



Deerfield Beach
Florida

**Regular City Commission
Meeting Agenda**

150 NE 2nd Avenue | Deerfield Beach, FL, 33441 | 954-480-4200

Mayor Bill Ganz

Vice Mayor Todd Drosky

District 1 Commissioner Michael Hudak

District 2 Commissioner Ben Preston

District 3 Commissioner Bernie Parness

Tuesday

January 14, 2020

7:00 PM

CALL TO ORDER & ROLL CALL

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

APPROVAL OF CITY COMMISSION MINUTES

Regular City Commission Meeting Minutes

Attachment: December 3, 2019

Special City Commission Meeting Minutes

Attachment: December 10, 2019

ACKNOWLEDGEMENT OF CITY BOARD MINUTES

Community Redevelopment Agency Meeting Minutes

Attachment: October 8, 2019

Education Advisory Board Meeting Minutes

Attachment: October 2, 2019

Community Appearance Board Meeting Minutes

Attachment: September 12, 2019, October 10, 2019, October 23, 2019

Hillsboro Inlet District Meeting Minutes

Attachment: November 18, 2019

APPROVAL OF THE AGENDA

January 14, 2020

AWARDS & RECOGNITION

1. **Presentation by Superintendent Robert Runcie, Broward County Schools, on SMART construction updates within Deerfield Beach.**

Sponsor: Mayor Bill Ganz

2. **Proclamation presented to Dana Eller, Publisher of the Observer Newspaper, for his contributions to the City of Deerfield Beach.**

Sponsor: Mayor Bill Ganz

3. **Certificate of Recognition presented to Frank Espinal Sr., Owner Food Bazaar, for his commitment and contributions to the Deerfield Beach Community.**

Sponsor: Commissioner Ben Preston

4. **Certificate of Recognition presented to James Jackson for exceptional service to the City of Deerfield Beach and its residents.**

Sponsor: Commissioner Ben Preston

- 5. Certificate of Appreciation presented to Danielle LoBono for her service on the Deerfield Beach Planning and Zoning Board.**

Sponsor: Commissioner Bernie Parness

- 6. Presentation by Interim District Fire Chief Pellitteri to Art Kamm for his donation. (*Tabled from December 3, 2019*)**

Sponsor: BSO - Fire Rescue

- 7. Certificate of Recognition presented by Captain Rodney Brimlow to the BSO Deerfield Beach District Employees of the Month.**

Sponsor: BSO - Law Enforcement

- 8. Certificate of Appreciation presented to Elizabeth Ricci for over 12 years of service within the Parks & Recreation Department.**

Sponsor: Department of Parks & Recreation

QUASI-JUDICIAL PUBLIC HEARINGS

9. P.H. 2020-026: Sign Variance Case No. 775 for Chase Bank

Applicant: PROJECT EXPEDITERS CONSULTING CORP. on behalf of Weingarten Realty Investors

Proposal: Seeking a Sign Variance from Section 102-8 (c)(2) of the Deerfield Beach Land Development Code to permit a third building sign on the south elevation, whereas only two building signs are allowed by Code.

Location: The property is generally described as A PORTION OF PARCEL A, OF "DEERFIELD MALL", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 131 PAGE 3 as more particularly described in the file, and located 3650 W. Hillsboro Blvd.

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 4/5 vote of the City Commission

Sponsor: Department of Planning & Development Services

Attachment: Weingarten Realty Investors

10. P.H. 2020-027: Application 18-A-192 - Abandonment of an Existing Drainage Easement

Applicant: Little Harbor Estates LLC, represented by Christina Bilenki of Dunay, Miskel, & Backman LLP

Proposal: Abandonment of an existing fifteen (15) foot wide drainage easement recorded in Plat Book 49, Page 25.

Location: The property is generally described as a portion of Lot 3 and 4, Block 7, LITTLE HARBOR ON THE HILLSBORO, Section 4, according to the plat thereof, recorded in Plat Book 49, Page 25, of the Public Records of Broward County, Florida, more particularly described in the file, and located at 64 NE 11th Way.

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Planning & Development Services

Attachment: Little Harbor Estates, LLC

PUBLIC HEARINGS – SECOND READING

Public Hearing Notices

Attachment: P.H. 2020-016 - 2020-020

11. P.H. 2020-012: ORDINANCE 2020/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 46 "OFFENSES" OF THE CITY CODE OF ORDINANCES PERTAINING TO EXEMPTIONS FOR OPEN BURNING ON RESIDENTIAL PROPERTY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. (Continued from December 3, 2019)

Suggested Action: Commission to vote on Ordinance

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Planning & Development Services

Attachment: Burning on Residential Property

12. P.H 2020-016: ORDINANCE 2020/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 50 "PARKS AND RECREATION", ARTICLE IV "ATHLETIC FACILITIES" OF THE CITY CODE OF ORDINANCES TO MODIFY THE CITY'S RECREATION FACILITY USE REGULATIONS AND PROVIDE FOR THE ADOPTION OF A SPORTS POLICY BY RESOLUTION OF THE CITY COMMISSION; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Suggested Action: Commission to vote on Ordinance

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Parks & Recreation

Attachment: City's Recreation Policy

13. Resolution 2020/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, adopting the City's Athletic Facility Use and Sports Policy; providing for conflicts, severability and an effective date.

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Parks & Recreation

Attachment: City's Recreation Policy

14. P.H. 2020-017: ORDINANCE 2020/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 46 "OFFENSES" OF THE CITY CODE OF ORDINANCES PROHIBITING THE DISCHARGE OF AIR GUNS, BB GUNS, AND OTHER DEVICES, EXCEPT FOR THE PURPOSE OF ERADICATING IGUANAS ON PRIVATE PROPERTY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Suggested Action: Commission to vote on Ordinance

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Office of the City Attorney

Attachment: Eradicating Iguanas

15. P.H. 2020-018: ORDINANCE 2020/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 98 "LAND DEVELOPMENT REGULATIONS" OF THE CITY LAND DEVELOPMENT CODE BY CREATING ARTICLE X "HISTORIC PRESERVATION"; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Suggested Action: Commission to vote on Ordinance

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Planning & Development Services

Attachment: Local Historic Resources

16. P.H. 2020-019: ORDINANCE 2020/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 38, "FINANCE AND TAXATION", ARTICLE V "PROCEDURES FOR SALE OR LEASE OF CITY-OWNED PROPERTY", SECTION 38-156 "SALE OR LEASE OF CITY PROPERTY" OF THE CITY'S CODE OF ORDINANCES TO MODIFY THE PROCEDURES AND REQUIREMENTS FOR THE SALE OR LEASE OF CITY PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Suggested Action: Commission to vote on Ordinance

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Community Development, Department of Economic Development & Department of Planning & Development Services

Attachment: Property Disposition

17. P.H 2020-020: ORDINANCE 2020/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 14 "BUILDINGS AND BUILDING REGULATIONS" OF THE CITY CODE OF ORDINANCES BY CREATING ARTICLE V "PUBLIC ART PROGRAM"; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Suggested Action: Commission to vote on Ordinance

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Vice Mayor Todd Drosky

Attachment: Public Art

18. P.H. 2020-021: ORDINANCE 2020/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA; AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO THE MIXED USE LAND - RESIDENTIAL USE CATEGORY; AMENDING SECTION 2.6.1, PERMITTED USES IN FUTURE LAND USE CATEGORIES, RELATING TO DENSITY AND INTENSITY STANDARDS, AND AMENDING SECTION 1.7.2, RELATING TO MIXED USE LAND USED DESIGNATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE. (Approved on first reading May 21, 2019)

Suggested Action: Commission to vote on Ordinance

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Planning & Development Services

Attachment: Mixed-Use Residential Land Use Category

PUBLIC COMMENT

Persons addressing the Commission shall state his/her name and address and may speak for three (3) minutes unless extended for one (1) additional minute by the Mayor. All remarks made by the public at a Commission meeting on an agenda item shall be addressed to the Commission as a body and limited to the subject matter before the Commission at that particular time. No comments shall be made related to the personal life or personal qualities of any person and no language which would offend persons of ordinary sensibilities shall be permitted. The public shall be given an opportunity to speak on any substantive agenda item, subject to the aforementioned restrictions, prior to a vote on the matter by the City Commission. The Commission shall determine the appropriate time, prior to the vote, for the public to speak. For consent agenda items, the public shall be given an opportunity to speak prior to the approval of the consent agenda. The Commission may, by majority vote, determine that public input on an agenda item be tabled to a future meeting so long as the vote on the agenda item take place at the future meeting and that the public input take place prior to the Commission making any decision.

CONSENT - BOARD APPOINTMENTS

19. Resolution 2020/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Thelema Lamar to the Cultural Committee; and providing for an effective date.

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Commissioner Ben Preston

Attachment: Cultural Committee

20. Resolution 2020/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Annette Mitchell to the 2020 Complete Count Advisory Committee; and providing for an effective date.

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Commissioner Ben Preston

Attachment: 2020 Complete Count Advisory Committee

21. Resolution 2020/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Tracey Williams and Camille Morse to the Deerfield Beach Education Advisory Board; and providing for an effective date.

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Commissioner Bernie Parness, Vice Mayor Todd Drosky

Attachment: Education Advisory Board

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

22. Resolution 2020/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, authorizing execution of a Maintenance Memorandum of Agreement with the Florida Department of Transportation for the installation of a radar speed sign located at Hillsboro Boulevard West of NW 45th Avenue; and providing for an effective date. (Funds from Account #108-5050-541-35-21 - Traffic Control, Signs)

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Environmental Services

Attachment: Installation of Radar Speed Sign

23. Resolution 2020/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a one-year insurance coverage renewal for the City's underground storage tanks in the amount of \$33,643.00; providing for execution; and providing for an effective date. (Funds from Account #606-0900-519-37-65 - Property and Flood Insurance)

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Human Resources

Attachment: Storage Tank Liability Insurance

DEPARTMENTAL BUSINESS

24. ORDINANCE 2020/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING SECTION 66-58 "PARKING PROHIBITED ON CERTAIN STREETS AND COMMERCIAL VEHICLE PARKING RESTRICTIONS" OF THE CITY CODE OF ORDINANCES TO PROHIBIT PARKING ON N.E. 49TH STREET FROM N.E. 48TH STREET TO DIXIE HIGHWAY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Suggested Action: Commission to vote on Ordinance and set public hearing for February 4, 2020

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Department of Environmental Services

Attachment: Parking Restrictions

COMMENTS BY ADMINISTRATION AND LEGAL

CITY COMMISSION BUSINESS

25. Discussion regarding the City Manager Evaluation Criteria.

Suggested Action: Motion on decision of Commission

Sponsor: Commissioner Michael Hudak

Attachment: City Manager Evaluation Criteria

26. Resolution 2020/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, amending the 2019/2020 schedule of City Commission meetings; providing for an effective date.

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Vice Mayor Todd Drosky

Attachment: Rescheduling Meeting Date

27. Resolution 2020/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, adopting a policy to support local businesses in certain small scale purchases; and providing for an effective date.

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Vice Mayor Todd Drosky

Attachment: Support Local Businesses

28. Resolution 2020/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the payment of attorney's fees incurred by Mayor Ganz in successfully defending ethics and elections investigations; and providing an effective date. (Funds from Account #606-0900-519-37-70 - Risk Management, General Liability-Legal)

Suggested Action: Commission to vote on Resolution

Voting Requirement: Adoption requires a 3/5 vote of the City Commission

Sponsor: Mayor Bill Ganz

Attachment: Reimbursement of Legal Fees

COMMENTS BY MAYOR & CITY COMMISSION
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ADJOURNMENT

FUTURE CITY COMMISSION MEETINGS

Tuesday, February 4, 2020

Any person wishing to appeal any decision made by the City Commission with respect to any matter considered at such meetings or hearings will need a record of the proceedings, and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and the evidence upon which the appeal is made. The above notice is required by State Law (F.S. 286.0105). Anyone desiring a verbatim transcript shall have the responsibility, at his/her own expense, to arrange for the presence of a certified court reporter at the hearing.



Meeting Minutes City Commission

Tuesday, December 3, 2019

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

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

APPROVAL OF CITY COMMISSION MEETING MINUTES

Regular City Commission Meeting Minutes – November 12, 2019

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

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

Nays: 0

ACKNOWLEDGEMENT OF CITY BOARD MINUTES

Education Advisory Board Meeting Minutes - June 5, 2019

Planning & Zoning Board Meeting Minutes - August 1, 2019

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

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

Nays: 0

APPROVAL OF CITY COMMISSION AGENDA

December 3, 2019

MOTION was made by Commissioner Hudak, seconded by Commissioner Preston, to approve the agenda as amended; moved Items 14 and 15 from Consent Agenda and tabled Item 3 until January 14, 2020. Voice Vote:

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

Nays: 0

AWARDS & RECOGNITION

1. Certificate of Recognition presented to Dodie Keith-Lazowick of KEITH for contributing to student enrichment at Deerfield Beach Elementary School.

Mayor Ganz honored Ms. Keith-Lazowick for supporting students at Deerfield Beach Elementary School who were unable to afford school lunch. Ms. Keith-Lazowick donated to the Student Recognition Program, an initiative to reward and motivate students to do their best with special awards and other motivational methods. Ms. Keith-Lazowick also made contributions toward the school's butterfly garden. Thereafter, Mayor Ganz outlined other achievements which resulted in Ms. Keith-Lazowick's endeavors and presented her a certificate of recognition.

Ms. Keith-Lazowick said her sister, Celeste Willard, is a Deerfield Beach resident and brought the need to her attention. She thanked her sister for bringing it to her attention and the Commission for recognizing her.

2. Certificate of Recognition presented by Captain Brimlow to the Deerfield Beach District Employee of the Month.

Captain Brimlow announced the employee of the month for October and November. He said Deputy Stephenson is a veteran on the force and recognized him for his contributions in reviving an overdose victim who was dead on the scene, but thanks to Deputy Stephenson and use of Narcan, the victim was revived.

Additionally, Deputies Tom House and Jarrod Walker said a woman was attacked in an attempted robbery. Deputy House responded quickly and obtained information to request a "be on the lookout". As Deputy Walker was responding, he noticed people matching the description; perimeters were set up and after a foot chase, the individuals were apprehended. Captain Brimlow advised that the individuals were linked to other cases; a kidnapping, shooting, and two (2) more robberies, which were outside the City. He said six (6) violent crimes were committed by the three (3) person ring which were cleared by the deputies' heroic efforts.

Mayor Ganz applauded BSO Police for their efforts in keeping the City safe and said there were no thefts or purse snatchings in the City on Black Friday.

3. Presentation of a fire helmet by Interim District Fire Chief Pellitteri to Art Kamm for his donation of a house for firefighter training.

Tabled until January 14, 2020.

4. Certificate of Recognition presented by Interim District Fire Chief Pellitteri to the Deerfield Beach District Employee of the Month.

Interim Chief Pellitteri presented a certificate of recognition to Firefighter James Hall for befriending veterans over the past eight (8) years and bringing joy to their lives. Further, on Veteran's Day, he has breakfast for the veterans at the beach fire station which he pays for himself.

PUBLIC HEARINGS - SECOND READING

5. **P.H. 2020-011: ORDINANCE 2019/022 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, AMENDING THE CAPITAL IMPROVEMENTS ELEMENT ("CIE") OF THE CITY'S ADOPTED COMPREHENSIVE PLAN BY REVISING AND UPDATING THE FIVE YEAR SCHEDULE OF CAPITAL IMPROVEMENTS SET FORTH IN TABLE 10.3 IN ACCORDANCE WITH SECTION 163.3177, FLORIDA STATUTES, AS MORE SPECIFICALLY SET FORTH IN EXHIBIT "A"; 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 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 5, adopted Ordinance 2019/022. Roll Call:

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

Nays: 0

6. **P.H. 2020-012: ORDINANCE 2019/023 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 46 "OFFENSES" OF THE CITY CODE OF ORDINANCES PERTAINING TO EXEMPTIONS FOR OPEN BURNING ON RESIDENTIAL PROPERTY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION 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.

Commissioner Parness spoke in support of the item. He explained that pressed wood contains chemicals and should not be burned as they become toxic. He said there is nothing wrong with roasting foods like hot dogs or marshmallows, but it needs to be safe.

Commissioner Hudak asked whether the proposed ordinance prohibits open fires; i.e. burning fire through use of a fire pit.

Anthony Soroka, City Attorney, advised that it should not apply to this circumstance, but he would research and respond following Public Comment. He recommended tabling for a short period so he can research.

There was a brief discussion regarding amending the Ordinance to allow an open fire pit without cooking.

MOTION was made by Commissioner Hudak, seconded by Commissioner Parness, to table Item 6. Voice Vote:

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

Nays: 0

PUBLIC HEARING

Anthony Soroka, City Attorney, advised that both items 14 and 15 are for community participation grants; whereby the expenditures were approved in September for the current fiscal year budget. It is being presented to the

Commission because every contribution above \$20,000 must include a public hearing on the donation. The resolution was approved in 2009 and he therefore suggested revising it.

PUBLIC HEARING - CONTINUED

- 14. Resolution 2019/179 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a Community Participation Grant to the Deerfield Beach Economic Development Council; authorizing execution of the Grant Agreement; providing for an effective date. (Funds from Account #001-1500-552-32-64 - Business Recruitment/Retention)**

The Resolution was read by title only.

Mayor Ganz opened the public hearing.

Richard Hopper, 72 Little Harbor Way, Deerfield Beach, said he is a member of the EDC (Economic Development Council), chair for A Place Center Foundation for foster care children and serves on other non-profit agencies. Mr. Hopper said he devotes time and monies to the EDC which is crucial to the City's growth and helps keep the rate down for businesses and residents. Thereafter, Mr. Hopper commented on how the EDC has worked with City staff to bring about Launch Code and the businesses that commit funding to the organization. In closing, Mr. Hopper asked that the City contribute to the EDC.

Mayor Ganz closed the public hearing.

Commissioner Hudak said he agrees with keeping the requirement of a public hearing for organizations receiving over \$20,000 as is important for transparency. Further, he said SHL Pharma, his employer, is a charter member of the Council and he previously served on its Board of Directors and has witnessed firsthand what the Council has done for the City and spoke in support.

Vice Mayor Drosky said he would like a current year's tax return as well as the contributions from both public and private entities being about the same.

David Santucci, City Manager, said the 2017 tax returns are the most recent audited returns available; 2018 have not been audited.

MOTION was made by Commissioner Hudak, seconded by Commissioner Preston, to approve Item 14, adopted Resolution 2019/179. Roll Call:

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

Nays: 0

- 15. Resolution 2019/180 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a Community Participation Grant to the Deerfield Beach Historical Society; authorizing execution of the Grant Agreement; providing for an effective date. (Funds from Account #001-8100-569-8099 - Community Participation)**

The Resolution was read by title only.

Mayor Ganz opened the public hearing.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, said she would like to see the dollar amounts for the contributions awarded to the organizations.

Mayor Ganz closed the public hearing.

Anthony Soroka, City Attorney, advised that the contribution for the Economic Development Council is \$50,000 and \$32,000 for the Historical Society.

PUBLIC HEARING - CONTINUED

Vice Mayor Drosky said the 2017 and 2018 tax returns are available for this item and the contributions in 2017 were \$75,000+ and \$112,000+ 2018, in which is the direction he would like to see.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Drosky, to approve Item 15, adopted Resolution 2019/180. Roll Call:

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

Nays: 0

PUBLIC COMMENT

Caryl Berner, 3130 Cambridge F, Deerfield Beach, thanked the City Manager, Assistant City Manager and Commissioner Parness for their help on a personal matter. Ms. Berner said she visited Pompano Beach in honor of a 9/11 event on Veteran's Day; thereafter, she commented on the American flag being displayed on the lifeguard towers and asked that it be reconsidered.

Rita Masi, 349 NE 19th Avenue, Deerfield Beach, asked that the Commission allow the veterans on the pier at no charge as Pompano Beach has done. She said sometimes they cannot afford it and if escorted, those persons also must pay.

Mayor Ganz said veterans can go on the pier at no charge on Veteran's Day but will consider what Pompano does as well as the flag idea.

PUBLIC HEARINGS - SECOND READING - CONTINUED

6. PH. 2020-012: ORDINANCE 2019/023 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 46 "OFFENSES" OF THE CITY CODE OF ORDINANCES PERTAINING TO EXEMPTIONS FOR OPEN BURNING ON RESIDENTIAL PROPERTY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Mr. Soroka said after reading the Ordinance, the changes mentioned by Commissioner Hudak will require additional changes to several sections of the Ordinance; whereby, the proposed ordinance prohibits open burning unless it is specified for a certain reason. For recreational purposes, people would have to seek a permit from the City and requirements must be met, i.e. time limitations, distances from streets, etc. He said if Commissioner Hudak desires the change, it be done outside the context of this ordinance since it is already at second reading.

Commissioner Hudak recommended tabling the item until Mr. Soroka has an opportunity to amend the proposed ordinance.

Thereafter, there was a lengthy conversation as to why the Ordinance is being considered and the hindrance of obtaining a permit when people only want to enjoy the weather.

David Santucci, City Manager, asked if there is any other ordinance to give Code Enforcement authority when situations such as outdoor fire nuisances arise.

Mr. Soroka replied yes, the general nuisance ordinance.

Mayor Ganz said the Ordinance is intended to help the residents, but the Ordinance is a common sense and decency ordinance which cannot be legislated. He commented on a complaint he received today, and the issues created. Further, the proposed ordinance was motivated by a woman who lives near someone cooking every day next to the property line, blowing into her window which has been going on for years. He agreed tabling the item if it gives time to address specific situations and provide relief as applicable.

PUBLIC HEARINGS - SECOND READING - CONTINUED

Mr. Soroka said the item will be addressed at the next meeting, if tabled.

MOTION was made by Commissioner Hudak, seconded by Commissioner Preston, to table Item 6 until January 14, 2020. **Voice Vote:**

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

Nays: 1 - Vice Mayor Drosky

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

- 7. Resolution 2019/172 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a Grant Agreement with the State Division of Emergency Management Mitigation Bureau for the Hazard Mitigation Grant Program Award in the amount of \$158,985.75; authorizing acceptance of the Grant and execution of the Grant Agreement; 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 Commissioner Hudak, seconded by Commissioner Parness, to approve Item 7, adopted Resolution 2019/172. **Roll Call:**

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

Nays: 0

- 8. Resolution 2019/173 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving Master Contract #JM020-06-2022 with the Areawide Council on Aging of Broward County, Inc. for service delivery for the Center for Active Aging, the Alzheimer's Day Care Center, the Adult Day Care, and Transportation; 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 Commissioner Hudak, seconded by Commissioner Parness, to approve Item 8, adopted Resolution 2019/173. **Roll Call:**

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

Nays: 0

- 9. Resolution 2019/174 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Older Americans Act ("OAA") Contract #JA120-06-2020 with the Areawide Council on Aging of Broward County, Inc. for Center for Active Aging Services in an amount not to exceed \$190,476.71; authorizing execution of the OAA Contract; 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.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

There was no discussion amongst the Commission.

MOTION was made by Commissioner Parness, seconded by Commissioner Preston, to approve Item 9, adopted Resolution 2019/174. Roll Call:

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

Nays: 0

- 10. Resolution 2019/175 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an amendment to the Contract between the City and Calvin, Giordano & Associates, Inc. to provide for an administrative assistant to assist the Code Compliance Division as approved by the City Commission in the Fiscal Year 2020 Adopted Budget; authorizing execution of the Amendment to the Contract with Calvin, Giordano & Associates, Inc. in an annual amount not to exceed \$80,000; providing for implementation and an effective date. (Funds from Account #001-1167-524-32-99 - Other Contractual Services)**

The Resolution was read by title only.

Mayor Ganz opened the public hearing.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, said though this item was approved by the budget, she is concerned about the fiscal plan as there was a significant decrease in the amount of building permits expected over the next couple of years. Thus, if there is a decrease in building permits, she asked if another person should be hired to complete the tasks they are being paid to achieve. Ms. Freitag asked if they are making enough revenue through permits to warrant an additional person and will there be enough to cover the budgeted amount.

Mayor Ganz said the item is related to Code Enforcement, not Building.

Sandra Jackson, 386 SW 35th Avenue, Deerfield Beach, agreed with Ms. Freitag and said since they have two (2) different contracts and receive a percentage of every dollar spent in the City through permits and fines. Therefore, she does not agree with the City paying for another person as Code has made approximately \$1 million in profit and though the Building Department is part of the same contractor, they have made a hefty amount of money. Lastly, she asked that the proposed resolution be denied because tax payers should not have to pay if Calvin Giordano wants an additional person.

Diane Chisholm, 375 NW 7th Court, Deerfield Beach, agreed with the previous speakers because if an admin assistant is needed, the City should not have to pay. She asked that the Commission not support this item.

Mayor Ganz closed the public hearing.

Commissioner Preston said if the Resolution is approved, it benefits Calvin Giordano who already makes a lot of money in the City. The revenues received by the Code and Building Divisions make the proposition a burden to the tax payers; as Calvin Giordano should be able to cover this expense. Commissioner Preston clarified that the amount included in the Resolution is paid annually.

David Santucci, City Manager, replied that it is a fixed annual rate and \$75,000 is paid annually.

Commissioner Parness spoke in support of the proposed resolution as the City does not make money on fines and Code Enforcement is here to assure no illegal dumping. Also, property values are kept at top level because those who violate the law are fined. He further explained that the City cannot make a profit on Code but can only cover expenses. Thereafter, Commissioner Parness commented on the immense improvements he has witnessed throughout his district and the City. Commissioner Parness continued to express various reasons why he supports Calvin Giordano; i.e. savings, increased property values, beautifying the City, etc. Additionally, if the City Manager feels another Code Enforcement "Officer" [*sic*], then he supports it.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

Commissioner Hudak clarified that the amount has already been approved in the budget.

Mr. Santucci replied that the budgetary authority has been approved for the position and the contract amendment would allow the position.

Commissioner Hudak asked who requested the position because he receives resident complaints about availability and proper time for staff to follow up.

Additionally, Mr. Santucci replied that the request is staff/administrative request based on the feedback received from residents and the Commission to increase customer service. He advised that there has not been a position within Code Enforcement to deal specifically with administrative matters since no one is present in the office for walk-ins.

Commissioner Hudak expounded on the amount listed in the Resolution which would include salaries and benefits; whereby, the person hired for the position would not start out making \$75,000 or \$80,000.

Vice Mayor Drosky said the backup indicates an hourly salary of \$24 per hour plus the cost of expenditures, health care, benefits, insurance and retirement. The profit is not \$1 million and is 6.816% according to the backup. Lastly, he asked that the staff presentation be given prior to deciding.

Mayor Ganz said there is a lot of misinformation and advised that Code Enforcement has been outsourced for a long time, starting with the Broward Sheriff's Office. No profit is made on fines or fees but paid a flat rate. Further, hiring Calvin Giordano reduces liabilities for the City; whereas, if Code Enforcement were in-house, the City would pay for benefits, liability insurance, retirements, etc. The contract allows the City to reduce or expand the contract and personnel as needed. Mayor Ganz said Calvin Giordano should not be required to concede to the expense and if it the position is not needed next year, then the contract can be reduced.

Commissioner Preston said it is not wrong for Calvin Giordano to give back to the City. He asked Mr. Santucci how much the contractor's profit was.

Mayor Ganz replied that they are paid a flat rate which is shown in the backup.

Mr. Santucci replied that the contract amount for this fiscal year is just over \$1 million, but he does not know their profit.

Commissioner Preston reiterated his stance that Calvin Giordano give back to the City. Additionally, Commissioner Preston clarified that the position is administrative, not an officer.

Commissioner Parness explained the importance of having this position; wherein, someone would be in the office regularly and allows the officers to do their jobs. This position allows the public to report problems directly to Code so that they are quickly resolved. Lastly, he said the position will enhance Code, make it easier for the officers to do their jobs and expand their time in the field instead of answering myriad phone calls.

Eric Power, Director of Planning & Development Services, provided a PowerPoint presentation. He advised that the contract was approved in the fiscal year budget and the contract is for \$75,000. Staff has requested this position because of the communication received over the years with people having difficulties interacting with Code Compliance who spends most of their day in the field. On average, 55 calls are received daily to the main line; the inspectors have cell phones and receive calls. There are about 15 walk-ins daily, three (3) different e-mail systems are managed for complaints which is about six (6) and about 40 e-mails daily. Mr. Power explained the need for human interaction; thereafter, he outlined the daily requirements for all the positions within Code Compliance. The proposed position would handle walk-in customer traffic and take phone calls for the two (2) main lines. Phone calls are tracked and have decreased from 68 to 55 which is due to a new interactive phone system that allows callers to connect directly to an inspectors' cell phone if the main line is not answered.

Continuing, Mr. Power said there are three (3) websites where e-mails are received; there is a main web citizen

complaint portal, Civic Plus program and web.code e-mail. The new person would handle inspection scheduling,

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

education for residents and business owners, paying fines, vacation rental registration and investors desiring to purchase distressed property, lien searches and others. The cost is a little less than \$75,000, which entails the salary, other fees and the 6% profit. Thereafter, Mr. Power displayed a chart comparing code staffing levels. Mr. Power compared Deerfield Beach to Boynton Beach and Delray Beach; whereby Deerfield Beach is the lowest staffed Code Enforcement Department. This is a very telling example of what Code is trying to accomplish with the volume of service being provided, compared with staff. Mr. Power said over the past two (2) years, the City has tried to remedy the problem by creating the interactive voice mail process Code Enforcement staff attended two (2) half day customer service seminars and one (1) full day seminar to help with the interaction of customers. A courtesy notice process has been implemented which provides notice to the property owner before a citation is issued and door hanger was placed on doors for warning as well. A new customer complaint affidavit has been created for residents with concerns but there is no proof; a code brochure was also created and translated into Spanish, Creole and Portuguese. In closing, Mr. Power reiterated the need for the position. Thereafter, Mr. Power responded to questions posed by the Commission.

There was a lengthy discussion regarding the need for the position, customer service, the budgeted amount, and adherence to contract guidelines.

MOTION was made by Commissioner Parness, seconded by Commissioner Hudak, to approve Item 10, adopted Resolution 2019/175. Roll Call:

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

Nays: 1 - Commissioner Preston

11. Resolution 2019/176 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the conveyance of Broward County owned parcels located at SW 11th Way/FAU Research Boulevard to the City for rights-of-way purposes; authorizing the City Manager to execute the necessary documents for conveyance of the parcels; 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 Commissioner Preston, seconded by Commissioner Parness, to approve Item 11, adopted Resolution 2019/176. Roll Call:

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

Nays: 0

12. Resolution 2019/177 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a Work Authorization with GAI Consultants, Inc. to complete the Citywide Leak Detection Study in an amount not to exceed \$57,625; authorizing execution of the Work Authorization; and providing for an effective date. (Funds from Account #401-5030-536-30-99 - Other Professional 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.

Commissioner Parness spoke in support of the proposed resolution.

MOTION was made by Commissioner Hudak, seconded by Commissioner Parness, to approve Item 12, adopted Resolution 2019/177. Roll Call:

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

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

Nays: 0

- 13. Resolution 2019/178 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, awarding ITB #20-03-PC for water treatment plant lime sludge removal, hauling and disposal to Austin Tupler Trucking, Inc.; authorizing execution of an agreement with Austin Tupler Trucking, Inc. for a two-year term with three additional one-year renewal options; providing an effective date. (Funds from Account #401-5020-533-32-99 - 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 Commissioner Hudak, seconded by Commissioner Parness, to approve Item 13, adopted Resolution 2019/178. Roll Call:

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

Nays: 0

DEPARTMENTAL BUSINESS

- 16. Resolution 2019/181 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the program year 2018/2019 Consolidated Annual Performance and Evaluation Report (CAPER) for Housing and Community Development Programs; authorizing submission of the CAPER to HUD; 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.

David Santucci, City Manager, explained that this item must be submitted to HUD on an annual basis, as it provides the reporting on various programs within the City; i.e. SHIP, HOME and CDBG. He said further information is available if so desired.

MOTION was made by Commissioner Parness, seconded by Commissioner Hudak, to approve Item 16, adopted Resolution 2019/181. Roll Call:

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

Nays: 0

- 17. Resolution 2019/182 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving submission of a Safe Routes to School Grant Application to the Florida Department of Transportation ("FDOT") to fund improvements along the routes to Deerfield Beach Elementary School; authorizing acceptance of Safe Routes to School Grant Funds and execution of a Safe Routes to School Grant Agreement with FDOT in the event the Grant Application is approved by FDOT; and providing for an effective date.**

The Resolution was read by title only.

DEPARTMENTAL BUSINESS

Mayor Ganz opened the public hearing; however, a presentation was requested prior to comments.

Priscilla Cygielnik, Assistant Director of Engineering & Operations, provided a brief PowerPoint presentation regarding the grant application. She advised that the project has been collaborated by various City departments, Planning & Development Services, Community Development, and Engineering, who provided input on needs for the roads and corridors. Ms. Cygielnik said the Safe Routes to School Grant is a community-based grant aimed to create safe routes to schools and encourage walking and biking. This request is for Deerfield Beach Elementary School in the amount of approximately \$1 million. The City received previous grants, whereby, this grant is cyclical and on an annual basis, the City has an opportunity to get in the queue to request funds.

Continuing, Ms. Cygielnik said staff is working in conjunction with FDOT, but this is also a Broward County initiative in conjunction with BSO Fire Rescue and the school. The eligible projects will consist of pedestrian and bicycle facilities, as well as traffic control devices. In speaking with the school and BSO, the real interest for this corridor was Eller Street and trying to improve the on-street parking due to the number of children being dropped off. Further, it is important to improve crosswalk visibility by using high visibility crosswalks and improve the queuing area for parents as it will help with traffic calming, which also entails landscape and on-street parking. She advised that the conceptual plan is not an actual design or engineered plan and only shows potential for the corridors.

Additionally, Ms. Cygielnik provided a prepared estimate and explained that road reconstruction is not simply installing thermal plastic and it would be very simplistic to restripe the roadway, but the reconstruction is needed because it adds on-street parking which involves curb and gutter. When curb and gutter are placed in the road, it is a closed drainage system and this project warrants drainage improvements which is why the estimate is a full reconstruction of the corridor at \$1 million. Staff expects to be notified this summer as to whether the grant was approved for the elementary school. Notwithstanding, the project is on a five-year plan cycle, but some Safe Routes to School grants have been funded and funds for the last cycle will not become effective until 2022. She reiterated that the application only puts the City in the queue to have funds available in five (5) years for the improvements. The total allocation through Safe Routes to School is \$7 million annually which is reimbursable, thus not requiring any commitment from the City.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, said she appreciates staff actively seeking out grants to help with improvements on City streets; however, she is concerned about the project location. Ms. Freitag said there are sidewalks on both sides of Eller Street and there are many streets approaching schools that do not have sidewalks. She asked that other locations without sidewalks be considered as many of the students at Deerfield Beach Elementary are not walking far and are car riders.

Ellyce Miller, 1998 NE 7th Street, Deerfield Beach, thanked staff for seeking grants, but agreed that most of the children are not walking to school and are being dropped off. Thereafter, Ms. Miller suggested grants that will help improve the interior of schools, such as Deerfield Beach High School, which is in desperate need.

Emma Sampson, 495 N. Deerfield Avenue, Deerfield Beach, said she walks her dog every morning between 6:30 a.m. and 7 a.m. and sees children riding their bikes on Eller Street, crossing the railroad tracks. Ms. Sampson said she is concerned for the children because of the Brightline train and they may not pay attention, but when the arm goes down, the train is approaching in less than a minute. Ms. Sampson continued to comment on the dangers of the train and children approaching it and crossing from the wrong location.

Mayor Ganz closed the public hearing. Thereafter, he agreed that other areas should be considered. Additionally, there are reasons why certain neighborhoods do not have sidewalks as some residents were against them. Further, Mayor Ganz agreed with children's safety for the trains and suggested contacting Broward County Schools to find out what is happening with the bond funds.

Commissioner Hudak asked if the award could be moved around or if it is specific to the proposed project.

Ms. Cygielnik replied that if approved, a more definite design would be completed at the City's expense; notwithstanding, there are other grants that the City applies for annually for other projects. Also, surtax funds will be coming from Broward County shortly and will be used for sidewalks.

DEPARTMENTAL BUSINESS - CONTINUED

David Santucci, City Manager, said this project was not a sole decision of the City, but input was needed from the school on where they thought the need was. Further, staff had to engage with teacher organizations and the School Advisory Council on where the project should occur. Staff is applying for other schools and the MPO project on Martin Luther King Avenue for sidewalk and lighting improvements for the school is forthcoming (Deerfield Park Elementary School). Lastly, the proposed resolution only relates to Deerfield Beach Elementary.

Commissioner Parness said Superintendent Runcie oversees school interiors; thereafter, he commented on the repair of an air conditioning system that occurred after demands from the School Board. He suggested that parents come together and convince Superintendent Runcie of the school needs.

MOTION was made by Commissioner Hudak, seconded by Commissioner Parness, to approve Item 17, adopted Resolution 2019/182. Roll Call:

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

Nays: 0

18. ORDINANCE 2019/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 46 "OFFENSES" OF THE CITY CODE OF ORDINANCES PROHIBITING THE DISCHARGE OF AIR GUNS, BB GUNS, AND OTHER DEVICES, EXCEPT FOR THE PURPOSE OF ERADICATING IGUANAS ON PRIVATE PROPERTY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

David Santucci, City Manager, said the proposed ordinance seeks to provide private property owners a resolution to any issues they have with iguanas on their property, but in a humane way consistent with the Florida Fish & Wildlife Commission (FWC) regulation and direction. Since iguanas do not remain in one (1) area, it is very difficult for any jurisdiction to regulate or eradicate them. Additionally, there will be a workshop in March where FWC will provide tips on what residents can do to prevent iguanas from entering their property and not inviting them in various methods.

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

Commissioner Parness said he does not think BB guns will hurt a three to four-foot iguana and neither an air, or BB gun are effective as they are not very accurate.

Commissioner Hudak said he believes the humane way to dispose of an iguana is to hit it in the head with a BB gun. He asked if air or BB guns can only be used to shoot an iguana or other recreational reasons. Also, he asked what type air gun is allowed because his child owns a Nerf air gun.

Anthony Soroka, City Attorney, replied that the Ordinance prohibits air guns, BB guns or toy guns that project lead or missiles which is defined as something that would cause great bodily harm when fired. Additionally, State law states that anyone under the age of 16, must be accompanied by a guardian or parent, or someone authorized by the parent to supervise when using an air or BB gun. The City's ordinance also states that possession or discharge of any instrument that fires a potentially dangerous projectile, gas or liquid, is prohibited except in designated areas. The Ordinance would permit use of an air gun to eradicate the iguana as long as the animal cruelty state law is not violated.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Drosky, to approve Item 18 on first reading. Roll Call:

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

Nays: 1 - Commissioner Parness

DEPARTMENTAL BUSINESS - CONTINUED**19. ORDINANCE 2019/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 98 "LAND DEVELOPMENT REGULATIONS" OF THE CITY LAND DEVELOPMENT CODE BY CREATING ARTICLE X "HISTORIC PRESERVATION"; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

The Ordinance was read by title only.

Mayor Ganz said there is a typo in the backup on the face sheet related to public art.

Eric Power, Director of Planning & Development Services, said Broward County decided to receive a designation by the State to become a certified local government to assist cities who do not have a need for historic preservation. Deerfield Beach is almost 100 years old by its seal, but people have lived here for over 100 years and there are plenty of historic resources and assets. The City has a choice to either become a certified local government under Broward County; whereby, the City must deal with historic preservation or designation, through the County. The next option allows the City to achieve the same certification from the State to become a certified local government and handle it in-house. Since the designation was approved in October, the City has two (2) years to decide; whereby, upon approval of the designation from the State, the City may designate properties historic. There are already properties in the City designated historical, i.e. Butler House and Branhilda Richardson Knowles Memorial Park & Cemetery. Now, the City would apply to the State for the designation.

Continuing, Mr. Power said staff would like to create this designation process and create a Historic Preservation Board who would act as a recommending board to the City Commission. A certification must be received for anything previously designated as historical, to make amendments or improvements to such a site that would affect what makes it historic; whereby, the Board would be able to provide the certification in order to obtain a building permit. For example, it would be illegal for the Butler Home to install a new roof without this designation which the Board would handle. Also, to designate a new property, the board would make a recommendation and the final decision would go to City Commission.

Anthony Soroka, City Attorney, left the dais temporarily at 9:09m p.m. and returned at 9:11 p.m.

Furthermore, Mr. Power said staff would like to establish a marker program, but to brand it and make it special to the City. Upon approval of the Ordinance on second reading, staff would apply for the certification with the State which takes around 60 days. Staff has been communicating with the State and believes all aspects required for the application are included in the Ordinance and there shouldn't be any issues to receive the certification. Upon approval, the City Commission would be required to designate members to the Historic Preservation Board which entails an application process. Staff would create and maintain a list of historically designated properties; though there is already a list, a new list would be maintained. Thereafter, he entertained questions of the Commission.

Mayor Ganz opened the public hearing.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, asked what the time period would be for something to be declared historic.

Amie Kay Tanner, 111 SE 5th Avenue, Deerfield Beach, said as a resident, this is a great idea as there are many buildings in the City that are historic. She provided a brief history of how people have lived in the City for over 100 years and the contributions her father made to Deerfield Beach. Lastly, she agreed with having a marker for Deerfield, so people know the City has been around for a while.

Rita Masi, 349 NE 19th Avenue, Deerfield Beach, asked if changes can be made by the property owner when a site is declared historic.

Dave Mirantz, 10 Fairway Drive, Deerfield Beach, spoke in support of the proposed ordinance.

Mayor Ganz closed the public hearing; thereafter, he asked how board members would be selected and the required

qualifications.

DEPARTMENTAL BUSINESS - CONTINUED

Mr. Power replied there is an existing chapter in the Code regarding boards, whereby, this board would follow the same rules and regulations.

Anthony Soroka, City Attorney, said in Section 98-171, there are five (5) members appointed by the Commission and the Charter discusses membership and being a resident.

Mayor Ganz asked that the qualifications be strongly considered when the board is created. Also, he commented on the quandaries with designated historical sites and renovations and how the proposed ordinance will impact owners of designated historical sites.

Mr. Power said there are different reasons for historic preservation and architecturally, the Butler Home is historically significant because it is relevant to the architecture of the time, similar to the Old Schoolhouse. Not everything is designated an historic preservation because of the building's age; there could have been an event that occurred, i.e. George Washington slept here. The Code provides many reasons why a site can be designated as relevant to be remembered. There are times when, architecturally, a property may be preserved, and the State said it is a minimum of 75 years for an architectural building or building of historical significance. Lastly, he explained the caveats pertaining to the property owner with making changes to the property; however, it does not prohibit the owner from demolishing a home when necessary but provides an additional level of review to the City.

Commissioner Parness said the item was discussed at the Planning Council and he asked the County how the public is informed that a house has been designated or does the homeowner give permission to designate the home. The response was that a letter is sent and if no response is received, it suggests approval. If someone is purchasing a property, he believes they should be notified that it is historic, and the best control is to have City control over historic sites. Every real estate agent should be notified that a house is historic and advise of the restrictions.

Vice Mayor Drosky spoke in support of the proposed ordinance.

**MOTION was made by Commissioner Parness, seconded by Vice Mayor Drosky, to approve Item 19 on first reading.
Roll Call:**

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

Nays: 0

20. ORDINANCE 2019/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 38, "FINANCE AND TAXATION", ARTICLE V "PROCEDURES FOR SALE OR LEASE OF CITY-OWNED PROPERTY", SECTION 38-156 "SALE OR LEASE OF CITY PROPERTY" OF THE CITY'S CODE OF ORDINANCES TO MODIFY THE PROCEDURES AND REQUIREMENTS FOR THE SALE OR LEASE OF CITY PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The Ordinance was read by title only.

David Santucci, City Manager, said the proposed ordinance addresses the sale of surplus vacant city property that is not a necessary asset.

Kris Mory, Director of Economic Development, said there are times when the City becomes an owner of a property through various methods, an owner passes away without a will, receives an escheated property or properties are deeded to the city like properties on Dixie Highway that occurred because of the widening. This policy provides a remedy for those properties. The guiding principles of the properties include transparency and efficient management of assets. The properties are not doing much for the City right now, so staff wants to manage them better. She said revenue generation through an expansion of the tax base is important thus, the sale of these

properties will result in a one-time influx of funds through direct sales from real property, but over time, through additional tax revenue.

DEPARTMENTAL BUSINESS - CONTINUED

Commissioner Parness left the dais temporarily at 9:25 p.m. and returned at 9:27 p.m. during staff presentation.

Continuing, Ms. Mory said because many properties are currently vacant, regular maintenance and trash removal are needed. There is a liability if an accident occurs on a property; therefore, by passing the ownership from the City to active use, it reduces the liability. Another guiding principle is to look at the appropriate and best use of the properties. This policy only relates to properties valued under \$750,000 which is the threshold restriction according to the Charter, and currently, there are 30 residential and 10 commercial parcels. Additionally, the staff report, outlined in the backup provides a description of the proposed process for disposing of the parcels. The first step is an internal staff review, whereby, staff would determine whether there is a current or future intended use for the property like stormwater drainage, green space, parks and recreation facilities, etc. Each department would review the parcels and determine if there is a need or consider (the parcel) for this policy. On a case by case basis, staff would look at the purchaser's statement of intended development use. Each parcel will come back to the City Commission at some point during the process is approved. After the parcel undergoes an internal vetting process, staff will prepare an item for Commission consideration.

Additionally, Ms. Mory said for larger valued parcels, an appraisal would be needed. Next, an adjacent property owner notification would be provided so people around the parcel are notified that the parcel is city owned and potentially available for sale. A public notification would be placed in a newspaper of general circulation, so everyone is given the same opportunity to access each parcel. Ms. Mory explained that undevelopable lots will likely be acquired by an adjacent property owner because of the size and only has value to someone next to it. Because of the extremely low value, the Commission would have the option of waiving the requirement for an appraisal. Many times, the appraisal will be 5X the amount of the land's value. Ms. Mory provided examples of the type of parcels to be considered: residential parcel, which is in a single-family neighborhood and should be placed into active use. Ms. Mory also commented on the property appraiser's market value which is not always current, whereby, an appraisal for the property outlined would be necessary to determine active/appropriate use, which would be residential. She continued to display other property types, undevelopable residential lot, which only has value to the abutting property owner. It is likely that the abutting property owner is maintaining the property and staff would discuss interest in acquiring the property and formalizing the parcel as their property.

Mayor Ganz asked if policy would prevent someone from the outside coming in, buying the property and creating a nuisance or problem for the adjacent resident.

