did years ago; nevertheless, he agreed that background checks are not full proof, so this will put something in place. He said the three chosen boards/committees deal with children, P&Z does not; nevertheless, he agreed that he does not want someone on P&Z who is a scammed developer, so it does make sense to expand it to other boards. Lastly, he reiterated that more than one board/committee has been chosen because they interact with children.

Commissioner Preston reiterated that this is not a state requirement for elected officials, nor board/committee members. Further, he expressed concerns with only a small portion of the community stepping up and expressing their opinions.

In response to Commissioner Hudak's question, Mr. Soroka replied that he would like to research the issue of making it a requirement to serve as a commissioner. Further, he said generally elected officials don't serve on city advisory boards/committees; however, there are state laws that have been passed requiring a commissioner to serve, i.e. Affordable Housing Advisory Committee.

In response to Mr. Soroka's question, Commissioner Hudak replied that he would like him to research Level II background checks for elected officials as it pertains to appointments to boards/committees, not to qualify to run for office.

Mr. Soroka stated that although three boards/committees are outlined in this ordinance, if the duties/responsibilities of other advisory boards/committees change, they would be subject to this ordinance.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to defer Item 12 to January 23, 2024. Voice Vote:

Prior to the vote, in response to Vice Mayor Parness' comments, Commissioner Drosky stated that the Ordinance requires a Level II background check, which provides the criteria for a disqualification. Further, he is okay with the deferral but this is first reading, so changes can be made prior to the second reading.

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

Nays: 1 - Commissioner Drosky

13. Discussion regarding the 2022/2023 Deerfield Beach public school grades.

Commissioner Drosky commented on an article that mentions an apartment complex in Deerfield Beach that sold for \$24.6 million, and at the end it outlines other cities and their development, redevelopment, and multi-family projects, and then it states that Deerfield Beach was devoid of major multi-family trades in 2023, which is eye opening. He said expenses continue to rise and in order for the City to lower the milage rate, the tax base must be expanded. He stated that it is not wrong to say no to development, but when they are brought forward and are sometimes denied, it creates consequences and adverse effects. Furthermore, if development is lacking in the City, where are families going to live, whereas, there is an influx of individuals moving into Florida. Commissioner Drosky outlined a multitude of factors that attract families to cities, to include good schools. Thereafter, a photograph depicting the public-school grades was displayed, which are not impressive; therefore, he suggested repurposing the Education Advisory Board (EAB) and providing them with more explicit direction as to what their mission should be, whereby, the first mission must be finding out why the school grades are the way they are. Commissioner Drosky also suggested becoming more interactive with the School Board, as there is a new Superintendent, to find out what is going on with the grades, and what can be done. Lastly, he said this is not a knock against the teachers as they are amazing; nevertheless, a change must happen, and it should start with repurposing the EAB.

CITY COMMISSION BUSINESS - CONTINUED

Commissioner Hudak provided a brief overview of his recruitment experience, whereby, no one wanted to move to Deerfield Beach and he now understands why. Thereafter, he commented on Monarch and Lyons Creek schools having high scores and both are well attended by Deerfield Beach residents; Quiet Waters Elementary School was an "A" rated school for ten years, and now they are "C." Further, he said these type things stop young families from moving to Deerfield Beach, which is challenging. Commissioner Hudak said he is unsure what the EAB can do or what influence the Commission can have, but something must be done, which he is in full support of, and the School Board must focus their attention to this.

Commissioner Preston said no matter what this commission or the EAB does, it will be ineffective until the School Board steps up with an immediate plan of action; unfortunately, they are so big they just pass kids through the system. Thereafter, he provided a brief example of his experience with his child in the public school system. Although, he believes whatever is done will be ineffective, he believes the Commission and EAB should do something to show that we care; therefore, he suggested not only tasking the EAB with direction, but this Commission should send a letter to the Superintendent of Broward County expressing our outrage and ask what is going to be done. Lastly, he said the public schools are losing kids to Charter Schools, and reiterated that something must be done.

Mayor Ganz applauded Commissioner Drosky for bringing this forward, as something must be done; therefore, he agreed with providing more direction to the EAB and possibly breaking them up and tasking each member to different schools to find out what the core issues are. Further, he spoke in opposition to using city funds to make up for the School Board deficiencies because children from various cities attend our schools. Mayor Ganz said the grades can be affected by many things, i.e. influx of ESOL students, so additional English classes can be offered. He said if specific instructions and guidelines are provided to the EAB it will provide them with a better direction as to what this commission wants accomplished.

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

MLK Festivities - Commissioner Hudak said he is looking forward to the festivities.

Happy New Year - Commissioner Hudak wished everyone a Happy New year.

COMMISSIONER PRESTON**DISTRICT 2**

Accolades - Commissioner Preston commended staff for the Papa McThay unveiling.

MLK Festivities - Commissioner Preston outlined the festivities. Thereafter, he thanked the African American Heritage Board, as well as staff for their efforts. Thereafter, he commented on Dr. Martin Luther King's accomplishments. Lastly, he urged everyone to come out.

Form 6 - Commissioner Preston commented on the form, which is extremely invasive; therefore, he suggested that the Commission participate in a lawsuit that may be brought forward.

VICE MAYOR PARNESS**DISTRICT 3**

Broward County - Vice Mayor Parness said District 3 is working with the County to ensure that the lake is not filled in. Further, he will be in attendance at the January 23rd Broward County Commission Meeting.

Voting - Vice Mayor Parness said a new bill is being introduced, which would eliminate voting by mail. Further, he hopes to have the table re-established at city hall to assist people with registering to vote.

Happy New Year - Vice Mayor Parness wished everyone a Happy New year.

COMMISSIONER DROSKY**DISTRICT 4**

Broward County School Board - Commissioner Drosky said he attended the meeting today as the President

COMMENTS BY MAYOR & CITY COMMISSION - CONTINUED

of the Broward League of Cities, which was entirely focused on whether or not they should create their own police force; whereby, the final vote was 9-0 to not proceed. Thereafter, he outlined the various costs for SRO's, whereby, smaller cities want them off their books. Furthermore, many of the SRO's have been within the schools for years and have formed bonds with staff, children, parents, etc., so if the School Board were to take over and remove the SROs, it would eliminate that community bonding that took years to form. Commissioner Drosky said the Superintendent did commit to provide the cities with a new SRO contract, which is forthcoming. Lastly, he agreed with Commissioner Preston, whereby, schools are losing students and many are under capacity, resulting in the Superintendent proposing a repurposing plan in May; therefore, he agreed with the submission of a letter to the Superintendent, as well as inviting Commissioner Rupert to a meeting and providing the EAB with specific instructions on their mission.

Broward County Commission Meeting - Commissioner Drosky asked that the January 23rd meeting be placed on his calendar.

Nina's Place - Commissioner Drosky said they celebrated their one-year anniversary, and they are doing a fantastic job helping to feed the under privilege in our community.

MAYOR GANZ

Deerfield Beach Packer Rattlers - Mayor Ganz commended Waste Pro for their \$10,000 donation.

MLK Events - Mayor Ganz encouraged all to attend the festivities.

ADJOURNMENT

There was no additional business to discuss.

MOTION was made by Commissioner Preston, seconded by Commissioner Hudak, to adjourn the meeting at 11:47 p.m. Voice Vote:

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

Nays: 0

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

Heather Montemayor, CMC, City Clerk