Ms. Mory replied yes. Each parcel will come through and staff will perform an internal vetting process and each property would have to be approved by the Commission. She explained that the buyer must declare their intended end use which is the mechanism to stop something like that from happening. Thereafter, she entertained questions of the Commission. Moreover, Ms. Mory said there is not currently a list of people interested in the properties, but the policy is in response to repeated requests from people desiring parcels on the list. There is a total of 40 parcels; thus, she offered one-on-one meetings with the elected officials to discuss in-depth. A photo of a commercial property was also provided; the property appraiser's market value is \$30,000, but an appraisal is needed to determine the actual value. Since the parcel is adjacent to another city owned parcel, staff would look at some type of assembly proposal for this type property. Lastly, she reiterated that each parcel would go through the staff vetting process and flushed out before it reached the Commission and the Commission would make the final decision.

Mayor Ganz opened the public hearing.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, asked if the residents near a parcel could request that the City develop a project they feel is needed in the area.

Mayor Ganz replied that since it belongs to the City, it depends on the usage, i.e. commercial use or park.

Diane Chisholm, 375 NW 7th Court, Deerfield Beach, spoke in support of the proposed ordinance. It is thoughtful that the residents will have the first opportunity to secure the lots.

Mayor Ganz closed the public hearing and spoke in support of the proposed ordinance.

DEPARTMENTAL BUSINESS - CONTINUED

MOTION was made by Commissioner Parness, seconded by Commissioner Preston, to approve Item 20 on first reading. Roll Call:

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

Nays: 0

21. ORDINANCE 2019/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 50 "PARKS AND RECREATION", ARTICLE IV "ATHLETIC FACILITIES" OF THE CITY CODE OF ORDINANCES TO MODIFY THE CITY'S RECREATION FACILITY USE REGULATIONS AND PROVIDE FOR THE ADOPTION OF A SPORTS POLICY BY RESOLUTION OF THE CITY COMMISSION; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

Anthony Soroka, City Attorney, advised that the existing code needs to be updated because it does not reflect current practices and references that the City's athletic program is divided into three (3) different categories. There are supposed to be three (3) code sections for each category, but there are only two (2); one (1) was repealed and the section was never updated. The proposed ordinance corrects it and authorizes the ability of the Commission to approve a sports policy which will be forthcoming.

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 Parness, seconded by Commissioner Preston, to approve Item 21 on first reading. Roll Call:

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

Nays: 0

22. Resolution 2019/184 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a Work Authorization for citywide roadway resurfacing to Weekley Asphalt Paving, Inc., in an additional amount not to exceed \$2,125,803.18 pursuant to ITB #2018-19/03 and the City's existing contract with Weekley; providing for severability and an effective date. (Funds from Account #358-8000-541-61-12 - 2018 Bond Fund (Construction))

The Resolution was read by title only.

David Santucci, City Manager, explained the process with the bid, which was previously awarded to Weekley Asphalt for \$5 million. Since the first phase is nearing completion, the item addresses the second phase. There was a previous revenue bond in 2014 where a good portion of the City was done, but this phase, within a six (6) year span, the only area left will be out in south central portion of the City. A map was displayed outlining the proposed and completed roads. The area in light blue is the only area that will not be completed; dark blue will be done through this contract; green was completed with fiscal year 2014 bonds; and the yellow area was recently completed.

Mayor Ganz opened the public hearing.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, asked if staff inspects the work three (3) to six (6) months after completion to see if the roadway is faring well. She said there are streets that were recently paved

and are now in terrible condition.

DEPARTMENTAL BUSINESS - CONTINUED

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, said the map is inaccurate because the sections in yellow are not completely done, but the roads are half done.

Mayor Ganz closed the public hearing.

Mr. Santucci said staff will address Ms. Clarke-Reed's concerns and if there were any issues in the construction, it will be handled. Also, there is still work to do in the yellow areas, but a majority has been completed.

Commissioner Preston agreed with Ms. Clarke-Reed and explained that after work was done, asphalt was left on his grass which destroyed the edging; furthermore, the contractor never returned to fix the problem. He advised that there must be oversight.

MOTION was made by Commissioner Parness, seconded by Commissioner Hudak, to approve Item 22, adopted Resolution 2019/184. Roll Call:

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

Nays: 0

COMMENTS BY ADMINISTRATION AND LEGAL

CITY MANAGER

Joint Legislative Auditing Committee Audit - David Santucci, City Manager, said the committee has informed him that they will be discussing the potential for a performance-based audit on the City at their December meeting. He will be going to Tallahassee and will update the Commission on the results.

Assistant City Manager – Mr. Santucci advised that Tom Good is now the permanent assistant city manager and has been a tremendous asset in the interim capacity since April. He thanked Mr. Good for all his efforts.

CITY ATTORNEY - No Report.

CITY COMMISSION BUSINESS

23. ORDINANCE 2019/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 14 "BUILDINGS AND BUILDING REGULATIONS" OF THE CITY CODE OF ORDINANCES BY CREATING ARTICLE V "PUBLIC ART PROGRAM"; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

David Santucci, City Manager, left the dais temporarily at 9:52 p.m. and returned at 9:56 p.m.

Vice Mayor Drosky said when he toured the City of Delray Beach, photos of public art were taken and presented to the CRA Board; whereby, a group of citizens encouraged him to create a public art ordinance. He thanked the residents for their patience and participation, the City Attorney's Office for months of hard work in drafting and revising, and staff for their input. Thereafter, Vice Mayor Drosky outlined various concerns he would like to address: art ownership, mass produced art which has a level of review through the Community Appearance Board and Development Review; appeal fee of \$750 being too high and should be lowered; committee membership and funding mechanism.

CITY COMMISSION BUSINESS – CONTINUED

Continuing, Vice Mayor Drosky said the committee membership was purposefully chosen to be staff members as public art is very controversial and riles up emotions. He opined that having staff as members would take the emotion from the decision as they would consider the benefit to the City and remove politics from the process. Additionally, a master plan of public art should be done first as there is art in various areas; i.e. utility wraps are considered art, as well as the recent water tower. There are grant funds available which are difficult to obtain without a public art committee. Having the committee shows the City's interest in public art, that it is taken seriously and the ability to obtain grant funds for the Master Plan which could cost between \$25,000 - \$50,000.

Additionally, Vice Mayor Drosky advised that there are two (2) ways of funding this type ordinance. The City of Pompano Beach takes the approach of charging the developer a 2% fee on their projects which goes into a public art fund; other cities embrace this mandatory participation into the fund. Other cities like Boca Raton do not have a funding mechanism which is the same as the proposed ordinance and the approach is more philanthropic. This method also allows pursuit of grant funds, along with having the committee, and it encourages the private philanthropic community to participate. He said he did not want to place a 2% fee on developers since the City has a good relationship with them; thus, he would like to start the process, approve the ordinance, implement the Master Plan, identify the art in the City and future opportunities.

Commissioner Parness commented on the need to include members of the public on the committee due to the varying interpretations of art; therefore, he will not support the Ordinance that restricts the public.

Commissioner Hudak thanked Vice Mayor Drosky for bringing this item to fruition; thereafter, he spoke in support of the Ordinance and agreed that the public should be included on the committee along with City staff. Additionally, he suggested investigating a funding source like Pompano Beach and implement a 1% fee to developers as it is reasonable because without a dedicated funding source, the project will not go as far as expected.

Commissioner Preston agreed that the public should be involved. He commented on settlers and pioneers that came to the City early on and believes the history is important; whereas, the public could offer input.

Mayor Ganz opened the public hearing.

Kiku Martenson, 2440 Lob Lolly Lane, Deerfield Beach, said she is excited about this as she has been discussing this with other residents for years. Further, she advised that Pompano Beach enacted an ordinance in 2012 and has a thriving public art presence and their funding source is 2% of the cost of city construction projects. Boynton Beach has over 80 sites designated for public art and provide tours; funding source is 1% on development and redevelopment projects. The Visitor and Convention Bureau showcases public art in the greater Fort Lauderdale area under their attraction's listings. Ms. Martenson also commented on the public art at the Sullivan Park Splash Fountain, fishing pier and now the Kirk Cottrell Pavilion; therefore, an ordinance is needed to address the entire city, not only the CRA (Community Redevelopment Agency) area. Thereafter, Ms. Martenson applauded art at the Memorial Park & Cemetery, but suggested incorporating public art in the Pioneer Grove district as well as the Dixie Highway corridor. She also asked that residents be included in the membership.

Continuing, Ms. Martenson asked various questions: whether members will be subject to the Sunshine Law; whether the funding mechanism could be a flat fee, percentage from new construction or should there be a requirement to have public art similar to landscaping requirements; businesses being able to paint a mural on their exterior wall and if so, would it be under the public art ordinance or does it supersede the current sign ordinance. On page 6 of the Ordinance, section 4c, she asked that there be clarification on the changing of the property clause; does it mean that a person who purchases a property with public art, will have to reapply for the permit as it seems unfair and unnecessary. Section 4b outlines the appeal fee of \$750, which seems high and may discourage people from going through the process. Lastly, she asked if the committee will develop the Master Plan.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, suggested checking with the National League of Cities to see what they have done with public art. Also, there are numerous grants with public art. She also suggested including artists and those familiar with art to be on the committee and set guidelines.

Mayor Ganz closed the public hearing. Thereafter, he thanked Vice Mayor Drosky for his efforts as it very comprehensive. He agreed that the committee should consist of residents and staff. Mayor Ganz said as time

CITY COMMISSION BUSINESS - CONTINUED

progresses, he would like to consider a consultant for guidance and assistance, especially if a funding mechanism is sought. Continuing, Mayor Ganz disagreed with a philanthropic approach because it is normally the same people giving; therefore, a developer's fee would be appropriate. He said the percentage rate for Pompano Beach is a little high but would like to see the figures. Additionally, the funding mechanism does not have to be included in the current ordinance, but it can be done along the way as the cost of the art pieces may be a lot higher than realized and it will create a lot of limitations if a significant revenue stream is not implemented.

Vice Mayor Drosky agreed with changing the membership requirements to include residents, but he said the Master Plan must be done before any funding mechanism is implemented. He explained that the Master Plan will take about one (1) year, hopefully grant funds are received; thus, the funding mechanism does not have to be decided tonight.

After a brief discussion, it was the consensus of the Commission to amend the Ordinance with the following changes: appoint three (3) staff members which will be chosen by the City Manager to the committee and each commissioner will select a member from each district for a total of seven (7) members; reduce the appeal fee to \$500.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Drosky, to approve Item 23 on first reading as amended. Roll Call:

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

Nays: 0

24. Discussion regarding Broward County's proposed Seawall Ordinance.

Vice Mayor Drosky said there was a workshop held by the County in the City Commission Chambers regarding the new minimum seawall height ordinance proposed by Broward County. It requires an elevation of four (4) feet until 2035 and five (5) feet by 2050; whereby the City sits higher than other Broward County cities and is in better condition. He advised that it is incumbent upon the cities to enforce the Ordinance and the County is not providing any additional funding for enforcement. He said seawalls are expensive and asked how to enforce it as it must be seen from the backyard. The workshop was lightly attended and therefore, he does not believe the residents are aware of what is happening. Vice Mayor Drosky said the cost is approximately \$100 per linear foot which could amount to \$50,000 to \$100,000 to increase a seawall and for people living in their homes for many years, they would still be impacted. Additionally, the anticipated adoption is January 2020; therefore, he asked if the Commission would like more input on the County's ordinance.

Mayor Ganz said he met with Commissioners Bogen and Fisher at the Mayor's Meeting and all the mayors expressed concerned about this ordinance. He said he is concerned as well and does not see the County changing its path. He recommended contacting them individually and asking them to slow down the process. Mayor Ganz commented on the lack of attention from the County with sea level rise and said the seawall ordinance is poorly planned but believes both Commissioners Bogen and Fisher will listen to their concerns.

Commissioner Parness said the County is adamant about the seawalls and do not care about the cost. Also, if a wall is not repaired and it damages a neighbor's wall, you will be held responsible. Based on his interactions with the Planning Council, the Ordinance will be passed in January as they do not want it delayed. Lastly, he asked for a moratorium, but it was not supported.

Commissioner Hudak said he and Vice Mayor Drosky attended the November 19th meeting and agreed with Commissioner Parness. He suggested seeking a funding source for the residents as this will adversely affect them and the City. Though the first wave is not until 2035, considerations should be made now. For new construction, he suggested possibly building to the 2035 or 2050 standards as they would be compliant and reduce any future impact.

CITY COMMISSION BUSINESS - CONTINUED

25. Discussion regarding the Solid Waste & Recycling Working Group Selection.

Vice Mayor Drosky said the Broward League of Cities is putting together a task force regarding solid waste and recycling in the County and trying to develop a regional approach to an issue that will not be soon resolved. Included in the backup is a copy of the ballot presented at the meeting, and Deerfield Beach did not make the committee.

Continuing, Vice Mayor Drosky said the proposals given provide four (4) representatives chosen from the 10 most populous municipalities in Broward County and Deerfield Beach is number 10. The City was competing with Fort Lauderdale, Pembroke Pines, Hollywood, Miramar, Coral Springs and other cities. Vice Mayor Drosky explained the selection process and listed the cities chosen: Fort Lauderdale, Pembroke Pines, Pompano Beach and Sunrise. Three (3) representatives were chosen from the next most populous cities: Weston, Coconut Creek and Hallandale Beach. Of the last group chosen: Parkland, due to their proximity to Mount Trashmore and because no one else wanted it as they did not have the staff and resources to commit. He explained various reasons why each city was chosen. Though Deerfield Beach was not selected, the Commission can still participate as the meetings are open to the public but cannot vote.

COMMENTS BY MAYOR AND CITY COMMISSIONERS

VICE MAYOR DROSKY

DISTRICT 4

March 3rd City Commission Meeting - Vice Mayor Drosky said the Greater Fort Lauderdale Alliance has a taskforce every year that investigates transportation needs, healthcare, etc. of a city to bring something back to Broward County. Last year, the taskforce visited Austin and this year, it is Charlotte and he would like to attend. It is scheduled for March 1 – March 3; since there is a Commission meeting on March 3rd, he asked if the meeting can be rescheduled to either Wednesday, March 4th or Tuesday, March 10th, whereby, CRA would have to be rescheduled.

PD&E Kickoff - Vice Mayor Drosky said there was a PD&E kickoff with the Florida Department of Transportation for the Turnpike from 595 to Wiles Road and asked for an update in the weekly packet.

Upcoming Events - Vice Mayor Drosky said he will have Saturday office hours on December 7th from 10 a.m. till 12 p.m. at City Hall. Also, on December 7th is the Ocean Way Holiday event from 6 p.m. till 9 p.m. and Winter Wonderland will be held on December 14th from 10 a.m. till 2 p.m. at Quiet Waters Park.

Being Thankful - Vice Mayor Drosky said he was reading an article about the Battle of Monmouth, June 28, 1778, and explained that during the battle, there was a 21-year old named Solomon Parsons who observed the enemy, was struck, injured and left for dead. He survived for another 30+ years, but upon his death, a reminder was placed on his tombstone about being thankful for the sacrifices made. He wished everyone Happy Holidays.

COMMISSIONER PARNESS

DISTRICT 3

Memorial Service - Commissioner Parness said Faye Adams passed away and the memorial service will be held in the Village tomorrow. Thereafter, he outlined her efforts in rebuilding her home in Century Village which took 12 years. Her efforts improved the building as there is a new roof, modern appliances and she would not quit until it was done.

Office Hours - Commissioner Parness said he has an office in Century Village and is open the first and third Monday of every month. He commented on some of the issues he helps the residents with.

Happy Holidays - Commissioner Parness wished everyone Happy Holidays. He also encouraged people to go to the Fire Station tomorrow on Federal Highway where there is a manger and menorah which is a yearly custom to reflect the holidays. He thanked Tom Good, Assistant City Manager, for his coordinating efforts.

COMMENTS BY MAYOR AND CITY COMMISSIONERS - CONTINUED**COMMISSIONER PRESTON****DISTRICT 2**

Street Renaming - Commissioner Preston said a few months ago, he asked that a resolution be adopted for the commemoration of State Trooper Phillip Black who was killed in the line of duty. He explained how the tragedy occurred and how it impacted him as he was a firefighter when it happened. Commissioner Preston said there will be a plaque coming soon designating a section after Trooper Black.

Branhilda Richardson-Knowles Memorial Park & Cemetery - Commissioner Preston said the park is very nice, but there is nowhere to park. He asked that the no parking signs be removed so people can park on the grass, parallel to the park.

Christmas Holidays - Commissioner Preston said this is a time to give service; afterward, he commented on the increase in suicides due to loneliness. He encouraged everyone to do something for another and wished everyone Happy Holidays.

COMMISSIONER HUDAK**DISTRICT 1**

Memorial Park & Cemetery Parking - Commissioner Hudak said staff is trying to rectify parking and asked that the City Manager provide an update.

David Santucci, City Manager, said staff is currently under design for parking and hopes the Broward County surtax dollars will become available. Also, he said parking on swale may not be the best option because of the amount of traffic that it would produce as the grass swale would no longer exist. He said staff will investigate a temporary solution.

Happy Holidays - Commissioner Hudak wished everyone Happy Holidays and said he hopes everyone is safe.

Upcoming Events - Commissioner Hudak said on Friday, December 6th, "The Grinch" will be playing at Sullivan Park and encouraged everyone to come out. On December 7th, the Ocean Way Holiday event will start at 5 p.m. in the main beach parking lot until 9 p.m. Also, on December 7th is Breakfast with Santa at 9 a.m. at the Butler House.

District Meeting - Commissioner Hudak said on Saturday, December 14th, his district meeting will start at 10 a.m. until 12 p.m. at City Hall.

City Manager Performance Review - Commissioner Hudak said he put together a performance review form and asked that the Commission review it so it can be discussed at a future meeting. He asked that it be placed on the next meeting agenda as goals need to be established for the City Manager.

MAYOR BILL GANZ

Debating - Mayor Ganz said during his debate, he was not trying to reference Commissioner Preston as having a parochial viewpoint; nevertheless, he said he appreciates having a healthy debate as it is a pleasure to serve with the Commissioners.

Congratulations - Mayor Ganz congratulated Tom Good on his accomplishments as interim assistant city manager.

Holiday Season - Mayor Ganz encouraged everyone to look out for each other and the elderly as this is the time of year where people try to scam others. He said anyone who feels they have been scammed or received a visit by a potential scammer, to immediately call the Broward Sheriff's Office Police.

Upcoming Events - Mayor Ganz said on December 14th and 15th, Operation Santa will take place with the Broward Sheriff's Office Fire Rescue for Deerfield Beach, the Deerfield Beach Fire Rescue and CERT program will ride around to the local parks where Santa will make an appearance along with Mrs. Clause. Volunteers are needed; a phone number is provided through social media and the City's website. Additionally, on December 12th from 5 p.m.

till 8:30 p.m., there will be cocktails with Santa at the Butler House.

COMMENTS BY MAYOR AND CITY COMMISSIONERS - CONTINUED

Happy Holidays - Mayor Ganz wished everyone Happy Holidays.

ADJOURNMENT

MOTION was made by Commissioner Parness, seconded by Commissioner Preston to adjourn the meeting at 10:55 P.M. Voice Vote:

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

Nays: 0

BILL GANZ, MAYOR

Samantha Gillyard, CMC, City Clerk



SPECIAL CITY COMMISSION MEETING MINUTES

Tuesday, December 10, 2019

6:30 PM

Commission Chambers

CALL TO ORDER AND ROLL CALL

The meeting was called to order on the above date by Mayor Bill Ganz at 6:30 p.m., in the City Commission Chambers, City Hall, Deerfield Beach.

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

Also Present: 3 - City Manager David Santucci
City Attorney Anthony Soroka
Assistant 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 AGENDA

December 10, 2019

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

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

Nays: 0

DEPARTMENTAL BUSINESS

- 1. Resolution 2019/184 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the ranking and recommendation of the Audit Committee for RFP #20-01-IG for External Financial Auditing Services; approving the award of RFP #20-01-IG to Marcum, LLP, the highest ranked firm; authorizing execution of an agreement with Marcum, LLP for Financial Auditing Services for Fiscal Years 2020-2024; providing for severability and an effective date.**

The Resolution was read by title only.

David Santucci, City Manager, explained that the external auditing service consists of auditors reviewing the City's financials on an annual basis; whereby, per the City's Charter, the Commission must enter into a contract within 90 days after the end of the fiscal year. The contract is awarded for five (5) years with the option to renew for one (1) additional year. Thereafter, he provided a brief overview of the selection process.

DEPARTMENTAL BUSINESS - CONTINUED

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

Vice Mayor Drosky stated that he was on the Audit Committee and participated in the selection process which he briefly outlined. Thereafter, he thanked staff and the other members of the Audit Committee for all their hard work throughout the process.

Commissioner Parness spoke in support of the selection of Marcum, LLP.

Anthony Soroka, City Attorney, said the Audit Statute requires the Audit Committee to rank and recommend in order of preference at least three (3) firms; therefore, the top three (3) firms in attendance.

Vice Mayor Drosky asked each firm to comment on why they are best qualified.

Branden Lopez, CPA, Marcum, LLP, replied that the audit process is very cumbersome; therefore, Marcum, LLP is the best choice because there's always a different set of eyes looking at the information to provide the most thorough audit. Further, he said the element of unpredictability is also part of the Audit Statute; whereby, every year Marcum, LLP comes up with a different audit procedure to assure that management and finance stay completely abreast of what is going on each year.

Brett Friedman, Partner, RSM US, LLP, replied that the City has gone through changes, i.e. a new city manager and finance director; therefore, choosing a different company would provide a fresh perspective which is important. RSM US, LLP is the 5th largest firm in the U.S. and comes with a multi-disciplinary team to assist with addressing the current issues, i.e. cyber security. Further, he said auditing standards are consistent; therefore, their firm has a similar process because of the element of unpredictability, whereby, staff is rotated throughout the process. Thereafter, he listed other cities they serve in South Florida and said they have previous experience with Deerfield Beach. Lastly, Mr. Friedman said RSM US, LLP has a ton of resources and partner rotation, which the other firms do not.

Enrique Llerena, Partner, Caballero Fierman Llerena & Garcia (CFLG), LLP, replied that their company's personal approach is what makes them different than the others. Thereafter, he provided a brief overview of his background and listed other cities they serve. He advised that they abide by the professional standards and are qualified. Further, he said since joining this company, he has strived to push their services more north, whereas, they recently opened an office in Boca Raton. Lastly, he said their firm is committed to servicing their clients and serving the City as necessary.

Vice Mayor Drosky outlined the difficulties in the selection process, whereas, some of his scores were relatively close. He said all firms must adhere to the same policies and procedures, which made the final decision extremely difficult.

Commissioner Parness said the City has had Marcum, LLP for the past five (5) years and they have done an outstanding job; therefore, he reiterated his support for them.

Mayor Ganz said the 3rd member of the Auditing Committee ranked RSM US, LLP, as number 4, which was a factor in his decision; nevertheless, the City is fortunate to have three (3) outstanding firms to choose from.

MOTION was made by Commissioner Parness, seconded by Commissioner Hudak, to approve Item 1 adopted Resolution 2019/184. Voice Vote:

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

Nays: 0

DEPARTMENTAL BUSINESS - CONTINUED

Anthony Soroka, City Attorney, explained that at the November 12th Commission meeting, the City Commission approved the recommendation of Project Chili Pepper as an approved Qualified Target Industry (QTI) business for both local and state assistance for the expansion of their existing business within the City. The State Department of Economic Opportunity (DEO) advised that this particular business meets the 100% private sector average wage in Broward County. He explained that if you are below the 115% average wage the Commission must make a request to DEO to waive the 115% requirement.

In response to Commissioner Hudak's question, Mr. Soroka replied that if the jobs being paid are less than 115% of the average wage within the County, they can still be approved, but must be accompanied by a request to the State to waive.

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

In response to Commissioner Preston's comment, Mr. Soroka clarified that staff is requesting that the Commission amend this resolution per the State's request.

MOTION was made by Commissioner Preston, seconded by Commissioner Parness, to amend Resolution 2019/167. Voice Vote:

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

Nays: 0

Commissioner Parness wished everyone Happy Holidays.

ADJOURNMENT

MOTION was made by Commissioner Parness, seconded by Commissioner Preston, to adjourn the meeting at 6:54 p.m. Voice Vote:

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

Nays: 0

BILL GANZ, MAYOR

Samantha Gillyard, CMC, City Clerk



Meeting Minutes Community Redevelopment Agency

Tuesday, October 8, 2019

7:00 PM

Commission Chambers

CALL TO ORDER AND ROLL CALL

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

Present: 5 - Mr. Michael Hudak
Mr. Bernie Parness
Mr. Ben Preston
Vice Chair Todd Drosky
Chair Bill Ganz

Also Present: 3 - City Manager David Santucci
City Attorney Anthony Soroka
Assistant 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 MINUTES

Community Redevelopment Agency Meeting Minutes

MOTION was made by Mr. Parness, seconded by Mr. Hudak, to approve the August 13 and August 27, 2019 minutes as submitted. Voice Vote:

Yeas: 5 – Mr. Hudak, Mr. Parness, Mr. Preston, Vice Chair Drosky and Chair Ganz

Nays: 0

APPROVAL OF CITY COMMISSION AGENDA

October 8, 2019

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

Yeas: 5 – Mr. Hudak, Mr. Parness, Mr. Preston, Vice Chair Drosky and Chair Ganz

Nays: 0

GENERAL ITEMS

- 1. CRA Resolution 2019/011 - A Resolution of the City of Deerfield Beach Community Redevelopment Agency (CRA), approving the CRA regular meeting schedule for the 2019/2020 fiscal year; and providing for an effective date.**

The Resolution was read by title only.

Kris Mory, Director of Economic Development, explained that this item outlines the meeting schedule for FY 2019/2020; however, meetings can be changed at the Board's discretion. She advised that it has been posted to the City's website.

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

Mr. Hudak advised that he will be out of town from November 4th - November 13th; therefore, he will be unable to attend the November 13th meeting.

**MOTION was made by Mr. Parness, seconded by Mr. Preston, to approve Item 1, adopted CRA Resolution 2019/011.
Roll Call:**

Yeas: 5 – Mr. Hudak, Mr. Parness, Mr. Preston, Vice Chair Drosky and Chair Ganz

Nays: 0

- 2. Presentation regarding the Fourth of July Celebration.**

Cassi Waren, Assistant Director of Parks and Recreation, said there were over 95,000 attendees, which is the largest crowd since the events' inception. The total cost for the event was \$96,841, whereby, \$82,902 was funded through CRA and the remaining through the Parks & Recreation Department. She said the City received \$5,000 in sponsorships from JM Family. Also, over 500 attendees completed the survey on the day of the event, which resulted in an economic impact of \$707,447. After the event, staff went door to door and collected 25 surveys from the businesses, whereby, 23 of them advised that their business increased due to the event.

In response to Mr. Preston's question, Ms. Waren replied that the 500 attendees who completed the survey ranked the event a 4 or 5, with 5 being the highest.

David Santucci, City Manager, said staff conducted an after-action report, which outlined some issues mainly due to the size of the event. The crowd size is usually determined by weather conditions and what day the event falls on; nevertheless, it is growing each year with staff adding additional entertainment contributing to increased police presence. He said law enforcement personnel does a tremendous job managing the crowd; however, due to increased attendance each year, staff has expressed concerns with effectively managing the crowd moving forward. Currently, entertainment is provided from noon to 9:00 p.m., whereby, staff is questioning if that much effort should be put into an event that already draws a large crowd. Lastly, he said staff will provide additional concerns and suggestions as it gets closer to next year's event.

Mr. Hudak commended law enforcement for protecting the citizens and staff for cleaning up the beach in a timely manner. Further, he said the event attracts people from all over, which is wonderful, but prefers the event remain family oriented. Mr. Hudak agreed with looking at the entertainment being offered and suggested that the hours for selling alcohol be investigated.

In response to Vice Chair Drosky's question, Ms. Waren replied that staff has gone door to door to the businesses on the S-Curve requesting sponsorships, as well as offering them specialty packages; whereby, their responses are that people will come and eat and drink no matter what. Further, she said staff is currently working with the Wyndham on a bulk sponsorship for beach events throughout the year.

Mr. Parness said the event is attracting 95,000 people and there is no better advertisement than a good time at the beach. He said the event is an asset to the City, and would like to see it continue to grow.

GENERAL ITEMS - CONTINUED

Mr. Preston asked if there were any issues during the event.

Mr. Hudak replied that law enforcement personnel made sure there were no issues.

Mr. Preston agreed that the event is an asset to the City, and that an after-action report is necessary to outline what could be done better. Thereafter, he outlined what he saw at the beach during the event. Further, he said there should be a constant flow of entertainment because it gives people something to do. Lastly, Mr. Preston said if the event is changed, people may not attend.

Chair Ganz said he received a complaint from a bar owner on the S-Curve about the event becoming a non-family friendly atmosphere. Further, he applauded staff for the door to door surveys as the response was better than the emailed surveys. Chair Ganz said it is extremely frustrating that the businesses make money, but do not want to contribute financially, nor provide feedback. He stated that 95,000 attendees are a lot of people in one (1) area and the more it grows, issues will eventually arise. If the event is going to continue at noon, he suggested creating family zones on the beach for families with children. Chair Ganz said no matter what the City decides, people are going to come and enjoy the fireworks, but the City's main focus should be ensuring a safe, family-oriented event.

Mr. Preston agreed that it should remain family oriented; however, people are going to drink no matter if the entertainment is there or not.

Mr. Santucci said the intent is not to take away the entertainment, but to scale it back. He said law enforcement advised that there are two (2) crowds, a daytime and nighttime; therefore, staff is suggesting that the entertainment be provided later in the day.

Mr. Parness said people come throughout the day and many stay for hours; therefore, something must be offered to keep everyone entertained.

Vice Chair Drosky said before any decisions are made, he would like to know the demographics of who is attending from noon to 4 and from 4 to 9.

Mr. Preston said the Fourth of July is not about fireworks or drinking, but about celebrating this Country and its independence; therefore, there should be a theme outlining the Country's independence and patriotic music to go along with the fireworks.

In response to Chair Ganz's question, Mr. Santucci replied that as the event gets closer, staff will bring forward additional ideas for the Board's consideration.

3. **CRA Resolution 2019/012 – A Resolution of the City of Deerfield Beach Community Redevelopment Agency (CRA), approving a Work Authorization with Bermello Ajamil & Partners, Inc. for the Bus Stop Relocation Project at NE 20th Terrace and Ocean Way in an amount not to exceed \$28,295.00; providing for execution; and providing for an effective date. (Funds from Account #190-8000-552-32-99 – Other Contractual Services)**

The Resolution was read by title only.

Kris Mory, Director of Economic Development, provided a brief background of the project. Thereafter, she displayed photographs of the relocation of the bus stop. She explained that this expense item is required so staff can move forward with hiring professionals to survey and begin designing the project. Further, the owners of the Royal Blues Hotel asked the City to help find a different area for the transient facility because the bus is being idled directly adjacent to the hotel. Thereafter, she displayed photographs of the current and proposed locations. Presently, there is a parking meter in the proposed location, which would have to be relocated and three (3) parking spaces would be eliminated; however, part of the project includes the addition of on street parking on the north side of East Hillsboro Boulevard, as well as 20th Terrace.

GENERAL ITEMS - CONTINUED

Continuing, Ms. Mory stated that staff has been in contact with the Royal Blues Hotel and they support the project, as does the Wyndham. She explained that the Royal Blues Hotel owns the Sunrider Beach Resort, which is currently under code enforcement action; nonetheless, staff is working and encouraging them to redevelop the resort. Lastly, Ms. Mory outlined the scope for this project, which includes surveying and conceptual layout services; whereby, staff anticipates a request for Phase II funding at a later date.

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

MOTION was made by Mr. Parness, seconded by Mr. Hudak, to approve Item 3, adopted CRA Resolution 2019/012.
Roll Call:

Yeas: 5 – Mr. Hudak, Mr. Parness, Mr. Preston, Vice Chair Drosky and Chair Ganz

Nays: 0

- 4. CRA Resolution 2019/013 - A Resolution of the City of Deerfield Beach Community Redevelopment Agency (CRA), approving an agreement with Schiff Construction & Development, Inc. to construct a roof structure over the existing pier observation deck, utilizing Sourcewell, Inc. Contract No. FL-SEA-GC02-041019-SCD; authorizing execution of a contract with Schiff Construction & Development, Inc. in an amount not to exceed \$153,349.10; and providing for an effective date. (Funds from Account #190-8000-559-63-04 - Infrastructure and Capital Improvements)**

The Resolution was read by title only.

Kris Mory, Director of Economic Development, provided a brief overview of the project. Thereafter, she displayed photographs of the proposed design. She explained that staff utilized the job order contracting method to bid the project, which was reviewed by the Purchasing & Contract Administration Division. Once approved, staff will move forward with final construction and the project should be completed within six (6) weeks of receiving the final permits.

Chair Ganz said he is glad the space is finally being utilized; however, the restaurant is requesting that table service be offered in that area, which he is completely opposed. Thereafter, he opened the public hearing; however, there was none to speak and the public hearing was closed.

MOTION was made by Mr. Parness, seconded by Mr. Hudak, to approve Item 4, adopted CRA Resolution 2019/013.
Roll Call:

Yeas: 4 – Mr. Hudak, Mr. Parness, Mr. Preston and Chair Ganz

Nays: 1 – Vice Chair Drosky

BOARD/ADMINISTRATION COMMENTS

MR. HUDAK

Deerfield Café - Mr. Hudak advised that BurgerFi has closed their facility on the S-Curve. Further, he stated that since Deerfield Café has moved to the Pier, there have been disagreements regarding the vision of the restaurant. He suggested staff explore different options for the location due to his uncertainty of Deerfield Café's future; whereas, their contract expires in 2022.

Chair Ganz said he would be open to suggestions since BurgerFi may not be appropriate either, but makes more sense due to the City and Café having different visions.

MR. PRESTON

International Fishing Pier - Mr. Preston said there is no saltwater portable for people who bring live bait to the pier and suggested that one be installed.

BOARD/ADMINISTRATION COMMENTS - CONTINUED

In response to Mr. Preston's question, Kris Mory, Director of Economic Development, replied that the construction for the four (4) crossway segment near Flanigan's will commence on Monday and take two (2) days for installation. Thereafter, she displayed photographs of the location. She explained that the crosswalk will consist of the stamped concrete with the pedestrian controlled LED beacons above, as well as the inground LED's.

Continuing, Ms. Mory provided a brief overview of projects staff is currently working on and displayed photographs. Additionally, staff is working on improvements to the pier, which include replacing the signage, adding accomplishments, i.e. plaques, and photographs of fish, installation of an LED sign outlining the fishing forecast, fishing brag board, enclosing the garbage cans, and others.

Mr. Preston agreed that the signage needs to be replaced. Thereafter, he provided a brief example of people fishing on the pier and the importance of having the signs to outline the rules and regulations.

Ms. Mory continued to outline projects staff is currently working on. She advised that CRA staff has been working with city staff to learn and research free ride system services, i.e. electronic vehicles, mini buses, etc. for the CRA area. Further, she said staff is moving forward with the feasibility study for the undergrounding project, which includes additional landscaping and lighting, improvements to the sidewalks and removal of overhead utilities on the S-Curve.

Chair Ganz clarified that this project includes burying the powerlines along the S-Curve.

Ms. Mory said a presentation of the feasibility study will be presented at the next board meeting. Also, for the past three (3) weekends staff has sought community input at Sullivan Park regarding the Phase II Project. She explained that 35 responses have been collected thus far. She said Mr. Hudak has requested that the surveys be provided at the next District 1 meeting, as well as his Saturday hours. Staff will gather more input this weekend during the Art in the Park event.

In response to Chair Ganz's question, Ms. Mory replied that the survey does distinguish residents and nonresidents. Further, she said staff provided a small scope of services to the team who designed Sullivan Park to perform drone services which should result in five (5) different options for the Phase II Project. These options will be provided at the next CRA meeting. Moreover, staff has not scheduled an additional workshop; however, once the options are presented, the Board can provide direction.

Mr. Hudak said he is unable to attend the November 13th meeting; therefore, he asked that staff provide him with the options.

Ms. Mory said staff has partnered with representatives from Publix to begin improvements to the entrance off Hillsboro Boulevard, as well as Federal Highway. She explained that the CRA has offered to pay for the design improvements, and Publix has offered to pay for the actual improvements. Based on further research and comments made by the Marine Advisory Board (MAB), staff installed additional cleats on the docks at Sullivan Park. Lastly, Ms. Mory said CRA staff has been assisting city staff regarding the dock usage for law enforcement facilities at Sullivan Park.

MR. PARNES

No report.

VICE CHAIR DROSKY

No report.

BOARD/ADMINISTRATION COMMENTS - CONTINUED**CHAIR GANZ**

Community Policing Reports - Chair Ganz expressed concerns with the community policing reports, whereby, they outline that the deputies are patrolling outside of the CRA area. Thereafter, he outlined the policing reports and asked that staff and BSO be mindful of the deputies' locations.

Porthole Project - In response to Chair Ganz's question, Mark DiMascio, CRA Projects Manager, replied that the porthole project will be completed before Thanksgiving.

PUBLIC COMMENT

Nancy Rinderman, 1631 Riverview Road, Deerfield Beach, said she is looking forward to the Art in Park event this weekend. Further, she thanked staff for the Phase II drone options; however, she asked that the current video of the previous proposal be taken off the website.

Erika Stilwel, 1631 Riverview Road, Deerfield Beach, suggested that a survey be provided to the residents adjacent to Sullivan Park.

Adolf Hoffman, 1627 Riverview Road, Deerfield Beach, advised that there are trees bent over and broken lights at Sullivan Park.

Dean Simpson, 1629 Riverview Road, Deerfield Beach, said staff advised that the Hillsboro Boulevard bridge could not hold the weight of a guardrail, but the part needed is very minimal and should be required as the bike lane is very narrow and could potentially cause an issue in the future. Further, he asked if the newly installed crosswalks would contain blinking lights. Lastly, Mr. Simpson expressed safety concerns with the amount of people attending the Fourth of July event.

In response to Chair Ganz's question, Preston Pooser, Director of Parks and Recreation replied that the bollard at Sullivan Park has been fixed. Further, he stated that he would contact Mr. Hoffman to see what trees and lights need replacing.

In response to Chair Ganz's question, David Santucci, City Manager, replied that FDOT oversees the guardrails.

Chair Ganz asked that staff provide the residents with the dates and times they will be at Sullivan Park with the surveys and suggested adding the survey to the City's website.

ADJOURNMENT

MOTION was made by Mr. Parness, seconded by Mr. Preston, to adjourn the meeting at 8:18 p.m. Voice Vote:

Yeas: 5 – Mr. Hudak, Mr. Parness, Mr. Preston, Vice Chair Drosky and Chair Ganz

Nays: 0

BILL GANZ, CHAIR

Samantha Gillyard, CMC, City Clerk

**Education Advisory Board (EAB)
Meeting Minutes**

Wednesday, October 2nd, 2019
6:00 pm
Hillsboro Community Center

Call to Order and Roll Call

Chair Mendes called the meeting to order at 7:00 pm.

Members Present: Chair Joseph Mendes, At Large
Mr. Michael Lubin, District 1
Vice Chair Gwyndolen Clarke-Reed, District 2
Dr. Christina Fink, District 3
Ms. MJ Caputo, District 4

Also Present: Vickki Placide-Pickard, City of Deerfield Beach
Jonathan Salas, City of Deerfield Beach
Suzan Scott, City of Deerfield Beach
Christopher Saunders, City Attorney's Office

Absent: None

Approval of Minutes

MOTION was made by Mr. Lubin and seconded by Ms. Caputo to approve the June 5th, 2019 meeting minutes. The motion CARRIED unanimously.

Guest Speaker- Mr. Angel Gomez works for the Office of Governmental Affairs for the School Board of Broward County; he replaces Charles Webster in the position. He is the connection between the School Board, the Superintendent, EAB's and elected officials. He is in the process of scheduling a visit for the Superintendent with each of the 19 EAB's in Broward County. He describes himself as an unofficial member of the EAB and listens very carefully to board discussions in order to provide insight and answer questions on the spot if necessary. He describes Deerfield Beach as a special City and a great partner with the School Board.

Mr. Gomez reminded the EAB that National School Lunch Week is October 14th–18th and National Walk/Bike to School Day will be observed on October 30th.

Mr. Gomez showed how to "Opt In" to get up to date information on "Legislative Affairs" and how to "Take Action" on the School Board website.

Vice Chair Clarke-Reed asked Mr. Gomez if he knew why the starting time at Deerfield Park Elementary changed this year to 9:00 am. Residents are concerned that the school day is starting so late.

Mr. Gomez said he didn't know and promised to provide an answer to City Staff.

Vice Chair Clarke-Reed said at a recent School Board meeting there was discussion on having separate meetings for non-profits and City EAB's.

Mr. Pablo Calvo, Director of Community Engagement from the Early Learning Coalition of Broward County introduced himself. He said the District supports hosting annual/semi-annual meetings for EAB's county wide. It is a good opportunity to understand inner workings of what other Cities are doing.

Mr. Gomez said a date has not yet been established. He anticipates the meeting will take place after Thanksgiving and before the holiday break.

Vice Chair Clarke-Reed said that in the future she would like be notified when her picture is used in a publication.

Board Discussion

MOTION was made by Mr. Lubin to remove the Board Chair and nominate Dr. Fink.

Attorney Saunders said the motion appears proper and asked for a moment to check Robert's Rules since there is nothing in the code requiring a timeframe for election of a chairperson.

Chair Mendes asked Attorney Saunders if he would benefit from additional time to review.

Attorney Saunders said he is concerned about the procedure by which the chairperson is appointed. If he is unable to find the information quickly this evening, he will request the item be tabled until the next meeting.

Vice Chair Clarke-Reed asked when the board was created was it established how long the Chair would serve?

Attorney Saunders answered no, it is not specified in the code. The City adopted Robert's Rules for governing its' boards. The Rules do not require set terms for the boards and committees it governs. How the board governs itself, is an administrative process which typically is by majority vote. It is the City's process that is not clear.

Mr. Lubin said he does not agree with tabling the item because he is not able to attend the next meeting. He suggested proceeding with the vote, if there is adjudication by the Commission the vote will be null and void.

Attorney Saunders said he is not certain a vote can be invalidated in that manner. He requested the item be tabled for 10 minutes to allow for additional research.

Ms. Caputo said she is willing to second Mr. Lubin's motion and was waiting on the outcome of Attorney Saunders research.

Attorney Saunders recommended Mr. Lubin's motion be withdrawn to allow for a motion to table discussion for 10 minutes, so he can do further research.

Mr. Lubin withdrew his motion to change the Chair.

MOTION was made by Mr. Lubin and seconded by Dr. Fink to allow Attorney Saunders 10 minutes for research.

Voice vote:

Yeas: Chair Mendes, Vice Chair Clarke-Reed, Mr. Lubin, Ms. Caputo, Dr. Fink

Nays: None

Motion to table discussion for 10 minutes CARRIED unanimously.

Ms. Clarke-Reed asked if other City boards have a process for electing officers.

Attorney Saunders said that unless specified in the code, the process is governed by the board itself. He is researching if there is a process governing the boards collectively.

MOTION was made by Dr. Fink and seconded by Ms. Caputo to change the time of EAB meetings for the ensuing year to 6:00 pm.

Dr. Fink said she is amicable to an earlier time if it suits the board.

Vice Chair Clarke-Reed for convenience of the community, meetings should not be before 6:00 pm.

Dr. Mendes agrees with Vice Chair Clarke-Reed, the idea is more community involvement.

Ms. Placide-Pickard said to encourage community involvement it is preferred the City's boards not meet before 5:00 pm.

Mr. Lubin said 6:00 pm is a good time.

Voice vote:

Yeas: Dr. Mendes, Vice Chair Clarke-Reed, Mr. Lubin, Ms. Caputo, Dr. Fink

Nays: None

Motion CARRIED unanimously.

Staff Updates

Ms. Placide-Pickard said during the first Principal's Quarterly Roundtable, Deerfield Beach High School announced they are celebrating 50 years of Buck Pride. The celebration will coincide with basketball season.

The iguana problem at Deerfield Beach Elementary is being addressed. Commissioner Hudak met City staff and Nora Rupert's staff onsite. Additionally, members of the community are willing to help resolve the issue.

The Reading Pals program kicked off its 3rd year in Deerfield Beach. This year the City funded 2 schools: Deerfield Park Elementary and Park Ridge Elementary. Both schools' programs are filled to capacity, with 45 volunteers in each school.

The "Walk/Bike to School: event is October 30th. Two City Commissioners are participating at Deerfield Beach Elementary. Details are being finalized with Deerfield Park and Tedder Elementary. BSO Fire education team will be working with students prior to the day of the event. BSO Fire and Police will participate on event day.

"Read for the Record" is November 7th.

Board Discussion Continued

Attorney Saunders said he did not locate a Citywide procedure that governs terms of board appointed positions, therefore it appears the motion is proper. He will continue research, if information to the contrary is discovered he will present a recommendation.

MOTION was made by Mr. Lubin and seconded by Ms. Caputo to change the Chair to Dr. Fink.

Vice Chair Clarke-Reed said she questions the procedure.

Chair Mendes asked Attorney Saunders if the gallery may speak.

Attorney Saunders answered yes, the public should be allowed to speak before the board acts.

Chair Mendes said he is not in favor of the motion and questions why it is being raised. He has serious concerns about illicit communications and violation of the Sunshine Law. He finds the board lacks decorum as a result of non-stop arguments and constant obstructionism over basic duties.

Recently he met with City staff and the Pelican Newspaper who is doing an in-depth series on education in Broward County. During the interview he spoke highly of his colleagues and the good work the EAB was doing. Pelican staff intends to review minutes and attend EAB meetings where instead they will find a lack of collegiality.

Voice vote:

Yeas: Mr. Lubin, Ms. Caputo, Dr. Fink

Nays: Chair Mendes, Vice Chair Clarke-Reed

Motion to replace Chairperson CARRIED by 3-2 vote

Attorney Saunders said to maintain continuity in the minutes he recommended the change begin at the next meeting.

Vice Chair Clarke-Reed told the board that at the budget hearing in June she voiced her concern to the Commission that she feels it is a conflict for Broward County School Board employees to sit on the EAB

Mr. Lubin disagrees, he thinks school board employees can assist the EAB to understand what is happening in the schools. The City Commission depends on the EAB for insight and

it is to the EAB's advantage to have a public employee of the School Board of Broward County sitting on the board.

Vice Chair Clarke-Reed said there is a difference between assisting and being appointed. School board are welcome to attend the meetings to inform the EAB of problems in the schools; however, it is a conflict to sit on the board. The City Commission must decide on the qualifications for being appointed to the EAB.

Vice Chair Clarke-Reed said based on what happened this evening with appointing a new Chair, procedures need to be put in place for board position appointments.

Attorney Saunders said he can bring recommendations on how other boards divide the responsibilities for individual officers and how the terms are set up. It will require a motion from the board.

He can research the conflict of interest if the board wishes, this also requires a motion.

Vice Chair Clarke-Reed said the request should come from the City Commission, it is under their purview.

Attorney Saunders said qualifications for board members and appointments fall under the City Commission. Conflict of interest is governed by the Commission on Ethics.

Dr. Fink quoted Division 13 Deerfield Beach Education Advisory Board, Section 2.205 Membership Appointment, Letter C: All members of the board shall be current or former educators or parents of current students.

Vice Chair Clarke-Reed said she understands the statute; however, there should be some delineation about current employment. The qualifications are determined by the Commission.

Attorney Saunders said in the section Dr. Fink referred to, the City Commission sets the qualifications. Conflict of interest falls under Florida Commission on Ethics rules.

Board Updates

There are no board updates.

Comments from the Public

Pablo Calvo, Director of Community Engagement, Early Learning Coalition (ELC) of Broward County said the ELC is the State designated administrator for all State and federal funds for early childhood education. They provide free voluntary pre-kindergarten for all income levels, subsidized child care and assistance for 30,000-35,000 children.

He requested an opportunity to come back for a presentation on what they are doing in Broward County, changes in the Department of Education Office of Early Learning it impacting early learning centers in Broward County.

Adjournment

MOTION to adjourn was made by Vice Chair Clarke-Reed and seconded by Mr. Lubin.

The motion CARRIED unanimously.

The meeting adjourned at approximately 7:10 pm.

Minutes approved _____ Date _____

**COMMUNITY APPEARANCE BOARD
MEETING MINUTES
CITY OF DEERFIELD BEACH, FLORIDA
SEPTEMBER 12, 2019**

A regular meeting of the Community Appearance Board of the City of Deerfield Beach, a municipal corporation of Florida, was called to order on the above date at 7:04 p.m. in the City Commission Chambers, Deerfield Beach, by Chair Belton.

Roll call showed:

Present: Terrance Glunt, Vice Chair
Jack Hugentugler
Mark Damiano, Alternate

Also Present: Jenna Lane, Planner
Anthony Soroka, City Attorney
Lisa Tayar, Recording Clerk

Absent: Harry Belton, Chair
Patrick Morris
Jerry Dubois

APPROVAL OF MINUTES OF PREVIOUS MEETING

Mr. Hugentugler made a motion, seconded by Mr. Damiano, to approve the August 14, 2019 minutes as submitted. The motion CARRIED by unanimous vote.

NEW ITEMS

**#6925 Downtown Plaza
12-48 NE 2 Avenue
Master Signage Plan**

Item was continued at the request of the applicant.

**#6926 411 South
411 S Federal Hwy.
Master Signage Plan**

Item was continued at the request of the applicant.

**#6929 Crystal Point Center
4500 & 4600 N Powerline Rd.
Minor Site Plan**

Jenna Lane, Planner, displayed images captured via google maps.

Jack Hawk was present on behalf of the Applicant.

The application is for renovation of an existing building located on property that had been annexed from Broward County, in order to make area buildings uniform from the street. Discussion ensued regarding painting, landscaping, and parking.

Mr. Hugentugler made a motion, seconded by Mr. Damiano, to approve Item #6929 as submitted. The motion CARRIED by unanimous vote.

**#6930 WM Recycling Deerfield
 1801 SW 42 Way
 Major Site Plan**

Jenna Lane, Planner, displayed images captured via google maps.

Mike Gai and Debra Roman were present on behalf of the Applicant, as well as Marcos Ibarguen, project architect.

The applicant displayed the proposed site concept. Discussion ensued regarding the surrounding issues of one-way vehicle flow, landscaping plans, and surrounding industrial property uses. Thereafter, the applicant outlined the housing enclosure of the processing equipment, as well as intended use of the equipment. A comprehensive assessment has been completed and approved by the City's landscape architect.

Mr. Hugentugler made a motion, seconded by Mr. Damiano, to approve Item #6930 as submitted. The motion CARRIED by unanimous vote.

**#6931 Gen 3 Warehouse
 1371 SW 30 Ave.
 Major Site Plan**

Jenna Lane, Planner, displayed images captured via google maps.

Charles Miller, project architect, was present on behalf of the Applicant.

The application consists of tearing down the existing structure and constructing a manufacturing building designed in the same fashion as adjacent buildings on the property. Thereafter, discussion ensued regarding the paint colors, landscaping, and building height.

Mr. Hugentugler made a motion, seconded by Mr. Damiano, to approve Item #6931 as submitted. The motion CARRIED by unanimous vote.

REPORTS

Comments by Deerfield Beach Assistant City Attorney

None.

Comments by Deerfield Beach Planning and Development Services Department

None.

Vice Chair Glunt requested an update on the monument sign located on Fairway Drive.

Jenna Lane, Planner, advised that she would follow up with Bonnie Jacobson, Senior Planner.

ADJOURNMENT

Acting Chair Glunt adjourned the meeting at 7:44 p.m.

Harry Belton, Chair
Community Appearance Board

**COMMUNITY APPEARANCE BOARD
MEETING MINUTES
CITY OF DEERFIELD BEACH, FLORIDA
OCTOBER 10, 2019**

A regular meeting of the Community Appearance Board of the City of Deerfield Beach, a municipal corporation of Florida, was called to order on the above date at 7:00 p.m. in the City Commission Chambers, Deerfield Beach, by Chair Belton.

Roll call showed:

Present: Harry Belton, Chair
Terrance Glunt, Vice Chair
Jack Hugentugler
Patrick Morris

Absent: Mark Damiano, Alternate
Jerry Dubois

Also Present: John Harbilas, Planner
Anthony Soroka, City Attorney
Brigitte Chiappetta, Recording Clerk

APPROVAL OF MINUTES OF PREVIOUS MEETING

Vice Chair Glunt made a motion, seconded by Mr. Hugentugler, to approve the September 12, 2019 meeting minutes as submitted. The motion CARRIED by unanimous vote.

DEFERRED

**#6925 Downtown Plaza
 12-48 NE 2 Ave.
 Master Signage Plan**

John Harbilas, Planner, displayed images captured via google maps.

Barry Pokrifcsak was present on behalf of the applicant.

The application is for signage on the plaza. Discussion ensued regarding the size of lettering in comparison to square footage, as well as creating consistency within the standards. Further, the criteria for the free-standing building sign and individual signs for doors and windows was discussed, with an eye toward uniformity.

Mr. Hugentugler made a motion, seconded by Mr. Morris, to approve Item #6925 with the stipulation that minimum dimensions be provided for individual tenant spaces on the freestanding sign. The motion CARRIED by unanimous vote.

Vice Chair Glunt made a motion, seconded by Mr. Morris, to amend the motion to include a stipulation that a minimum of two (2) inches of white space is provided around each line of text on freestanding tenant sign

panels. The amended motion CARRIED by unanimous vote.

**#6926 411 South
 411 S Federal Hwy.
 Master Signage Plan**

John Harbilas, Planner, displayed images captured via google maps.

Barry Pokrifcsak was present on behalf of the applicant.

The application is for signage on the front of the plaza. Discussion ensued regarding the dimensions of each tenant's signage, as well as the height of lettering to meet the standards and be seen from the street.

Vice Chair Glunt made a motion, seconded by Mr. Hugentugler, to approve Item #6926 with the stipulation that the freestanding tenant sign panels will have a minimum of two (2) inches of white space is provided around each line of text, and allow a maximum height of ten (10) inches total for two (2) lines of text.. The motion CARRIED by unanimous vote.

NEW ITEMS

**#6933 Intracoastal House Condo
 629 SE 19 Ave.
 Building Paint**

John Harbilas, Planner, displayed images captured via google maps.

Maurice Rosenberg was present on behalf of the applicant.

The application is for painting accents on the building at the completion of concrete restoration, not including balconies. Discussion ensued regarding the specific areas to be painted, including eyebrows, windows, and catwalks.

Mr. Hugentugler made a motion, seconded by Mr. Morris, to approve Item #6933 as submitted. The motion CARRIED by unanimous vote.

**#6934 Hillsboro Gardens Center
 400-498 W Hillsboro Blvd.
 Minor Site Plan**

John Harbilas, Planner, displayed images captured via google maps.

Brian Herbert was present on behalf of the applicant.

The application is for a full building façade. Discussion ensued regarding materials and colors. Thereafter, landscaping plans were reviewed. The Board suggested that flowering trees be included in the plans to add color and meet code requirements along the front of the building.

Vice Chair Glunt made a motion, seconded by Mr. Hugentugler, to approve Item #6934 with the stipulation that the planting pallet, which consists of a minimum of six (6) accent trees across the front be switched out for the flowering tree of the builder's choice, as acceptable to the City. The motion CARRIED by

unanimous vote.

**#6932 SHL Pharma
588 Jim Moran Blvd.
Minor Site Plan**

John Harbilas, Planner, displayed images captured via google maps.

James Gorvetzian was present on behalf of the applicant.

The application is for the extension of a screen wall, currently in place for future use, with the same height and color pallet as current. Discussion ensued regarding the relocation of the existing trees.

Vice Chair Glunt made a motion, seconded by Mr. Hugentugler, to approve Item #6932 as submitted. The motion CARRIED by unanimous vote.

REPORTS

Comments by Deerfield Beach Assistant City Attorney

None.

Comments by Deerfield Beach Planning and Development Services Department

John Harbilas, Planner, said there is a conflict with the first meeting in November. Thereafter, alternate dates and locations were discussed.

After a brief discussion, the Board decided that the meeting schedule for the remainder of the year would be as follows:

Wednesday, November 6, 2019
Wednesday, November 20, 2019 (Alternate Location)
Wednesday, December 4, 2019
Wednesday, December 18, 2019
Wednesday, January 8, 2020

ADJOURNMENT

Chair Belton adjourned the meeting at 8:20 p.m.

Harry Belton, Chair
Community Appearance Board

**COMMUNITY APPEARANCE BOARD
MEETING MINUTES
CITY OF DEERFIELD BEACH, FLORIDA
OCTOBER 23, 2019**

A regular meeting of the Community Appearance Board of the City of Deerfield Beach, a municipal corporation of Florida, was called to order on the above date at 7:00 p.m. in the City Commission Chambers, Deerfield Beach, by Vice Chair Glunt.

Roll call showed:

Present: Terrance Glunt, Vice Chair
Jerry Dubois
Mark Damiano, Alternate

Absent: Harry Belton, Chair
Patrick Morris
Jack Hugentugler

Also Present: Tina Jou, Principal Planner
Anthony Soroka, City Attorney
Brigitte Chiappetta, Recording Clerk

APPROVAL OF MINUTES OF PREVIOUS MEETING

None.

NEW ITEMS

**#6935 Vista Clara Apartments
414, 430, 454 & 480 N.E. 1st Ave.; 240 N.E. 5th St.;
412, 424, 430, 446, 450 & 458 N. River Dr.; 409 N. River Ave.
Major Site Plan**

Tina Jou, Principal, Planner, displayed images captured via google maps.

Tyler Woolsey, Jean Claude Gervais, Alan Ku, and Ken Gardner, Doug Simpson were present on behalf of the Applicant.

The applicant provided additional color chip samples. Thereafter, an outline of the property was shown, which displayed the relative proximity of the application to the train tracks and Dixie Highway, as well as adjacent properties. The conceptual master plan is for a 326-unit apartment building with attached parking garages, landscape buffers, and a dock area along the canal. Thereafter, the applicant provided a brief overview of the public access to the river, building structure materials, architectural details, elevations, west elevation landscaping and building height.

Continuing, the applicant provided an overview of the landscape plans, which outlined the necessity to add landscaping to minimize visual impact of the garage and provide a shady walkway. The landscaping will include shade and flowering trees at the entranceway, amenity areas, connection to the waterfront,

and the variety of plants (predominately native species) to be utilized. Thereafter, there was a brief discussion regarding the use of a green wall, ample room for root growth, and if there are walkway capabilities under the overpass.

Tina Jou, Principal Planner, advised that a sidewalk is proposed that will lead up to the overpass, but not go under.

The applicant displayed courtyard elevations with window recess, shadowing, paint colors, balcony angles, elevated walkways, railings and posts displayed. Façade dimensions and material textures were discussed in detail, as the façade appeared to be plain and flat on the illustrations, although there is grading achieved through textures and paint colors. Further, the units will be rentals overseen by a management group; there will be no commercial uses. Amenities include an exterior pool, as well as boat slips. Lastly, landscaping details, photometrics, area lighting, refuse location, green practices, screening of rooftop, and parapets were reviewed.

Mr. Dubois made a motion, seconded by Mr. Damiano, to approve Item #6935 as submitted. The motion CARRIED by unanimous vote.

REPORTS

Comments by Deerfield Beach City Attorney

None.

Comments by Deerfield Beach Planning and Development Services Department

Tin Jou, Principal Planner, outlined the future meeting dates:

Wednesday, November 6, 2019

Wednesday, December 4, 2019

Wednesday, December 18, 2019

Thereafter, she advised that new landscape changes have gone into effect, including specifications for green walls.

ADJOURNMENT

Vice Chair Glunt adjourned the meeting at 7:53 p.m.

Harry Belton, Chair
Community Appearance Board

HILLSBORO INLET DISTRICT
Minutes of Regular Monthly Meeting, Monday, November 18, 2019

MEMBERS PRESENT:

Chairman John H. "Jack" Holland
Commissioner Denise Bryan
Commissioner Tyler Chappell
Commissioner Scott Loesel
Commissioner Hank Sarkis
Commissioner Mohamed "Mo" Tarifi
Commissioner Randy Straus

OTHERS PRESENT:

David N. Tolces, General Counsel, Goren, Cherof, Doody
& Ezrol, P.A
Captain Woodworth R. Draughon, III
Assistant Captain Alexander Cuevas
Robert M. Andrews, Accountant
Kimberly Longo, District Secretary

QUORUM PRESENT: The Secretary called the roll and established a quorum for the regular meeting. The meeting was called to order by Chairman Holland at 7:30 P.M.

APPROVAL OF MINUTES: A Motion to approve the October 21, 2019 Regular Meeting Minutes was made by Commissioner Bryan and seconded by Commissioner Sarkis. The Motion was approved unanimously.

APPROVAL OF OUTSTANDING BILLS: A Motion was made by Commissioner Bryan and seconded by Commissioner Loesel for approval of all outstanding bills in the amount of \$444,652.48. The bills were reviewed and discussed in detail. The motion was approved unanimously.

APPROVAL OF CURRENT MONTH'S EXPENSES: Motion was made by Commissioner Loesel and seconded by Commissioner Strauss to approve current month's expenses of approximately \$30,000.00. The motion was approved unanimously.

AMEND NOVEMBER 18, 2019 AGENDA: Motion was made by Commissioner Bryan and seconded by Commissioner Loesel to amend the Agenda to include Annual Salary for District Employees. The motion was approved unanimously.

SALARY ADJUSTMENTS: The Board discussed a salary adjustment for District employees. A Motion was made by Commissioner Bryan and seconded by Commissioner Chappell for a 3% cost of living increase for 2019, retroactive to October 1, 2019. The motion was approved unanimously.

DREDGE LOG: No depth chart was provided.

INLET STATUS REPORT: Captain Draughon updated the Board as to the status of the Inlet. The crew performed general maintenance. Captain Draughon also advised the Board that the crew has made upgrades to the dredge (i.e., hoses, stainless steel and bellows).

Chair Holland and the Board discussed the ability to dredge and maneuver boats.

Captain Draughon advised the Board that there has been 15 hours of digging time in October and 25 hours of digging time in November.

OLD BUSINESS:

SOUTH JETTY CONSTRUCTION UPDATE: With respect to the South Jetty Rehabilitation Project, attorney David Tolces advised the Board that the project has been completed. Attorney Tolces also provided an update regarding the permitting agencies' review and approval for the close out of the project.

AUDITOR SELECTION PROCESS: Attorney David Tolces discussed the October 21, 2019 Memorandum to the Board regarding the Florida Legislature approving and the Governor signing Chapter 2019-15, Laws of Florida. Attorney Tolces and the Board discussed the formation of an audit selection committee. The Board will discuss and select an audit committee at the December meeting.

COMMISSIONER COMMENTS:

The Board discussed the salary adjustment for District employee, Alex Cuevas. A Motion was made by Commissioner Tarifi and seconded by Commissioner Chappell to increase Alex Cuevas salary from \$27.80 an hour to \$30.00 an hour, retroactive to October 1, 2019. The motion was approved unanimously.

ADJOURNMENT: Motion was made by Commissioner Bryan to adjourn the meeting and seconded by Commissioner Strauss. The meeting was adjourned at 8:10 PM by Chairman Holland.

Respectfully submitted,

Kimberly Longo, District Secretary



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet

File Number: I.D. 2019-264

Agenda Date: 1/14/2020

Status: QUASI-JUDICIAL PUBLIC
HEARINGS

In Control: City Commission

Title

P.H. 2020-026: Sign Variance Case No. 775 for Chase Bank

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 4/5 vote of the City Commission

Background/History

The property owner, Weingarten Realty Investors, received approval from the City Commission on November 13, 2018 (Reso. 2018/170) for the development of a Chase Bank with a drive-through facility on a newly created outparcel, at the existing shopping center, located at the south-western corner of Hillsboro Blvd. and Powerline Road. The site plan was approved with signs on the north and east façade, as permitted by Code. The property owner, represented by the applicant, Project Expeditors Consulting Corp., is now requesting the addition of a third sign on the south façade that faces the interior of the shopping center.

Section 102-8(c)(2) of the Deerfield Beach Land Development Code permits one building sign, per street frontage and an additional building sign for a building on an outparcel, that is located at the rear or side of the building. The proposed development was approved with building signs on the north (street) and east (side) facades of the building and the applicant would now like to add a third sign to the rear, south facing facade.

The applicant has indicated that the proposed sign is necessary, as the only entrance to the bank parking lot is from the south side, and without any identifying building information from that side, a hardship is created.

This physical condition has been expressed by other out parcels in this shopping center, including the Chick-Fil-A that is located adjacent to the proposed bank. The recently approved Outback restaurant, to the west, was granted a Sign Variance (Case 773 Reso. 2019/091) by the City on 7/2/19 permitting a total of four building signs.

The proposed sign meets the size requirements of the City's sign regulations.

The Applicant is therefore seeking a Sign Variance from Section 102-8(c)(2) of the Deerfield Beach Land Development Code to permit a third building sign on the south elevation, whereas only two building signs are allowed by code.

The application was approved by the Community Appearance Board on December 4, 2019.

RESOLUTION NO. 2020/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPROVING A SIGN VARIANCE FOR CHASE BANK, CASE NO. 775, TO PERMIT A THIRD BUILDING SIGN ON THE SOUTH ELEVATION FOR THE OUTPARCEL PROPERTY LOCATED AT 3650 WEST HILLSBORO BLVD., DEERFIELD BEACH, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on November 13, 2018, the City Commission granted site plan approval for the development of a Chase Bank with a drive-through facility with signs on the north and east façade on a newly created outparcel at the existing shopping center, located at the southwestern corner of Hillsboro Blvd. and Powerline Road (the “Property”); and

WHEREAS, the City Commission has reviewed and received testimony on Application No. 775 from Project Expeditors Consulting Corp. (the “Applicant”) seeking a variance from the provisions of Section 102-8(c)(2) of the Deerfield Beach Land Development Code in order to permit a building sign on the south elevation, for a total of three building signs in lieu of the maximum two signs permitted by City Code, for the Chase Bank Property located at 3650 West Hillsboro Blvd., Deerfield Beach, Florida (the “Sign Variance Application”); and

WHEREAS, the Community Appearance Board voted to recommend approval of the Sign Variance Application on December 4, 2019; and

WHEREAS, the City Commission has determined that a hardship as well as the other requisites to a variance have been demonstrated by the Applicant as required by Section 102-15(d) of the Land Development Code of the City of Deerfield Beach.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced “Whereas” clauses are true and correct and made a part hereof.

Section 2. The Sign Variance Application for a variance from the provisions of Section 102-8(c)(2) of the Deerfield Beach Land Development Code in order to permit a building sign on the south elevation, for a total of three building signs in lieu of the maximum two signs permitted by City Code for the Chase Bank located at 3650 West Hillsboro Blvd., Deerfield Beach, Florida, is hereby approved.

Section 3. The variance set forth herein is the sole variance permitted and no variances from any Land Development Code or other City requirement in excess of the variance as specifically set forth herein are granted. Any signs in excess of those as specifically permitted herein or which are inconsistent with the approved Sign Variance Application on file with the City shall cause the owner of the property to be in violation of the Sign Code and shall cause, upon a

determination of violation by the Code Enforcement Special Master or by a County Court, the Sign Variance Application approval provided herein to be null and void and of no further force and effect.

Section 4. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2020.

BILL GANZ, MAYOR

ATTEST:

SAMANTHA GILLYARD, CMC, CITY CLERK

RESOLUTION NO. 2020/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, DENYING A SIGN VARIANCE FOR CHASE BANK, CASE NO. 775, TO PERMIT A THIRD BUILDING SIGN ON THE SOUTH ELEVATION FOR THE OUTPARCEL PROPERTY LOCATED AT 3650 WEST HILLSBORO BLVD., DEERFIELD BEACH, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on November 13, 2018, the City Commission granted site plan approval for the development of a Chase Bank with a drive-through facility with signs on the north and east façade on a newly created outparcel at the existing shopping center, located at the southwestern corner of Hillsboro Blvd. and Powerline Road (the “Property”); and

WHEREAS, the City Commission has reviewed and received testimony on Application No. 775 from Project Expeditors Consulting Corp. (the “Applicant”) seeking a variance from the provisions of Section 102-8(c)(2) of the Deerfield Beach Land Development Code in order to permit a building sign on the south elevation, for a total of three building signs in lieu of the maximum two signs permitted by City Code, for the Chase Bank Property located at 3650 West Hillsboro Blvd., Deerfield Beach, Florida (the “Sign Variance Application”); and

WHEREAS, after reviewing the Sign Variance Application and the testimony submitted, the City Commission has determined that the Applicant has not satisfied the requirements as set forth in Section 102-15(d) of the Land Development Code of the City of Deerfield Beach for a sign variance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced “Whereas” clauses are true and correct and made a part hereof.

Section 2. The City Commission finds that Case No. 775 fails to satisfy the requirements for a variance as set forth in Section 102-15(d) of the Land Development Code of the City of Deerfield Beach. Therefore, the Sign Variance Application is hereby denied.

Section 3. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2020.

BILL GANZ, MAYOR

ATTEST:

SAMANTHA GILLYARD, CMC, CITY CLERK



PUBLIC HEARING NOTICE

January 3, 2020

Dear Property Owner:

This is to notify you that the CITY COMMISSION of the City of Deerfield Beach, a municipal corporation of Florida, shall hear an application for:

P.H. 2020-026: Sign Variance Case Number 775 for Chase Bank

Applicant: **PROJECT EXPEDITERS CONSULTING CORP. on behalf of Weingarten Realty Investors.**

Proposal: Seeking a Sign Variance from Section 102-8 (c)(2) of the Deerfield Beach Land Development Code to permit a third building sign on the south elevation, whereas only two building signs are allowed by Code.

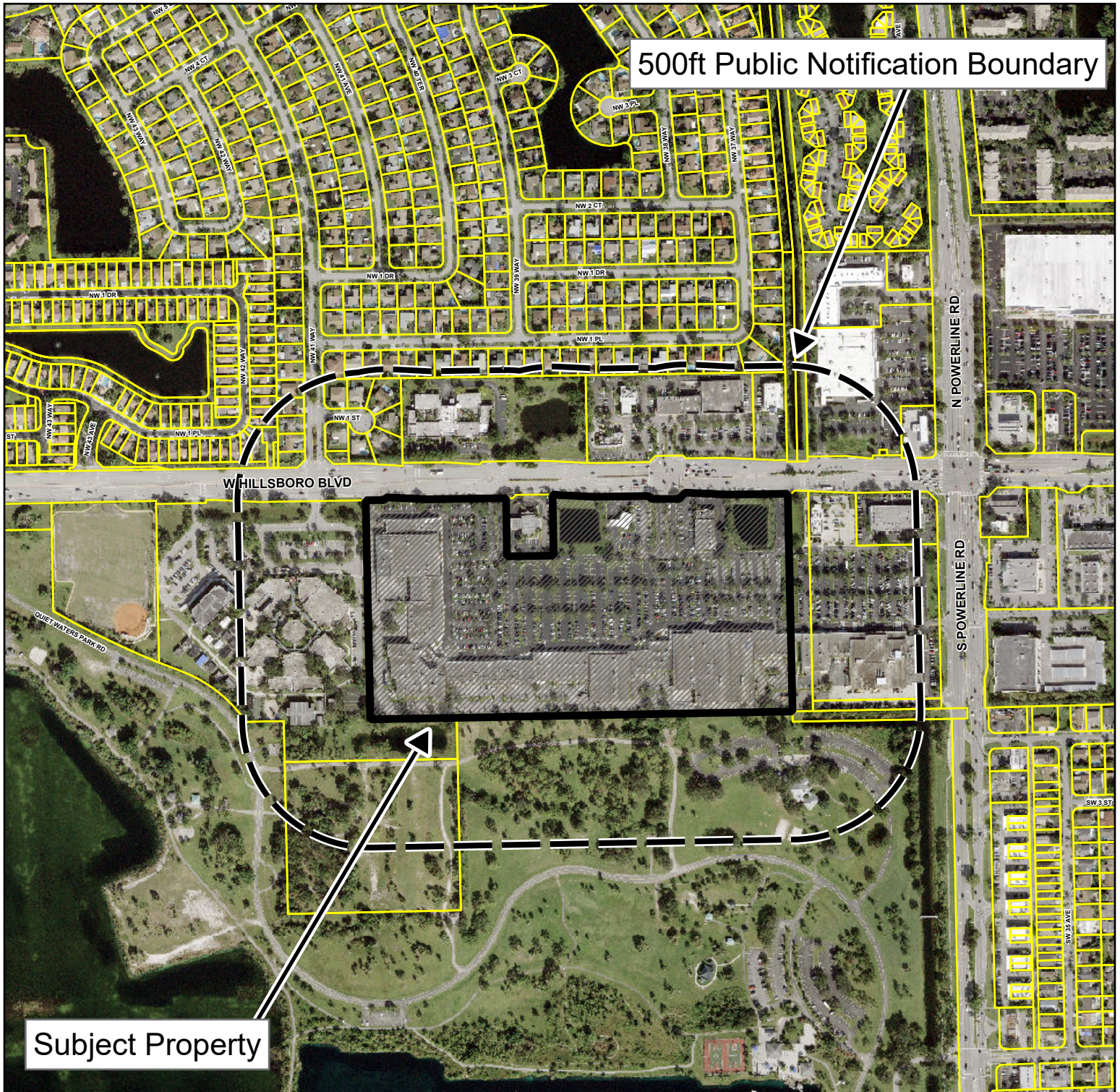
Location: The property is generally described as A PORTION OF PARCEL A, OF "DEERFIELD MALL", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 131 PAGE 3 as more particularly described in the file, and located **3650 W. Hillsboro Blvd.**

A public hearing will be held on **TUESDAY, JANUARY 14, 2020 at 7:00 p.m.** in the City Commission Chambers. All interested parties may appear in person to offer evidence in support of or against the proposal. Further information may be obtained at www.deerfield-beach.com/agendas or from the Planning and Development Services Department during business hours in City Hall, 150 N.E. 2nd Avenue, Deerfield Beach, FL 33441, phone: (954) 480-4206.

At said meeting interested persons may appear and be heard with respect to the public hearing. Any person who decides to appeal any decision made by the City Commission with respect to any matter considered at this hearing would need a record of the proceedings. And for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The above notice is required by State Law (FS 286.0105). **Any person desiring a verbatim transcript shall have the responsibility, at his own expense, to arrange for the presence at the hearing of a certified court reporter.** A full transcript of the proceedings will be needed to appeal any decision of the City Commission.

Any person requiring auxiliary aids and services at this hearing may contact the City Clerk's Office at (954) 480-4213 at least 24 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8770 or 1-800-955-8771.

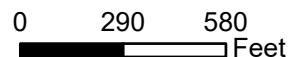
Samantha Gillyard, CMC, City Clerk



Public Hearing Notice Map

Sign Variance Case No. 775

3650 W Hillsboro Blvd.



For additional information call the Planning department at 954-480-4206 or visit www.deerfield-beach.com/boardagendas.



Case No. 715
Date _____

SIGN VARIANCE APPLICATION

PLEASE PROVIDE IN FULL THE FOLLOWING INFORMATION (PRINT OR TYPE)

Section One: Applicant Information

Name of Applicant: Project Expeditors Consulting Corp

Signature: [Handwritten Signature]

Street Address: 28 Station St

City, State, Zip: Manalapan, NJ 07726

Phone Number: 732-786-2484

E-mail Address: ksilsbe@peconsultingcorp.com

Fax Number: 732-617-6966

Subject Property Address: 3650 West Hillsboro Blvd.
(If different from applicant address)

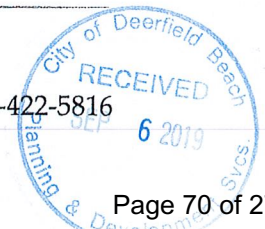
Property Owner Signature: [Handwritten Signature]

Section Two: Demonstration of Compliance with Sign Variance Criteria (Attach additional page(s) if more space is needed)

Section 102-15(d) of the Deerfield Beach Land Development Code states that all of the following requirements must be met to secure approval for a sign variance.

The burden of proving that all of the requirements are met shall be on the applicant who shall be required to affirmatively demonstrate on the record, satisfaction of the necessary requirements set forth below.

Application will not be accepted without a specific statement in response to each of the requirements on the following pages.



Case No. _____

Date _____

1. That special conditions and circumstances exist which are peculiar to the land, structure or buildings involved and which are not applicable to other lands, structures or buildings in the same zoning district.

Property is a corner lot with parking lot and bank entrances on the North and East street side of the building set in a large mall complex. Although the building is visible from the mall parking area the only entrance into the Bank from the mall parking area is the South side which without the addition of a 3rd wall sign on this South Elevation would have no identifying building information.

This is the only entrance into the Bank parking lot from within the shopping center.

This property is an outlot within the shopping center, most people who are utilizing the bank are entering from within the shopping center where we are requesting a variance to add the 3rd wall sign.



Case No. _____

Date _____

2. That the special conditions and circumstances do not result from the actions of the applicant.

The special conditions and circumstances are not a result of the actions of the applicant. The shopping center and unique entrance locations were designed prior to Chase building this bank branch

[Lined area for additional text or notes]



4. That literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Code and would work unnecessary and undue hardship on the applicant.

Property is a corner lot with parking lot and bank entrances on the North and East street side of the building set in a large mall complex. Although the building is visible from the mall parking area without the addition of a third sign on the South side of the building facing the mall parking area, there would be no identifying building information for mall patrons on the ONLY entrance into the bank parking lot. Due to the unusual configuration of bank patron entrances and parking lots in relation to the mall parking it would create a hardship to not have a mall complex facing sign.

Respectfully requesting relief from 102.8.2.a

The maximum number of signs for each building shall be one per street frontage and an 102.8.2.6.4 buildings that have two entry facades shall be entitled to one addition wall sign.



Case No. _____

Date _____

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure

The signage proposed which a variance is sought for is not specifically prohibited by the code. Due to the unusual configuration of bank patron entrances and parking lots in relation to the mall parking it would create a hardship to not have a wall sign on the South facade as there would be no identifying building information on this facade and this is the only entrance into the Bank from within the shopping center.



7. A variance may not be granted as to a sign that is prohibited by this Code.

The signage proposed which a variance is sought for is not specifically prohibited by the code. We understand that this does not mean that it is allowed by code without variance approval. While the sign does not comply with the number of signs allowed by code it does comply with the other sign requirements of the code listed below.

102.8.2.a.3 Signs utilize no more than 75% of verticle background and no more than 75% of width.

102.8.2.a.4 Sign contains no more than 2 lines of text

102.8.2.a.5 Sign meets location requirements in 102-9

102.8.2.a.5 Sign is centered.

102.8.2.a.1 Max sign area = 1 SF/LF building

North Elevation E02 = 36.9 SF

East Elevation E03 = 57.9 SF

South Elevation proposed E25 = 36.9 SF





DISCLOSURE AFFIDAVIT

The City of Deerfield Beach requires all applicants, and persons and/or entities doing business with the City, to disclose any potential for or conflict of interest as stated below. Per Ordinance No. 2009/006 of the City of Deerfield Beach, the adopted Ethics Code contains the following:

Section 5. Disclosure and Behavior Requirements of Applicants and Persons/Entity seeking a City contract or currently doing business with the City.

Any applicant for a land use change or development permit requiring approval of the City Commission, or any person/entity seeking a City contract through a request for proposal, request for qualification, or sealed bid process (all referred to as applicant):

- A. Shall not induce, attempt to offer, solicit or knowing assist any person in violating the Ethics Code.
- B. All applicants shall include the following with their application, proposal, or bid:

(Attach additional sheets as needed for each item.)

- 1. A listing of all campaign contributions to sitting City Commissioners in the past four (4) years, as well as contributions of all officers, directors, shareholders of a corporation if the application is a corporation, or partners if the applicant is a partnership, or members, whether general or limited, if it is a limited liability company.

None

- 2. Disclose all those items that a regulated officer is required to disclose concerning any conflict, whether actionable or non-actionable.

None

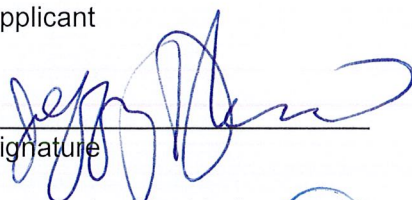
3. Disclose any action that is a violation of the Ethics Code by a regulated office (in reference to the application) with the applicant and/or the applicant's agents, and what was done to rectify the violation (for example: if a gift was given, when demand was made for return of the gift.)

None

4. An applicant shall fully, completely, accurately, and not misleadingly report and file all disclosures required by this Ethics Code, and shall fully, completely, accurately, and not misleadingly make all disclosures referenced in this Ethics Code and not omit material information, and/or file misleading and/or deceitful information in the disclosure.
5. An applicant has a continuing duty to report any violation of this Ethics Code related to their application.
6. Failure to disclose in compliance with this Section shall be a violation of this Ethics Code and shall be grounds for the City Commission to void or rescind any approval or contract.
- C. No applicant shall, directly or indirectly, induce, encourage, or aid anyone to violate any provision of this Code.

I, Jeffrey DiLucca, have received a copy of the ordinance and understand the ordinance requirements.

Applicant

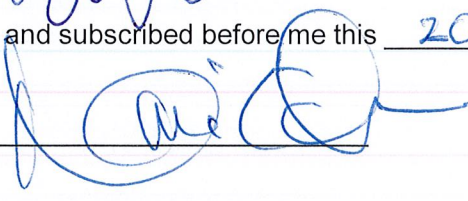


Signature

11/20/2019

Date

Sworn to and subscribed before me this 20 day of November, 20 19.

By: 

Produced as ID:

NANCI L GONZALEZ
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Aug. 06, 2022

For Office Use Only

Date: _____

Application _____

Nos.: _____



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(Attach additional sheets as needed for each item.)

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None to the best of my knowledge

2. Disclose all those items that a regulated officer is required to disclose concerning any conflict, whether actionable or non-actionable.

None to the best of my knowledge



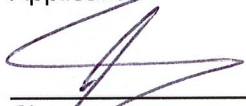
3. Disclose any action that is a violation of the Ethics Code by a regulated office (in reference to the application) with the applicant and/or the applicant's agents, and what was done to rectify the violation (for example: if a gift was given, when demand was made for return of the gift.)

None to the best of my knowledge

4. An applicant shall fully, completely, accurately, and not misleadingly report and file all disclosures required by this Ethics Code, and shall fully, completely, accurately, and not misleadingly make all disclosures referenced in this Ethics Code and not omit material information, and/or file misleading and/or deceitful information in the disclosure.
5. An applicant has a continuing duty to report any violation of this Ethics Code related to their application.
6. Failure to disclose in compliance with this Section shall be a violation of this Ethics Code and shall be grounds for the City Commission to void or rescind any approval or contract.
- C. No applicant shall, directly or indirectly, induce, encourage, or aid anyone to violate any provision of this Code.

I, Christopher Oftedal, have received a copy of the ordinance and understand the ordinance requirements.

Applicant



Signature

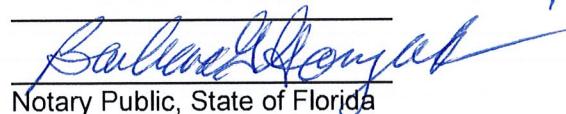
11/8/2019

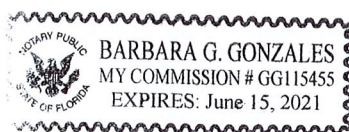
Date

Sworn to and subscribed before me this 8 day of November, 2019.

By: Chris Oftedal

Produced as ID: personally know


Notary Public, State of Florida





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B. All applicants shall include the following with their application, proposal, or bid:

(Attach additional sheets as needed for each item.)

1. A listing of all campaign contributions to sitting City Commissioners in the past four (4) years, as well as contributions of all officers, directors, shareholders of a corporation if the application is a corporation, or partners if the applicant is a partnership, or members, whether general or limited, if it is a limited liability company.

None

2. Disclose all those items that a regulated officer is required to disclose concerning any conflict, whether actionable or non-actionable.

None



3. Disclose any action that is a violation of the Ethics Code by a regulated office (in reference to the application) with the applicant and/or the applicant's agents, and what was done to rectify the violation (for example: if a gift was given, when demand was made for return of the gift.)

None

4. An applicant shall fully, completely, accurately, and not misleadingly report and file all disclosures required by this Ethics Code, and shall fully, completely, accurately, and not misleadingly make all disclosures referenced in this Ethics Code and not omit material information, and/or file misleading and/or deceitful information in the disclosure.
5. An applicant has a continuing duty to report any violation of this Ethics Code related to their application.
6. Failure to disclose in compliance with this Section shall be a violation of this Ethics Code and shall be grounds for the City Commission to void or rescind any approval or contract.
- C. No applicant shall, directly or indirectly, induce, encourage, or aid anyone to violate any provision of this Code.

I, Kerri Sibbe, have received a copy of the ordinance and understand the ordinance requirements.

Applicant

[Signature]
Signature

Date 9/5/19

Sworn to and subscribed before me this 05 day of September, 20 19.

By: Nanci Gonzalez

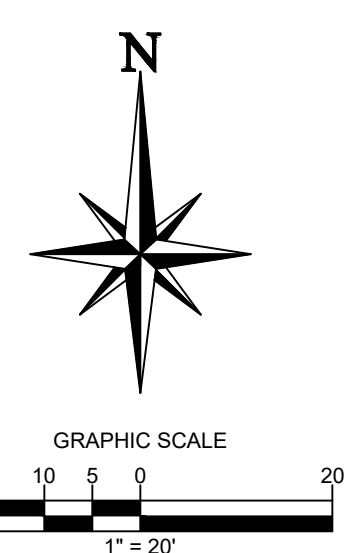
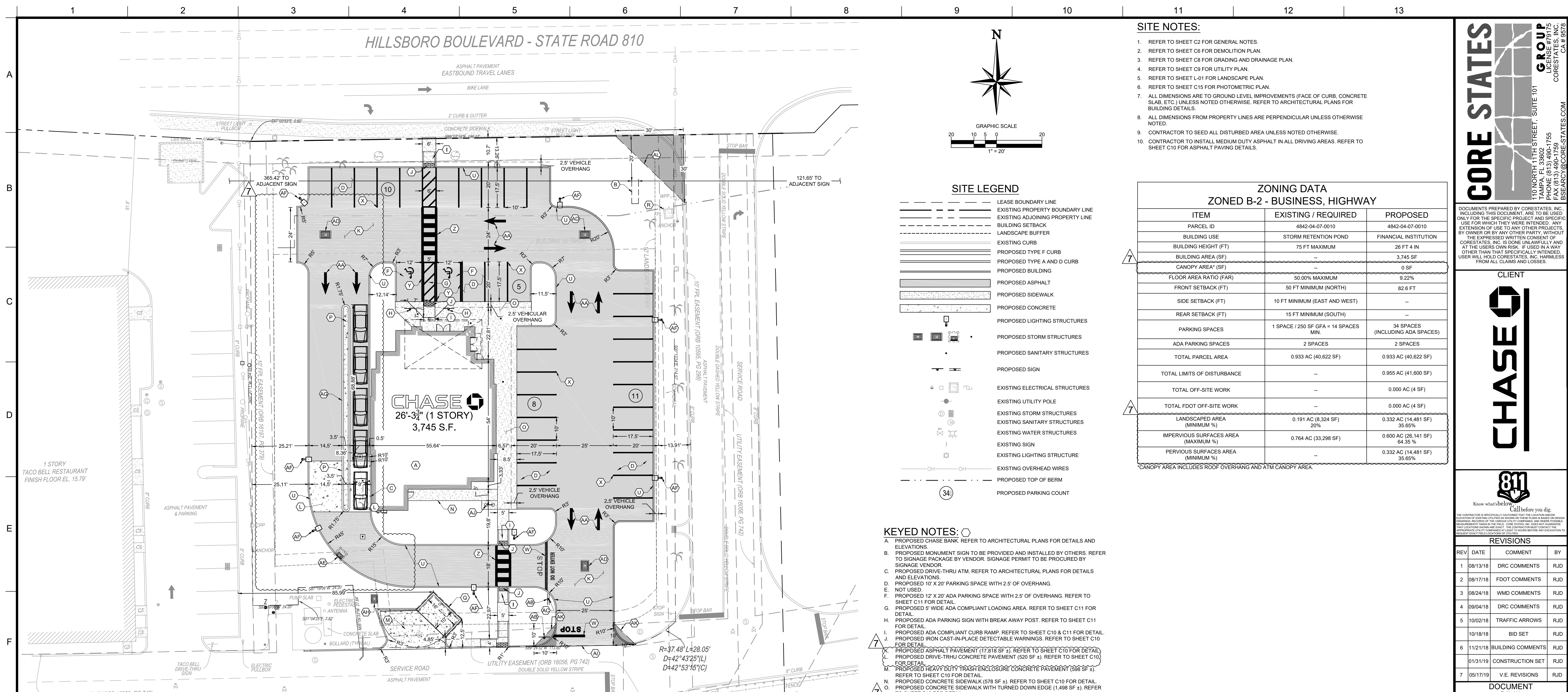
Produced as ID:

[Signature]
Notary Public, State of Florida

NANCI L GONZALEZ
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Aug. 06, 2022



HILLSBORO BOULEVARD - STATE ROAD 810



SITE LEGEND

- LEASE BOUNDARY LINE
- EXISTING PROPERTY BOUNDARY LINE
- EXISTING ADJOINING PROPERTY LINE
- BUILDING SETBACK
- LANDSCAPE BUFFER
- EXISTING CURB
- PROPOSED TYPE F CURB
- PROPOSED TYPE A AND D CURB
- PROPOSED BUILDING
- PROPOSED ASPHALT
- PROPOSED SIDEWALK
- PROPOSED CONCRETE
- PROPOSED LIGHTING STRUCTURES
- PROPOSED STORM STRUCTURES
- PROPOSED SANITARY STRUCTURES
- PROPOSED SIGN
- EXISTING ELECTRICAL STRUCTURES
- EXISTING UTILITY POLE
- EXISTING STORM STRUCTURES
- EXISTING SANITARY STRUCTURES
- EXISTING WATER STRUCTURES
- EXISTING SIGN
- EXISTING LIGHTING STRUCTURE
- EXISTING OVERHEAD WIRES
- PROPOSED TOP OF BERM
- PROPOSED PARKING COUNT

SITE NOTES:

1. REFER TO SHEET C2 FOR GENERAL NOTES.
2. REFER TO SHEET C6 FOR DEMOLITION PLAN.
3. REFER TO SHEET C8 FOR GRADING AND DRAINAGE PLAN.
4. REFER TO SHEET C9 FOR UTILITY PLAN.
5. REFER TO SHEET L01 FOR LANDSCAPE PLAN.
6. REFER TO SHEET C15 FOR PHOTOMETRIC PLAN.
7. ALL DIMENSIONS ARE TO GROUND LEVEL IMPROVEMENTS (FACE OF CURB, CONCRETE SLAB, ETC.) UNLESS NOTED OTHERWISE. REFER TO ARCHITECTURAL PLANS FOR BUILDING DETAILS.
8. ALL DIMENSIONS FROM PROPERTY LINES ARE PERPENDICULAR UNLESS OTHERWISE NOTED.
9. CONTRACTOR TO SEED ALL DISTURBED AREA UNLESS NOTED OTHERWISE.
10. CONTRACTOR TO INSTALL MEDIUM DUTY ASPHALT IN ALL DRIVING AREAS. REFER TO SHEET C10 FOR ASPHALT PAVING DETAILS.

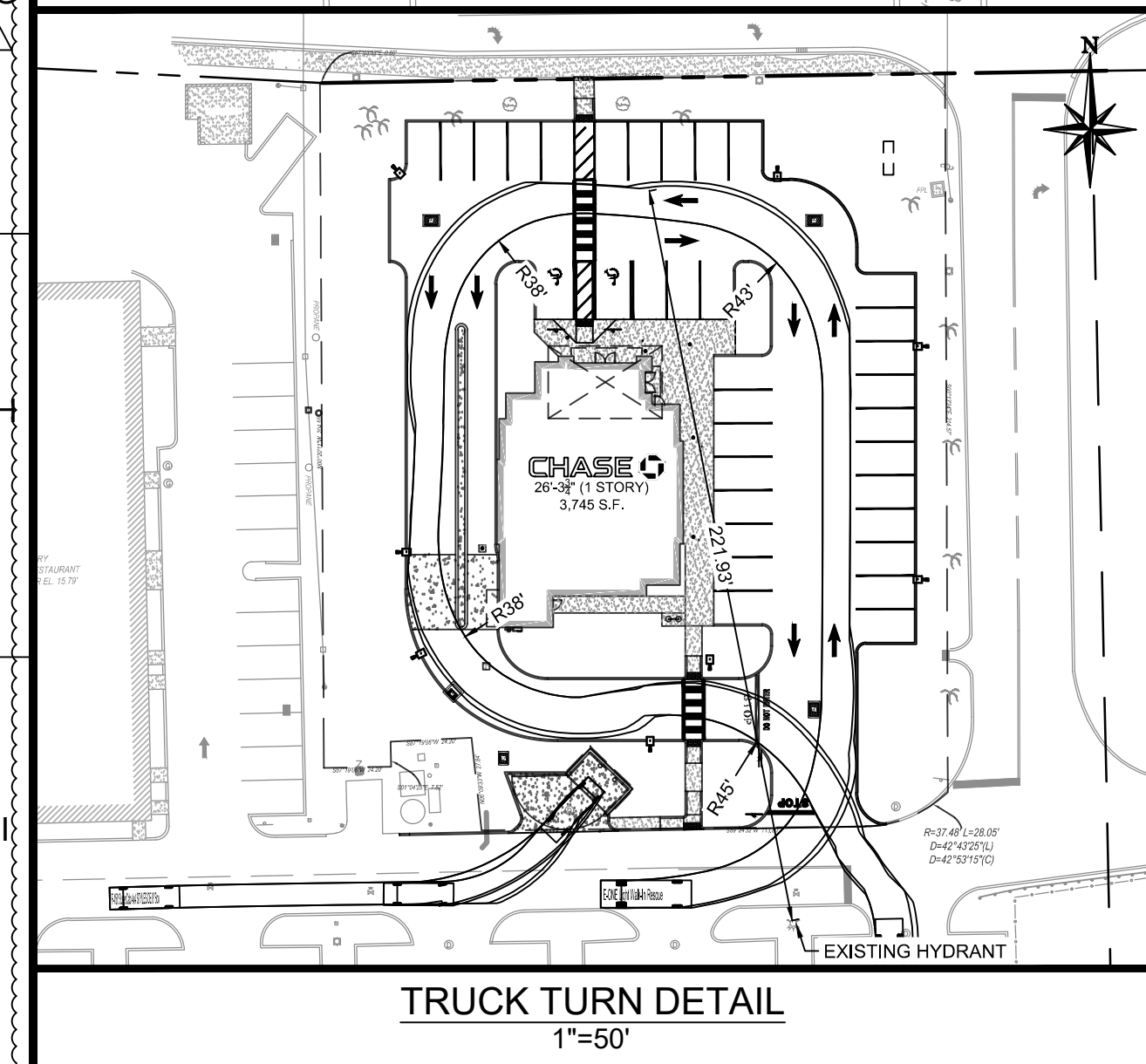
ZONING DATA
ZONED B-2 - BUSINESS, HIGHWAY

ITEM	EXISTING / REQUIRED	PROPOSED
PARCEL ID	4842-04-07-0010	4842-04-07-0010
BUILDING USE	STORM RETENTION POND	FINANCIAL INSTITUTION
BUILDING HEIGHT (FT)	75 FT MAXIMUM	26 FT 4 IN
BUILDING AREA (SF)		3,745 SF
FLOOR AREA RATIO (FAR)	50.00% MAXIMUM	9.22%
FRONT SETBACK (FT)	50 FT MINIMUM (NORTH)	82.6 FT
SIDE SETBACK (FT)	10 FT MINIMUM (EAST AND WEST)	--
REAR SETBACK (FT)	15 FT MINIMUM (SOUTH)	--
PARKING SPACES	1 SPACE / 250 SF GFA = 14 SPACES MIN.	34 SPACES (INCLUDING ADA SPACES)
ADA PARKING SPACES	2 SPACES	2 SPACES
TOTAL PARKING AREA	0.933 AC (40,622 SF)	0.933 AC (40,622 SF)
TOTAL LIMITS OF DISTURBANCE	--	0.955 AC (41,600 SF)
TOTAL OFF-SITE WORK	--	0.000 AC (4 SF)
TOTAL FDOT OFF-SITE WORK	--	0.000 AC (4 SF)
LANDSCAPED AREA (MINIMUM %)	0.191 AC (8,324 SF) 20%	0.332 AC (14,481 SF) 35.65%
IMPERVIOUS SURFACES AREA (MAXIMUM %)	0.764 AC (33,298 SF)	0.600 AC (26,141 SF) 64.35 %
PERVIOUS SURFACES AREA (MINIMUM %)	--	0.332 AC (14,481 SF) 35.65%

*CANOPY AREA INCLUDES ROOF OVERHANG AND ATM CANOPY AREA.

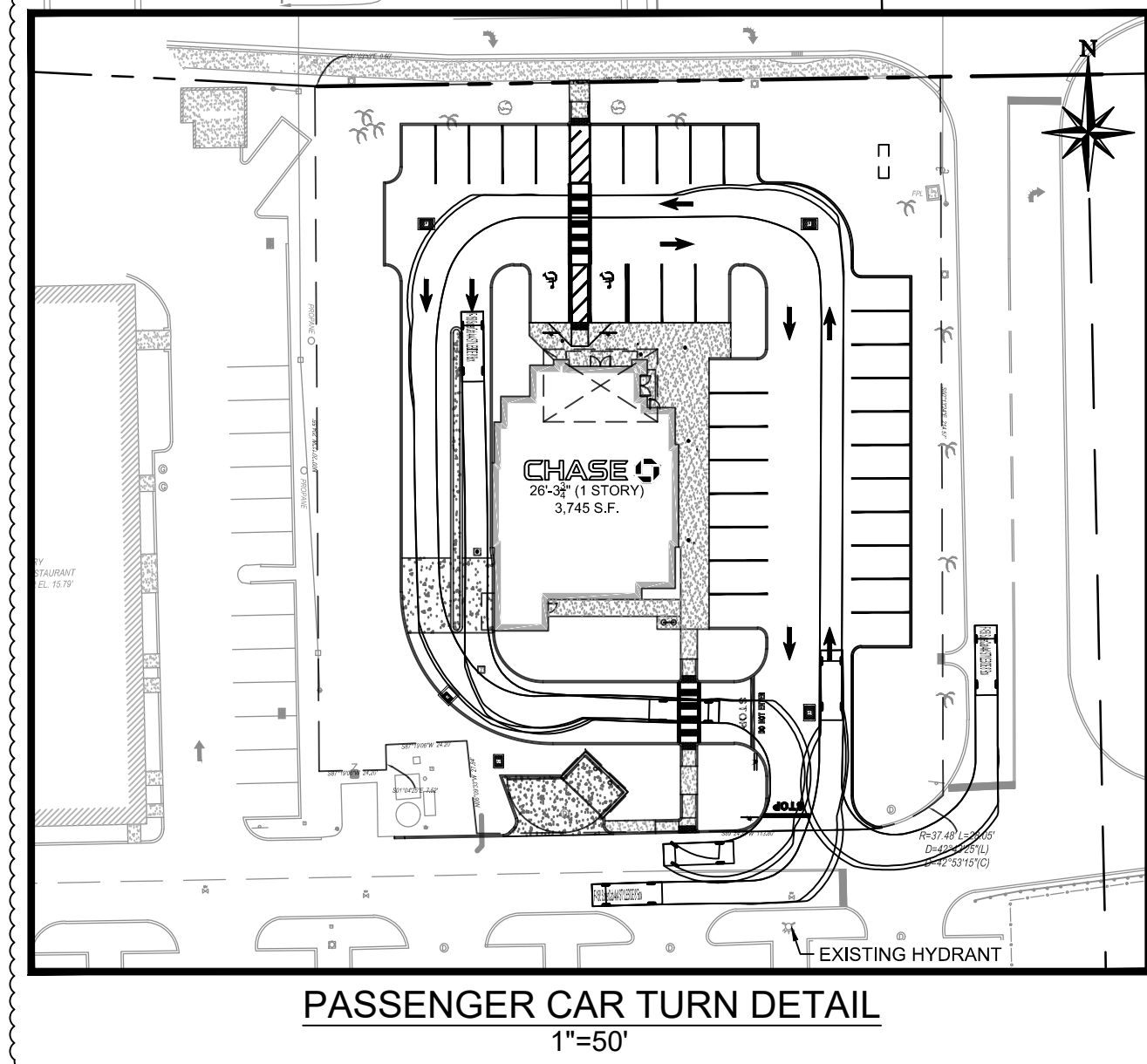
KEYED NOTES:

- A. PROPOSED CHASE BANK. REFER TO ARCHITECTURAL PLANS FOR DETAILS AND ELEVATIONS.
- B. PROPOSED MONUMENT SIGN TO BE PROVIDED AND INSTALLED BY OTHERS. REFER TO SIGNAGE PACKAGE BY VENDOR. SIGNAGE PERMIT TO BE PROCURED BY SIGNAGE VENDOR.
- C. PROPOSED DRIVE-THRU ATM. REFER TO ARCHITECTURAL PLANS FOR DETAILS AND ELEVATIONS.
- D. PROPOSED 10' X 20' PARKING SPACE WITH 2.5' OF OVERHANG.
- E. NOT USED.
- F. PROPOSED 12' X 20' ADA PARKING SPACE WITH 2.5' OF OVERHANG. REFER TO SHEET C11 FOR DETAIL.
- G. PROPOSED 5' WIDE ADA COMPLIANT LOADING AREA. REFER TO SHEET C11 FOR DETAIL.
- H. PROPOSED ADA PARKING SIGN WITH BREAK AWAY POST. REFER TO SHEET C11 FOR DETAIL.
- I. PROPOSED ADA COMPLIANT CURB RAMP. REFER TO SHEET C10 & C11 FOR DETAIL.
- J. PROPOSED IRON CAST-IN-PLACE DETECTABLE WARNINGS. REFER TO SHEET C10 FOR DETAIL.
- K. PROPOSED ASPHALT PAVEMENT (17,818 SF ±). REFER TO SHEET C10 FOR DETAIL.
- L. PROPOSED DRIVE-THRU CONCRETE PAVEMENT (520 SF ±). REFER TO SHEET C10 FOR DETAIL.
- M. PROPOSED HEAVY DUTY TRASH ENCLOSURE CONCRETE PAVEMENT (598 SF ±). REFER TO SHEET C10 FOR DETAIL.
- N. PROPOSED CONCRETE SIDEWALK (578 SF ±). REFER TO SHEET C10 FOR DETAIL.
- O. PROPOSED CONCRETE SIDEWALK WITH TURNED DOWN EDGE (1,498 SF ±). REFER TO SHEET C10 FOR DETAIL.
- P. PROPOSED CONCRETE ISLAND (177 SF ±). REFER TO SHEET C10 FOR DETAIL.
- Q. PROPOSED TRASH ENCLOSURE LOCATION. REFER TO SHEET C14 FOR DETAILS.
- R. EXISTING TRANSFORMER PAD TO REMAIN. CONTRACTOR SHALL COORDINATE WITH ELECTRIC PROVIDER (FPL).
- S. NOT USED.
- T. NOT USED.
- U. PROPOSED FDOT TYPE 'D' CONCRETE CURB (1,092 LF ±). REFER TO SHEET C10 FOR DETAIL.
- V. NOT USED.
- W. PROPOSED 24" WIDE THERMOPLASTIC STRIPE STOP BAR (TYPICAL). REFER TO SHEET C11 FOR DETAIL.
- X. PROPOSED 6" SOLID WHITE PAINTED STRIPE (TYPICAL). REFER TO SHEET C11 FOR DETAIL.
- Y. PROPOSED 6" SOLID BLUE PAINTED STRIPE. REFER TO SHEET C11 FOR DETAIL.
- Z. PROPOSED 6" WIDE CROSSWALK. REFER TO SHEET C11 FOR DETAIL.
- AA. PROPOSED DIRECTIONAL TRAFFIC MARKING (TYPICAL). REFER TO SHEET C11 FOR DETAIL.
- AB. PROPOSED STOP SIGN (R1-1). REFER TO SHEET C11 FOR DETAIL.
- AC. PROPOSED DO NOT ENTER SIGN (R5-1). REFER TO SHEET C11 FOR DETAIL.
- AD. PROPOSED FDOT TYPE F DITCH BOTTOM INLET WITH RETICULINE GRATE. REFER TO SHEET C12 FDOT INDEX 425-053 FOR DETAIL.
- AE. PROPOSED FDOT TYPE 9 CURB INLET. REFER TO SHEET C12 FDOT INDEX 425-024 FOR DETAIL.
- AF. PROPOSED SITE LIGHT POLE. (SEE SITE NOTE #6).
- AG. TYPE B CURB AND GUTTER (134 LF ±). REFER TO C10 FOR DETAIL.
- AH. PROPOSED TYPE C DITCH BOTTOM INLET WITH RETICULINE GRATE. REFER TO SHEET C12 FDOT INDEX 425-052 FOR DETAIL.
- AI. MILL AND OVERLAY ASPHALT. REFER TO SHEET C10 FOR DETAIL.
- AJ. PROPOSED BIKE RACK. REFER TO SHEET C11 FOR DETAIL.
- AK. 10' X 10' SIGHT VISIBILITY TRIANGLE.
- AL. 30' X 30' SIGHT VISIBILITY TRIANGLE.
- AM. PROPOSED BUILDING SIGNS TO BE PROVIDED AND INSTALLED BY OTHERS. ALL SIGNAGE PERMITTED AND APPROVED SEPARATELY.



E-ONE LIGHT WALK-IN RESCUE
 OVERALL LENGTH 27.083 FT
 OVERALL WIDTH 8.167 FT
 OVERALL BODY HEIGHT 10.000 FT
 MIN BODY GROUND CLEARANCE 1.364 FT
 TRACK WIDTH 8.167 FT
 LOCK-TO-LOCK TIME 5.00 S
 CURB TO CURB TURNING RADIUS 25.750 FT

FIRETRUCK DETAIL



CORE STATES GROUP
 LICENSE #76175
 CORE STATES, INC.
 110 NORTH 11TH STREET, SUITE 101
 DEERFIELD BEACH, FL 33442
 PHONE (813) 490-1755
 FAX (813) 490-1759
 BSEARCY@CORE-STATES.COM
 CA # 9578

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CLIENT

Know what's below. Call before you dig.

REVISIONS

REV	DATE	COMMENT	BY
1	08/13/18	DRC COMMENTS	RJD
2	08/17/18	FDOT COMMENTS	RJD
3	08/24/18	WMD COMMENTS	RJD
4	09/04/18	DRC COMMENTS	RJD
5	10/02/18	TRAFFIC ARROWS	RJD
	10/18/18	BID SET	RJD
6	11/21/18	BUILDING COMMENTS	RJD
	01/31/19	CONSTRUCTION SET	RJD
7	05/17/19	V.E. REVISIONS	RJD

DOCUMENT
 CIVIL
 CONSTRUCTION
 DRAWINGS
 CHASE BANK
 DEERFIELD MALL
 SITE LOCATION

3650 W HILLSBORO
 BOULEVARD
 DEERFIELD BEACH, FL
 33442

ENGINEER SEAL

SHEET TITLE
 SITE PLAN

JOB #: JPM 22877
 DATE: 05/18/2018
 SCALE: 1"=20'
 DRAWN BY: RJD
 CHECKED BY: BLS

SHEET NO.
C7

NOTE TO THE CONTRACTOR:

PRIOR TO THE CONSTRUCTION OF OR CONNECTION TO ANY STORM DRAIN, SANITARY SEWER, WATER MAIN OR ANY OF THE DRY UTILITIES, THE CONTRACTOR SHALL EXCAVATE, VERIFY AND CALCULATE ALL POINTS OF CONNECTION AND ALL UTILITY CROSSINGS AND INFORM ENGINEER AND THE OWNER OF ANY CONFLICT OR REQUIRED DEVIATIONS FROM THE PLAN. NOTIFICATION SHALL BE MADE A MINIMUM OF 48 HOURS PRIOR TO CONSTRUCTION. ENGINEER AND OWNER SHALL BE HELD HARMLESS IN THE EVENT THAT THE CONTRACTOR FAILS TO MAKE SUCH NOTIFICATION.

SITE DATA

PROJECT DESCRIPTION	CONSTRUCTION OF A FREESTANDING CHASE BANK BRANCH WITH DRIVE-THRU ATM FACILITY	
LOCATION	SECTION 4, TOWNSHIP 48S, RANGE 42E	
PARCEL ID	4842 04 07 0010	
ADDRESS	NOT ASSIGNED	
ZONING DISTRICT	B-2 (BUSINESS, HIGHWAY)	
LAND USE	FINANCIAL INSTITUTION	
FLOOD ZONE	ZONE "AE" PER FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM), MAP NUMBER: 12011C0159H	
FINISHED FLOOR ELEVATION	PROPOSED 15.00' NAVD (14.938' NAVD MINIMUM PER MASTER PLAN)	
BUILDING HEIGHT (75' MAX)	20' - 4" (FOR PROPOSED CHASE BANK)	
SETBACKS	REQUIRED	PROVIDED (PROPOSED OUTPARCEL)
FRONT	50'	52'
SIDE	10'	N/A
REAR	15'	N/A
LANDSCAPE BUFFER	REQUIRED	PROVIDED (PROPOSED OUTPARCEL)
PUBLIC R.O.W. (NORTH)	5'	11'
PUBLIC R.O.W. (EAST)	5'	N/A
ADJACENT PROPERTY (SOUTH)	5'	N/A
ADJACENT PROPERTY (WEST)	5'	N/A

LOT COVERAGE	PREVIOUSLY APPROVED	WITH PROPOSED OUTPARCEL
TOTAL SITE AREA:	1,432,620 SF (32.888 AC) 100%	1,432,620 SF (32.888 AC) 100%
BUILDING AREA:	401,193 SF (9.219 AC) 28.00%	404,938 SF (9.296 AC) 28.27%
IMPERVIOUS AREA:	1,156,370 SF (26.545 AC) 80.72%	1,211,534 SF (27.813 AC) 84.57%
PERVIOUS AREA:	276,250 SF (6.342 AC) 19.28%	221,086 SF (5.075 AC) 15.43%
FLOOR AREA RATIO:	0.28	0.28

GROSS FLOOR AREA (GFA) SUMMARY (S.F.) (FOLIO 484204070010)

LOT COVERAGE	PREVIOUSLY APPROVED	WITH PROPOSED OUTPARCEL
1-STORY MULTI-TENANT (WEST)	77,741 SF	77,741 SF
1-STORY MULTI-TENANT (SW)	34,602 SF	34,602 SF
1-STORY MULTI-TENANT (SOUTH)	184,169 SF	184,169 SF
1-STORY MULTI-TENANT (SE) (PARTIAL)	5,735 SF	5,735 SF
1-STORY CITIBANK	2,467 SF	2,467 SF
1-STORY MULTI-TENANT (NORTH)	10,137 SF	10,137 SF
1-STORY CHASE BANK	0 SF	3,745 SF
PARCEL TOTAL	314,851 SF	318,596 SF

GROSS FLOOR AREA (GFA) SUMMARY (S.F.) (FOLIO 484204070020)

LOT COVERAGE	PREVIOUSLY APPROVED	WITH PROPOSED OUTPARCEL
1-STORY MULTI-TENANT (SE) (PARTIAL)	65,812 SF	65,812 SF
1-STORY CHECK-FIL-A	4,889 SF	4,889 SF
PARCEL TOTAL	70,701 SF	70,701 SF

GROSS FLOOR AREA (GFA) SUMMARY (S.F.) (DEERFIELD MALL PLAT BOOK 131 PAGE 3)

FOLIO	PREVIOUSLY APPROVED	WITH PROPOSED OUTPARCEL
484204070010	314,851 SF	318,596 SF
484204070011	5,163 SF	5,163 SF
484204070021	15,641 SF	15,641 SF
484204070020	70,701 SF	70,701 SF
PLAT TOTAL	406,356 SF	410,101 SF

PLAT NOTES:

FOLIO: 484204070010
 ADDRESS: 3650 W HILLSBORO BLVD, DEERFIELD BEACH, FL 33442
 LEGAL: DEERFIELD MALL 131-38 PARCEL A LESS OR 1514354 FOR RD R/W & LESS PT DESC IN OR 15357/811
 OFFICIAL RECORDS BOOK/PAGE: 131/08

PLAT RESTRICTIONS:
 1. THIS PLAT IS RESTRICTED TO 450,000 SQUARE FEET OF COMMERCIAL USE.

FOLIO: 484204090010
 ADDRESS: 3770 W HILLSBORO BLVD, DEERFIELD BEACH, FL 33442
 LEGAL: DEERFIELD MALL ADDITION 135-43B PARCEL A
 OFFICIAL RECORDS BOOK/PAGE: 135/43B

PLAT RESTRICTIONS:
 1. THIS PLAT IS RESTRICTED TO 5,725 SQUARE FEET OF COMMERCIAL USE AND A PARKING LOT. THIS NOTE IS REQUIRED BY CHAPTER 5, ARTICLE IX, BROWARD COUNTY CODE OF ORDINANCES, AND MAY BE AMENDED BY AGREEMENT WITH BROWARD COUNTY.
 2. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

FOLIO: 484204070010
 ADDRESS: 3790 W HILLSBORO BLVD, DEERFIELD BEACH, FL 33442
 LEGAL: DEERFIELD MALL 131-38 PARCEL B LESS FOR DESC AS, COMM AT SE COR SAID PAR B, N 642.58 TO POB, W 315.94, N 206.03, E 280.63, SE 49.34 S 170.22 TO POB
 OFFICIAL RECORDS BOOK/PAGE: 131/08

PLAT RESTRICTIONS:
 1. THIS PLAT IS RESTRICTED TO 450,000 SQUARE FEET OF COMMERCIAL USE.

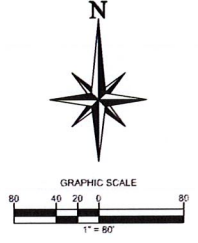
FOLIO: 484204070021
 ADDRESS: 3690 W HILLSBORO BLVD, DEERFIELD BEACH, FL 33442
 LEGAL: DEERFIELD MALL 131-38 A POR OF PAR B DESC AS, COMM AT SE COR SAID PAR B, N 642.29 TO POB, W 315.94, N 206.03, E 280.63, SE 49.34 S 170.22 TO POB
 OFFICIAL RECORDS BOOK/PAGE: 131/08

PLAT RESTRICTIONS:
 1. THIS PLAT IS RESTRICTED TO 450,000 SQUARE FEET OF COMMERCIAL USE.

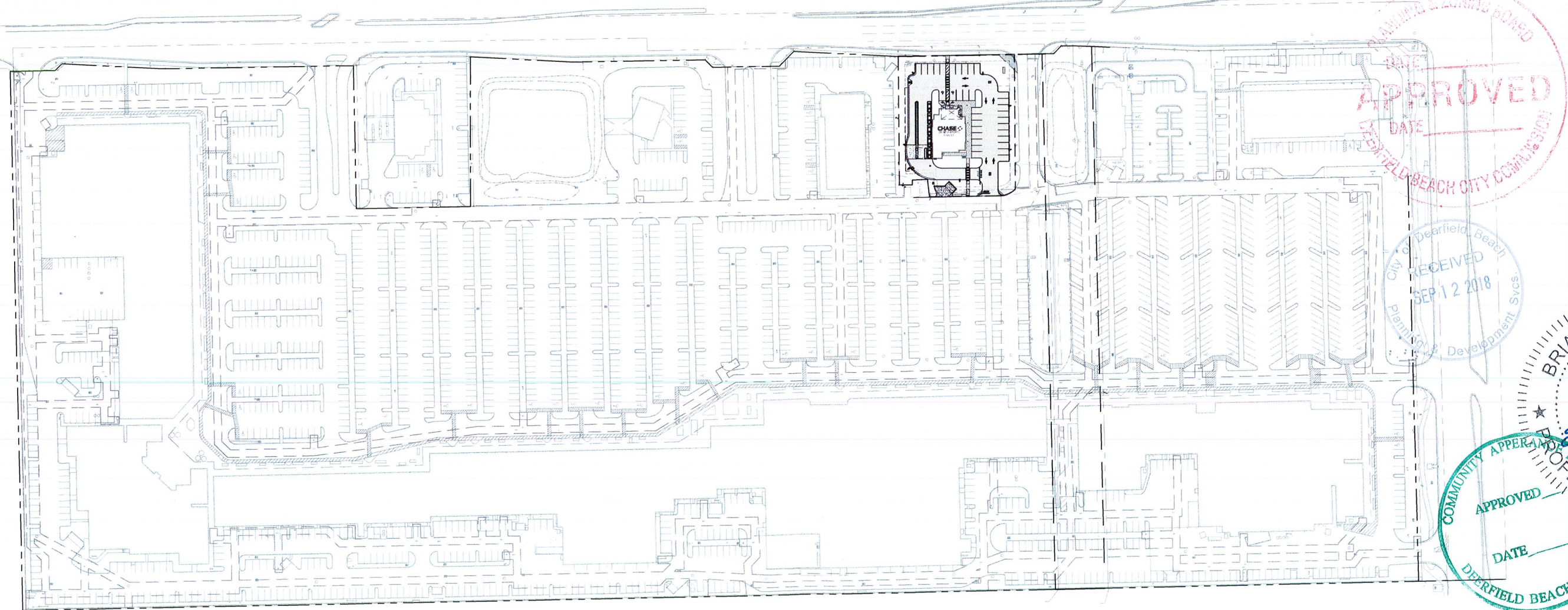
SITE NOTES:

- REFER TO SHEET C2 FOR GENERAL NOTES.
- REFER TO SHEET C6 FOR DEMOLITION PLAN.
- REFER TO SHEET C8 FOR GRADING AND DRAINAGE PLAN.
- REFER TO SHEET C9 FOR UTILITY PLAN.
- REFER TO SHEET L-01 FOR LANDSCAPE PLAN.
- REFER TO SHEET C15 FOR PHOTOMETRIC PLAN.
- ALL DIMENSIONS ARE TO GROUND LEVEL IMPROVEMENTS (FACE OF CURB, CONCRETE SLAB, ETC.) UNLESS NOTED OTHERWISE. REFER TO ARCHITECTURAL PLANS FOR BUILDING DETAILS.
- ALL DIMENSIONS FROM PROPERTY LINES ARE PERPENDICULAR UNLESS OTHERWISE NOTED.

DISCLAIMER:
 EXISTING CONDITIONS HEREIN DEPICTING THE DEERFIELD BEACH MALL ARE BASED UPON ALTA SURVEY PREPARED BY COUSINS SURVEYORS & ASSOCIATES, INC. FOR WEINGARTEN REALTY. CORESTATES, INC. BEARS NO RESPONSIBILITY TO THE ACCURACY OF THESE PLANS. THE EXISTING CONDITIONS SHOWN ARE FOR REFERENCE PURPOSES ONLY.



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APPROVED
 DATE: _____
 DEERFIELD BEACH CITY COMMUNITY DEVELOPMENT

RECEIVED
 SEP 12 2018
 City of Deerfield Beach
 Planning & Zoning Development Svcs

COMMUNITY APPROPRIATION BOARD APPROVED
 DATE: _____
 DEERFIELD BEACH

STATE OF FLORIDA ENGINEER SEAL
 BRIAN L. SWANSON
 PROFESSIONAL ENGINEER
 SEP 11 2018

CORE STATES GROUP
 LICENSE #79175
 CORESTATES, INC.
 CA # 8578

110 NORTH 11TH STREET, SUITE 101
 TAMPA, FL 33602
 PHONE (813) 490-1755
 FAX (813) 490-1759
 BSEARCH@CORESTATES.COM

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CLIENT

CHASE

811
 Know what's below. Call before you dig.

REVISIONS

REV	DATE	COMMENT	BY
1	08/13/18	DRC COMMENTS	RJD
2	08/17/18	FDOT COMMENTS	RJD
3	08/24/18	WMD COMMENTS	RJD
4	09/04/18	DRC COMMENTS	RJD

DOCUMENT CIVIL
 CONSTRUCTION DRAWINGS
 CHASE BANK
 DEERFIELD MALL

SITE LOCATION
 SW COR OF
 W HILLSBORO BLVD &
 POWERLINE RD.,
 DEERFIELD BEACH, FL
 33442

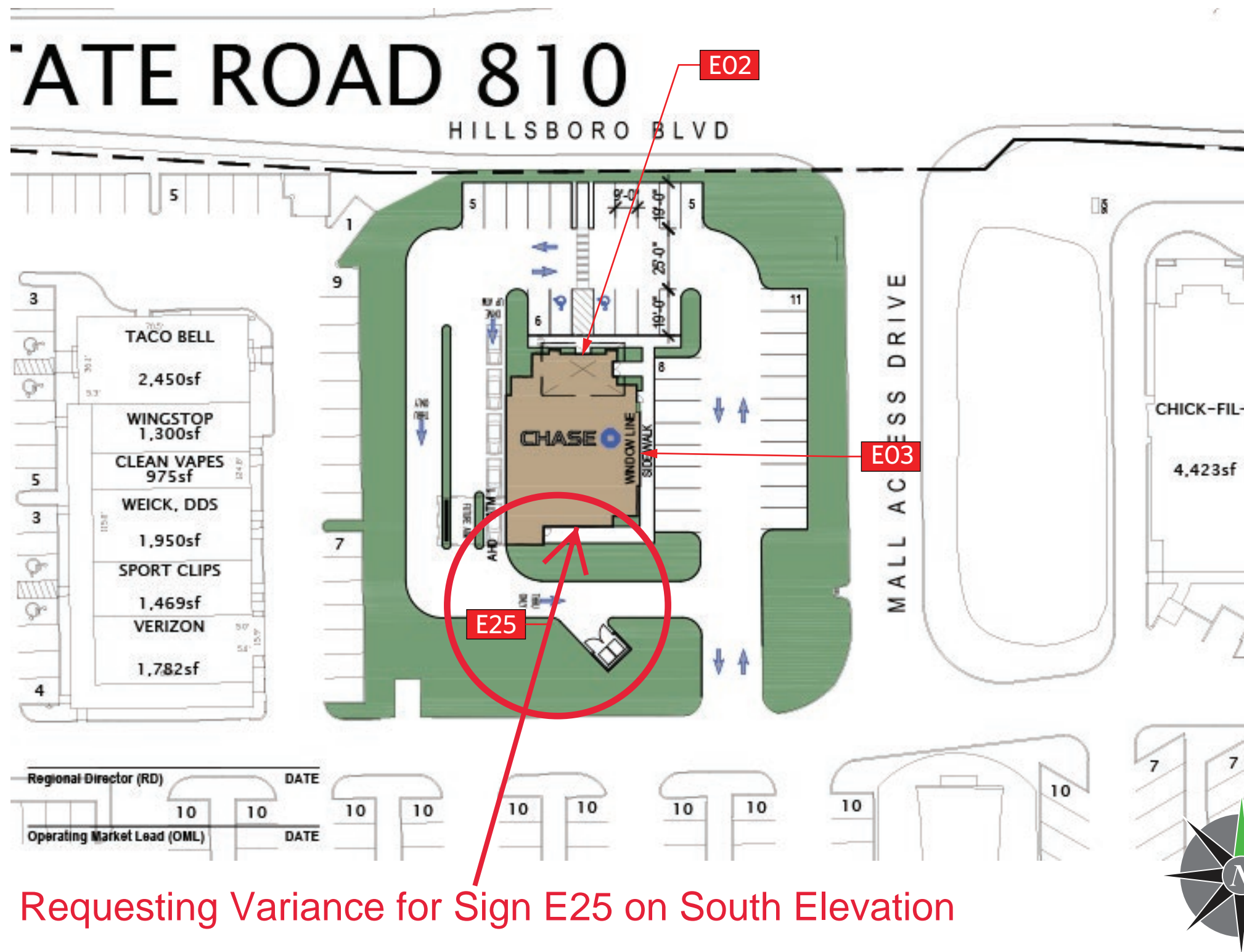
ENGINEER SEAL

SHEET TITLE
 OVERALL SITE PLAN

JOB # JPM 22877
 DATE 05/18/2018
 SCALE 1"=20'
 DRAWN BY RJD
 CHECKED BY BLS

SHEET NO.
C7A

ADDITIONAL APPROVAL REQUIRED



Requesting Variance for Sign E25 on South Elevation

Scope of Work

E25	LIF-WBO-24-LED	WHITE w/ BLUE OCTAGON ILLUM CHANNEL LETTERS	36.9sf
E02	LIF-WBO-24-LED	WHITE w/ BLUE OCTAGON ILLUM CHANNEL LETTERS	36.9sf
E03	LIF-WBO-30-LED	WHITE w/ BLUE OCTAGON ILLUM CHANNEL LETTERS	57.8sf

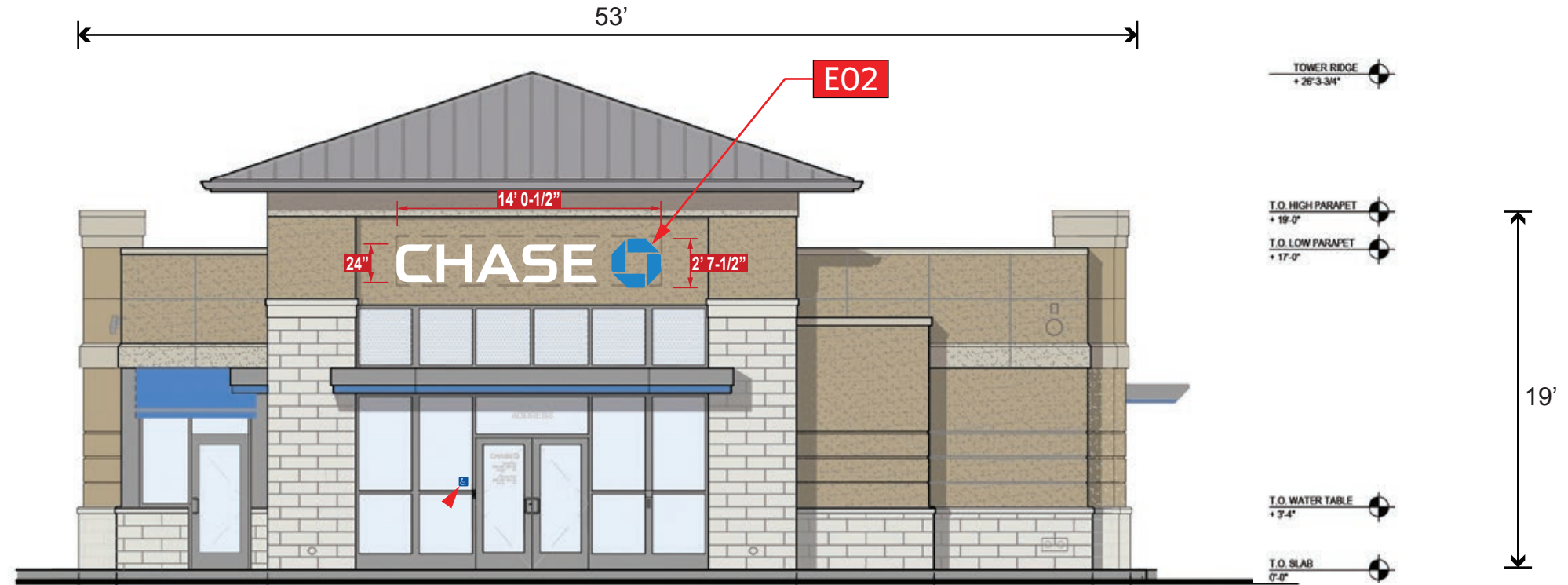
Interior Signs Exterior Signs



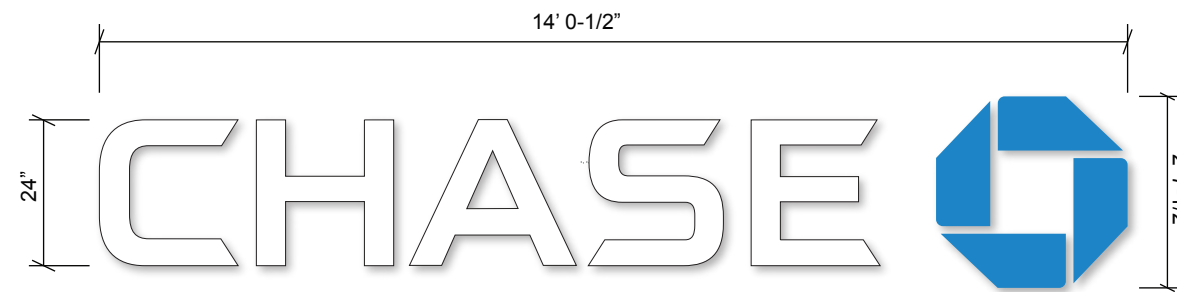
TITLE	Chase New Builds	DWG BY	AFR	DATE	12.18.17
ADDRESS	CHS.NB.282 W Hillsboro & Powerline SW Corner of W Hillsboro Blvd & Powerline Road Deerfield Beach, FL		DWG NUM	B76745	
			SHEET	4	

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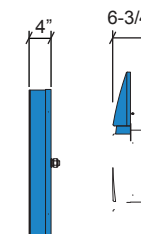
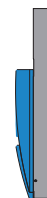




North Elevation
Scale: 1" = 8'

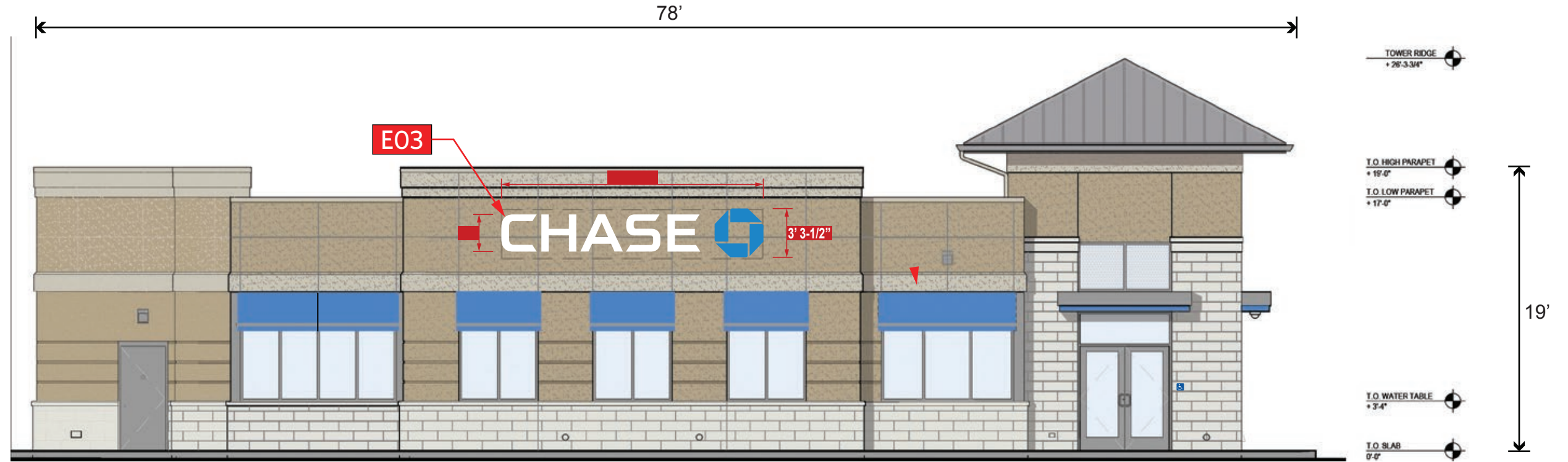


LIF-WBO-24-LED
WHITE W/ BLUE OCTAGON ILLUM CHANNEL LETTERS - 36.9 SF
 SCALE: NTS



TITLE	Chase New Builds	DWG BY	AFR	DATE	12.18.17
ADDRESS	CHS.NB.282 W Hillsboro & Powerline SW Corner of W Hillsboro Blvd & Powerline Road Deerfield Beach, FL	DWG NUM	B76745	SHEET	7

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East Elevation
Scale: 1" = 8'

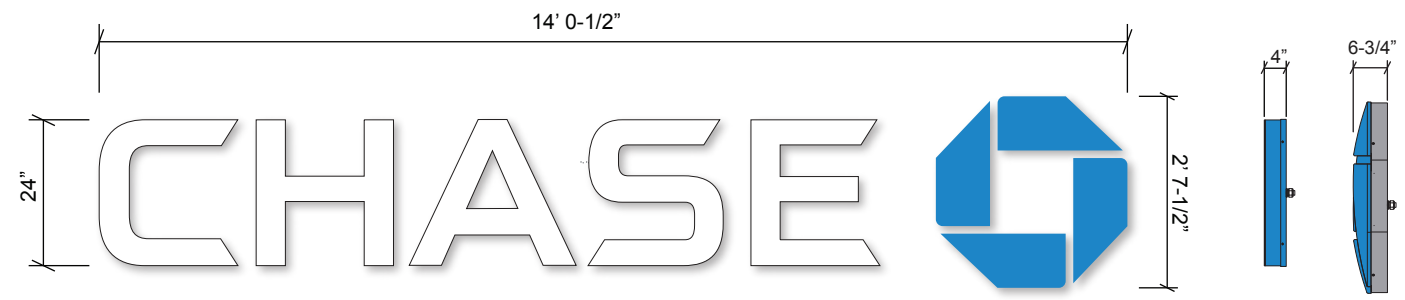
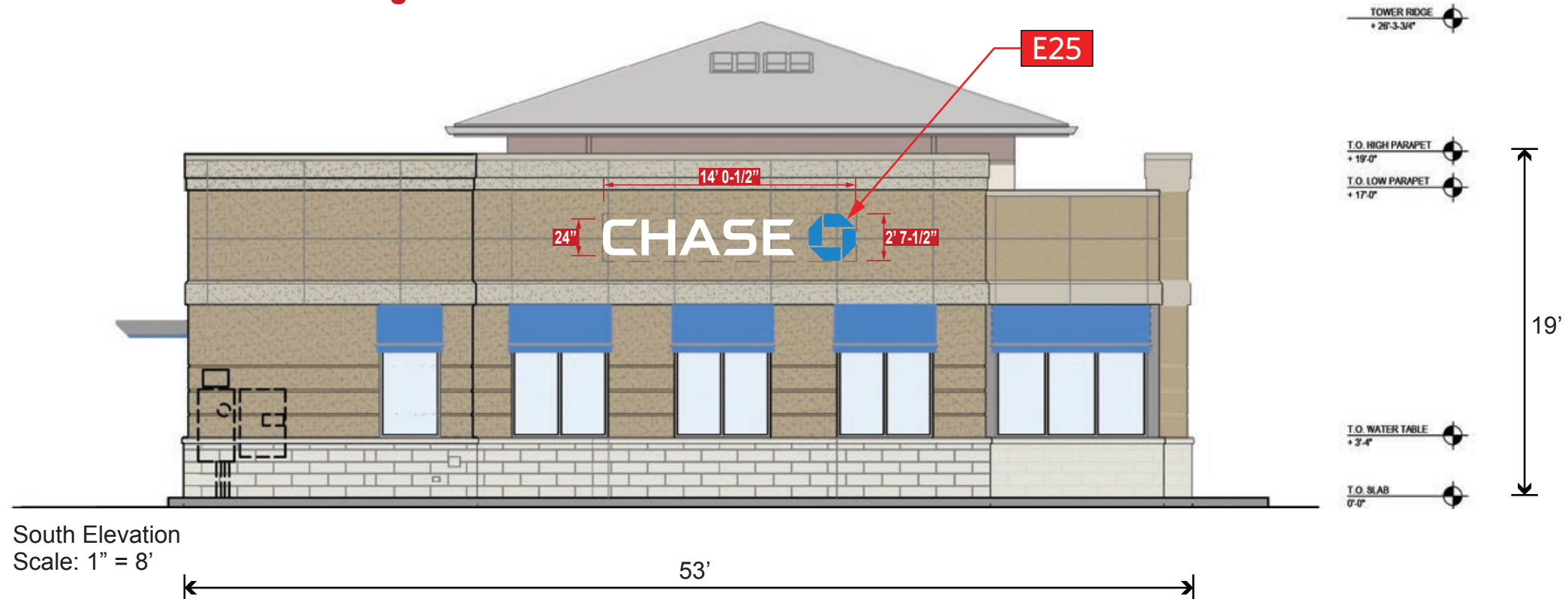


LIF-WBO-30-LED
WHITE w/ BLUE OCTAGON ILLUM CHANNEL LETTERS - 57.9 SF
SCALE: NTS

TITLE	Chase New Builds	DWG BY	AFR	DATE	12.18.17
ADDRESS	CHS.NB.282 W Hillsboro & Powerline SW Corner of W Hillsboro Blvd & Powerline Road Deerfield Beach, FL	DWG NUM	B76745	SHEET	8

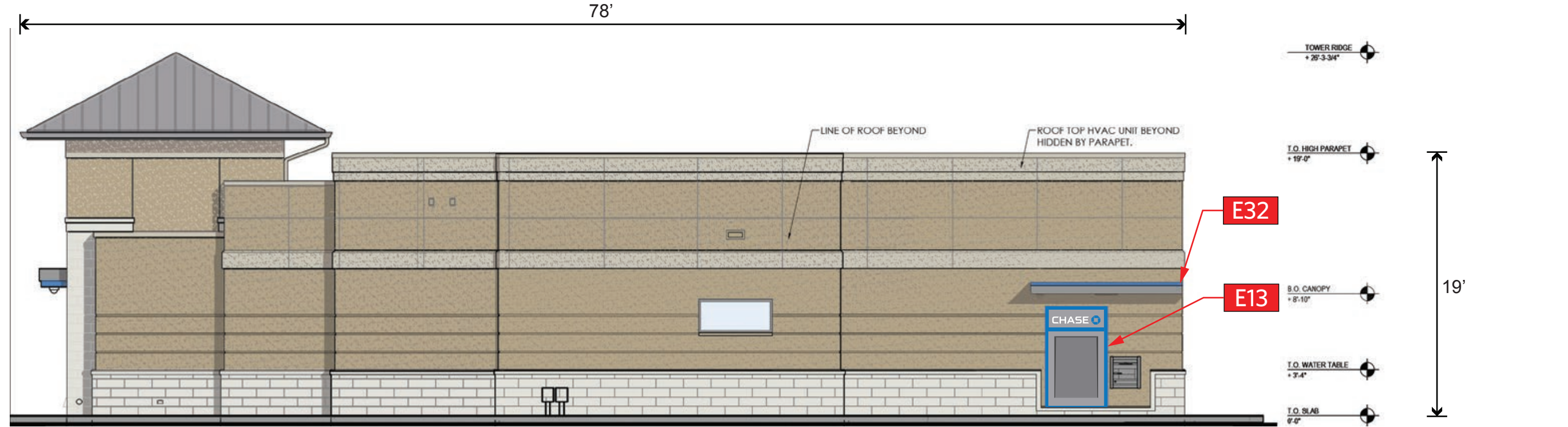
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ADDITIONAL APPROVAL REQUIRED

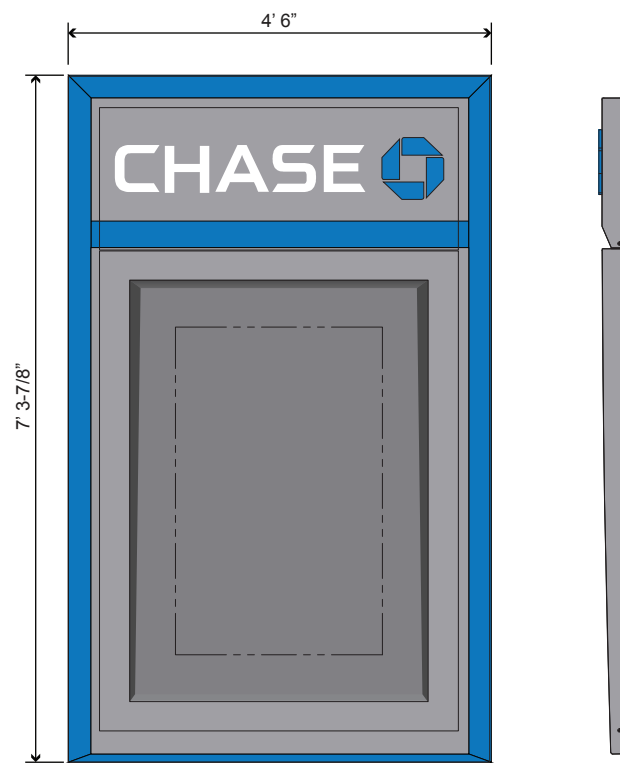


LIF-WBO-24-LED
WHITE W/ BLUE OCTAGON ILLUM CHANNEL LETTERS - 36.9 SF
 SCALE: NTS

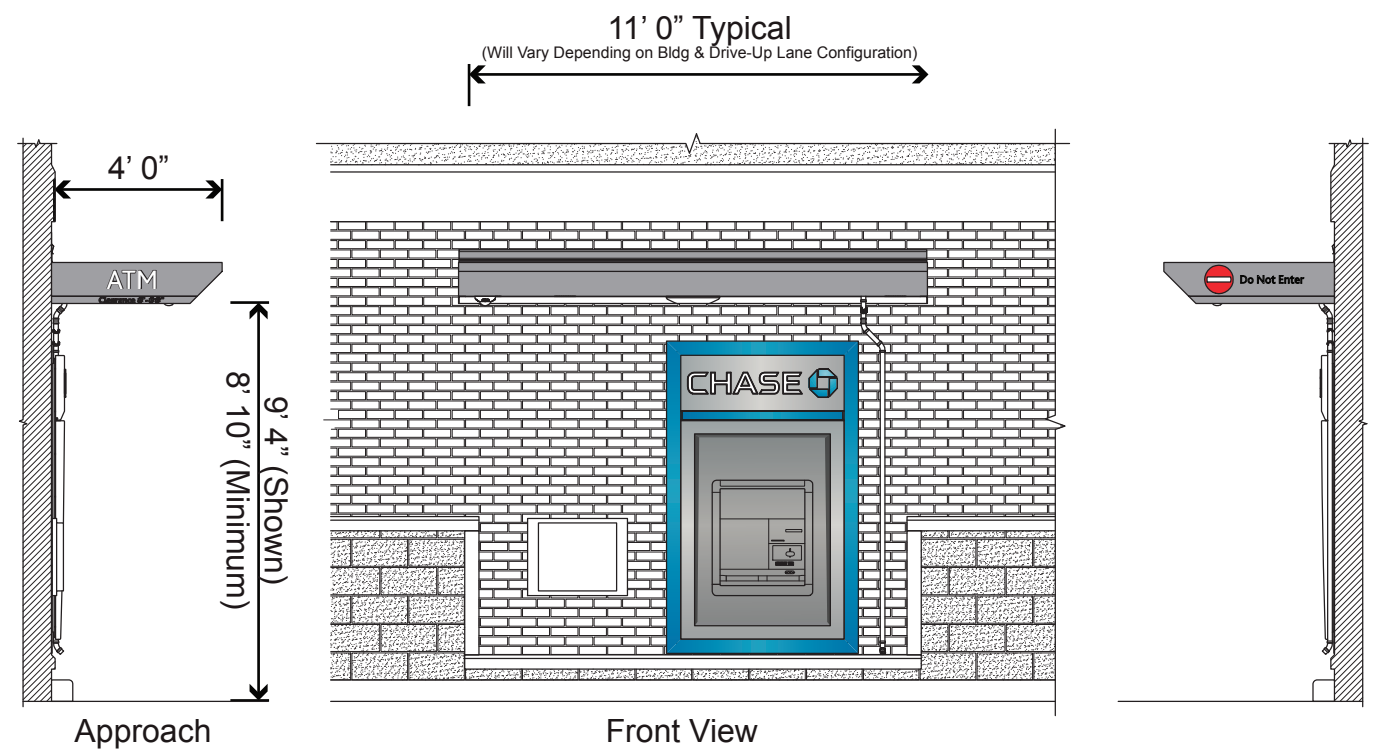
Requesting Variance for this sign: E25 on South Elevation



West Elevation
Scale: 1" = 8'



SUR-TTW-U-4-TP
THIN PROFILE ATM SURROUND - 33SF
SCALE: NTS



CAN-ATM-DU-BLDG
ATM CANOPY
SCALE: NTS



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet

File Number: I.D. 2019-266

Agenda Date: 1/14/2020

Status: QUASI-JUDICIAL PUBLIC
HEARINGS

In Control: City Commission

Title

P.H. 2020-027: Application 18-A-192 - Abandonment of an Existing Drainage Easement

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

The subject easement is situated on property at 64 NE 11 Way (recorded in Plat Book 49, Page 25) in the RS-5 (Residence, Single Family) in the Little Harbor neighborhood.

The Abandonment application (18-A-192) is a request to abandon an existing fifteen (15) foot wide drainage easement. The existing easement conflicts with the recent lot reconfiguration approved by the Broward County Property Appraiser which is intended to accommodate single family homes on each lot. As a result of the lot reconfiguration, which combined 5 lots into 4 larger lots along NE 11 Way, the existing easement is now contained entirely within the property at 64 NE 11 Way. The proposed abandonment, and subsequent dedication of a new fifteen (15) foot wide drainage easement over the new boundary of the subject property and neighboring property at 62 NE 11 Way, will provide the required drainage infrastructure for the locality without encroaching on the building footprint of future residences.

Copies of the survey for the subject property and approved lot reconfiguration plan (showing the location of the proposed abandonment and future dedication) are attached for reference.

The Planning and Zoning Division is unaware of any historical significance of the property or prior historical activities associated with the site.

RESOLUTION NO. 2020/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, VACATING AND ABANDONING A PORTION OF A 15-FOOT WIDE DRAINAGE EASEMENT LOCATED AT 64 NE 11TH WAY IN CONNECTION WITH THE REDEVELOPMENT OF PARCELS WITHIN THE LITTLE HARBOR NEIGHBORHOOD TO ACCOMMODATE NEW SINGLE FAMILY HOMES; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the City of Deerfield Beach received an application (Application 18-A-192) (the “Application”) from Little Harbor Estates, LLC (the “Applicant”) to vacate and abandon an existing 15-foot wide drainage easement (recorded in Plat Book 49, Pg. 25) (the “Easement”) located at 64 NE 11th Way in Deerfield Beach, Florida, as more particularly described on Exhibit “A”; and

WHEREAS, the Application has been submitted to enable the redevelopment of six parcels within the Little Harbor neighborhood to accommodate new single family homes; and

WHEREAS, the Applicant has proposed the dedication of a new 15-foot wide drainage easement over the new boundary of the subject property and neighboring property located at 62 NE 11 Way, which will provide the required drainage infrastructure without encroaching on the building footprint of future residences; and

WHEREAS, Staff’s review of the Application has found that the proposed Easement abandonment is consistent with the Future Land Use Element of the Comprehensive Plan, the City’s Official Zoning Map and Land Development Code; and

WHEREAS, City staff finds that there is no public purpose and use in retaining the Easement as a drainage easement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced “Whereas” clauses are true and correct and made a part hereof.

Section 2. The legal description of the drainage Easement to be abandoned is as set forth on the attached Exhibit “A”, which is incorporated herein by this reference.

Section 3. The City Commission hereby finds that there is no public purpose and use in retaining the Easement as a drainage easement and does hereby find that the Easement as set forth on Exhibit “A” should be vacated and abandoned. The Easement is hereby vacated and abandoned.

Section 4. Should any section or provision of this Resolution or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 5. This Resolution shall take effect immediately upon adoption.

PASSED THIS ____ DAY OF _____, 2020.

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

ATTEST:

SAMANTHA GILLYARD, CMC, CITY CLERK



947 Clint Moore Road
Boca Raton, Florida 33487

SURVEYING & MAPPING
Certificate of Authorization No. LB7264



Tel: (561) 241-9988
Fax: (561) 241-5182

**SKETCH AND LEGAL DESCRIPTION
(NOT A SURVEY)**

LITTLE HARBOR LOTS - DRAINAGE EASEMENT ABANDONMENT

LEGAL DESCRIPTION

A portion of Lot 3 and 4, Block 7, Little Harbor on the Hillsboro, Section 4, according to the plat thereof, recorded in Plat Book 49, Page 25, of the Public Records of Broward County, Florida, being more particularly described as follows:

Beginning at the Southernmost corner of said Lot 3; thence North 32° 57' 20" West, along the Southwesterly line of said Lot 3, a distance of 7.50 feet; thence North 57° 02' 40" East, a distance of 110.00 feet; thence South 32° 57' 20" East, along the Northeasterly line of said Lots 3 and 4, a distance of 15.00 feet; thence South 57° 02' 40" West, a distance of 110.00 feet; thence North 32° 57' 20" West, along the Southwesterly line of said Lot 4, a distance of 7.50 feet to the Point of Beginning.

Said lands situate in the City of Deerfield Beach, Broward County, Florida.

NOTES

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. EASEMENTS AND RIGHTS-OF-WAY LISTED IN SCHEDULE B OF TITLE COMMITMENT NO. 6544192E, AS PREPARED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY, EFFECTIVE DATE : AUGUST 25, 2017 AT 8:00 A.M., HAVE BEEN SHOWN HEREON.
3. BEARINGS SHOWN HEREON ARE BASED ON THE RECORD PLATS.

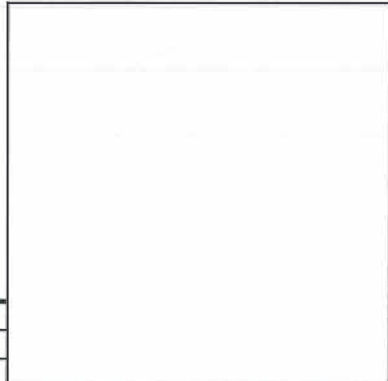
ABBREVIATIONS

B.C.R.	*	BROWARD COUNTY RECORDS
L	*	ARCLENGTH
COR.	*	CORNER
D	*	DELTA (CENTRAL ANGLE)
D.E.	*	DRAINAGE EASEMENT
I.R.	*	IRON ROD
I.R.C.	*	IRON ROD AND CAP
L.B.	*	LICENSED BUSINESS
L.S.	*	LICENSED SURVEYOR
O.R.B.	*	OFFICIAL RECORDS BOOK
P.O.B.	*	POINT OF BEGINNING
P.O.C.	*	POINT OF COMMENCEMENT
P.B.	*	PLAT BOOK
PG.	*	PAGE
P.S.M.	*	PROFESSIONAL SURVEYOR & MAPPER
R/W	*	RIGHT-OF-WAY
U.E.	*	UTILITY EASEMENT

CERTIFICATION

HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON COMPLIES WITH STANDARDS OF PRACTICE AS CONTAINED IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.

JEFF S. HODAPP
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. LS5111



Project Name:	LITTLE HARBOR	DATE:	2/28/2018
JOB NO.	17160	DWG BY:	JSH
		CK'D By:	TP
			SHEET 1 OF 2

PERIMETER

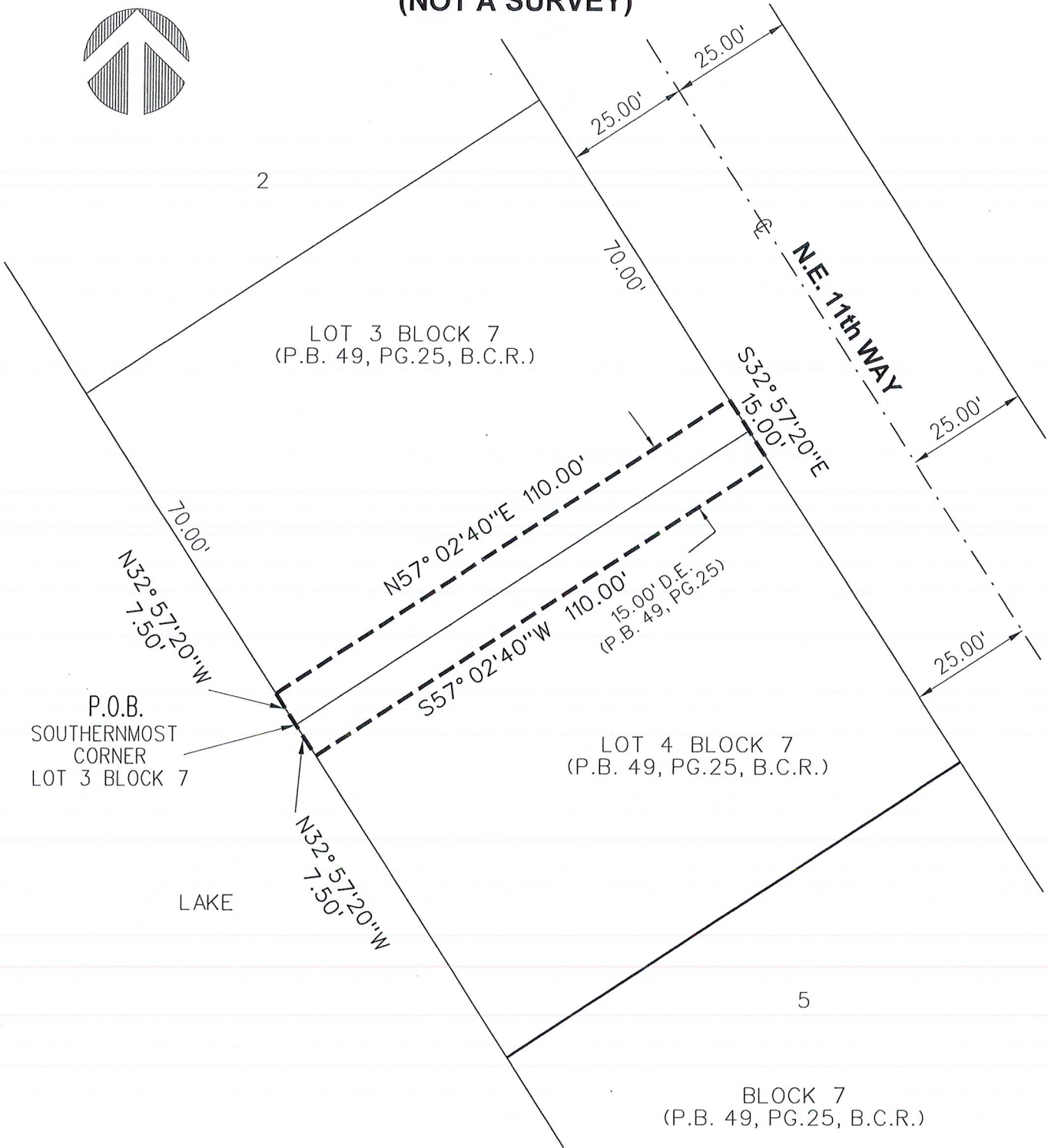
947 Clint Moore Road
Boca Raton, Florida 33487

SURVEYING & MAPPING
Certificate of Authorization No. LB7264



Tel: (561) 241-9988
Fax: (561) 241-5182

SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)



JOB NO.	17160	Project Name:	LITTLE HARBOR	DWG BY:	JSH	SCALE:	1"=30'
		CK'D By:	TP	DATE:	2/28/2018		SHEET 2 OF 2



PUBLIC HEARING NOTICE

January 3, 2020

Dear Property Owner:

This is to notify you that the CITY COMMISSION of the City of Deerfield Beach, a municipal corporation of Florida, shall hear an application for:

P.H. 2020-027: APPLICATION 18-A-192

Applicant: **Little Harbor Estates LLC, represented by Christina Bilenki of Dunay, Miskel, & Backman LLP**

Proposal: Abandonment of an existing fifteen (15) foot wide drainage easement recorded in Plat Book 49, Page 25

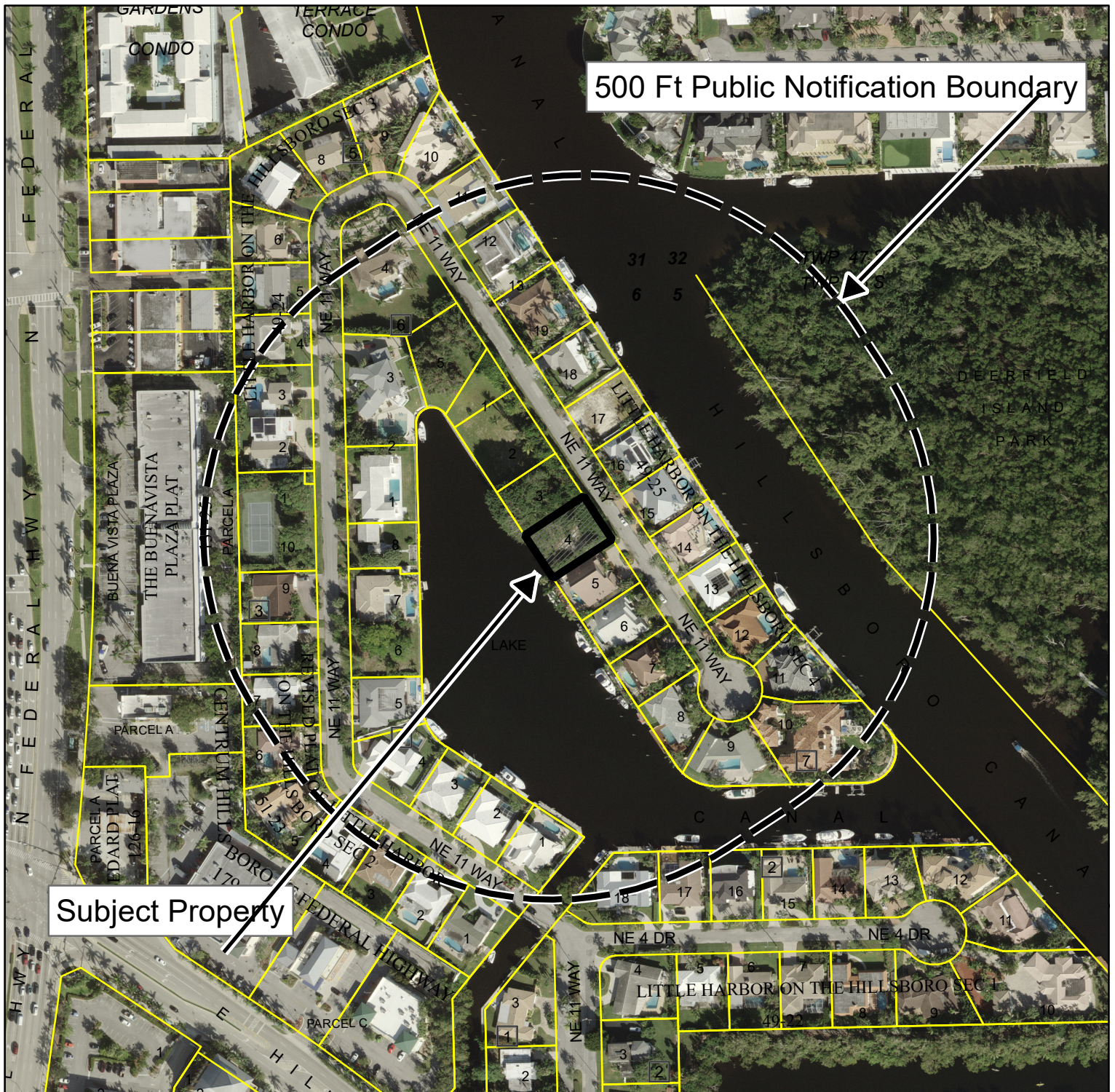
Location: The property is generally described as a portion of Lot 3 and 4, Block 7, LITTLE HARBOR ON THE HILLSBORO, Section 4, according to the plat thereof, recorded in Plat Book 49, Page 25, of the Public Records of Broward County, Florida, more particularly described in the file, and located at **64 NE 11th Way**.

A public hearing will be held on **TUESDAY, JANUARY 14, 2020 at 7:00 p.m.** in the City Commission Chambers. All interested parties may appear in person to offer evidence in support of or against the proposal. Further information may be obtained at www.deerfield-beach.com/agendas or from the Planning and Development Services Department during business hours in City Hall, 150 N.E. 2nd Avenue, Deerfield Beach, FL 33441, phone: (954) 480-4206.

At said meeting interested persons may appear and be heard with respect to the public hearing. Any person who decides to appeal any decision made by the City Commission with respect to any matter considered at this hearing would need a record of the proceedings. And for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The above notice is required by State Law (FS 286.0105). **Any person desiring a verbatim transcript shall have the responsibility, at his own expense, to arrange for the presence at the hearing of a certified court reporter.** A full transcript of the proceedings will be needed to appeal any decision of the City Commission.

Any person requiring auxiliary aids and services at this hearing may contact the City Clerk's Office at (954) 480-4213 at least 24 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8770 or 1-800-955-8771.

Samantha Gillyard, CMC, City Clerk



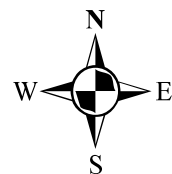
500 Ft Public Notification Boundary

Subject Property

Public Hearing Notice Map

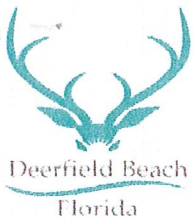
Abandonment Application No.
18-A-192

64 NE 11th Way



0 125 250 Feet

For additional information
call the Planning Department at 954-480-4206
or visit www.deerfield-beach.com/boardagendas



Application: 18-A-192
Date: 4/12/18



VACATION AND ABANDONMENT APPLICATION

PLEASE PROVIDE IN FULL THE FOLLOWING INFORMATION (TYPE OR PRINT LEGIBLY)

Section One: Vacation and Abandonment Information

The undersigned desires the vacation and abandonment of the following portion of a dedicated or platted easement, to wit: A portion of a drainage easement over a portion of Lot 3 and 4, Block 7,

Little Harbor on the Hillsboro, Section 4, according to the

Plat thereof, recorded Plat Book 49, Page 24, of the Records of Broward County, Florida, being more

particularly described on the attached exhibit.

Section Two: Applicant Information (Name and legal description of all abutting property owners. (Please be aware that approval must be obtained from all abutting property owners with signatures provided herewith. Use additional pages if necessary.)

Signature: [Signature]

Name (Print): Little Harbor Estates LLC

Address: 2605 W Atlantic Avenue, Delra Beacy, FL 33445

Phone: 561-278-6554

E-Mail: ron.ellish@ellishbuilders.com

Legal Description of Property:

Please see attached.

Signature: [Signature]

Name (Print): Dunay Miskel + Backman LLP

Address: 14 SE 4th St, Suite 36 Boca Raton FL 33432

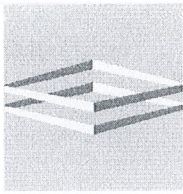
Phone: 561-405-3323

E-Mail: cbienki@dmbbllaw.com

Legal Description of Property:

Please explain the reason why you are requesting this easement be abandoned:

Please see attached narrative.



**DUNAY
MISKEL
BACKMAN** LLP

Gary Dunay
Bonnie Miskel
Scott Backman

Hope Calhoun
Dwayne Dickerson
Ele Zachariades

Matthew H. Scott
Christina Bilenki
Heather Jo Allen

Little Harbor Way
Easement Abandonment Narrative
64 NE 11 Way

Little Harbor Estates LLC (“Petitioner”) is the owner of six (6) parcels on Little Harbor Way (aka NE 11th Way) including the property more particularly identified as 64 NE 11 Way (Folio #4843 0632 0050) (referred to as the “Property”) in the City of Deerfield Beach (“City”). The Property is also located within the Little Harbor on the Hillsboro Plat, as recorded in Plat Book 49, Page 24 of the Public Records of Broward County, Florida (“Plat”). Through the Broward County Property Appraiser (“BCPA”) lot split/combination process, Petitioner recently reconfigured the lots to be more suitable for redevelopment. Petitioner is proposing to redevelop the lots for single family homes (“Project”). There is currently a platted drainage easements lying within the Property and between Lot 3 Block 7 and Lot 4 Block 7 identified on the Plat. While the drainage easements were previously located along former lot lines, with the lot reconfiguration, they now lie towards further into the lot over to of the subject development parcels. As such, the drainage easement conflict with the proposed development of the lots with single family homes. Petitioner is proposing to abandon the drainage easement and relocate the easements towards the edge of each parcel in order to allow for the Project.



For Office Use Only

Date: 9/10/19

Application

Nos.: 18-A-192



DISCLOSURE AFFIDAVIT

The City of Deerfield Beach requires all applicants, and persons and/or entities doing business with the City, to disclose any potential for or conflict of interest as stated below. Per Ordinance No. 2009/006 of the City of Deerfield Beach, the adopted Ethics Code contains the following:

Section 5. Disclosure and Behavior Requirements of Applicants and Persons/Entity seeking a City contract or currently doing business with the City.

Any applicant for a land use change or development permit requiring approval of the City Commission, or any person/entity seeking a City contract through a request for proposal, request for qualification, or sealed bid process (all referred to as applicant):

A. Shall not induce, attempt to offer, solicit or knowingly assist any person in violating the Ethics Code.

B. All applicants shall include the following with their application, proposal, or bid:

(Attach additional sheets as needed for each item.)

1. A listing of all campaign contributions to sitting City Commissioners in the past four (4) years, as well as contributions of all officers, directors, shareholders of a corporation if the application is a corporation, or partners if the applicant is a partnership, or members, whether general or limited, if it is a limited liability company.

Feb. 2019 - \$1,000 Campaign Contribution to M. Hudak

Jan. 2017 - \$1,000.00 Campaign Contribution to B. Ganz,

B. Parness & T. Drosky

2. Disclose all those items that a regulated officer is required to disclose concerning any conflict, whether actionable or non-actionable.

None.



3. Disclose any action that is a violation of the Ethics Code by a regulated office (in reference to the application) with the applicant and/or the applicant's agents, and what was done to rectify the violation (for example: if a gift was given, when demand was made for return of the gift.)

None.

4. An applicant shall fully, completely, accurately, and not misleadingly report and file all disclosures required by this Ethics Code, and shall fully, completely, accurately, and not misleadingly make all disclosures referenced in this Ethics Code and not omit material information, and/or file misleading and/or deceitful information in the disclosure.
5. An applicant has a continuing duty to report any violation of this Ethics Code related to their application.
6. Failure to disclose in compliance with this Section shall be a violation of this Ethics Code and shall be grounds for the City Commission to void or rescind any approval or contract.

C. No applicant shall, directly or indirectly, induce, encourage, or aid anyone to violate any provision of this Code.

I, Scott Backman, have received a copy of the ordinance and understand the ordinance requirements.

Applicant

Signature

Date

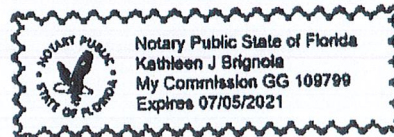
Sworn to and subscribed before me this 10th day of September, 2019.

By:

Scott Backman
Kathleen J. Brignola
Kathleen J. Brignola
Notary Public, State of Florida

Produced as ID:

Personally known



For Office Use Only
Date: 9/10/19
Application Nos.: 18-A-192



DISCLOSURE AFFIDAVIT

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(Attach additional sheets as needed for each item.)

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B. Parness & T. Drosky

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None.



3. Disclose any action that is a violation of the Ethics Code by a regulated office (in reference to the application) with the applicant and/or the applicant's agents, and what was done to rectify the violation (for example: if a gift was given, when demand was made for return of the gift.)

None.

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5. An applicant has a continuing duty to report any violation of this Ethics Code related to their application.
6. Failure to disclose in compliance with this Section shall be a violation of this Ethics Code and shall be grounds for the City Commission to void or rescind any approval or contract.

C. No applicant shall, directly or indirectly, induce, encourage, or aid anyone to violate any provision of this Code.

I, Zachary Davis-Walker, have received a copy of the ordinance and understand the ordinance requirements.

Applicant

Zachary Davis-Walker
Signature

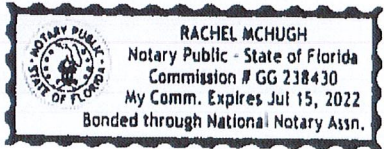
9/9/19
Date

Sworn to and subscribed before me this 9 day of September, 20 19.

By: *Rachel Mchugh*
Rachel Mchugh

Produced as ID:

Notary Public, State of Florida





DEVELOPMENT PERMIT APPLICATION DISCLOSURE AFFIDAVIT

The City of Deerfield Beach requires all applicants, and persons and/or entities doing business with the City, to disclose any potential for or conflict of interest as stated below. Per Ordinance No. 2009/006 of the City of Deerfield Beach, the adopted Ethics Code contains the following:

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- B. All applicants shall include the following with their application, proposal, or bid:

(Attach additional sheets as needed for each item.)

- 1. A listing of all campaign contributions to sitting City Commissioners in the past four (4) years, as well as contributions of all officers, directors, shareholders of a corporation if the application is a corporation, or partners if the applicant is a partnership, or members, whether general or limited, if it is a limited liability company.

Jan. 2015 - Joe Miller \$1,000.00; Jan. 2017 - Bill Ganz \$1,000.00

Jan. 2017 - Bernie Parness \$1,000.00

Jan. 2017 - Todd Drosky \$1,000.00

- 2. Disclose all those items that a regulated officer is required to disclose concerning any conflict, whether actionable or non-actionable.

None

PLANNING & DEVELOPMENT SERVICES
150 NE 2 Avenue, Deerfield Beach, Florida 33441
954.480.4206 web.planning@deerfield-beach.com

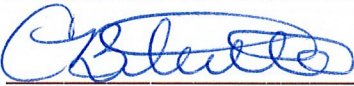
3. Disclose any action that is a violation of the Ethics Code by a regulated office (in reference to the application) with the applicant and/or the applicant's agents, and what was done to rectify the violation (for example: if a gift was given, when demand was made for return of the gift.)

none

4. An applicant shall fully, completely, accurately, and not misleadingly report and file all disclosures required by this Ethics Code, and shall fully, completely, accurately, and not misleadingly make all disclosures referenced in this Ethics Code and not omit material information, and/or file misleading and/or deceitful information in the disclosure.
5. An applicant has a continuing duty to report any violation of this Ethics Code related to their application.
6. Failure to disclose in compliance with this Section shall be a violation of this Ethics Code and shall be grounds for the City Commission to void or rescind any approval or contract.

C. No applicant shall, directly or indirectly, induce, encourage, or aid anyone to violate any provision of this Code.

I, Christina Bilenki, have received a copy of the ordinance and understand the ordinance requirements.
Applicant

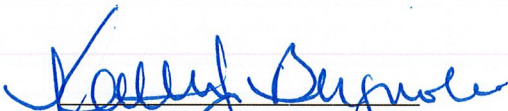

Signature

4/11/18
Date

Sworn to and subscribed before me this 11th day of April, 20 18.

By: Christina Bilenki

Produced as ID: Personally Known


Notary Public, State of Florida





DEVELOPMENT PERMIT APPLICATION DISCLOSURE AFFIDAVIT

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- A. Shall not induce, attempt to offer, solicit or knowingly assist any person in violating the Ethics Code.
- B. All applicants shall include the following with their application, proposal, or bid:

(Attach additional sheets as needed for each item.)

- 1. A listing of all campaign contributions to sitting City Commissioners in the past four (4) years, as well as contributions of all officers, directors, shareholders of a corporation if the application is a corporation, or partners if the applicant is a partnership, or members, whether general or limited, if it is a limited liability company.

NONE

- 2. Disclose all those items that a regulated officer is required to disclose concerning any conflict, whether actionable or non-actionable.

NONE

PLANNING & DEVELOPMENT SERVICES
150 NE 2 Avenue, Deerfield Beach, Florida 33441
954.480.4206 web.planning@deerfield-beach.com

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- C. No applicant shall, directly or indirectly, induce, encourage, or aid anyone to violate any provision of this Code.

I, Ronald Elish, have received a copy of the ordinance and understand the ordinance requirements.
Applicant

[Signature]

Signature

3/7/18

Date

Sworn to and subscribed before me this 7 day of March, 2018.

By: Ronald Elish

Produced as ID:

Personally known.

Melissa L. Willson

Notary Public, State of Florida



PLANNING & DEVELOPMENT SERVICES
150 NE 2 Avenue, Deerfield Beach, Florida 33441
954.480.4206 web.planning@deerfield-beach.com

PERIMETER

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SURVEYING & MAPPING
Certificate of Authorization No. LB7264



Tel: (561) 241-9988
Fax: (561) 241-5182

SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)

LITTLE HARBOR LOTS - DRAINAGE EASEMENT ABANDONMENT

LEGAL DESCRIPTION

A portion of Lot 3 and 4, Block 7, Little Harbor on the Hillsboro, Section 4, according to the plat thereof, recorded in Plat Book 49, Page 25, of the Public Records of Broward County, Florida, being more particularly described as follows:

Beginning at the Southernmost corner of said Lot 3; thence North 32° 57' 20" West, along the Southwesterly line of said Lot 3, a distance of 7.50 feet; thence North 57° 02' 40" East, a distance of 110.00 feet; thence South 32° 57' 20" East, along the Northeasterly line of said Lots 3 and 4, a distance of 15.00 feet; thence South 57° 02' 40" West, a distance of 110.00 feet; thence North 32° 57' 20" West, along the Southwesterly line of said Lot 4, a distance of 7.50 feet to the Point of Beginning.

Said lands situate in the City of Deerfield Beach, Broward County, Florida.

NOTES

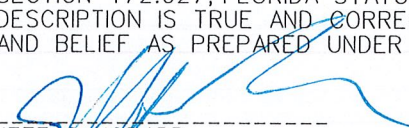
1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
2. EASEMENTS AND RIGHTS-OF-WAY LISTED IN SCHEDULE B OF TITLE COMMITMENT NO. 6544192E, AS PREPARED BY COMMONWEALTH LAND TITLE INSURANCE COMPANY, EFFECTIVE DATE : AUGUST 25, 2017 AT 8:00 A.M., HAVE BEEN SHOWN HEREON.
3. BEARINGS SHOWN HEREON ARE BASED ON THE RECORD PLATS.

ABBREVIATIONS

B.C.R.	=	BROWARD COUNTY RECORDS
L	=	ARCLENGTH
COR.	=	CORNER
D	=	DELTA (CENTRAL ANGLE)
D.E.	=	DRAINAGE EASEMENT
I.R.	=	IRON ROD
I.R.C.	=	IRON ROD AND CAP
L.B.	=	LICENSED BUSINESS
L.S.	=	LICENSED SURVEYOR
O.R.B.	=	OFFICIAL RECORDS BOOK
P.O.B.	=	POINT OF BEGINNING
P.O.C.	=	POINT OF COMMENCEMENT
P.B.	=	PLAT BOOK
PG.	=	PAGE
P.S.M.	=	PROFESSIONAL SURVEYOR & MAPPER
R/W	=	RIGHT-OF-WAY
U.E.	=	UTILITY EASEMENT

CERTIFICATION

I HEREBY CERTIFY THAT THE SKETCH AND DESCRIPTION SHOWN HEREON COMPLIES WITH STANDARDS OF PRACTICE AS CONTAINED IN CHAPTER 5J-17.051, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS PREPARED UNDER MY DIRECTION.


 JEFF S. HODAPP
 SURVEYOR AND MAPPER
 FLORIDA LICENSE NO. LS5111

Project Name:	LITTLE HARBOR	DATE:	2/28/2018
JOB NO.	17160	DWG BY:	JSH
		CK'D By:	TP
			SHEET 1 OF 2

PERIMETER

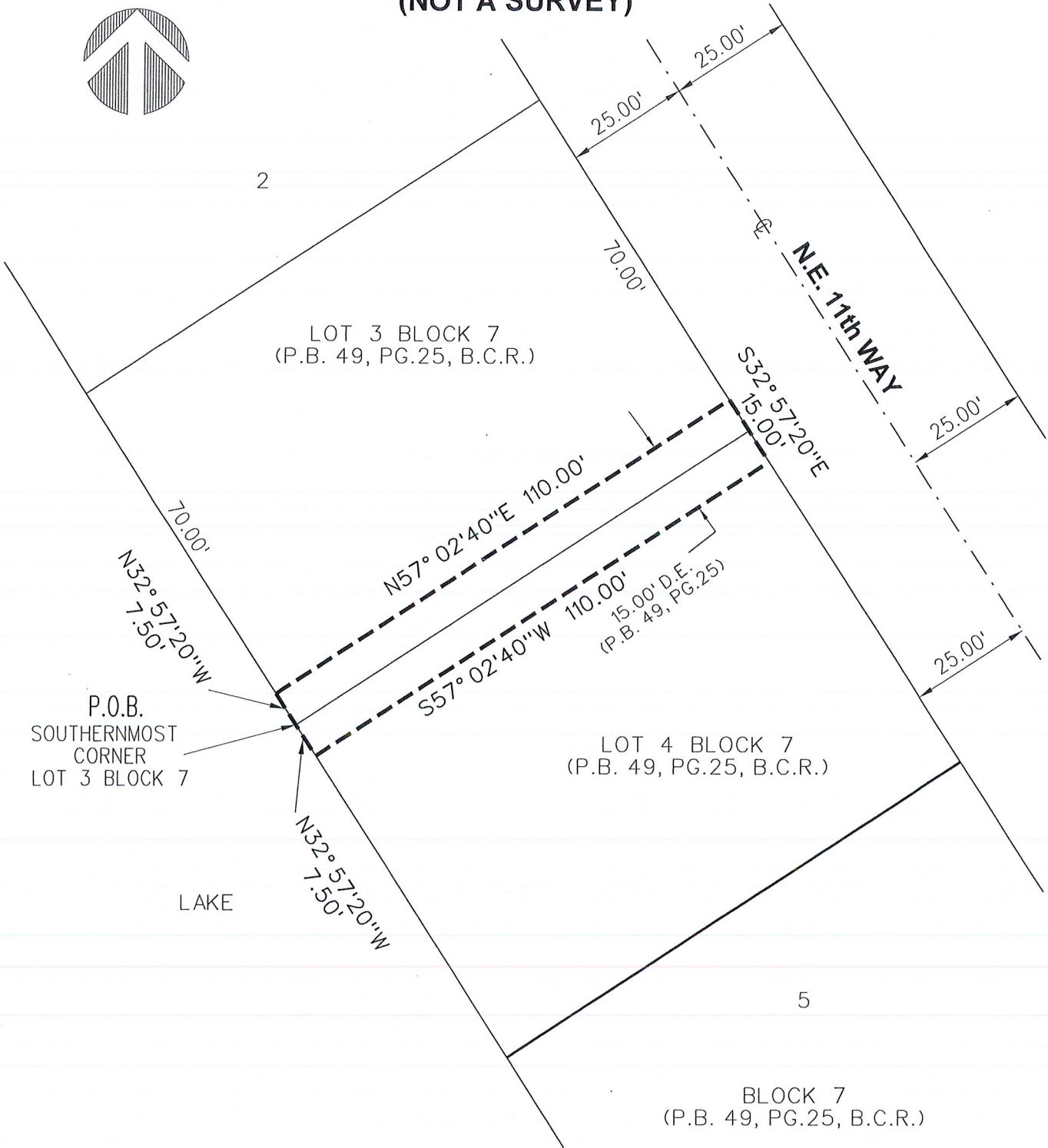
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Boca Raton, Florida 33487

SURVEYING & MAPPING
Certificate of Authorization No. LB7264

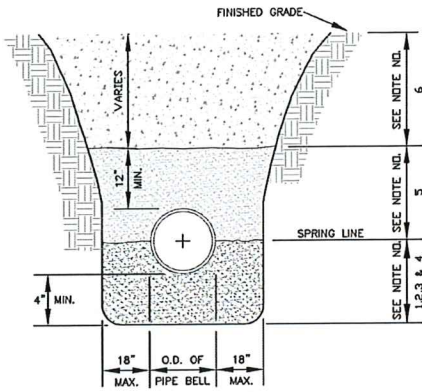


Tel: (561) 241-9988
Fax: (561) 241-5182

SKETCH AND LEGAL DESCRIPTION (NOT A SURVEY)



JOB NO.	17160	Project Name:	LITTLE HARBOR	DWG BY:	JSH	SCALE:	1"=30'
		CK'D By:	TP	DATE:	2/28/2018		SHEET 2 OF 2



- NOTES:**
- BEDDING MATERIAL SHALL BE WASHED AND GRADED ROCK, 3/8" - 7/8" SIZING. UNSUITABLE MATERIALS SUCH AS MUCK, DEBRIS AND LARGER ROCKS SHALL BE REMOVED.
 - THE PIPE SHALL BE FULLY SUPPORTED FOR ITS ENTIRE LENGTH WITH COMPACTION UNDER THE PIPE HAUNCHES.
 - COMPACT BENEATH THE HAUNCHES OF THE PIPE USING MECHANICAL TAMPERS TO 100% MAXIMUM DENSITY AS DETERMINED BY AASHTO T-99C.
 - THE PIPE SHALL BE PLACED IN A DRY TRENCH.
 - BACKFILL USING CLEAN MATERIAL FREE OF ROCKS (2" MAX. SIZE), MUCK AND OTHER DELETERIOUS MATERIAL, TO BE COMPACTED ALONG THE SIDES OF THE PIPE AND TO A POINT ONE FOOT ABOVE THE TOP OF THE PIPE TO 100% MAXIMUM DENSITY AS DETERMINED BY AASHTO T-99C.
 - A. WHERE PAVEMENT IS TO BE CONSTRUCTED OVER THE PIPE, THE REMAINING BACKFILL SHALL BE COMPACTED IN 6 INCH LAYERS TO 100% MAXIMUM DENSITY AS DETERMINED BY AASHTO T-99C.
B. WHERE NO PAVEMENT IS TO BE CONSTRUCTED OVER THE PIPE, THE REMAINING BACKFILL SHALL BE COMPACTED IN 12 INCH LAYERS TO 100% MAXIMUM DENSITY AS DETERMINED BY AASHTO T-99C.

PIPE INSTALLATION
N.T.S.



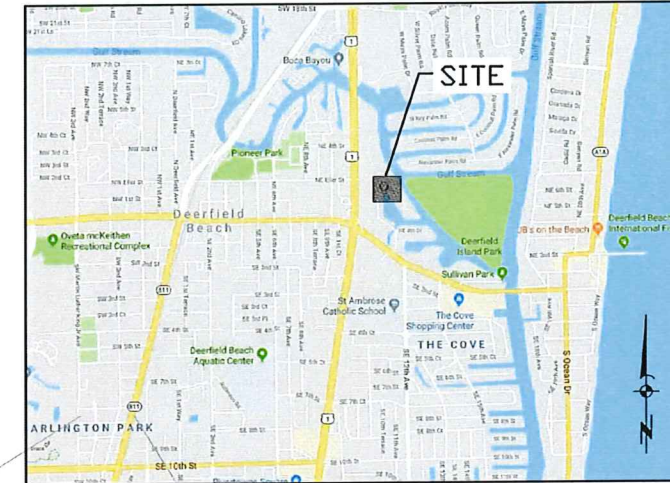
POLLUTION RETARDANT MANHOLE
N.T.S.

SURVEY NOTES

- EXISTING ELEVATIONS AND CONDITIONS SHOWN HEREON WERE TAKEN FROM THE BOUNDARY SURVEY PREPARED BY PERIMETER SURVEYING AND MAPPING, JOB NO. 17160 ON SEPTEMBER 20, 2017.
- THE N.F.I.P. FLOOD MAP HAS DESIGNATED THIS LAND LIES WITH ZONES "AE" AND "X", MAP-PANEL #179, BASE FLOOD ELEV. EL.=5.0 FOR AE. COMMUNITY NO. 125101, DATE OF FIRM AUGUST 18, 2014.
- EXISTING AND PROPOSED ELEVATIONS ARE IN FEET AND BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988).
- BENCHMARK OF ORIGIN TO FDOT BENCHMARK 8696 X 013 - ELEVATION=23.77', N.A.V.D. 1988.

NOTE OF CONTRACTOR

THE LOCATION OF EXISTING UNDERGROUND UTILITIES HAS BEEN PREPARED FROM THE MOST RELIABLE INFORMATION AVAILABLE TO THE ENGINEER. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE FACILITIES SHOWN. THE CONTRACTOR SHALL VERIFY THE ELEVATIONS AND LOCATIONS OF EXISTING FACILITIES PRIOR TO CONSTRUCTION. IF AN EXISTING FACILITY IS FOUND TO CONFLICT WITH THE PROPOSED CONSTRUCTION UPON EXCAVATION, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER OF RECORD SO THAT APPROPRIATE MEASURES CAN BE TAKEN TO RESOLVE THE CONFLICT.



LOCATION MAP
N.T.S.

LIST OF ABBREVIATIONS:

- EL. ELEVATION
- EX. EXISTING
- INV. INVERT
- PROP. PROPOSED
- M.H. MANHOLE
- LF. LINEAR FEET
- CB. CATCH BASIN
- SD. STORM DRAIN
- RCP. REINFORCED CONCRETE PIPE

RECORD AS-BUILT SURVEY

PERIMETER

947 Clint Moore Road
Boca Raton, Florida, 33487
Certificate of Authorization No. LB7264
Tel: (561) 241-9988
Fax: (561) 241-5182

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON COMPLIES WITH STANDARDS OF PRACTICE FOR SURVEYS AS CONTAINED IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND THAT SAID SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED UNDER MY DIRECTION.

JEFF S. HODAPP
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. LS5111

LAST DATE OF FIELD WORK : AUGUST 7, 2019

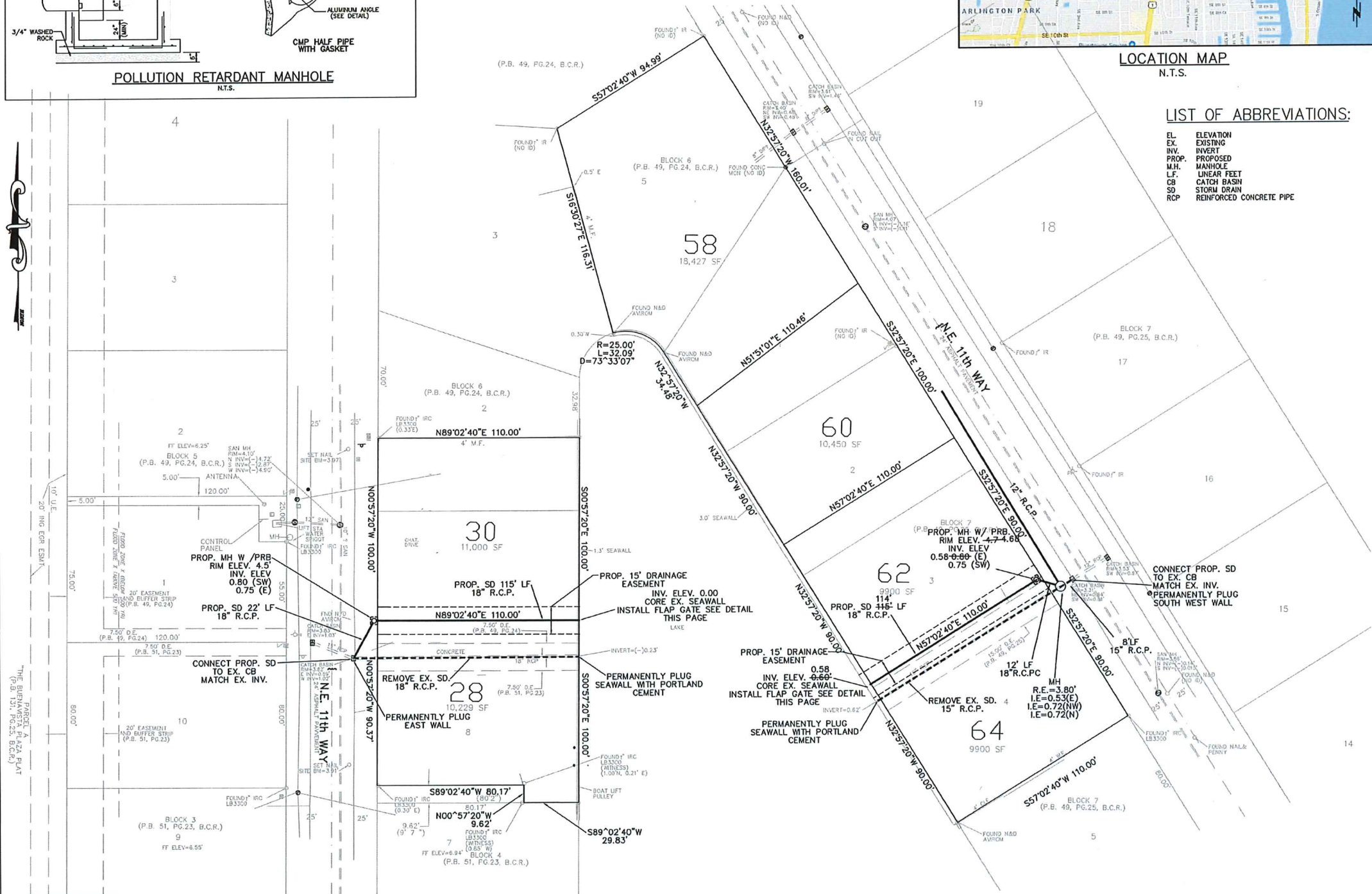
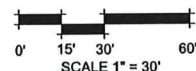
- | | |
|----------------------|-----------|
| A) NOMINAL PIPE SIZE | A) 18.00" |
| B) RING INSIDE DI | B) 19.38" |
| C) RING OUTSIDE DI | C) 24.00" |
| D) BOLT CIRCLE DI | D) 22.00" |
| E) ANCHOR BOLT DI | E) 5/8" |
| F) HINGE SUPPORT BAR | F) 8.00" |
| G) OVERALL DEPTH | G) 11.50" |

ALUMINUM FLAP GATE (18IN)

MATERIAL SPECIFICATIONS
ALUMINUM - ALLOY 6061-T6 & 6063
FASTENERS, STAINLESS STEEL - ASTM A 276 TYPE 304L
NEOPRENE - ASTM D-2000 AND D-1056-67

U.S. CUSTOM FABRICATION, INC.
1858 NW 31ST, POMPANO BEACH, FL 33069

48 HOURS BEFORE DIGGING
BROWARD • PALM BEACH • MIAMI RIVER •
ST. LUCIE • MARTIN COUNTIES
CALL TOLL FREE
1-800-432-4770
FOR UNDERGROUND UTILITIES
NOTIFICATION AND LOCATION



DISCLAIMER:
INFORMATION SHOWN ON THIS PLAN IS A GRAPHIC REPRESENTATION ONLY, AND IS NOT TO BE USED IN LIEU OF A HORIZONTAL CONTROL PLAN.

NEAL B. JANOV #21998

DIVERSIFIED CONSTRUCTION
DCES
& ENGINEERING SERVICES
2295 N.W. CORPORATE BLVD. #125 BOCA RATON, FL 33431
561-750-3717 FAX 561-750-3686
EB #6459

CHK.:	
DWN.:	MA
DATE:	10-03-18
REVISIONS	
1. REMOVED QUOTE, ADDED FLAP GATE PER CITY	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

LITTLE HARBOR
DRAINAGE PIPE RELOCATION PLAN
FOR LOTS 62 & 30

DCES
SCALE: 1" = 30'
DATE: 3-12-2018
DWN. BY: A.A.
CHK. BY: N.B.J.
F.B. PG.
JOB NO.: 2284-18
SHEET: 1 OF 1



Development Review Committee

Summary Report

Development Plan Application Review

General Information

Application No.	18-A-192										
Applicant:	Little Harbor Estates LLC										
Agent:	Christina Bilenki, Esq. of Dunay Miskel & Backman LLP										
Requested Action/Description:	Abandonment of an existing fifteen (15) foot wide drainage easement recorded in Plat Book 49, Page 25.										
Location:	64 NE 11 Way										
Legal Description:	A portion of Lot 3 and 4, Block 7, LITTLE HARBOR ON THE HILLSBORO, Section 4, according to the plat thereof, recorded in Plat Book 49, Page 25, of the Public Records of Broward County, Florida, more particularly described in the file.										
Size:	Easement Area - 0.038 Acres (1,650 square feet)										
Existing Zoning:	RS-5 (Residence, Single Family)										
Existing Land Use:	Single-family residential										
Future Land Use Plan Designation:	Residential Low										
Surrounding Land Use and Zoning:											
	<table style="width: 100%; border: none;"> <thead> <tr> <th style="text-align: left; width: 50%;"><u>Existing Land Use</u></th> <th style="text-align: left; width: 50%;"><u>Zoning</u></th> </tr> </thead> <tbody> <tr> <td>North: Single-Family Residential</td> <td>RS-5 (Residence, Single Family)</td> </tr> <tr> <td>East: Single-Family Residential</td> <td>RS-5 (Residence, Single Family)</td> </tr> <tr> <td>South: Single-Family Residential</td> <td>RS-5 (Residence, Single Family)</td> </tr> <tr> <td>West: Single-Family Residential</td> <td>RS-5 (Residence, Single Family)</td> </tr> </tbody> </table>	<u>Existing Land Use</u>	<u>Zoning</u>	North: Single-Family Residential	RS-5 (Residence, Single Family)	East: Single-Family Residential	RS-5 (Residence, Single Family)	South: Single-Family Residential	RS-5 (Residence, Single Family)	West: Single-Family Residential	RS-5 (Residence, Single Family)
<u>Existing Land Use</u>	<u>Zoning</u>										
North: Single-Family Residential	RS-5 (Residence, Single Family)										
East: Single-Family Residential	RS-5 (Residence, Single Family)										
South: Single-Family Residential	RS-5 (Residence, Single Family)										
West: Single-Family Residential	RS-5 (Residence, Single Family)										
Applicable Regulations:	City of Deerfield Beach Land Development Code										
Plat Restrictions:	None										

Department Comments & Requirements

REQUEST:

Abandonment of an existing fifteen (15) foot wide drainage easement recorded in Plat Book 49, Page 25.

BACKGROUND:

The subject easement is situated on property at 64 NE 11 Way (recorded in Plat Book 49, Page 25) in the RS-5 (Residence, Single Family) in the Little Harbor neighborhood.

The Abandonment application (18-A-192) is a request to abandon an existing fifteen (15) foot wide drainage easement. The existing easement conflicts with the recent lot reconfiguration approved by the Broward County Property Appraiser which is intended to accommodate single family homes on each lot. As a result of the lot reconfiguration, which combined 5 lots into 4 larger lots along NE 11 Way, the existing easement is now contained entirely within the property at 64 NE 11 Way. The proposed abandonment, and subsequent dedication of a new fifteen (15) foot wide drainage easement over the new boundary of the subject property and neighboring property at 62 NE 11 Way, will provide the required drainage infrastructure for the locality without encroaching on the building footprint of future residences.

Copies of the survey for the subject property and approved lot reconfiguration plan (showing the location of the proposed abandonment and future dedication) are attached for reference.

The Planning and Zoning Division is unaware of any historical significance of the property or prior historical activities associated with the site.

COMMENTS:

Planning & Zoning

1. Provide a dimensioned plan of proposed lot reconfigurations, which show proposed new easement locations.

Revised 11/6/19: Comment addressed. Lot configuration plan submitted.

Environmental Services

Staff has completed a preliminary review of the above referenced application and has the following comment.

1. Public Drainage improvements exist inside the Plat designated Drainage Easement proposed to be vacated. The applicant must relocate the drainage improvements in a manner satisfactory to the City of Deerfield Beach and all other Agencies Having Jurisdiction, prior to the Drainage Easement Vacation approval.

Revised 11/6/19: Comment addressed. Drainage improvements have been relocated and Engineering permit has been closed.

PLANNING CONSIDERATIONS:

1. Compliance with the Comprehensive Plan: Per Section 98-9, no permit or approval for development of land shall be approved which does not comply with the goals,

objectives and policies (GOPs) of the Deerfield Beach Comprehensive Plan. The Future Land Use (FLU) Map designations for the subject property is Residential Low. The approval of this application is considered to be in compliance with the City's Future Land Use Map and Comprehensive Plan

2. Compliance with the Land Development Code: The property is zoned RS-5 (Residence, Single Family), with the proposed site plan to develop single family homes, a permitted use in the district. Approval of this application will not change the official zoning map.

SUMMARY:

Staff's review of application 18-A-192 has found that the proposed abandonment is consistent with the Future Land Use Element of the Comprehensive Plan, the City's Official Zoning Map and Land Development Code.

This report contains the requirements of the Deerfield Beach Development Review Committee members relative to this site development plan application. If there are any questions or issues regarding compliance with any of the requirements in this report, the respective department should be contacted directly.

**CITY OF DEERFIELD BEACH, FLORIDA
NOTICE OF PUBLIC HEARING**

YOU ARE HEREBY NOTIFIED that a public hearing will be before the City Commission on **Tuesday, January 14, 2020** at 7:00 p.m. in the City Commission Chambers, City Hall, 150 NE 2nd Avenue, Deerfield Beach, Florida, to consider the following:

P.H. 2020-016: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 50 "PARKS AND RECREATION", ARTICLE IV "ATHLETIC FACILITIES" OF THE CITY CODE OF ORDINANCES TO MODIFY THE CITY'S RECREATION FACILITY USE REGULATIONS AND PROVIDE FOR THE ADOPTION OF A SPORTS POLICY BY RESOLUTION OF THE CITY COMMISSION; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

P.H. 2020-017: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 46 "OFFENSES" OF THE CITY CODE OF ORDINANCES PROHIBITING THE DISCHARGE OF AIR GUNS, BB GUNS, AND OTHER DEVICES, EXCEPT FOR THE PURPOSE OF ERADICATING IGUANAS ON PRIVATE PROPERTY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

P.H. 2020-018: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 98 "LAND DEVELOPMENT REGULATIONS" OF THE CITY LAND DEVELOPMENT CODE BY CREATING ARTICLE X "HISTORIC PRESERVATION"; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

P.H. 2020-019: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 38, "FINANCE AND TAXATION", ARTICLE V "PROCEDURES FOR SALE OR LEASE OF CITY-OWNED PROPERTY", SECTION 38-156 "SALE OR LEASE OF CITY PROPERTY" OF THE CITY'S CODE OF ORDINANCES TO MODIFY THE PROCEDURES AND REQUIREMENTS FOR THE SALE OR LEASE OF CITY PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

P.H. 2020-020: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 14 "BUILDINGS AND BUILDING REGULATIONS" OF THE CITY CODE OF ORDINANCES BY CREATING ARTICLE V "PUBLIC ART PROGRAM"; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Copies of the Ordinances are available for public inspection in the City Clerk's Office, 150 N.E. 2nd Avenue, Deerfield Beach, Florida 33441. All interested persons are urged to attend the Public Hearing(s), send a representative or express their views by letter.

You may either be present in person at the Public Hearing(s), represented by counsel or letter. All interested persons take due notice of the time and place of the Public Hearing and govern yourselves accordingly.

Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this meeting would need a record of the proceedings. And for such purpose, may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring auxiliary aids and services at this meeting may contact the City Clerk's Office at (954) 480-4213 at least 24 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8770 or 1-800-955-8771.

BY: SAMANTHA GILLYARD, CMC, CITY CLERK

Publish: Sun-Sentinel
Friday, January 3, 2020



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet

File Number: I.D. 2019-190

Agenda Date: 1/14/2020

Status: PUBLIC HEARINGS –
SECOND READING

In Control: City Commission

Title

P.H. 2020-012: ORDINANCE 2020/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 46 "OFFENSES" OF THE CITY CODE OF ORDINANCES PERTAINING TO EXEMPTIONS FOR OPEN BURNING ON RESIDENTIAL PROPERTY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. (Continued from December 3, 2019)

Recommended Action

Commission to vote on Ordinance

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

Planning staff has identified a needed correction in Section 46-31 relative to open burning of materials on residential property. Staff is proposing to provide regulation related to the location of barbecue pits and fire places which are either temporary or permanent in nature. In addition, staff is providing additional details on materials that are prohibited from being burned in a barbecue pit or fireplace under Section 46-31(d)(1). These changes are only related to the health and welfare of residential properties and does not impact any commercial entity, which must meet additional criteria elsewhere in this section. Please note that any entity which violates Section 46-31 is deemed a nuisance under Section 34-129(11) which regulates "Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities". Declaring a site or activity as a nuisance is a matter regulated by Code Compliance and is enforced through the Special Magistrate Process.

During the First Reading of the Ordinance, the Commission gave direction to staff to further clarify the Ordinance to allow contained fires for residential recreation purposes (ex. fire pit) under certain conditions.

Recommendation

Staff recommends approval.

ORDINANCE NO. 2020/

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 46 “OFFENSES” OF THE CITY CODE OF ORDINANCES PERTAINING TO EXEMPTIONS FOR OPEN BURNING ON RESIDENTIAL PROPERTY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, staff has identified a needed amendment to Section 46-31 of the City Code, regarding the open burning of materials on residential property; and

WHEREAS, the City Commission has determined that it is in the best interests of the citizens and general public to amend Section 46-31 of the City Code regarding open burning on residential property.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, AS FOLLOWS:

Section 1. The above “WHEREAS” clauses are true and correct and are incorporated herein.

Section 2. Chapter 46 “Offenses,” Section 46-31 “Declaration of Intent” is hereby amended to read as follows¹:

Chapter 46 – OFFENSES

Sec. 46-31 – ~~Declaration of Intent~~ Open Burning

The city commission finds and declares that the open burning of materials outdoors and the use of outdoor heating devices result in or contribute to air pollution. The city commission further finds that regulation of open burning and outdoor heating devices will significantly reduce air pollution. Open burning is also a danger to the safety of the public if not properly conducted.

It is the intent of the city to require that ~~licensed~~ allowable open burning be conducted in a manner, under conditions, and within certain time periods that will reduce or eliminate the deleterious and noisome effects of air pollution caused by open burning.

(c) License Permit *required for allowable open burning.*

¹ Additions to existing City Code text are shown in underline. Deletions to existing City Code text are shown in ~~striketrough~~. Shaded text reflects text changes between First and Second Reading.

- (1) *Permit required.* In addition to any permit required by any other governmental entity, ~~all the allowable types of open burning within the city listed in this subparagraph (c) is hereby prohibited unless conducted under~~ require a permit issued by the development services department.
- (2) *Application required.* Any person desiring to conduct the allowable types of open burning listed in this subparagraph (c) within the city, shall first submit an application to the development services department which shall include the following information:
 - a. Name and address of applicant;
 - b. Status of applicant (corporation, individual, partnership);
 - c. Name and address of officer or principal acting as representative for applicant;
 - d. Location of open burning (attach sketch and location map);
 - e. Purpose of open burning;
 - f. Commencement date and completion date of open burning and actual number of days of open burning;
 - g. Type of business or activity involved;
 - h. Whether air curtain incinerator will be utilized during open burning;
 - i. Approximate distance to nearest public rights-of-way from the location of the burning site and distance to any occupied building from the legal boundary of the property on which open burning will take place.
 - j. Description of proposed equipment to be kept on-site including equipment to extinguish a fire immediately and operating practices, the type, quantity, composition and amount of air contaminants to be released to the atmosphere;
 - k. Reason why no method other than open burning is feasible;
 - l. If applicable, Aa copy of the land-clearing contractor's county license and affidavit stating that all burning permitted shall be conducted under his/her direct supervision. The land-clearing contractor shall be on-site during all burning operations.
 - m. Any required approvals or permits from the Florida Department of Environmental Regulation, FDF, DPEP or any other governmental agency with jurisdiction, shall be submitted with the application for permit.
- (3) *Application review.* All applications for open burning permits submitted shall be reviewed by the planning and development services department and fire department. An open burning permit shall be issued for the following ~~reasons~~ purposes only:
 - a. For the instruction and training of organized fire fighters under the supervision of an appropriate fire control official;
 - b. Fires necessary for the purposes of disease and pest prevention as well as the prevention of a fire hazard as determined by the FDF and the fire chief shall not be conducted without a permit ~~license~~, which shall be issued to the fire control agency which will supervise such activity;
 - c. Prescribed burning necessary for the purposes of precautionary measures;
 - d. Fires from established organizations for recreational or ceremonial purposes, such as, but not limited to, functions for Girl or Boy Scout Troops, church groups, organized youth groups, or other similar activities or rural land clearing

- purposes; and
- e. Open burning will be allowed for agricultural purposes when approved by the Florida Division of Forestry, Florida Department of Agriculture, and the fire department. The only properties eligible for agricultural burn permits are those that are classified by the Broward County Property Appraiser as bona fide agricultural land under the agricultural assessment provisions of F.S. § 193.461 and are over two acres in size. All other properties are prohibited from obtaining agricultural burn permits.
 - f. Open burning will be allowed when any outdoor heating device using approved fuel is used for the purposes of frost protection.
 - g. Open burning will be allowed for the flaring of waste gases for reasons of safety, as long as excessive visible emissions do not exceed the allowable limitations.

(d) *Exemptions.*

(1) The following activities, uses, and devices are specifically allowed and shall be exempt from the prohibitions contained in subparagraph (b) and the permit requirements in subparagraph (c), provided that they are conducted or used in a safe and responsible manner: and meet the conditions set forth in subparagraph (d)(2) below:

(1a) A small contained fire will be allowed that is used solely for residential recreational purposes.

(b) Open burning will be allowed for the outdoor noncommercial preparation of food in a stove, oven, barbecue pit or fireplace for the purpose of cooking.

(2) The exempt activities, uses, and devices specifically allowed under subparagraph (d)(1) are allowed only under the following conditions:

a. ~~provided~~ The fire is setback a minimum of 10 feet from any property line;

b. ~~—~~ ~~†~~The fire is properly contained; ~~and~~

c. ~~The fire is~~ not used to burn yard waste, house refuse, garbage, recyclable materials, ~~or~~ commercial debris, ~~or~~ items such as wood pallets, old furniture, pressured or chemically treated wood, or any processed wood such as particle board, plywood, or other similar materials; and

d. ~~provided that~~ ~~†~~There is a working source of running water within 100 feet of the fire, with a hose of at least 50 feet in length connected thereto and the party maintaining or starting the fire can demonstrate permission to use the source of running water.

(2) ~~Open burning will be allowed when any outdoor heating device using approved fuel is used for the purposes of frost protection.~~

- ~~(3) Open burning will be allowed for the flaring of waste gases for reasons of safety, as long as excessive visible emissions do not exceed the allowable limitations.~~
- ~~(4) Open burning will be allowed for agricultural purposes on properties over 100 acres when approved by the Florida Division of Forestry, Florida Department of Agriculture, and the fire department. The only properties eligible for exempted agricultural burn are those that are classified by the Broward County Property Appraiser as bona fide agricultural land under the agricultural assessment provisions of F.S. § 193.461.~~
- ~~(5) Open burning will be allowed for firefighting training by a recognized fire department.~~

Section 3. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. The provisions of this Ordinance are declared to be severable, and, if any section, sentence, clause and/or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, which shall remain in effect, it being the legislative intent that this Ordinance shall stand despite the invalidity of any part.

Section 5. It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code of the City of Deerfield Beach, and that the sections of this Ordinance may be renumbered to accomplish such intent.

Section 6. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED 1ST READING ON THIS 12TH DAY OF NOVEMBER, 2019.

PASSED 2ND READING ON THIS ____ DAY OF _____, 2020.

BILL GANZ, MAYOR

ATTEST:

SAMANTHA GILLYARD, CMC, CITY CLERK

**CITY OF DEERFIELD BEACH, FLORIDA
NOTICE OF PUBLIC HEARING**

YOU ARE HEREBY NOTIFIED that a public hearing will be before the City Commission on **Tuesday, December 3, 2019** at 7:00 p.m. in the City Commission Chambers, City Hall, 150 NE 2nd Avenue, Deerfield Beach, Florida, to consider the following:

P.H. 2020-012: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 46 “OFFENSES” OF THE CITY CODE OF ORDINANCES PERTAINING TO EXEMPTIONS FOR OPEN BURNING ON RESIDENTIAL PROPERTY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Copies of the Ordinances are available for public inspection in the City Clerk’s Office, 150 N.E. 2nd Avenue, Deerfield Beach, Florida 33441. All interested persons are urged to attend the Public Hearing(s), send a representative or express their views by letter.

You may either be present in person at the Public Hearing(s), represented by counsel or letter. All interested persons take due notice of the time and place of the Public Hearing and govern yourselves accordingly.

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BY: SAMANTHA GILLYARD, CMC, CITY CLERK

Publish: Sun-Sentinel
Friday, November 22, 2019



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet

File Number: I.D. 2019-234

Agenda Date: 1/14/2020

Status: PUBLIC HEARINGS - 2ND
READING

In Control: City Commission

Title

ORDINANCE 2020/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 50 "PARKS AND RECREATION", ARTICLE IV "ATHLETIC FACILITIES" OF THE CITY CODE OF ORDINANCES TO MODIFY THE CITY'S RECREATION FACILITY USE REGULATIONS AND PROVIDE FOR THE ADOPTION OF A SPORTS POLICY BY RESOLUTION OF THE CITY COMMISSION; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Recommended Action

Commission to vote on Ordinance

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

The existing text in Chapter 50 "Parks and Recreation", Article IV, "Athletic Facilities" of the City Code divides athletic programs using the city's athletic fields and other facilities into three categories, each with their own separate requirements: City conducted athletic program, city co-sponsored programs and other city programs. However, the Code language for City cosponsored programs was deleted years ago and the City Code has not been updated to reflect the City's current practices.

Current Activity

The enclosed Ordinance amends Chapter 50 "parks and recreation" of the City Code to modify the city's recreation facility use regulations and correct the specified code provisions.

City staff has been preparing a recreation facility and sports policy for the City's Commission consideration. The enclosed Ordinance provide for the adoption of the sports policy by resolution of the City Commission.

Recommendation

City staff recommends approval.

ORDINANCE NO. 2020/

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 50 “PARKS AND RECREATION”, ARTICLE IV “ATHLETIC FACILITIES” OF THE CITY CODE OF ORDINANCES TO MODIFY THE CITY’S RECREATION FACILITY USE REGULATIONS AND PROVIDE FOR THE ADOPTION OF A SPORTS POLICY BY RESOLUTION OF THE CITY COMMISSION; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, City staff recommends amending the City Code to update the City’s regulations regarding the use of City recreation facilities; and

WHEREAS, the City Commission has determined that it is in the best interests of the citizens and general public to amend Chapter 50 “Parks and Recreation”, Article IV “Athletic Facilities” of the City Code to update and clarify the City’s regulations regarding the use of City recreation facilities.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, AS FOLLOWS:

Section 1. The above “WHEREAS” clauses are true and correct and are incorporated herein.

Section 2. Chapter 50 “Parks and Recreation,” Article IV “Athletic Facilities” is hereby amended to read as follows¹:

Chapter 50 – PARKS AND RECREATION

ARTICLE IV. - ATHLETIC FACILITIES

Sec. 50-76. - Athletic programs ~~categories.~~

~~The city has divided its athletic programs using the city's athletic fields and other facilities into three categories, each with its separate requirements, as indicated in this article. Any athletic program that desires to use City facilities shall comply with the City Code and the City’s Sports Policy as amended from time. The program shall be required to maintain insurance as provided in Section 50-102 of the City Code. City conducted athletic programs shall be governed by and comply with Section 50-77 below.~~

¹ Additions to existing City Code text are shown in underline. Deletions to existing City Code text are shown in ~~strikethrough~~. Gray shading indicates changes from First Reading.

Sec. 50-77. - City conducted athletic programs.

(a) A city conducted athletic program is any athletic program in which the parks and recreation department organizes, supervises, and fully carries out all duties in connection with such program. City conducted athletic programs shall include, but not be limited to, adult softball leagues, coed softball leagues, adult basketball leagues, youth basketball leagues, adult volleyball leagues, coed volleyball leagues, fall baseball leagues, T-ball baseball leagues, girls' softball leagues, and athletic tournaments.

(b) An entry fee shall be charged for all athletic programs described in subsection (a), where applicable, and may vary due to different cost factors in each athletic program. This fee shall be established by the parks and recreation department and shall be charged to cover such expenses which include, but are not limited to, the use of equipment and payment to officials. All entry fees shall be deposited into a special city account established for city conducted athletic programs.

(c) The fee for the facility use permit shall be waived for all city conducted athletic programs.

Sec. 50-78. --Reserved. Recreation Athletic Facility Use and Sports Policy.

Editor's note — Ord. No. 2012/015, § 10, adopted May 15, 2012, pertained § 50-78, which pertained to city cosponsored athletic programs. See also the Code Comparative Table.

The City Commission may, by Resolution, approve an athletic facility use and sports policy with additional rules and regulations governing use of certain specified City sports and recreation facilities.

Sec. 50-79. --~~Other athletic programs.~~ Reserved.

(a) ~~Any athletic program that is not a city conducted program shall be defined as an "other athletic program."~~

(b) ~~Insurance is required as provided in section 50-102.~~

Section 3. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. The provisions of this Ordinance are declared to be severable, and, if any section, sentence, clause and/or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, which shall remain in effect, it being the legislative intent that this Ordinance shall stand despite the invalidity of any part.

Section 5. It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code of the City of Deerfield Beach, and that the sections of this Ordinance may be renumbered to accomplish such intent.

Section 6. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED 1ST READING ON THIS _____ DAY OF _____, 2019.

PASSED 2ND READING ON THIS _____ DAY OF _____, 2020.

BILL GANZ, MAYOR

ATTEST:

SAMANTHA GILLYARD, CMC, CITY CLERK

REVISED - 2ND READING

ORDINANCE NO. 2020

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 50 “PARKS AND RECREATION”, ARTICLE IV “ATHLETIC FACILITIES” OF THE CITY CODE OF ORDINANCES TO MODIFY THE CITY’S RECREATION FACILITY USE REGULATIONS AND PROVIDE FOR THE ADOPTION OF A SPORTS POLICY BY RESOLUTION OF THE CITY COMMISSION; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, City staff recommends amending the City Code to update the City’s regulations regarding the use of City recreation facilities; and

WHEREAS, the City Commission has determined that it is in the best interests of the citizens and general public to amend Chapter 50 “Parks and Recreation”, Article IV “Athletic Facilities” of the City Code to update and clarify the City’s regulations regarding the use of City recreation facilities.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, AS FOLLOWS:

Section 1. The above “WHEREAS” clauses are true and correct and are incorporated herein.

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Chapter 50 – PARKS AND RECREATION

ARTICLE IV. - ATHLETIC FACILITIES

Sec. 50-76. - Athletic programs categories.

~~The city has divided its athletic programs using the city's athletic fields and other facilities into three categories, each with its separate requirements, as indicated in this article. Any athletic program that desires to use City facilities shall comply with the City Code and the City’s Sports Policy as amended from time. The program shall be required to maintain insurance as provided in Section 50-102 of the City Code. City conducted athletic programs shall be governed by and comply with Section 50-77 below.~~

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Sec. 50-77. - City conducted athletic programs.

(a) A city conducted athletic program is any athletic program in which the parks and recreation department organizes, supervises, and fully carries out all duties in connection with such program. City conducted athletic programs shall include, but not be limited to, adult softball leagues, coed softball leagues, adult basketball leagues, youth basketball leagues, adult volleyball leagues, coed volleyball leagues, fall baseball leagues, T-ball baseball leagues, girls' softball leagues, and athletic tournaments.

(b) An entry fee shall be charged for all athletic programs described in subsection (a), where applicable, and may vary due to different cost factors in each athletic program. This fee shall be established by the parks and recreation department and shall be charged to cover such expenses which include, but are not limited to, the use of equipment and payment to officials. All entry fees shall be deposited into a special city account established for city conducted athletic programs.

(c) The fee for the facility use permit shall be waived for all city conducted athletic programs.

Sec. 50-78. -~~Reserved.~~ Recreation Facility Use and Sports Policy.

~~Editor's note~~ — Ord. No. 2012/015, § 10, adopted May 15, 2012, pertained ~~§ 50-78~~, which pertained to city cosponsored athletic programs. See also the Code Comparative Table.

The City Commission may, by Resolution, approve a recreation facility use and sports policy with additional rules and regulations governing use of City sports and recreation facilities.

Sec. 50-79. -~~Other athletic programs.~~ Reserved.

~~(a) Any athletic program that is not a city conducted program shall be defined as an "other athletic program."~~

~~(b) Insurance is required as provided in [section 50-102](#).~~

Section 3. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. The provisions of this Ordinance are declared to be severable, and, if any section, sentence, clause and/or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, which shall remain in effect, it being the legislative intent that this Ordinance shall stand despite the invalidity of any part.

Section 5. It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code of the City of Deerfield Beach, and that the sections of this Ordinance may be renumbered to accomplish such intent.

Section 6. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED 1ST READING ON THIS 3RD DAY OF DECEMBER, 2019.

PASSED 2ND READING ON THIS _____ DAY OF _____, 2020.

BILL GANZ, MAYOR

ATTEST:

SAMANTHA GILLYARD, CMC, CITY CLERK



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet

File Number: I.D. 2019-273

Agenda Date: 1/14/2020

Status: PUBLIC HEARINGS –
SECOND READING

In Control: City Commission

Title

Resolution 2020/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, adopting the City's Athletic Facility Use and Sports Policy; providing for conflicts, severability and an effective date.

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

The Department of Parks and Recreation does not have established guidelines and procedures for the administration of all sports and recreation activities conducted by individuals or organizations within the City of Deerfield Beach utilizing City Facilities.

Current Activity

The Department of Parks and Recreation, in coordination with the City Attorney's Office, has developed an Athletic Facility Use and Sports Policy to help govern and regulate the use of the City sports and recreation facilities identified in the Policy.

The Policy is broken up into eleven (11) different sections as seen in the Table of Contents section of the policy: Definitions, Purpose, Application and Enforcement, Facility Use Permit Requirements, City Conducted Programs, City Recognized Programs, Requirements for Sports Organizations, Insurance and Indemnification Requirements, Law Enforcement in City Facilities, Mandatory Criminal Background Checks and For-Profit Program Permits.

The Facility Use Permit is a document issued by the City granting the exclusive right of use of a Facility for a specified time period that must be applied for by the organization. There are two different types of permits, a Long-Term Permit (more than ten (10) days in a 12 month period) and a Short-Term Permit (less than ten (10) days in a 12 month period). All Long-Term Permits must be approved by the City Commission.

The issuance of permits shall be based on Priority Classification order and guidelines. There are seven different classifications as outlined below with Class A being the first priority and Class G being last.

- Class A: City Use/City Conducted Programs

- Class B: City Co-Sponsored and Recognized Programs or Activities
- Class C: Sports Organizations; Other Not-For-Profit Group Programs and Activities
- Class D: Educational Institutions
- Class E: Individual Use
- Class F: For-Profit Programs/Private Lessons/Instruction for Profit
- Class G: Private Commercial Use

All Facility Use Permits must follow the City's general facility use regulations and fee schedule (as adopted by City Commission). Shall the organization request a fee waiver or a change to the fee schedule it must be approved by City Commission.

City Conducted Programs are department organized, supervised and administered athletic/sports programs and all permit fees are waived.

City Recognized Programs are ran by an outside organization and there may not be more than one sports organization per each particular sport. New sports programs or activity requests are subject to availability and terms of the policy. In order to become a new program, the sports organization must submit the Facility Use Permit along with a written proposal to the Director of Parks and Recreation. The Director will then review the permit and proposal and if the Director determines the facilities can accommodate the program the permit/proposal will then be submitted for the City Commission agenda. All permits must comply with City Policies and the City reserves the right to suspend at any time.

All Sports Organizations must follow the specific requirements as outlined in the policy. The organization must have a not for profit status and consist of a Board of Directors. The Board of Directors must have at least four (4) directors of which at least 50% must be residents of the City. There must be written bylaws adopted by the organization. The organization shall make their best effort to hold monthly meetings during the season and quarterly out of season, noticing the meeting to the public and maintaining meeting minutes. Fund receipts and expenditures must be recorded and accounted for and the Sports Organization must furnish all copies of their Form 990s to the City within ten (10) days when requested. It is required that all coaches and officials have the proper certifications, badges and sign the coach's agreement as set forth in the policy. All facilities must be maintained to the City's standard and all organizations participants must consist of 50% residents.

Each Facility Use Permit will require the submission of the proper insurance and indemnification documents with the exception of short-term permits, where liability waivers may be submitted in lieu of the insurance certificate when appropriate.

The Sports Organization shall comply with the City's Sports Volunteer Background Screening Policy as outlined in Section 50-80 of the City Code. All volunteers, once approved, will be issued a badge by the City recognizing their approval.

Recommendation

Staff recommends the City Commission to approve the Athletic Facility Use and Sports Policy.

RESOLUTION NO. 2020/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, ADOPTING THE CITY’S ATHLETIC FACILITY USE AND SPORTS POLICY; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, on January 14, 2020, the City Commission enacted an Ordinance amending the City Code to update the City’s regulations regarding the use of City athletic and recreation facilities; and

WHEREAS, the Ordinance authorizes the City Commission, by Resolution, to approve an athletic facility use and sports policy with additional rules and regulations governing the use of certain City sports and athletic facilities identified in the policy (collectively, “City Facilities”); and

WHEREAS, the athletic facility use and sports policy that is proposed by staff, attached as Exhibit “A”, (the “Sports Policy”) is intended to establish guidelines and procedures for the administration of all sports and athletic activities conducted by individuals or organizations within the City utilizing City Facilities; and

WHEREAS, City staff recommends adopting the Sports Policy, attached as Exhibit “A”.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced “Whereas” clauses are true and correct and made a part hereof.

Section 2. The Sports Policy, attached as Exhibit “A”, is hereby adopted.

Section 3. The appropriate City officials are authorized to take all actions necessary to carry out the aims of this Resolution and to implement the Sports Policy.

Section 4. All resolutions, or parts of resolutions, in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 5. Should any section, provision or word of this Resolution be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

Section 6. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2020.

BILL GANZ, MAYOR

ATTEST:

SAMANTHA GILLYARD, CMC, CITY CLERK

Draft as of 1/3/20

**CITY OF DEERFIELD BEACH
ATHLETIC FACILITY USE
AND SPORTS POLICY**



January 14, 2020



CITY OF DEERFIELD BEACH ATHLETIC FACILITY USE AND SPORTS POLICY

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CITY OF DEERFIELD BEACH ATHLETIC FACILITY USE AND SPORTS POLICY

The City Commission of the City of Deerfield Beach adopts this Athletic Facility Use and Sports Policy (“Policy”) to govern and regulate the use of the City sports and athletic facilities identified in Exhibit “A”. The purpose of this Policy is to establish guidelines and procedures for the administration of all sports and athletic activities conducted by individuals or organizations within the City utilizing the specified City Facilities.

I. DEFINITIONS.

- A. *Activity*. Any sports or recreation activities conducted by individuals or organizations within the City utilizing a Facility.
- B. *BOD*. The Board of Directors of a Sports Organization.
- C. *BSO*. The Broward Sheriff’s Office.
- D. *City*. The City of Deerfield Beach, Florida.
- E. *City Conducted Program*. Athletic, sports and recreation Programs or Activities organized, supervised and administered by the Department.
- F. *City Co-sponsored*. Programs or Activities that have received City funds or free Facility usage from the City.
- G. *City Recognized Program*. A sports program run by a Sports Organization that is approved by the City Commission to be the sole organization or program to deliver Activities for a specified sport utilizing City Facilities.
- H. *Department*. The City’s Parks and Recreation Department.
- I. *Director*. The Director of the Department or the Director’s designee.
- J. *Facility*. The City’s sports and athletic facilities identified in Exhibit “A” (collectively, the “Facilities”).
- K. *Facility Use Agreement*. The Agreement, in a form approved by the City Attorney, that is required to be executed by an individual, organization or Sports Organization prior to Facility Usage that sets forth the terms and conditions for Facility usage.
- L. *Fee Schedule*. The schedule of fees approved by Resolution of the City Commission that sets forth the applicable fees for use of the Facilities.
- M. *Liaison*. The officer appointed by a Sports Organization to act as the liaison with the Department and be responsible for all communications between the Sports Organization and the City.
- N. *Long Term Permit*. A permit authorizing Facility usage by an individual or organization for ten or more days in any 12-month period.
- O. *Permit*. A facility use permit approved and issued by the City granting the exclusive right of use of a Facility for the time period and under the conditions specified in the approved Permit.
- P. *Permitted Use*. An Activity or Program that is authorized by a Permit and complies with this Policy, applicable law and any written Permit conditions issued by the City.
- Q. *Permittee*. The Applicant that submitted and received an approved Permit from the City.
- R. *Program List*. The list of Sports Organizations and programs, attached as Exhibit “B”, which are recognized by the City as the sole organization or program to deliver Activities for the specified sport at City Facilities.



CITY OF DEERFIELD BEACH ATHLETIC FACILITY USE AND SPORTS POLICY

S. *Registration.* The process used by Sports Organizations for registering participants for their respective sport or recreation Activity or Program.

T. *Short Term Permit.* A permit authorizing Facility usage by an individual or organization for less than ten days in any 12-month period.

U. *Sports Organization.* A non-profit entity or organization that provides Activities for a particular sport and meets the requirements under Section VII of this Policy.

V. *Volunteer.* A Board member, employee, coach, agent, or any other volunteer of a Sports Organization who may utilize a Facility and have direct contact with youth sports participants.

II. APPLICATION AND ENFORCEMENT. This Policy applies to all sports and recreation Activities by residents, non-residents and organizations. The Department Director shall administer and enforce this Policy, in consultation with the City Manager and the City Attorney.

III. FACILITY USE PERMIT REQUIREMENTS

A. *Application for Facility Use Permit.*

A Facility Use Permit (“Permit”) is a document issued by the City granting the exclusive right of use of a Facility for the time period specified in the approved Permit. Exclusive use of one or more City Facilities may only be effectuated by applying for and receiving a Permit from the City. Any group, Sports Organization or individual must secure a Permit prior to use of a Facility if they wish to have an exclusive use of the Facility. All City Sports Organizations must apply for a Permit for their respective Activities. An applicant shall complete and submit the applicable facility use permit application to the Director. If the Permit is approved, the use of the requested Facility shall be reserved to the applicant (“Permittee”) and the Permittee’s group members, invited guests or Sports Organization, as applicable.

B. *Permit Types*

(1) Long Term Permit: A request for Facility usage by an individual or organization for ten or more days in any 12-month period (a “Long Term Program”) is subject to a Long Term Permit. The individual or groups requesting the Long Term Program shall complete and submit a Long Term Facility Use Permit Application Form approved by the City. If the Department approves and issues the Long Term Permit, the requested Long Term Program shall be permitted subject to compliance with this Policy, applicable law and any written Permit conditions issued by the City.

Completed Long Term Permit applications must be submitted to the City not less than 60 days prior to the first requested use and not more than 120 days prior to the first requested use. An application for a Long Term Permit by a City Recognized Sports Organization must be made a minimum of thirty (30) days prior to intended use of a Facility or Facilities. Long Term Permit requests and any requests seeking a Facility fee waiver or funds from the City must be approved by the City Commission. Execution of a Facility Use Agreement is required prior to issuance of a Long Term Permit.



CITY OF DEERFIELD BEACH ATHLETIC FACILITY USE AND SPORTS POLICY

(2) **Short Term Permits:** A request for Facility usage by an individual or organization for less than ten days in any 12-month period (a “Short Term Activity”) is subject to a Short Term Permit. The individual or groups requesting the Short Term Activity shall complete and submit the Short Term Facility Use Permit Application Form approved by the City. Individuals and organizations are prohibited from submitting multiple applications for Short Terms Permits for affiliated or related Activities for the purpose of evading the requirement to obtain a Long Term Permit. If the Department approves and issues the Short Term Permit, the requested Short Term Activity shall be permitted subject to compliance with this Policy, applicable law and any written Permit conditions issued by the City.

Completed Short Term Permit applications must be submitted to the City not less than 30 days prior to the first requested use and not more than 90 days prior to the first requested use, except for applications for sanctioned tournaments, which are subject to availability and review and approval by the Director. Short Term Permit requests that seek a Facility fee waiver or funds from the City shall require City Commission approval. Certain Short Term Activities may also require a Special Event Permit. See Chapter 2, Article XI “Special Events” of the City Code (available at municode.com) for more information on Special Event Permit requirements.

C. Priority Classifications.

The issuance of permits for Activities and the availability of Facilities for Activities shall be based on the priority classification order and guidelines in this Section. Permit applications from Applicants within the same classification and Permit Category shall be considered based on a first-come, first serve basis.

Class A: *City Use. City Conducted Program.*

The City shall have first priority for use of City Facilities, including for City conducted programs or activities, and reserves the right to cancel or reschedule any permits for use of the Facilities at the City’s discretion.

Class B: *City Co-sponsored and Recognized Programs or Activities.*

City Co-sponsored Programs or Activities shall require an executed Facility Use Agreement. A Special Event Permit may also be required depending upon the nature of the requested program or activity.

- (1) City co-sponsored programs, including those operated by a Sports Organization, have priority within this class for use of the Facilities.
- (2) City Recognized Programs that are not otherwise co-sponsored or funded by the City have second priority within this class.

Class C: *Sports Organizations; Other Not-For-Profit Group Programs and Activities.*

Sports Organization and other not-for-profit group Activities and Programs that are not City conducted, sponsored or funded shall be given access to Facilities based on this class, Facility availability and the order of precedence below.

- (1) Groups that qualify as a Sports Organization under this Policy shall be given priority within this class.



CITY OF DEERFIELD BEACH ATHLETIC FACILITY USE AND SPORTS POLICY

- (2) Other not-for-profit group Activities and Programs, including those operated by an individual or 501(c)(3) non-profit organization, have second priority within this class.

Within subcategory (1) or (2) of this class, the order of precedence is as follows:

- a. Long Term Program – Payment of Facility Fees
- b. Long Term Program - Non-profit seeking Facility Fee Waiver
- c. Short Term Activities - Payment of Facility Fees
- d. Short Term Activities - Non-profit seeking Facility Fee Waiver

Class D: *Educational Institutions.* The City recognizes the role local schools play in child development. Use of a Facility by an educational institution requires an agreement with the City that is approved by the City Commission. Sports activities and programs administered or sponsored by public or private schools located within the City may use the Facilities in accordance with this Policy. Private educational institutions are permitted access to Facilities based on this class provided they pay the applicable Facility usage fees or agree to provide reciprocal facility use to the City.

Class E: *Individual Use* - Citizens of the community at large may rent an available Facility on an hourly basis at rates set forth in the Fee Schedule. Reservations for use of a Facility will be received and acted upon on a first come, first use priority basis. Any individual may rent a Facility for personal use in this category when there is no admission fee or other cost to an attendee or participant. A Facility Use Permit is required for such use.

Class F: *For-Profit Programs/Private Lessons/Instruction for Profit* – For-profit group Activities and Programs at available Facilities require a Facility Use Permit and full payment of the applicable fees set forth in the Fee Schedule. Individuals or businesses may conduct individual or group lessons and instruction at a Facility and are permitted access to Facilities based on this class. A Facility Use Agreement and/or Private Instructor Agreement, in a form approved by the City Attorney, is required prior to such use. The individual or business shall comply with all of the contractual requirements in the Facility Use Agreement in order to maintain the ability to continue to use a City Facility for such purpose.

Class G: *Private Commercial Use.*

Corporations may rent the fields on a space available basis at rates set forth in Fee Schedule. A Facility Use Permit is required prior to such use.

D. Facility Use Permit Fees.

(1) *Fee Schedule.* The City Commission has approved a Fee Schedule for use of the Facilities. Unless the City Commission grants a fee waiver or approves a contract with a different fee structure, the Permittee shall pay for all use of the Facilities based on the Fee Schedule, as amended from time to time.

CITY OF DEERFIELD BEACH ATHLETIC FACILITY USE AND SPORTS POLICY

(2) *For Profit Groups and Instructors.* Pursuant to Section 50-101(b) of the City Code, when the City by contract with an independent for profit group or instructor agrees that such group or instructor may use Facilities to conduct special classes or activities where the fee for the activity is paid directly to the group or instructor, then the group or the instructor shall pay a portion of the fee to the City as set forth within the contract.

E. *Damage Deposit for Facility Usage required.*

A minimum damage deposit shall be required from all groups and Permittees utilizing any of the City Facilities for Activities. The damage deposit shall be paid prior to utilizing any Facilities.

F. *General Facility Use Regulations*

- (1) Facility athletic fields for games and practices must be scheduled in advance by obtaining a Facility Use Permit from the City. A person securing a permit must be 21 years of age or older.
- (2) All Facility field lights will be turned on or off at the discretion of the Director.
- (3) Notwithstanding the issuance of a permit, Facility athletic fields may be closed during and after inclement weather in accordance with public safety and field maintenance considerations, at the discretion of the Director or appropriate Department staff on duty. The City reserves the right to close Facilities or portions of Facilities for maintenance, safety or other reasons approved by the Director.
- (4) The Director may revoke a Permit at any time for the Permittee's failure to follow any City policies, guidelines or procedures or applicable state or local law. The Director may, in the Director's discretion, revoke the permit of a Permittee responsible for any activities deemed to present a safety hazard or are inappropriate to the location or capacity of a Facility or are inconsistent with their approved Permit.
- (5) Notwithstanding the issuance of a permit, the City reserves the right to make adjustments to the assignment of Facilities by providing reasonable notice to the Permittee based on the circumstances.
- (6) No person shall expose or offer for sale any article or thing, nor shall any person station or place any stand, cart or vehicle for the transportation, sale or display of any such article or merchandise within the limits of any park. Exception is made as to any regularly licensed concessionaire acting by and under the authority and regulation of the City and providing foods, goods or services for the benefit of the public. Any advertising or publicity posted or announced in or on a Facility must be approved in advance by the Director, which approval is in the sole discretion of the Director.

CITY OF DEERFIELD BEACH ATHLETIC FACILITY USE AND SPORTS POLICY

- (7) Each group desiring the use of Facilities shall delegate one person who shall assume full responsibility for the use of the Facilities by such group and shall identify such person in the Facility Use Permit application. Written notice shall be provided to the City at least five business days in advance of a proposed change of the responsible person.
- (8) No consumption of alcoholic beverages or open containers of alcoholic beverages shall be permitted in any Facility.
- (9) Gambling, profanity and/or disorderly conduct are prohibited in all City Facilities and City property and shall not be tolerated. Any person who commits such prohibited acts may be automatically denied future Facility usage privileges.
- (10) In addition to compliance with applicable law and this Policy, all organizations and persons utilizing City Facilities shall adhere to any additional rules and regulations posted at the subject Facility.

G. *Liability, assumption of risk, hold harmless.*

Liability for bodily injury, personal injury and property damage is assumed by the individual, participating organization or group utilizing the a Facility, and the acceptance of a Facility Use Permit is the acknowledgement of the assumption of such risk and liability and is also the agreement of such organization or group to hold the city harmless for such injury, claims or damage, unless otherwise specified in writing.

H. *Insurance.*

Evidence of compliance with the insurance requirements set forth in this Policy, including (if applicable) a copy of a Certificate of Insurance naming the City of Deerfield Beach as “additional insured”, is required to be provided to the City prior to Facility usage.

IV. CITY CONDUCTED PROGRAMS

A. *City conducted program.* The City, through the Department, organizes, supervises and administers certain athletic, sports and recreation programs (a “City Conducted Program”). The City Conducted Programs offered will be determined by the Director based on the needs of the community and Facility availability. City Conducted Programs may include, but are not limited to, adult softball leagues, coed softball leagues, adult basketball leagues, youth basketball leagues, adult volleyball leagues, coed volleyball leagues, fall baseball leagues, T-ball baseball leagues, girls' softball leagues, and athletic tournaments.

B. *Entry Fees.* An entry fee shall be charged for all City Conducted Programs, where applicable, and may vary due to different cost factors in each program. The entry fee shall be established by the Department and shall be charged to cover the program expenses, including but



CITY OF DEERFIELD BEACH ATHLETIC FACILITY USE AND SPORTS POLICY

not limited to the use of equipment and payment to officials. All entry fees shall be deposited into a special City account established for City Conducted Programs.

C. *Waiver of Permit Fees.* The fee for the facility use permit shall be waived for all City Conducted Programs.

V. CITY RECOGNIZED PROGRAMS

A. *City Recognized Program; Categories.* The City will recognize no more than one Sports Organization for each particular sport to deliver services for that sport utilizing City Facilities. The City shall not permit the use of any Facility by anyone that is attempting to provide an organized service, activity or program for a sport that has an existing City Recognized Program. Each Sports Organization shall promote the teaching of sport fundamentals, good sportsmanship and fair play in order to foster an enjoyable experience for all participants. If a Sports Organization seeks to be recognized for more than one sport, the Sports Organization shall complete an application for each sport.

B. *Program List.* The Sports Organizations and programs that are recognized by the City as the sole program to deliver Activities for the specified sport on City Facilities are set forth in the City Recognized Sports Program list, attached Exhibit “B” (the “Program List”). Upon City Commission approval of a Resolution approving a new Recognized Sports Program, the Program List shall automatically be revised and updated to include the newly Recognized Sports Program.

C. *New sports program or activity request.* Usage of City Facilities is subject to availability and the terms of this Policy. An Applicant for any sport where the City does not have a City Conducted or Recognized Program may request to become a Recognized Program pursuant to the following procedure:

- (1) *Proposal Submission.* Complete and submit a Facility Use Permit application to the Director, together with a written proposal that includes sufficient detail to identify the requested Facilities, the dates and time frames requested, the individual(s) and organizations responsible for the proposed Facility usage and a narrative with an operating plan for the proposed program or activity.
- (2) *Director Review and Recommendation.* Upon receipt of a complete application and proposal submission, and the Director determining the Facilities can accommodate the proposed new Program or Activity, the Director shall request the item be placed on the next reasonably available City Commission meeting agenda (for City Commission vote). In the event the City receives multiple applications for the same sport, the City reserves the right to initiate a formal Request for Proposals process to make the selection, which shall ultimately require approval by the City Commission.



CITY OF DEERFIELD BEACH ATHLETIC FACILITY USE AND SPORTS POLICY

- (3) Compliance with City Policies. The Director shall make the final determination if the Program or organization satisfies the terms of applicable City policies, including this Policy, before the Applicant is permitted to use City Facilities.

D. *City Reservation of Rights; Suspension of Usage.* The City, through the City Manager, reserves the right to withdraw recognition of a City Recognized Program or Sports Organization and withdraw the right to use City Facilities if the City determines, after affording the subject Program or Organization the opportunity to meet with the Director and receipt of a recommendation from the Director, that the City Recognized Program or Activity is not in conformity with this Policy (including, but not limited to, failure to comply with applicable law, failure to provide required documentation upon City request, or providing fraudulent and/or misleading information). If recognition is withdrawn, the City shall have the right to recognize such other Programs or Activities seeking to deliver the services for that sport in compliance with this Policy. The Director shall have the right to immediately suspend the use of Facilities by any individual or Organization if the Director determines that the health, safety and/or welfare of City residents or users of City Facilities requires such suspension. The City shall not be responsible for any financial loss as a result of the City's exercise of its right to withdraw recognition of a City Recognized Program or to withdraw authorization to use City Facilities.

E. *Funding Requests.* Requests for funding from the City are subject to the completion of the City's Athletic Program Supplemental Funding Application and submission of the required supporting documentation to the City. All supplemental funding requests are subject to funding availability and City Commission approval at a publicly noticed Commission Meeting.

VI. REQUIREMENTS FOR SPORTS ORGANIZATIONS

A. *Minimum Requirements.* In addition to the requirements for obtaining a Facility Use Permit, Recognized Sports Organizations shall meet the following minimum requirements:

(1) *Not for Profit Status.* The organizations shall be organized as a Florida Not for Profit Corporation registered with the State of Florida.

(2) *Board of Directors.* The organization shall elect a board of directors ("BOD") consisting of at least 4 Directors. At least 50% of the BOD shall be residents of the City. The BOD shall then elect the following officers: a President, at least one Vice President, a Secretary and a Treasurer. The term of office for members of the BOD shall be one year. At the end of the term, new elections will take place. There is no limit to the number of terms that an officer may serve. Notice of such election shall be given to the board members, all program participants and the Director at least 30 days prior to the election. The results of each election shall be given to the Director within a reasonable time following the election but not more than seven calendar days following the election. The notice with the election results shall include a contact list of all elected BOD members, including name, title, physical address, e-mail address, and phone number.



CITY OF DEERFIELD BEACH ATHLETIC FACILITY USE AND SPORTS POLICY

(3) *Bylaws.* Each Sports Organizations shall be required to have written bylaws that were duly adopted to govern the organization. The Bylaws shall not conflict with the ability to comply with the applicable terms of this Policy. Each Sports Organization shall be required to deliver a copy of its Bylaws to the Director prior to or at the time of submission of a Permit application.

(4) *Meetings of the Sports Organization Boards.* Recognized Programs shall make their best efforts to hold at least one organizational board meeting per month while the sports organization is engaged in in-season play or an otherwise active part of the Program or activity, and at least quarterly during the off-season. Notice of the meetings and access to the meetings shall be provided to all participants (and their respective guardian) in the respective Program. Minutes of each meeting shall be taken and shall be made available to the City within five (5) business days of the City's request for such minutes.

(5) *City Liaison.* Each Sports Organization shall appoint one officer to act as the Liaison with the Department. All communications between the Sports Organization and the City shall be between the Liaison and the Director.

(6) *Fund Receipt and Expenditure.* All funds received and spent by each Sports Organization shall be recorded and accounted for. The Treasurer of each Sports Organization shall present a financial statement to its BOD at each meeting of the Sports Organization. Each Sports Organization shall furnish a copy of its financial statement and copies of their Form 990s to the City within ten (10) business days of the City's request for such information.

(7) *Registration; Resident participation.* Each Sports Organization shall establish registration dates for registering participants for their respective sport. The dates must be advertised sufficiently in advance of the Registration to give the public notice of the Registration. Registration must be open to the public and held at a publicly accessible location. If City Facilities are requested for Registration, the Liaison shall communicate with the Director sufficiently in advance so that the City may provide a public space to hold the Registration if available. A Recognized Sports Organization shall consist of at least 50% of participants as residents.

(8) *Season Scheduling.* Each Sports Organization is responsible for submitting all required applications and documents prior to the scheduling of the season. Each Sports Organization shall submit game and practice schedules and team rosters, including coaches, managers and players, to the Director a minimum of three (3) weeks prior to the start of the season. Any amendments to the original schedule must be submitted in writing at least five business days prior to the rescheduled practices, meetings, games or events. The City may not in all cases be able to permit the exclusive use of the park at all times requested. The City will coordinate the practice and game dates with each of the Sports Organizations. The City may schedule a meeting of representatives from each Sports Organization to set specific dates and Facility assignments for their respective seasons, including any requested post season requirements.



CITY OF DEERFIELD BEACH ATHLETIC FACILITY USE AND SPORTS POLICY

(9) *Facility Use Agreement.* Each Sports Organization shall execute and deliver to the Director an executed Facility Use Agreement prior to utilizing City Facilities. Execution of a Facility Use Agreement is a condition to the City's issuance of a Facility Use Permit to a Sports Organization.

(10) *Coaches and Officials.* Each Sports Organization must establish guidelines and criteria for the selection of coaches and officials for athletic teams. Prior to the first official game of each season of each Program, the Sports Organization shall provide the City with (i) copies of the certifications required by their respective leagues for each individual that will be providing coaching services, or (ii) a certified letter by the league President stating the names of the league's certified volunteers. Each Sports Organization shall require all coaches to obtain a Coach's Badge from the City. All coaches must have the Coach's Badge on them at all times and must provide the Badge to any City employee upon request. Failure to display the Coach's Badge may result in removal. Each coach must sign the required Coach's Agreement, attached as Exhibit "C". Each Sports Organization shall conduct meetings, clinics, and seminars to train coaches in each respective sport and shall strive to attract quality sports officials through in-house training or by contracting with outside qualified organizations.

(11) *Proof of Insurance.* Prior to being granted to being granted a Permit to use a Facility, a Sports Organization shall submit to the City a certificate of liability insurance coverage documenting compliance with the City's applicable insurance requirements.

(12) *Priority of player attendance.* When the schedules of Sports Organizations overlap, players shall be expected to attend games as opposed to another Sports Organization's practices and playoff games shall take precedence over regular season games.

(13) *Special needs.* Each Sports Organization must use their best efforts to provide a program comprised of and for the benefit of children with special needs, unless that program is offered by a separate special needs sports organization.

(14) *Anti-bullying/Anti-Steroid Information.* Each Sports Organization must include anti-bullying information and anti-drug information (including anti-steroid information) to each youth participant as part of their participant Registration process.

(15) *Child participation.* It is the City's goal that each child shall be given the opportunity to participate in as many sports as they choose. Accordingly, each Sports Organization shall refrain from taking any action that would prevent a child from such participation where possible.

B. *Facility Assignments*

The City will assign each Sports Organization to a Facility or Facilities for each Sports Organization's Programs and Activities based on the City's Permit process and the priority classifications in this Policy. The right to assign or change the assignment of a Facility or Facilities shall be the sole right of the City.



CITY OF DEERFIELD BEACH ATHLETIC FACILITY USE AND SPORTS POLICY

C. *Facility Maintenance, Storage, Damage, and Cleanup.*

(1) *Maintenance of Facilities.* Sports Organizations are precluded from performing any maintenance work on any Facility. The City, at anytime, and in its sole discretion may cancel, postpone, or delay any Sports Organization event due to inclement weather or any other factors, which may affect the safety of the athletic participants. The City maintains a field condition hotline, 954-480-4424 which is a phone number that Sports Organizations and the general public may call to ascertain the availability of a Facility for use. The Hotline may play a current recorded message indicating whether Facilities are opened or closed for use. Any Facility will be immediately closed in the event that lightning detection alarms are sounded, and, in such event, the participants and spectators of any Sports Organization and/or the general public shall immediately and safely seek shelter. The striping of Facility fields by the City will only be performed by the City for City approved games, not for practice.

(2) *Storage at Facilities.* Storage of equipment belonging to the Sports Organization on Facility grounds, including inside or outside of structures, is strictly prohibited, except with prior written approval by the Director. If storage space is requested, the City will determine the availability of storage space for the given Sports Organization based on the location of the field usage. Should storage space be available, the City will select the dedicated storage location for the given equipment if available and will notify the Sports Organization of the specified location. All stored items are subject to the approval of the Director. Only the Liaison will be granted access by the City to the assigned storage location. The Liaison must communicate with the Department as to when access is needed to enable the City to assign staff to open the storage facility as requested.

As a condition of using approved storage space, the Sports Organization shall agree to be solely responsible for their items stored on City property and shall indemnify and hold the City harmless against any and all costs, damages, claims and expenses (including reasonable attorney's fees) arising in any manner from the Sports Organization's storage of any equipment or materials on any City property.

(3) *Vending.* The City may, in the City's sole discretion, authorize a Sports Organization to be the sole authorized vendor for food and beverages in a Facility, or a portion of a Facility, during the Sports Organization's authorized activities at such Facility.

(4) *Damage to Facilities; Alcohol and Drug Prohibition.* The Facilities are community focal points that the City wishes to maintain in pristine conditions. Sports Organizations shall agree not to take any action that would cause damage to the applicable Facility, including but not limited to damage to landscaping or foliage. Sports Organizations shall ensure that there shall be no consumption of alcoholic beverages or illicit drugs in the Permitted Area and their failure to do so may result in restrictions on future Facility use or Permit revocation. If there are conditions that occur during Facility usage that require an adjustment of security deposit, the Sports Organization shall pay any overages of fees within ten (10) days of the written notice by the City and replenish the required security deposit for future use.



CITY OF DEERFIELD BEACH ATHLETIC FACILITY USE AND SPORTS POLICY

(5) *Cleanup of Facilities.* Immediately after each Facility usage, the Sports Organization shall be responsible for cleaning all fields and Facility areas used during the administration of any field usage, including, but not limited to cleaning all fields, recreational buildings, dugouts, bleachers, fence lines, and playground areas. The Sports Organization shall not cause any litter or debris to be left on their Permitted Area and shall ensure that all trash is placed in City receptacles. The Sports Organization agrees to a fine of \$100 per violation for failure to adhere to this subsection. A representative of the City may inspect and document the condition of the Permitted Area the day of or the day after the field usage, and may take photographs of the Permitted Area. The Sports Organization at the conclusion of the field usage, must restore the site to a condition equal to that existing on the day prior to the usage. The Sports Organization shall pay all costs for the repair and replacement of City property that arises from the Facility usage. Failure to pay for all repair and replacement costs or to pay any applicable fines may result in the Sports Organization no longer being allowed to utilize the Permitted Area(s) until full payment is received by the City.

(D) *Participant Registration and Fees.*

(1) *Written registration fee structure.* Each Sports Organization shall be responsible for establishing registration fees for participants and shall provide their written fee structure to the City prior to use of a City Facility. If requested by the City, each Sports Organization shall supply a written justification for the Registration fee and the manner in which the fees shall be utilized.

(2) *Proof of residency.* All participants shall provide two (2) proofs of residency to each Sports Organization prior to being permitted to participate in any practice and/or game. Acceptable forms of identification include a driver’s license, utility bill, phone bill, voter’s registration card or cable bill. Each Sports Organization shall be required to maintain records of such proof of residency and shall provide such documentation to the City upon request.

VII. INSURANCE AND INDEMNIFICATION REQUIREMENTS

A. *Minimum coverage – Youth Participation.* Prior to the use of any Facilities, any Permittee with any youth participating in their Program or Activity shall provide the CITY with a copy of organization’s liability insurance coverage documentation evidencing compliance with this Section prior to use of any Facilities.

(1) The Sports Organization shall maintain no less than the following amounts of insurance:

Comprehensive general liability	\$1,000,000
Property damage	\$1,000,000
Automotive liability	\$1,000,000
Worker’s compensation	statutory requirement

CITY OF DEERFIELD BEACH ATHLETIC FACILITY USE AND SPORTS POLICY

- (2) The general liability and property damage insurance shall, at a minimum, cover the coaches and the youth participants who are participating in any Youth Program or Athletic Event.
- (3) Each policy shall name the City, and the Broward Sheriff's Office, as an additional insured and the Sports Organization shall deliver to the City a copy of the certificate of insurance evidencing the existence of the policies. Each certificate shall provide that the City will be afforded 30-day prior written notice of cancellation of any of the policies for any reason. The insurance shall only be written by companies rated B+ or higher, according to the most recent issue of Best Insurance Rating Guide. The certificate shall be submitted with a cover letter addressed to the City from the Sports Organization insurance agent or agents stating that they have read the provisions of this section and that the insurance provided meets the minimum requirements of this section.

- (4) The insurance shall contain the following endorsement:

In addition to the coverage stated in the body of the policy, the policy shall indemnify and hold harmless the City, its officers, agents and employees from all claims for bodily injuries to the public in and up to the amount of \$1,000,000.00 for each occurrence and for all damages to the property of others in and up to the amount of \$1,000,000.00 for each, including costs of investigation, all expenses of litigation, including reasonable attorney's fees and the cost of appeals arising out of any claims or suits because of any and all acts or omission or commission by the Sports Organization, its agents, servants, or employees, or through the mere existence of the project under contract.

- (5) All policies shall be on an occurrence basis rather than a claims-made basis.
- (6) The City reserves the right to require additional insurance coverage, including but not limited to improper sexual conduct and physical abuse liability coverage, and to adjust minimum insurance coverage requirements based on the programs and activities of the Permittee.

B. *Insurance requirements – No youth participation.* Where there is no youth participation in the Program or Activity, the individual or organizing group shall comply with the requirements of this Section, except that City administration may approve lower minimum insurance limits based on the risks involved provided that minimum requirements shall not go below the following minimum limits:

- (1) General liability, bodily injury and property damage on an occurrence basis of \$100,000.00, with an aggregate of \$200,000.00; or
- (2) General liability, bodily injury and property damage combined (CSL) limit of \$200,000.00 with a personal injury aggregate of \$200,000.00.

CITY OF DEERFIELD BEACH ATHLETIC FACILITY USE AND SPORTS POLICY

C. *Liability Waivers.* In lieu of the insurance required above, the City may, in the City's sole discretion, permit the use of individual participant waiver of liability forms when in the City's opinion the activity poses only a minor risk factor. These waivers shall provide for the participants' and instructors' waiver and shall release the City from any liability for any personal injury or property damage occurring in participating in the activity. The waiver will require the authorized signature of the instructor (if not a city employee), the participant, or a parent of the participant or legal guardian of the participant if the participant is a minor, and a witness. Further, as a condition of Permit issuance, the City may require all participants in a Program or Activity to sign liability waivers, in a form approved by the City, holding the City harmless from any liabilities or claims that arise from their participation in a Program or Activity utilizing City Facilities.

D. *Indemnification.* In addition to the insurance to be provided and prior to the use of any Facilities, the Sports Organization shall agree in writing to indemnify, defend and hold the City, including City's officers, agents and employees, harmless against any and all claims, damages, losses, liabilities, costs and expenses (including reasonable attorney's fees) and causes of action of any kind of nature whatsoever arising from the acts, omissions or negligence of the Sports Organization, or its officers, agents, or employees, volunteers or invitees, or the Sports Organization's use and occupancy of any City Facilities or any breach of this Agreement, including through all appeals therefrom and shall satisfy and discharge any judgment which may be awarded against City in any such suit or action. Failure to comply with this obligation to indemnify the City (and its officers, agents and employees) shall result in the revocation of the subject Permit and may result in denial of future use of Facilities.

E. *Responsibility for officials, Volunteers, subcontractors, agents and invitees.* The Sports Organization shall agree to be responsible to the City for the acts and omissions of any subcontractor(s) or person(s) employed by the Sports Organization or Volunteers or any other person authorized or otherwise invited by the Sports Organization to participate in the Program.

VIII. LAW ENFORCEMENT IN CITY FACILITIES

A. *Compliance with laws.* Any person or organization utilizing a City Facility must comply with all applicable state and local law, including the City Code of Ordinances. If a person is in violation of applicable law, they may be subject to removal by any uniformed law officer.

B. *Deputies for Athletic Events.* Applications will be reviewed by the Director, in consultation with BSO, to determine whether and how much law enforcement staffing is required for a proposed Activity. Unless otherwise provided in an applicable Facility Use Agreement, the Permittee shall provide and pay for the number of deputies specified by the City for the Permittee's Activities. The Permittee must request and pay for the required number of deputies through BSO and must comply with any additional applicable BSO policies and applicable league bylaws.



CITY OF DEERFIELD BEACH ATHLETIC FACILITY USE AND SPORTS POLICY

IX. MANDATORY CRIMINAL BACKGROUNDS CHECKS

A. *Compliance with City Policy Required.* The Sports Organization shall comply with the City's Sports Volunteer Background Screening Policy, Section 50-80 of the City Code, as such policy may be amended from time to time (the "Policy").

- (1) The Sports Organization shall be required to perform a Level II background check on all of the Sports Organization's Volunteers and the results of such background checks shall be provided to the City prior to any Volunteer utilizing a City Facility for youth sports. The Sports Organization shall be responsible for the payment of the required background checks unless otherwise agreed upon by the City.
- (2) Level II Background checks for all Volunteers shall be conducted on an annual basis for all Volunteers. Volunteers shall be prohibited from participating in youth sports at any City Facilities or in any of the Youth Programs within the City in the event: (i) they have not had a current Level II background check conducted, or (ii) the results of their Level II background check reveal any of the disqualification factors set forth in the Policy, unless and until such Volunteer successfully appeals the disqualification in accordance with the Policy.
- (3) The Sports Organization shall acknowledge that the Sports Organization has read and understands the Policy and agrees to abide by the background screening qualification standards set forth in the Policy with respect to the Sports Organization's Volunteers. Further, the Sports Organization agrees to provide written notice to the City immediately upon the Sports Organization's knowledge of any occurrence that, under the Policy, would disqualify any Volunteer. The City shall have the right to immediately terminate field usage authorization upon written notice to the Sports Organization if the Sports Organization fails to abide by the Policy.

B. *Affidavit.* The Sports Organization shall be required to submit an affidavit on a form provided by or approved by the City certifying that the youth sports organization will not use any Volunteer who has direct contact with youth sports participants who has failed the background check based upon the criteria set forth in Section 50-80 of the City Code or Section 943.0438, Fla. Stat., as may be amended from time to time. Such affidavit shall be submitted to the Director prior to conducting any youth sports activity under this Agreement.

C. *Badges.* Any Volunteer that completes the Level II background check and satisfies the background requirements shall be issued a Badge by the City. The Badge simply signifies that the Volunteer has completed the required background check. The Badge does not serve to create any employer/employee or other contractual relationship between the City and the Volunteer and the Sports Organization shall remain fully responsible for the Volunteers that they permit to participate.



CITY OF DEERFIELD BEACH ATHLETIC FACILITY USE AND SPORTS POLICY

X. FOR-PROFIT PROGRAM PERMIT

A. *Permit Requirement.* All for-profit Programs, Activities, tournaments, showcases, and/or clinics must be approved through a permit application process through the Department.

B. *City Recognized Programs-Additional Costs to Participants.* Programs, tournaments, showcases, and/or clinics that a City Recognized Program wishes to conduct outside of its regularly scheduled season or programming for an additional cost to participants are subject to the requirements in the Section.

C. *Permit Conditions.* Applications for permits for for-profit Programs, Activities, tournaments, showcases, and/or clinics shall be subject to the following additional conditions and requirements:

1. A Facility Use Agreement, in a form approved by the City Attorney, must be executed by the Provider and provided to the City.
2. For-profit programs and activities utilizing any City Facility shall be subject to payment of a portion of the revenue to the City in accordance with the Fee Schedule.
3. All organizations seeking to host a for-profit program, tournament, showcase, and/or clinic may need to apply for a Special Event Permit and shall remit all applicable fees to the City.
4. All coaches and applicable individuals shall comply with the City's Background Check Policy as provided in Section 50-80 of the City Code and this Policy.
5. Proper insurance, with the City listed as additional insured, must be secured and proof of the required insurance shall be provided to the City prior to any Facility use.

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EXHIBIT "A" SPORTS AND ATHLETIC FACILITIES



CITY OF DEERFIELD BEACH ATHLETIC FACILITY USE AND SPORTS POLICY

The City owns and maintains the following Facilities that may be available for Sports Programs and Activities:

- (1) Constitution Park Recreation Center, 2841 W. Hillsboro Blvd.
 - a. Tennis Court
 - b. Basketball Court
- (2) Middle School Athletic Complex, 501SE 6th Avenue
- (3) Oveta McKeithen Recreational Complex, 445 SW 2nd Street
 - a. Baseball Fields
 - b. Multipurpose Field
 - c. Basketball Courts
 - d. Gymnasium
- (4) Pioneer Park, 222 NE 2nd Avenue
- (5) Quiet Waters Athletic Park, 4150 W Hillsboro Boulevard
- (6) Public Beach
 - a. Sand Volleyball Courts
- (7) Ecidar Park, 1901 SW 15th St.
 - a. Tennis Courts
- (8) Crystal Height Park (South), 1459 SW 28th Ave.
 - a. Sand Volleyball Court
- (9) Johnie McKeithen Park, 629 N Deerfield Ave.
 - a. Sand Volleyball Court
- (10) Mayo Howard Park, 1131 FAU Research Park Blvd.
 - a. Sand Volleyball Court
- (11) Villages of Hillsboro Park, 4111 NW 6th St.
 - a. Tennis Courts
 - b. Basketball Courts
 - c. Sand Volleyball Courts

EXHIBIT “B” CITY RECOGNIZED SPORTS PROGRAMS



CITY OF DEERFIELD BEACH ATHLETIC FACILITY USE AND SPORTS POLICY

<u>SPORT</u>	<u>RECOGNIZED PROGRAM</u>
1. RECREATION BASEBALL/SOFTBALL February – July September - December	Deerfield Beach Little League & City Parks & Recreation
2. TRAVEL BASEBALL Year Round	
3. RECREATION BASKETBALL December – March	City Parks & Recreation
4. TACKLE FOOTBALL June – December	DPR Youth Enrichment Association for Academics & Athletics, Inc.
5. FLAG FOOTBALL August – November	City Parks & Recreation
6. RECREATION SOCCER October – February	City Parks & Recreation
7. TRAVEL SOCCER Year Round	
8. TRAVEL LACROSSE Year Round	
9. TRAVEL BASEKETBALL Year Round	
10. SPECIAL NEEDS SPORTS Year Round	City Parks & Recreation
11. ADULT SOFTBALL BALL Year Round	City Parks & Recreation
12. RECREATION SOFTBALL October – January	City Parks & Recreation

EXHIBIT “C” COACH’S AGREEMENT



CITY OF DEERFIELD BEACH ATHLETIC FACILITY USE AND SPORTS POLICY

The purpose of this Agreement between the City of Deerfield Beach and the Youth League Coaches is to outline specific responsibilities and requirements in order to utilize City of Deerfield Beach facilities. This Agreement may be amended when necessary and terminated when the Youth Sport Provider wishes to no longer use City athletic facilities or when continued delinquency of the Agreement warrants termination.

The terms of this Agreement, commencing on the day that it is signed. Address the box below:

Recreational Travel

Agreement requirements:

- A. Adhere to all policies and procedures as listed in the Sports Policy.
- B. Request only the field space needed.
- C. Provide a detailed roster of all players and coaches including contact information, address, proof of residency, and non-resident sports card identification number.
- D. Ensure that all non-residents purchase a non-resident sports card from the City **PRIOR** to registration.
- E. Priority of player attendance shall be as follows: When the schedules of Sports Organizations overlap, players shall be expected to attend games as opposed to another Sports Organization's practices and similarly, playoff games shall take precedence over regular season games.
- F. Provide preliminary practice and game schedules no later than three (3) weeks prior to start of season.
- G. All schedules and game changes must be submitted on the appropriate scheduling forms and within the appropriate time frame. There is a minimum 72 hours' notice for game changes.
- H. Agree to not discriminate participation on the basis of disability while using City of Deerfield Beach facilities during practice, games and tournaments.

CITY OF DEERFIELD BEACH ATHLETIC FACILITY USE AND SPORTS POLICY

- I. Park Staff will walk the field, inspect the equipment, and make other necessary reasonable observations to determine if the field is safe for play. The decision made by the Park Staff on the condition of the field is Final.
- J. All players, parent and City staff will be treated with upmost respect and professionalism under all circumstances.
- K. Use the facilities and fields with due care and diligence to help reduce the expense of cleaning, maintenance, repairs and renovation.
- L. Release to the City any permitted fields or facility time that is not needed.
- M. Never allow another organization or group to use the facility under the umbrella of your organization.
- N. Adhere to the field closures during severe weather, maintenance or renovation. **Once Thor Guard is active all outdoor activities are suspended immediately.**
- O. Youth Sports Providers are prohibited from moving any City equipment. Only City staff is permitted to move equipment.
- P. Notify the appointed league representative immediately after any accidents/incidents that require medical attention or when public safety personnel were called to assist with the situation.
- Q. Only the appointed league representatives may contact the city and its staff. Coaches may not contact park rangers or public works staff.
- R. Each Sports Organization shall require all coaches to obtain a Coach's Card from the City. All coaches must have Coach's Card or photo of Coach's Card on them at all times and provide card to any City employee upon request. Failure to provide this will result in reprimand to affiliated league board.
- S. At any time during the term of this Agreement the following action will be taken for delinquency of this Agreement Letter:
 - Reduction in permitted field time
 - Loss of permits
 - Reduction of services
 - Loss of Coaching Privileges
 - Loss of services



**CITY OF DEERFIELD BEACH
ATHLETIC FACILITY USE AND SPORTS POLICY**

Signature: _____ Date: _____

Print Name: _____

Witness Name: _____ Date: _____

Witness Signature: _____

DRAFT



**CITY OF DEERFIELD BEACH
ATHLETIC FACILITY USE AND SPORTS POLICY**

**EXHIBIT “D”
FEE SCHEDULE**

[TO BE INSERTED]

DRAFT



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet

File Number: I.D. 2019-192

Agenda Date: 1/14/2020

Status: PUBLIC HEARINGS - 2ND
READING

In Control: City Commission

Title

ORDINANCE 2020/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 46 "OFFENSES" OF THE CITY CODE OF ORDINANCES PROHIBITING THE DISCHARGE OF AIR GUNS, BB GUNS, AND OTHER DEVICES, EXCEPT FOR THE PURPOSE OF ERADICATING IGUANAS ON PRIVATE PROPERTY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Recommended Action

Commission to vote on Ordinance

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

South Florida, including the City, has experienced an iguana infestation. Changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the City's regulations are current and consistent with the City's regulatory needs. The City is not preempted by state law from regulating the use of air guns, BB guns, toy guns, and other devices that do not meet the statutory definition of firearms in Section 790.001(6), Fla. Stat. This Ordinance would prohibit the discharge of air guns, BB guns, and toy guns that project lead or any missiles in the City, to include an exception to the prohibition to permit a property owner to eradicate iguanas on the owner's private property.

Recommendation

Vote on proposed Ordinance.

ORDINANCE NO. 2020

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 46 “OFFENSES” OF THE CITY CODE OF ORDINANCES PROHIBITING THE DISCHARGE OF AIR GUNS, BB GUNS, AND OTHER DEVICES, EXCEPT FOR THE PURPOSE OF ERADICATING IGUANAS ON PRIVATE PROPERTY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE

WHEREAS, the City Commission recognizes that changes to the adopted Code of Ordinances are periodically necessary in order to ensure that the City’s regulations are current and consistent with the City’s regulatory needs; and

WHEREAS, the City is not preempted by state law from regulating the use of air guns, BB guns, toy guns, and other devices that do not meet the statutory definition of firearms in Section 790.001(6), Fla. Stat.; and

WHEREAS, the City desires to prohibit the discharge of air guns, BB guns, and toy guns that project lead or any missiles in the City, to include an exception to permit a property owner to eradicate iguanas on the owner’s private property subject to animal cruelty laws; and

WHEREAS, the City Commission has determined that it is in the best interests of the citizens and general public to amend Chapter 46 of the City Code regarding the discharge of air guns, BB guns, and other devices.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, AS FOLLOWS:

Section 1. The above “WHEREAS” clauses are true and correct and are incorporated herein.

Section 2. Chapter 46 “Offenses,” Section 46-7 “Reserved” is hereby amended to read as follows¹:

Chapter 46 – OFFENSES

Sec. 46-7 – ~~Reserved~~ Discharge of air guns, BB guns, etc.

(a) It shall be unlawful for any person to willfully discharge an air gun, BB gun, or toy gun projecting lead or any missiles in the City. It shall not be unlawful for a person to discharge an air gun or BB gun on the person’s private property for the purpose of eradicating iguanas, provided that such actions do not violate §828.12, Florida Statutes.

¹ Additions to existing City Code text are shown in underline. Deletions to existing City Code text are shown in ~~strikethrough~~.

(b) For purposes of this section, “missile” shall mean any object or weapon that is fired, thrown, dropped, or otherwise projected at a target, which when fired, thrown, dropped, or otherwise projected, would cause great bodily harm.

Section 3. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. The provisions of this Ordinance are declared to be severable, and, if any section, sentence, clause and/or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, which shall remain in effect, it being the legislative intent that this Ordinance shall stand despite the invalidity of any part.

Section 5. It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code of the City of Deerfield Beach, and that the sections of this Ordinance may be renumbered to accomplish such intent.

Section 6. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED 1ST READING ON THIS 3RD DAY OF DECEMBER, 2019.

PASSED 2ND READING ON THIS _____ DAY OF _____, 2020.

BILL GANZ, MAYOR

ATTEST:

SAMANTHA GILLYARD, CMC, CITY CLERK



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet

File Number: I.D. 2019-215

Agenda Date: 1/14/2020

Status: PUBLIC HEARINGS - 2ND
READING

In Control: City Commission

Title

ORDINANCE 2020/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 98 "LAND DEVELOPMENT REGULATIONS" OF THE CITY LAND DEVELOPMENT CODE BY CREATING ARTICLE X "HISTORIC PRESERVATION"; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Recommended Action

Commission to vote on Ordinance

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

On October 15, 2019, the Broward County Commission approved Ordinance No. 2019-28 amending the historic preservation procedures and requirements within Broward County Code of Ordinances. The changes require municipalities within the County that do not have Certified Local Government ("CLG") status to adhere to the County ordinance relating to historic and archaeological resources.

Staff has identified the need to create ordinances that protect, promote, and preserve historic sites and resources within the City. The proposed additions to the Land Development Code include the formation of a Historic Preservation Board, processes for designating historic and archaeological resources, and procedural requirements for the maintenance and improvements of such resources. The creation of these regulations within the City's Land Development Code is a necessary component in becoming a Certified Local Government as designated by the State.

The CLG status would provide the City the ability to partner with State and Federal Agencies, along with other CLGs to share preservation ideas and experiences, as well as the opportunity to compete for CLG grants. The proposed ordinance is a requirement in the CLG program application process.

Upon approval of the City Commission, an application to the State would need to be submitted to continue the CLG designation process. Determination of CLG status by the State includes ensuring the enacted ordinance meets all state and federal requirements and standards.

On November 7, 2019, the Planning and Zoning Board voted to recommend approval of this item.

ORDINANCE NO. 2020

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 98 “LAND DEVELOPMENT REGULATIONS” OF THE CITY LAND DEVELOPMENT CODE BY CREATING ARTICLE X “HISTORIC PRESERVATION”; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission has determined that it is in the best interests of the citizens and general public to create a public art program to promote, encourage, and support the development, public awareness of, and interest in the arts.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, AS FOLLOWS:

Section 1. The above “WHEREAS” clauses are true and correct and are incorporated herein.

Section 2. Article X “Historic Preservation” is hereby created and added to Chapter 98 “Land Development Regulations” to read as follows¹:

Chapter 98 – LAND DEVELOPMENT REGULATIONS

ARTICLE X-HISTORIC PRESERVATION

Sec.98-168.- Purpose and Intent

(a) Purpose and Intent. The purpose and intent of this section is to promote and protect the integrity of historic resources existing throughout the City through:

(1) The identification, protection, enhancement, perpetuation and use of sites, buildings, structures, and objects that are reminders of past eras, events, and persons important in local, state or national history, or which provide significant examples of architectural styles of the past, or which are unique and irreplaceable assets to the City and its neighborhoods, or which provide this and future generations examples of the physical surroundings in which past generations lived; and

(2) The enhancement of property values, the stabilization of neighborhoods and the commercial areas of the City, the increase of economic and financial benefits to the City and its inhabitants, and the promotion of local interests; and

¹ Additions to existing City Code text are shown in underline. Deletions to existing City Code text are shown in ~~strikethrough~~.

(3) The preservation and enhancement of varied architectural styles, reflecting the City's cultural, social, economic, political, and architectural history; and

(4) The enrichment of human life in its educational and cultural dimensions in order to serve spiritual as well as material needs by fostering knowledge of the living heritage of the past.

Sec.98-169. – Scope and Applicability

(a)Scope. This article shall govern and be applicable to all property located within the legal bounds of the City.

Sec. 98-170.- Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

(1) Addition shall mean any new construction that adds mass to an existing historic resource.

(2) Alteration shall mean any act or process that alters any of the following aspects of a historic resource:

(a) The exterior architectural appearance;

(b) Any interior or exterior feature that has been designated as a historic resource;

(c) Any interior structural feature that is visible from a public right-of-way or a navigable waterway; or

(d) The introduction, placement, or replacement of accessories or other property, that because of its significance to history, is deemed acceptable.

(3) Archaeological materials shall mean human skeletal materials or human-manufactured objects, or natural objects altered by human activity, found on or beneath the surface of the ground and shall include, but not be limited to, pottery, basketry, bottles, weapons, weapon projectiles, tools, structural and building ruins, graves, any earthen mounds, middens or landscape features of human manufacture, or any portion or piece of any of the foregoing items. Unmarked human remains and associated burial artifacts and materials that are seventy-five (75) years of age or more are considered archaeological materials for the purpose of this article. Structures, and nonfossilized and fossilized paleontological resources, or any portion or piece thereof, shall not be considered archaeological materials under this article, unless found within an archaeological site, archaeological zone, or during an archaeological salvage excavation. Except as specified in this paragraph, no item shall be treated as an archaeological resource under this article unless such item is at least one hundred (100) years of age.

(4) Archaeological salvage excavation shall mean a process designed to prevent activity causing

adverse impact on cultural resources by systematic removal of prehistoric or historical cultural remains, in order to acquire the fundamental information necessary for understanding the site within its proper historic context. This process requires an appropriate field survey, excavation, artifact analysis, and curation reports.

(5) *Archaeological site* shall mean a location that has yielded or is likely to yield the presence of archaeological materials on or below the ground and information indicating the past use of the site by humans. An archaeological site may be identified using onsite investigations or site-predictive models pursuant to the criteria set forth in Section 98-171 of this Code.

(6) *Archaeological zone* shall mean an area that has yielded or is likely to yield largely subsurface information on the prehistory or history of the City based on prehistoric or historic settlement and land use patterns within the City, as determined in consultation with the Broward County Archaeologist and the State of Florida Division of Historical Resources. These zones will tend to conform to certain natural physiographic features that were the focal points for prehistoric and historic activities. Archaeological zones shall be recorded on a Map of Broward County Archaeological Zones to be maintained and amended as necessary by the director or their designee.

(7) *Board* shall mean the City of Deerfield Beach Historic Preservation Board.

(8) *Building* shall mean a structure created to shelter any form of human activity. This may refer to a house, barn, garage, church, hotel, or similar structure. Building may also refer to a historically-related or architecturally-related complex.

(9) *Certificate of Appropriateness (COA)* shall mean a certificate issued by the Historic Preservation Board indicating approval of plans for specified alteration, rehabilitation, construction, reconstruction, removal, relocation, or demolition of a historic resource.

(10) *Certificate to Dig (CTD)* shall mean a certificate indicating approval of plans for specific digging projects that are anticipated to yield known or as yet unknown archaeological or paleontological materials in an archaeological or paleontological zone or site designated as a historic resource. This certificate shall be issued by staff of the Historic Preservation Board, when required and approved pursuant to Section 98-178 of this Code.

(11) *Certified Local Government* shall mean a local historic preservation program that has been certified by the Florida Department of State, Division of Historical Resources in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.).

(12) *Contributing resource* shall mean a building, site, structure, or object that adds to the historic, architectural, archaeological, or paleontological significance of a historic district.

(13) *Demolition* shall mean any act that destroys in whole or in part a historic resource.

(14) Demolition by neglect shall mean improper or inadequate maintenance of a historic resource that results in its substantial deterioration and threatens the continued preservation of the historic resource. Exterior shall mean all outside surfaces or elements of a building or structure.

(15) Department shall mean the Planning and Development Services Department.

(16) Director shall mean the director of the Planning and Development Services Department.

(17) Exterior shall mean all outside surfaces or elements of a building or structure.

(18) Florida Master Site File (FMSF) shall mean an archive and database of all known archaeological and historical sites and districts recorded within the State of Florida, as maintained by the Florida Department of State, Division of Historical Resources.

(19) Historic district shall mean an area designated by the City Commission, located within defined geographic boundaries, which contains two (2) or more contributing resources and which may contain noncontributing resources and vacant land within its boundaries.

(20) Historic resource shall mean a building, structure, object, site, or other real or personal property, excluding living things, of historic, architectural, archaeological, or paleontological value, including an individual resource, contributing resource, or noncontributing resource, or vacant land within a historic district, which is generally at least fifty (50) years old, and that is individually designated by the City Commission as a historic resource. Any building, structure, object, site, or other real or personal property previously designated as an Archaeological Cultural Resource Site or Historical Cultural Resource Site under the city, county, or state register is hereby defined as a historic resource.

(21) Historic survey shall mean a comprehensive listing or inventory of buildings, sites, and structures of any historical, cultural, archaeological, paleontological, or architectural importance in Deerfield Beach, Florida.

(22) Integrity shall mean the authenticity of a resource's historic identity, evidenced by the survival of physical characteristics that existed during the resource's historic or prehistoric period.

(23) National Register of Historic Places shall mean the list of historic properties significant in American history, architecture, archaeology, engineering, and culture, maintained by the Secretary of the Interior, as established by the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), as amended and administered by the U.S. Department of the Interior, National Park Service.

(24) Noncontributing resource shall mean a resource within a historic district that is not historically or architecturally compatible with contributing resources within the district.

(25) Ordinary maintenance shall mean minimal work conducted on a historic resource, which specifically stems deterioration and exactly replicates the existing material of the resource in form and substance.

(26) Paleontological resource shall mean any flora or fauna, vertebrate fossils, including bones, teeth, natural casts, molds, impressions, and other remains, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include:

(a) Any materials associated with an archaeological resource, as defined in the Archaeological Resources Protection Act of 1979, 16 U.S.C. 470bb(1); or

(b) Any cultural item, as defined in the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001(3).

(27) Paleontological site shall mean a location that has yielded or is likely to yield information important to the understanding and scientific study of paleontological resources. A paleontological site is evidenced by the presence of paleontological materials on or below the ground surface indicating past use of a location by humans.

(28) Paleontological zone shall mean an area likely to yield largely subsurface information on the prehistory and fossil history of the City based on prehistoric environmental patterns within the City, as determined in consultation with the Florida Museum of Natural History. Paleontological zones will tend to conform to certain geological features and deposits and shall be recorded to be maintained and amended as necessary by the Director or their designee.

(29) Period of significance shall mean the period of time from which a historic resource's importance is derived.

(30) Relocation shall mean the movement of a historic resource, including movement on its own site. Relocation shall also include the introduction of a historic resource or previously nondesignated resource onto the site of a historic resource.

(31) Secretary of the Interior's Standards shall mean the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, and Archaeological Documentation, codified at 36 C.F.R. Part 68, and the Archaeological Program, codified at 36 C.F.R. Part 79, published by the United States Department of the Interior, and those guidelines developed by the Secretary of the Interior to guide work undertaken on historic and archaeological resources.

(32) State Historic Preservation Officer (SHPO) shall mean the official designated pursuant to s.267.031(8), Florida Statutes, to administer the state historic preservation program established for the purpose of carrying out the provisions of the National Historic Preservation Act of 1966, as amended.

(33) *Setting* shall mean the environment in which a historic resource is located, including, but not limited to, the viewshed, water frontage, or streetscape.

(34) *Streetscape* shall mean the appearance or view along the public right-of-way adjacent to a historic resource.

(35) *Structure* shall mean the man-made object built or constructed for a functional use that is not intended to shelter human activity, such as a fence or a bridge.

(36) *Viewshed* shall mean the views to and from a historic resource.

98-171. Historic Preservation Board

(1) *Creation.* The City of Deerfield Beach Historic Preservation Board is hereby established as an agency of the city government in and for the city. The board is vested with the power, authority and jurisdiction to inventory, designate, certify, regulate and manage historic resources in the City as provided for in this chapter. The Historic Preservation Board shall establish rules of procedures, including, but not limited to, procedures for recording of minutes, for training opportunities for Historic Preservation Board members, for election of officers, and for seeking assistance on historic preservation matters requiring expertise not represented within its membership. The Board shall review National Register nominations in accordance with the National Historic Preservation Act of 1966 (U.S.C. 470 et. seq.), as amended. The actions of the Historic Preservation Board shall be complementary to the responsibilities of the State Historic Preservation Office (SHPO).

(2) *Appointment.* The Historic Preservation Board shall be comprised of five (5) members, each of whom shall be appointed by the City Commission. All members of the Historic Preservation Board must reside in the City at the time of appointment and during the member's term(s) in office. Appointments shall be made on the basis of civic pride, integrity, experience and interest in the field of historic preservation. The Commission shall attempt to nominate architects, realtors, archaeologists, historians, neighborhood activists, lawyers or other individuals from the business, financial and other segments of the community who, by virtue of their profession, business or civic involvement, have demonstrated concern for historic preservation. Membership on the Board should be representative of the community at large and reflect a broad cross section of the community.

(c) *Term.* With the exception of the initial members, the term of office of the Historic Preservation Board members shall be for two (2) years. The initial term of initial members shall be staggered so that the end of the term of the initial members shall not end simultaneously. Notwithstanding the foregoing, members shall serve terms which end on May 15 of the year that the term of the appointing commissioner expires; provided that if the appointing commissioner leaves office prior to the end of his/her term, the term of his/her appointee shall terminate on the date the person appointed or elected to fill the vacancy exercises his/her right to appoint a member to the Board. A member may be removed by a majority vote of the City Commission without cause. Any vacancies shall be filled within sixty (60) days.

(e) Powers and Duties. In addition to the duties described elsewhere in this article, the duties of the Board and Director shall include, but not be limited to:

(1) Providing historical markers, plaques, and other recognition for individual historic resources, districts, archaeological sites, archaeological zones, and paleontological zones.

(2) Recommending zoning and building code amendments to the proper authorities to assist in promoting historic preservation.

(3) Developing and applying design guidelines.

(4) Initiating, reviewing, and updating historic site surveys in the City.

(5) Reviewing National Register nominations and providing comments to the appropriate entities.

(6) Reviewing and making recommendations to City staff regarding grants and financial incentives that assist in promoting historic preservation within the City that are available to property owners and the City.

(7) Promoting the awareness of historic preservation and its community benefits.

(8) Preparing and maintaining records of the Historic Preservation Board's actions and decisions.

(9) Fulfilling all obligations and requirements associated with the Certified Local Government Program.

(10) Promoting and assisting in the creation, program, and work of local historical, archaeological, and genealogical societies.

(f) The City Commission shall provide staff for the operational support of the Board to undertake the requirements for certification as a certified local government and to carry out the duties and responsibilities delegated to the Certified Local Government.

(g) The City and Board shall maintain the historic preservation ordinance and practices in compliance with the Certified Local Government requirements.

(h) Members of the Board must file a Statement of Financial Interests in accordance with Section 112.3145, Florida Statutes.

(i) Meetings. All meetings of the Board shall be public and open to all residents and interested parties. The Board shall meet at minimum of four (4) times within the calendar year. Whenever practicable, and to the extent needed to conduct required business, the regular quarterly meeting shall be held on the first Thursday of the quarter. The Board may adopt

rules of procedure provided that such rules of procedure are not inconsistent with any rules previously adopted by the City Commission and are consistent with City ordinances and state statutes. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question submitted to it. If a member is absent, such fact shall appear upon the minutes. Copies of the Board's minutes shall be filed with the City Clerk and shall become a public record

(j) Quorum. Quorum shall consist of three (3) members. No Certificate to Dig or Certificate of Appropriateness shall be approved unless a majority concurs.

Sec.98-172. –Designation of a Historic Resource.

Upon recommendation of the Historic Preservation Board, the City Commission may designate by resolution, individual landmarks and landmark sites. Each designation of a landmark shall include a designation of a landmark site in accordance with State standards.

(a) Application Requirement. Consideration of the designation of a landmark and landmark site shall be initiated by the filing of an application for designation by the property owner, or by the City. The City shall charge a fee for each application, which reflects processing costs for the application. Such fee shall be waived for City-initiated applications. The applicant shall complete an application form provided by the Department that shall include, at minimum:

1. A physical narrative of the building, structure or object and its character-defining features, accompanied by photographs.
2. Date of construction of the structures on the property and the date of any alterations.
3. Report on the existing condition of the building, structure, or object, including any potential threats or other circumstances that may affect the integrity of the building, structure or object.
4. A statement of the historical, architectural, or other significance of the building, structure, or object as defined by the criteria for designation established by this Article.
5. A statement of rehabilitative or adaptive use proposals, if applicable.
6. A location map showing zoning and other appropriate land use information and a legal description of the property.
7. The name of the building, structure, or object, and the Florida Master Site File number, if applicable.
8. The names of current and past property owners.

The Director or their designee shall determine when an application is complete and may request additional information when such application is determined to be incomplete.

(b)Procedure. The following procedures shall be used in determining eligibility of an individual historic resource or a historic district:

(1) A site, building, structure, object, or district may be nominated for designation using a historic designation application form and shall be completed by the applicant and returned to the Director or their designee.

(2) An owner(s) of a nominated property, site, building, structure, object, or district, the City Commission, or the Historic Preservation Board, upon its own motion, may make application to the Historic Preservation Board for consideration of a property, site, building, structure, object, or district as a historic resource.

(3) The boundaries of a historic resource or historic district shall be described in a legal description in the historic designation application. The boundaries of the historic designation site shall be established as follows:

a. For designation of an individual historic resource, the boundary shall be the original site as it was associated with the nominated historic resource during its period of significance. If a portion of the original site containing the historic resource has been sold or developed, that portion of the site that is currently associated with the historic resource shall constitute the boundary.

b. For a historic district, the boundary shall be the geographic perimeter of the grouping of sites and properties included in the district.

(4) Upon receipt of a completed application form, including necessary documentation, the Department shall review the application for completeness and accuracy. Once determined complete and accurate by the Department, the nomination shall be placed on the agenda of the next reasonably available, regularly scheduled meeting of the Historic Preservation Board. At that meeting, the Historic Preservation Board will conduct a public hearing and shall make a recommendation on the application for designation to the City Commission.

(5) Notice of the Historic Preservation Board's scheduled hearing shall be provided by the Applicant by placing an advertisement in a newspaper of general circulation at least seven days and not more than ten days prior to the hearing. At least 12 days prior to the date fixed for the hearing before the Board, the City shall send notice of said hearing to each property owner (as listed on the most recent tax rolls) whose property is within 300 feet of the property, which is the subject of the application. At the hearing any party may appear in person or by agent or attorney.

(6) At said hearing the Board shall make a recommendation on the application to the City Commission. A nomination application for historic designation approved with conditions shall be revised to comply with said conditions prior to submission to the City Commission. Upon receipt of the revised plan, the Director shall verify that all modifications stipulated in the approval of the Board have been incorporated.

(7) A written recommendation shall be forwarded to the City Commission for approval, approval with conditions, or denial of the nomination, based upon the evidence presented at a public hearing before the City Commission.

(8) Public notice and posting for the application to be heard in front of City Commission shall follow the requirements and procedures set forth in Code Section 98-35.

(9) If the property owner of an individual historic resource nomination consents to designation, a simple majority vote of City Commission shall be required to designate a historic resource. If an individual historic resource designation lacks owner consent, then a four-fifths vote of the City Commission shall be required.

(10) Upon the filing of an application for historic designation, no permits may be issued authorizing building, alteration, demolition, relocation, or excavation of the subject property until such time as approval or denial of the application by City Commission occurs. In the event the application is denied by City Commission, the application may not be resubmitted for 120 days. The Director shall notify the building official of the suspension of activities upon the filing of an application for designation.

(11) Appeals of a decision of the City Commission regarding the designation or failure to designate a nominated property as a historic resource shall be by appropriate action pursuant to the Florida Rules of Civil Procedure.

(c) Criteria. The historic resources considered for issuance of a certificate of designation by the Board shall:

(1) Possess at least three (3) of the following characteristics: integrity of location, design, setting, materials, and workmanship;

(2) Be at least fifty (50) years old unless it has exceptional importance; and

(3) Meet at least one (1) criteria in one (1) of the following three (3) significant categories:

a. A historic resource shall be considered historically significant if it is:

1. Associated with the life or activities of a person of importance in local, state, or national history;

2. The site of a historic event with a significant effect upon the city, county, state, or nation;

3. A prime historical example of the political, cultural, economic, or social trends, successes, or failures of the people of the City;

4. Associated with a past or continuing institution which has contributed

substantially to the life of the people in this City; or

5. A building or structure, site, or object, if its location, landscape setting or environment exemplifies a specific historical context.

b. A historic resource shall be considered architecturally significant if it is:

1. A building or structure that embodies distinctive characteristics of an architectural style, type, form, period, or method of construction;

2. A building or structure that is the work of a prominent architect, builder, or other design professional;

3. A building or structure possessing elements of design, detail, material, or craftsmanship which are of outstanding quality;

4. A building or structure which represented in its time, a significant technological innovation, or an adaptation to the state environment; or

5. An exceptional or unique example of a utilitarian structure or building.

c. A historic resource shall be considered archaeologically significant if it is:

1. A site associated with an important historical event or person and which contains intact archaeological deposits;

2. A site of such condition that data recoverable from the site may provide unique or representative information on past human activities and behavior; or

3. A site that has in the past revealed information vital in developing well-established and widely accepted models and theories about past cultures and/or activities.

98-173. – Amendments and rescissions to a historic designation.

The designation of any historic resource may be amended or rescinded through the same review process and procedures utilized for historic designation set forth in 98-171 and the criteria set forth in Section 98-172. Notwithstanding the foregoing, rescission of a historic designation shall require a four-fifths vote by the City Commission.

98-174. – Maintenance of a Designated Historic Resource.

(a) Every owner of a historic resource shall properly maintain and keep in good repair, and the City shall not permit demolition by neglect to occur:

- (1) All of the exterior portions of such buildings or structures;
- (2) All interior portions which, if not maintained, may cause the building or structure to deteriorate or to become damaged or otherwise to fall into a state of disrepair; and
- (3) If the site contains archaeological materials, the owner shall be required to maintain the property in such a manner so as not to adversely affect the integrity of the archaeological zone or historic resource.

(b) The Historic Preservation Board may refer violations of this section to Code Enforcement in order to preserve such building or structure in accordance with the purpose and intent of this article.

(c) The requirements of this section shall be in addition to any and all requirements of the City Code and the Florida Building Code that require buildings or structures to be maintained in good repair. It is the intent of this section to preserve, from either deliberate or inadvertent neglect, the exterior features of historic resources and the interior portions thereof when maintenance is necessary to prevent deterioration and decay of the historic resource. All such historic resources shall be preserved against such decay and deterioration and be maintained free from structural defects through correction of any of the following deficiencies:

- (1) Facades which may fall and injure the subject or adjoining structure or building, or members of the public.
- (2) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.
- (3) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.
- (4) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
- (5) Any fault or defect in the structure or building which renders it structurally unsafe, insufficiently protected from weathering, or not properly watertight.

98-175. Certificate of Appropriateness and Approval of Changes to Historic Resources

- (a) *Applicability.* Unless expressly exempted below, no permits shall be issued for new construction, demolition, alteration, rehabilitation, signage, or any other physical modification of a historic resource, as same is defined herein, without the prior issuance of a certificate of appropriateness by the Deerfield Beach Historic Preservation Board, in accordance with the procedures specified in this Article.

(b) Exemptions. A certificate of appropriateness shall not be required for the following:

(1) All permits for plumbing, heating, air conditioning, elevators, fire alarms, and fire extinguishing equipment, and all mechanical and electrical equipment that do not involve exterior changes or construction visible from the public right-of-way or navigable waterway, or changes to an interior not previously designated as a historic resource and not visible from the public right-of-way or navigable water, or as determined by the director of planning and development services or their designee.

(2) Any permit necessary for compliance with a lawful order issued by the City through its building and permitting or code and zoning divisions, unsafe structures board, or fire marshal, including, without limitation, any permit necessary for the immediate preservation of public health or safety.

(c) Other permits and approvals. A certificate of appropriateness shall be considered a prerequisite to the issuance of any other permits required by this Article or the City Commission. The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits or approvals as required by federal, state, or local agencies.

(d) Application.

The property owner or agent shall complete and file an application with the Director on a form provided by Department including, but not limited to:

(1) Plans for structural changes, where applicable.

(2) A description of exterior finish materials (samples may be requested of nonstandard materials), where applicable.

(3) Site plans, including landscape plans and building elevations, where applicable.

(4) Photographs of the subject property, including areas of proposed work.

(5) Notarized authorization of the owner if the applicant is other than the owner or attorney for the owner.

(6) Other documentation of architectural compatibility as offered by the applicant or requested by the Board.

(7) The name, address and telephone number of the applicant.

(e) Procedure.

(1) The Board shall hold a public hearing following the filing of a complete application for a Certificate of Appropriateness with the Director or their appointee and after due

public notice for each certificate of appropriateness. The Director or their designee shall also send, by certified mail, a notice of the proposed certificate of appropriateness to the owner of the property at least thirty (30) calendar days prior to the date of the public hearing.

- (2) The Historic Preservation Board shall, based on their findings approve, approve with conditions/stipulations, or deny the application for a Certificate of Appropriateness.
 - (3) Appeals of the denial or the approval with conditions of a Certificate of Appropriateness where the applicant has alleged that the enforcement of the provisions of this Article would result in the deprivation of all reasonable economically beneficial use of such property are required to be filed with the City Clerk no more than 30 days after the decision of the Board. The appeal shall be heard by the City Commission. The hearing shall be noticed and heard in accordance with the provisions of this Article regarding other quasi-judicial hearings before the City Commission.
- (f) Criteria and guidelines. In approving or denying applications for a Certificate of Appropriateness for alterations, new construction, relocation, demolition, land disturbance, or development activity, the Historic Preservation Board shall consider the following general criteria:
- (1) Whether the proposed modification has a material effect on the historic resource.
 - (2) Whether the proposed modification will affect the historic and architectural significance, architectural style, design, arrangements, texture, materials, and color of the historic resource.
 - (3) Whether denial of a Certificate of Appropriateness would deprive the property owner of all reasonable economically beneficial use of such property.
 - (4) Whether the plans may be reasonably carried out by the applicant.
 - (5) Whether the plans comply with The Secretary of the Interior's Standards.
 - (6) Whether the proposed work will have a negative impact on the historic resource upon which such activity is to be done.
 - (7) Whether the proposed work will have a negative impact on other historic resources on the site or on other historic resources within its viewshed.

(g) Additional guidelines relating to alterations.

In approving or denying applications for a Certificate of Appropriateness for alterations, in addition to the general criteria listed in subsection (f) above, the Historic Preservation Board

shall determine:

- (1) Whether the distinguishing original qualities or character of a building, structure, or site and its surrounding environment will be retained. Whenever reasonably possible, historic material or distinctive exterior architectural features will not be removed or altered.
- (2) Whether the proposed alterations change, destroy, or adversely affect any exterior architectural feature upon which the alterations are to be performed.
- (3) Whether the alterations will protect, enhance, or perpetuate the structure, building, or site.
- (4) If replacement of an architectural feature is necessary, whether the new material is compatible with the material being replaced in composition, design, color, and texture.
- (5) Whether distinctive stylistic features or examples of craftsmanship which characterize a building, structure, or site will be preserved.
- (6) Whether every reasonable effort is being made to protect and preserve archaeological resources on or adjacent to the site, or that may be affected by, any alterations, rehabilitation, restoration, or reconstruction project.

(h) Additional guidelines relating to new construction.

In approving or denying applications for a Certificate of Appropriateness for new construction, the Historic Preservation Board shall consider the following criteria, in addition to other general criteria listed in subsection (f) above, in order to determine whether:

- (1) The height of the proposed building is visually compatible with adjacent or surrounding buildings or structures.
- (2) The width of the proposed building is visually compatible with the height of the building, as well as with adjoining or surrounding buildings or structures.
- (3) The open space area between the proposed building, and adjoining or surrounding buildings or structures, is visually compatible.
- (4) The materials, textures, and colors of the facade of the proposed building or structure are compatible with the predominant materials used in adjacent or surrounding buildings or structures to which they are visually related.
- (5) Appurtenances of a building or structure, such as walls, wrought iron fences, landscaping, or building facades are visually compatible with the building or structure to which they are visually related.

(6) Whether additions to historic resources are sited as inconspicuously as reasonably possible and, with the exception of waterfront properties, towards the rear. All additions shall be designed to complement the historic resource in terms of scale, shape, and materials, while at the same time being readable as differentiated from and compatible with the old work.

(i) Additional requirements relating to request to relocate a historic resource. In approving or denying applications for a Certificate of Appropriateness for relocation of a historic resource, the Historic Preservation Board, in addition to the general criteria listed in subsection (d) above, shall consider the following:

(1) Whether the relocation will affect the contribution the building or structure makes to its present setting.

(2) Whether there are definite plans for the site to be vacated.

(3) Whether the building or structure can be moved without significant damage to its physical integrity.

(4) Whether the building or structure is compatible with the building or structure on its proposed site or adjacent properties.

(5) Whether it has been demonstrated that no viable preservation alternatives exist at its present location.

(6) Whether all necessary measures will be taken to protect and preserve archaeological and paleontological resources affected by, or adjacent to, a historic resource.

(j) Additional requirements for demolitions.

(1) Demolition of a historic resource may occur pursuant to an order of a government agency, a court of appropriate jurisdiction, or, if granted, pursuant to an application by the owner or owner's agent for a Certificate of Appropriateness for demolition from the Department.

(2) In approving or denying applications for a Certificate of Appropriateness for demolition of a historic resource, in addition to the general criteria listed above, the following criteria shall be considered:

a. Whether the application concerns a noncontributing resource;

b. Whether the historic resource no longer retains its significance due to permitted alterations or extensive damage caused by a natural disaster or catastrophic event;

- c. Whether the demolition is of major benefit to a historic district;
- d. Whether the historic or architectural importance of the historic resource is significant;
- e. Whether the historic resource is one of the last remaining examples of its kind the surrounding area;
- f. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and the effect of those plans on the character of the surrounding properties;
- g. Whether reasonable measures can be taken to save the historic resource; and
- h. Whether failure to issue the Certificate of Appropriateness for demolition will deprive the owner of all reasonably economically beneficial use of the owner's property.

98-176. – Reconstruction of a Designated Historic Resource following a natural disaster or catastrophic event.

A historic resource that is substantially destroyed by a natural disaster or catastrophic event may be reconstructed in accordance with the Secretary of the Interior's Standards. Notwithstanding the general requirements of the zoning district in which the resource is located, the reconstruction of the site to its pre-disaster footprint may be approved provided it complies with floodplain management standards.

98-177.- Certificate to Dig.

(a) Certificate to Dig required.

(1) No person shall undertake any of the following actions affecting a site or zone designated archaeological or paleontological or which contains archaeological or paleontological resources or artifacts, without first obtaining a Certificate to Dig from the Board for:

- a. Any new construction, filling, digging, removal of trees, or other activity that may alter or reveal archaeological material or paleontological material; or
- b. Any alterations, relocations, new construction, or demolitions when ground disturbance is likely to occur within an archaeological or paleontological site or zone.

(2) A Certificate to Dig shall be a prerequisite and in addition to any other permits

required by law. The issuance of a Certificate to Dig by the Board shall not relieve the property owner of the duty to comply with other state and local laws and regulations.

(b) General criteria and guidelines for granting a Certificate to Dig. In approving or denying applications for a Certificate to Dig, the Board shall consider the following:

(1) Whether the proposed work will have an effect on a known or anticipated historic resource;

(2) Whether the extent to which the historic, archaeological, paleontological significance of the historic resource will be affected by the proposed work is within the Secretary of the Interior's Standards;

(3) Whether denial of a Certificate to Dig would deprive the property owner of all reasonable economically beneficial use of such property;

(4) Whether the plans may be reasonably carried out by the applicant;

(5) Whether the plans comply with the Secretary of Interior's Standards;

(6) Whether the proposed work will have a negative impact on the historic resource upon which such activity is to be done; and

(7) Whether the proposed work will have a negative impact on other historic resources on the site or on other historic resources within its viewshed.

(c) Application procedures for a Certificate to Dig.

(1) The owner or agent shall complete and file an application with the Department.

a. Applications shall be accompanied by drawings, plans, or specifications of sufficient detail to show the proposed alterations, additions, changes, or new construction and locations of ground disturbance activities as are reasonably required for decisions to be made by the Board.

b. The Board shall hold a public hearing following the filing of a complete application for a Certificate to Dig with the Director or their appointee and after due public notice for each Certificate to Dig. The Director or their designee shall also send, by certified mail, a notice of the proposed Certificate to Dig to the owner of the property at least thirty (30) calendar days prior to the date of the public hearing.

c. The Board shall, based on their findings approve, approve with conditions/stipulations, or deny the application for a Certificate to Dig.

d. Appeals of the denial or the approval of conditions where the applicant has alleged that the enforcement of the provisions of this Article would result in the deprivation of all reasonable economically beneficial use of such property are required to be filed with the City Clerk no more than 30 days after the decision of the Board. The appeal shall be heard by the City Commission. The hearing shall be noticed and heard in accordance with the provisions of this article regarding other quasi-judicial hearings before the City Commission. The request must be placed on the agenda of the next available, regularly scheduled meeting of the City Commission to review the Historic Preservation Board's decision. The City Commission may uphold or modify the Board's decision after considering the application, statement, and evidence presented by the owner or agent, and statements and evidence presented by the Board.

(3) The decision of the Historic Preservation Board shall be mailed to the owner within fourteen (14) days after the date of the meeting.

(4) An approved Certificate to Dig shall contain an effective date, not to exceed sixty (60) days after the decision, at which time the proposed activity may begin, unless the Historic Preservation Board initiates the nomination process for the site in question as a historic resource or historic district. In such a case, all the rules and regulations pertaining to the nomination process for a historic resource shall apply.

(d) All work performed pursuant to the issuance of a Certificate to Dig shall conform to the requirements of such certificate. It shall be the right of the appropriate building official and the Director to observe from time to time any work being performed in their respective jurisdictions to ensure compliance with a Certificate to Dig. In the event work is not being performed in accordance with the Certificate to Dig the building official shall issue a stop work order until it is demonstrated that work will commence consistent with the approved Certificate to Dig or, if necessary, that an amended Certificate to Dig has been obtained. No additional work shall be undertaken as long as the stop work order remains in effect.

(e) To assist in implementing this section, the City shall adopt a map of known archaeological and paleontological sites and conservation areas. Said map shall be kept and maintained in the offices of the Department and shall be available for public inspection.

(f) At least annually, the Department shall review the map and the Florida Master Site file for possible map amendments.

(g) In the event that any archaeological materials are uncovered during development activities, such development activities in the immediate vicinity of the discovery site shall be discontinued, and certain actions shall be taken by the property owner.

(1) The property owner shall:

a. Notify the Department of the discovery.

b. Allow a Phase 1 level survey of the property completed by a professional archaeologist meeting the qualifications and standards established by 36 C.F.R. Part 61. In the event the property owner does not consent to pay for a Phase I level survey, the County Archaeologist shall complete the required survey.

c. Submit the survey to the Department for review and evaluation, and to the Florida Master Site File section of the Florida Division of Historical Resources. If the Broward County Archaeologist prepares the Phase 1 level survey, the survey shall be submitted to the City and to the Florida Master Site File section of the Florida Division of Historical Resources for review and evaluation.

(2) If the professional archaeologist or the County Archaeologist determines that the site is not significant, and said determination is verified by the Director or their designee and the County Archaeologist, or in the case of the County Archaeologist, the Florida Master Site File section of the Florida Division of Historical Resources, then development activities may resume immediately.

(3) If the site is determined to be significant, the Historic Preservation Board shall initiate preservation of the site by any of the following:

a. Recommend approval of incorporation of the site into a site development plan;

b. Initiate public acquisition of the site;

c. Offer transfer of development rights to the owner or developer, if available;

d. Recommend offering tax incentives to the owner or developer pursuant to F.S. § 193.505; or

e. Allow development activities to proceed under the supervision of a professional archaeologist, at a level of supervision to be determined by the archaeologist, to ensure protection of the site.

(4) If preservation of the site is not feasible, development activities in the immediate area of the discovery shall be delayed for a period of time not to exceed three (3) months after the date of receipt of the Phase 1 level survey. During this three (3) month period, representatives of the State Division of Historical Resources, the Historic Preservation Board, or employees of the City shall seek

the right of access to the immediate area to survey. A professional archaeologist retained by the owner or developer shall conduct an archaeological salvage excavation of the area within which the discovery was made; provided, however, that development shall resume upon either the completion of such archaeological salvage excavation or the expiration of the three (3) month period, whichever first occurs. If necessary, the three (3) month time period may be extended for an additional three (3) month time period to allow for completion of the survey and archaeological salvage excavation. If access to the site is denied, the Certificate to Dig shall be denied.

98-178. – Enforcement; Penalties.

(a) Any person who shall violate or fail to comply with any of the provisions of this Code shall, upon conviction, be fined an amount not exceeding \$500.00 per day. Each day's violation shall constitute a separate offense and shall be punishable under the terms of this Code.

(b) The City Commission hereby finds that the unauthorized alteration, demolition, or demolition by neglect of structures or sites designated as a historic resource is in violation of this Article, constituting a public nuisance. As such, the City Attorney, upon approval by the City Commission, may seek an injunction, in addition to any other legal remedies available.

(c) Nothing herein shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

98– 179. Historic Marker Program.

(1) Approval of historic recognition markers for buildings, sites, or other structures designated historic. Resources designated historic by the City Commission shall automatically be deemed eligible for placement of a historic marker.

(2) Location. The following criteria shall apply to City Commission approval of the location of a historic marker:

a. The site selected for the marker must be accessible to the public and visible from a public right-of-way.

b. An applicant requesting placement of a marker within a public right-of-way must obtain written approval from the appropriate transportation official or governing body with jurisdiction over that public right-of-way.

c. If the marker is to be placed on private property, an easement agreement, in a form approved by the city attorney, that permits public access for as long as the marker stands must be included as part of the marker application.

d. The relocation of any city historic marker requires approval of the City Commission.

e. Once a historic marker is approved in accordance with this section and has been located or relocated, written notification, including photographs, must be furnished to the Department.

(3) Application. The historic marker application package shall provide the following information:

a. A completed application. The application shall be completed using the most current form obtained from the department of planning and development services.

b. A signed easement agreement from the property owner(s) of the proposed marker site, if the marker is located upon private property. The easement agreement shall permit public access for as long as the marker stands and shall be approved as to form by the city attorney.

c. The proposed text to be on the marker shall be limited to one hundred words. The marker's narrative text must be clear, concise and well documented. The Department reserves the right to request editorial changes it considers necessary for accuracy and to ensure that the marker serves its intended purpose.

d. Historical documents regarding the person, building or location, as applicable. Facts and assertions contained within the historical document must be authenticated or verified.

e. The application package shall include at least two (2) images of differing views of the proposed marker site, plus a least two (2) images if the marker subject is a structure, at least one (1) image if the marker subject is a person. Images should be submitted digitally. A brief description of each image should also be included. The submitted pictures will not be returned; they will remain on file at the City.

(4) In general. The City shall administer the ordering of historic markers which are approved in accordance with this section.

a. Costs associated with the installation and creation of the historic recognition marker shall be provided by the applicant as an application and in cost recovery.

b. A marker application shall require approval by the Department.

c. Use of the City seal is only permitted on a marker which has been approved by the City Commission.

d. The marker installation will be the responsibility of the applicant.

e. Once the marker has been installed, the applicant shall submit three (3) high-resolution digital images of the marker and marker location to the Department.

f. The applicant is responsible for maintenance and repair of the marker, as well as

replacement of the marker if necessary.

(5) Restrictions.

a. The name of the current owner of the property or the name of any living person cannot be listed on the marker.

b. Only sites approved by the City Commission may be marked with a marker displaying the City seal.

c. Buildings, locations, or sites already displaying a marker are not eligible for a second marker but may apply for a replacement.

d. No person may erect or use a marker which has not been approved pursuant to this section, and that is identical to or misleadingly resembles the markers issued by the City.

Section 3. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. The provisions of this Ordinance are declared to be severable, and, if any section, sentence, clause and/or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, which shall remain in effect, it being the legislative intent that this Ordinance shall stand despite the invalidity of any part.

Section 5. It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code of the City of Deerfield Beach, and that the sections of this Ordinance may be renumbered to accomplish such intent.

Section 6. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED 1ST READING ON THIS 3RD DAY OF DECEMBER, 2019.

PASSED 2ND READING ON THIS _____ DAY OF _____, 2020.

BILL GANZ, MAYOR

ATTEST:

SAMANTHA GILLYARD, CMC, CITY CLERK

FINAL



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet

File Number: I.D. 2019-194

Agenda Date: 1/14/2020

Status: PUBLIC HEARINGS - 2ND
READING

In Control: City Commission

Title

ORDINANCE 2020/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 38, "FINANCE AND TAXATION", ARTICLE V "PROCEDURES FOR SALE OR LEASE OF CITY-OWNED PROPERTY", SECTION 38-156 "SALE OR LEASE OF CITY PROPERTY" OF THE CITY'S CODE OF ORDINANCES TO MODIFY THE PROCEDURES AND REQUIREMENTS FOR THE SALE OR LEASE OF CITY PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Recommended Action

Commission to vote on Ordinance

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

Section 38-156 of the City of Deerfield Beach Code of Ordinances currently provides certain minimum requirements for the sale or lease of City property, including holding public hearing and compliance with City Charter Section 7.09, which applies to real property with a fair market value in excess of \$750,000. The City Charter requires approval by a majority of the qualified electors of the City voting at an election in order to sell or lease the property. However, the process for vetting the sale of real property does not provide necessary details and no mention is made of the sale of real property less than \$750,000. The proposed changes to this Ordinance will remedy these issues.

Current Activity

The City owns vacant residential and commercial real property with fair market values below the \$750,000 threshold. The proposed amendment adds required conditions that shall be met prior to the sale of any City owned real property with a fair market value of less than \$750,000 and updates the provisions related to transfers to non-profit corporations.

The conditions include:

- City staff will conduct an internal survey of City departments and utilities to determine if the subject property is not required for current or future planned use;
- The proposed purchaser must provide a description of proposed use of the property;
- The City will conduct an independent appraisal of the subject property;
- The City will notify the property owners of any real property that immediately abuts the proposed property prior to the public hearing at the Commission meeting.

In addition to the conditions listed above, if the City receives an unsolicited proposal to purchase City real property with a fair market value of \$750,000 or less, the following requirements must be met:

- A deposit of minimum amount of 5% of the proposed purchase and must remain valid for 90 days from the submission date to the City:
- The City shall publish a public notice on the City's website and in a newspaper of general circulation within the County at least once a week for two consecutive weeks indicating the proposed sale of the real property, the property location, the time period during which the City will receive alternate proposals (minimum 30 day period).

The City also owns real property not suitable for development due to the property size. In this case only the property owners of any real property that immediately abuts the proposed property will benefit from acquiring such property. City staff may request the City Commission to waive the appraisal requirement for these transactions.

ORDINANCE NO. 2020/

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 38, “FINANCE AND TAXATION”, ARTICLE V “PROCEDURES FOR SALE OR LEASE OF CITY-OWNED PROPERTY”, SECTION 38-156 “SALE OR LEASE OF CITY PROPERTY” OF THE CITY’S CODE OF ORDINANCES TO MODIFY THE PROCEDURES AND REQUIREMENTS FOR THE SALE OR LEASE OF CITY PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 38-156 of the City of Deerfield Beach Code of Ordinances (the “City Code”) sets forth certain minimum requirements for the sale or lease of City property, including holding a public hearing and compliance with City Charter Section 7.09, which applies to certain sales and leases; and

WHEREAS, for real property with a fair market value in excess of \$750,000, Section 7.09 of the City Charter requires approval by a majority of the qualified electors of the city voting at an election in order to sell or lease the property; and

WHEREAS, the City Commission wishes to amend the City Code to amend the procedures and add requirements for the sale or lease of City property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA THAT:

Section 1. The above referenced “Whereas” clauses are true and correct and made a part hereof.

Section 2. Chapter 38 “Finance and Taxation” Article V “Procedures for sale or lease of City-owned Property” Section 38-156 “Sale or lease of city property” of the City Code is hereby amended to read as follows¹:

ARTICLE V. - PROCEDURES FOR SALE OR LEASE OF CITY-OWNED PROPERTY

Sec. 38-156. – Sale or lease of city property.

(a) *Definitions:*

¹ Coding: ~~Strikethrough~~ words are deletions to the existing Code text. Underlined words are additions to the existing Code text. Changes between first and second reading are indicated by highlighted text.

Fair market value: Fair market value shall mean the highest price estimated in terms of money that the land would bring if exposed for sale in the open market, with reasonable time allowed in which to find a purchaser, buying with knowledge of all the uses and purposes to which it was adapted, and for which it was capable of being used.

Lease: A contract for exclusive possession of real property for consideration of any kind whatsoever.

Sale (sell): Any transfer of real property to another party whether for consideration or not.

~~(b) Sale or lease of city real property for a term in excess of five years. Except as provided in subsection (e), relating to transfer of real property to non profit corporations for the purpose of redevelopment, and (f), relating to the sale of Neighborhood Stabilization Program properties, the city may not sell any city real property or lease any city real property, except after approval of said sale or lease by resolution after a public hearing which resolution shall contain a description of the property, the general terms and conditions of the sale or lease, and the purchaser or lessee of the property.~~

~~(e) The referendum requirement for certain sales or leases of city property as set forth in Section 7.09 of the Charter of the City of Deerfield Beach shall be applicable as provided therein.~~

(b) Sale of City real property with fair market value of \$750,000 or less. Except as otherwise provided in this Section, City owned real property with a fair market value of \$750,000 or less shall not be sold until the following conditions have been met:

1. The City conducts an internal survey of City departments and utilities and City staff determines the subject property is not required for current or future planned use;
2. The proposed purchaser submits a narrative to the City indicating the proposed purchaser's plan for, and proposed use of, the property;
3. The City conducts an independent appraisal of the subject property, unless the City estimates (after consulting with the property appraiser's records concerning the assessed property valuation) that the fair market value of the real property is less than \$20,000;
4. At the least 10 days prior to the public hearing on the proposed sale, written notice of the public hearing shall be posted on the City, and shall be provided by US mail to the owners of record (according to the record with the county property appraiser) of any real property that immediately abuts the property proposed for sale; and
5. The sale is approved by resolution and an affirmative vote of at least four-fifths of the City Commission after a public hearing at a City Commission meeting. The resolution shall include a description of the property, the general terms and conditions of the sale, including the consideration, and the purchaser of the property. The City Commission may add conditions to the sale, including but not limited to resale restrictions.

(c) Sale, Lease or Transfer of City real property with fair market value in excess of \$750,000. The sale, lease or transfer of City owned real property with a fair market value in excess of \$750,000 shall require approval by a majority of the qualified electors of the City voting at a regular city, general or special election in accordance with Section 7.09(2) of the City Charter.

(d) Unsolicited Proposals. In the event the City receives an unsolicited proposal to purchase City real property with a fair market value of \$750,000 or less, the following requirements must be satisfied, in addition to the other requirements in subsection (b), prior to the City Commission's consideration of approval of the proposed sale:

1. Proposals shall (i) be accompanied by a deposit in the minimum amount of 5% of the proposed purchase (or such larger amount requested by the City), and (ii) remain valid for a period of at least 90 days from their submission to the City (a "Qualifying Proposal") in order for the proposals to be deemed eligible for City Commission consideration;

2. Within a reasonable time of the City's receipt of a Qualifying Proposal, the City shall publish a public notice on the City website and in a newspaper of general circulation within the County at least once a week for two consecutive weeks indicating the proposed sale of the real property, the property location, the time period during which the City will receive alternate proposals (minimum 30 day period) and the conditions for proposal submission; and

3. City staff shall review the proposals that were timely submitted and issue a written recommendation based on the Qualifying proposals received. City staff's recommendation shall be included with the agenda item when the City Commission considers the proposed purchase.

(e) Best interest waiver. The City Commission may waive the appraiser requirement in subsection (b)(3) above, and the unsolicited proposals requirements in (d) above, if the Commission determines, by a minimum four-fifths vote, that it is in the City's best interest to do so and makes specific factual findings in the record supporting such determination.

(f) Lease of real property for a term in excess of five years. The City may not lease any city real property for a period in excess of five years, except after approval of the lease by resolution after a public hearing. The resolution shall contain a description of the property, the general terms and conditions of the lease, and the lessee of the property.

(eg) Transfer of real property to non-profit corporations ~~in redevelopment areas.~~ The city commission of the City of Deerfield Beach may authorize the sale or lease of any property to a non-profit corporation ~~or an individual authorized to receive said property pursuant to applicable regulations of the community development block grant program or other recognized redevelopment programs of the City of Deerfield Beach, Broward County, the State of Florida, or the United States~~ by resolution after a public hearing, provided the following conditions are met:

- ~~(1) The transfer is consistent with the redevelopment program adopted by the City of Deerfield Beach or a redevelopment program in which the city is a participant;~~
- ~~(2) The property is located within the bounds of the redevelopment area as defined by applicable City of Deerfield Beach ordinances or resolutions or other applicable regulations of the City of Deerfield Beach or Broward County;~~
- ~~(3) (1) The resolution sets forth the transferee of the property, the purpose for the transfer, and certifies that the corporation is a not-for-profit corporation;~~

(2) The transfer is for the development of affordable housing;

~~(4) (3) There shall be a deed restriction limiting the use of the property to the public purposes for which the transfer is made; and~~

~~(5) (4) The fair market value of the property is not in excess of \$1,000,000. If the fair market value of the property is in excess of \$1,000,000, then the provisions set forth in subsection (4b) shall apply.~~

~~(fh) Sale of neighborhood stabilization properties.~~ The city commission may by resolution authorize the city manager to sell properties acquired for rehabilitation pursuant to the federal HUD Neighborhood Stabilization Program in compliance with the neighborhood stabilization program guidelines. The mayor is authorized to execute all such deeds in accordance with Section 3.06 of the Charter of the City of Deerfield Beach.

~~(di) Licenses for communication facilities as provided for in telecommunication towers and other communication facilities regulated by the Federal Communications Commission shall be subject to approval approved by a resolution of the City Commission of the City of Deerfield Beach after a public hearing.~~

Section 3. It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Deerfield Beach, and that the sections of this Ordinance may be renumbered to accomplish such intent.

Section 4. Should any section or provision of this Ordinance or any portion thereof be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof other than the part declared to be invalid.

Section 5. All ordinances or parts of ordinances that are inconsistent or in conflict with the provisions of this Ordinance are repealed.

Section 6. This Ordinance shall take effective immediately upon adoption on Second Reading.

PASSED AND ADOPTED ON FIRST READING THIS 3RD DAY OF DECEMBER, 2019.

PASSED AND ADOPTED ON SECOND READING THIS ___ DAY OF _____, 2020.

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

ATTEST:

SAMANTHA GILLYARD, CMC, CITY CLERK



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet

File Number: I.D. 2019-193

Agenda Date: 1/14/2020

Status: PUBLIC HEARINGS –
SECOND READING

In Control: City Commission

Title

P.H 2020-020: ORDINANCE 2020/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 14 "BUILDINGS AND BUILDING REGULATIONS" OF THE CITY CODE OF ORDINANCES BY CREATING ARTICLE V "PUBLIC ART PROGRAM"; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

Recommended Action

Commission to vote on Ordinance

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Current Activity

The enclosed Ordinance creates a City Public Art Program intended to promote, encourage, and support the development, public awareness of, and interest in the arts.

The Ordinance provides for contributions of artwork, and a Public Art Fund for the acceptance of donations from public or private entities or individuals for use in supporting and promoting public art within the City. A recognition program is authorized to recognize donors to the City's Public Art Program.

The enclosed Ordinance also provides regulations for the installation on private property of artwork visible from the public right-of-way.

At the December 2, 2019 Commission Meeting, the City Commission approved the Ordinance on First Reading with the following amendments:

- 1) Reduced the private property artwork permit appeal fee to \$500.00 from \$750.00.
- 2) Changed the Public Art Committee membership to a total of seven members (up from five) consisting of three City staff members appointed by the City Manager or designee, and each City Commissioner (excluding the Mayor) appointing one member.
- 3) Adding additional language to address artwork ownership and intellectual property issues.

Recommendation

Commission to vote on Ordinance.

ORDINANCE NO. 2020/

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 14 “BUILDINGS AND BUILDING REGULATIONS” OF THE CITY CODE OF ORDINANCES BY CREATING ARTICLE V “PUBLIC ART PROGRAM”; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission has determined that it is in the best interests of the citizens and general public to create a public art program to promote, encourage, and support the development, public awareness of, and interest in the arts.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, AS FOLLOWS:

Section 1. The above “WHEREAS” clauses are true and correct and are incorporated herein.

Section 2. Article V “Public Art Program” is hereby created and added to Chapter 14 “Buildings and Building Regulations” to read as follows¹:

Chapter 14 – BUILDINGS AND BUILDING REGULATIONS

Article V – Public Art Program

Sec. 14-108 - Purpose and Intent.

It is the intent and purpose of this article for the City of Deerfield Beach to promote, encourage, and support, where practicable, the development, public awareness of, and interest in the arts; to further the commitment of the City to the aesthetic enrichment of the community through the creation of artwork so that residents and visitors are afforded an opportunity to enjoy and appreciate artwork; and to provide guidance and an approval process for the installment of artwork on public property and private property visible to the public from the public right-of-way in order to enhance the appearance of the City and commemorate the City’s history.

Sec. 14-109 – Definitions.

(a) Artist means a professional in the visual arts generally recognized by critics and peers as a professional of serious intent and ability. Indications of a person's status as a professional artist include, but are not limited to, income realized through the sole commission of artwork, frequent or consistent art exhibitions, placement of artwork in public institutions

¹ Additions to existing City Code text are underlined. Deletions to existing City Code text are shown in ~~striketrough~~. Gray shading indicates changes from First Reading.

or museums, receipt of honors and awards, and training in the arts. The term "Artist" includes local artists.

- (b) Art, Artwork, or Works of Art means durable creations that can be original or limited editions of art including, but not be limited to, sculptures, murals, monuments, frescoes, fountains, paintings, stained glass, or ceramics and may include architectural designs, components or structures. The "artwork" medium may include, but is not limited to, glass, steel, bronze, wood, stone, and concrete. For purposes of the art program, "artwork" does not include the following:
- (1) Directional elements, such as signage or graphics.
 - (2) Objects that are mass-produced in a standard design.
 - (3) Landscape gardening, unless the landscape is substantially comprised of durable elements defined as "Artwork" under this section.
- (c) Master plan means the art in public places master plan that identifies locations for artwork and establishes preferences, as approved by the City Commission from time to time.

Sec. 14-110 - Public Art Fund; Recognition Program.

- (a) Public Art Fund. The Public Art Fund shall be a separate City account established to receive monies contributed by public or private entities or individuals to the City for use in supporting and promoting public art within the City. The Public Art Fund shall be used to record public art donations, contributions, and expenditures. The funds may be used for any of the following:
- (1) The creation, installation, maintenance, review, recognition or removal of art located on City property or right-of-way, whether on a temporary or permanent basis;
 - (2) The development of an artwork master plan and any updates thereto;
 - (3) Public events related to the dedication or viewing of artwork on City property or right-of-way;
 - (4) Acquisition of land intended for the primary purpose of displaying art;
 - (5) Necessary improvements to land for the installation of artwork (ex. drainage, foundations, land clearing, installment of landscaping); or
 - (6) Capital Improvement Projects, when such projects have a public art component, as approved by the City Commission.
- (b) Recognition Program. The City Manager or designee is authorized to establish and implement a program to recognize donors and artists that have contributed to the Public Art Fund. The recognition program shall, at a minimum, include an identification plaque placed next to the artwork that contains the name of the artwork, artist credit, and year created.

Sponsor and/or donors of artwork will be allowed to have their names recognized on the identification plaque. The plaques may be no larger than two square feet and must be made of either cast bronze, cast aluminum (or other suitable metal), carved stone, or tile. An individual, corporation, or foundation must be acknowledged with wording similar to "sponsored by, underwritten by, a gift from...etc." and shall not contain corporate logos. This does not

preclude the official City logo from being included on any plaque. Any deviation to these standards are subject to written justification, consideration by the Committee (as hereinafter defined), and approved by the City Commission. The donor recognition and public art identification plaques shall not be considered signage.

(c) *Ownership of Art.* Unless otherwise expressly agreed to in writing by the City, ownership of all art acquired through expending funds from the Public Art Fund shall be vested in the City, which shall obtain title to each such work of art.

Sec. 14-111. - Donations of private property or artwork installations.

The City Commission may accept donations of private property and private property easements for the purpose of installing artwork. The City Commission may also accept donations of artwork for temporary or permanent installation on City property or within the public right-of-way.

Sec. 14-112. - Membership in the public art program committee.

(a) *Membership.* The City's Public Art Program Committee (“Committee”) shall consist of ~~five~~ seven members and be composed of: (i) a total of three employees from one or more City departments as designated and selected by the City Manager or designee, and (ii) each City Commissioner (excluding the Mayor) shall be permitted to appoint one member . An Art-In-Public Places (“AIPP”) consultant may be contracted by the City to advise the Committee. The Committee's membership need not be for a fixed term and may be changed from time to time by the City Manager.

(b) *Duties.* The Committee shall review proposed artwork to be acquired under the City's Public Art Program. The Committee shall screen submissions and make recommendations to the City Manager and City Commission, subject to the City Commission’s final approval, for each acquisition not more than three possible selections, which can be existing works of art or new commissions. The Committee shall issue a recommendation to the City Commission for all artwork acquisitions in accordance with this article.

(c) *Meetings.* The Committee shall hold meetings as needed on days and at times to be determined by the City Manager or designee. The Committee shall not have regularly scheduled meetings more frequently than once a month. Additional special meetings may be held at the call of the City Manager at such other times as the City Manager may determine.

(d) *Notice.* All Committee meetings are open to the public. Minutes shall be kept. Public notice of all Committee meetings, both regular and special, shall be given at least 48 hours in advance of the meeting. If notice cannot be given at least 48 hours in advance of the meeting, then notice shall be posted on the City’s website as soon as practicable. Notice of all meetings shall be included on the City's schedule of meetings and events on the City's website.

(e) *Quorum.* Quorum shall be reached when no less than three Committee members are present. The staff liaison to the Committee or designee shall keep minutes of the Committee proceedings and shall record the vote of each member on items requiring Committee action.

- (f) Replacement. If any City employee Committee member indicates in advance that they cannot attend a Committee meeting, the City Manager, in an effort to maintain a minimum of five voting Committee members, may designate and select a replacement member for that Committee meeting.
- (g) Conflict of interest. If a Committee member's private or personal interests are involved in a matter coming before the Committee for a recommendation, the member shall notify the Committee of the conflict and the member shall not participate in discussion or vote on the matter. No member of the Committee shall have his or her work of art considered by the Committee during the member's term of service on the Committee.
- (h) Committee Liaison. The parks and recreation director or designee (which may include a consultant), shall serve as the liaison to the Committee. The Committee liaison shall prepare a budget that includes the anticipated expenditures necessary to operate the City's Public Arts Program and shall deliver an annual report to the City Manager and City Commission regarding the status of the Program activities for the prior year.
- (i) Vacancies. Any vacancies in the membership of the Committee shall be filled by the City Manager for the three City employee members and, for Commission appointed member vacancies, by the respective City Commissioner who made the appointment.

Sec. 14-113 Submission Process for Artwork on Public Property or Right-of-Way.

- (a) All artwork proposed for placement on public property or public rights-of-way shall be submitted to the Committee for review in accordance with the criteria set forth in Section 14-115. The Committee shall review each proposed artwork submission for placement on public property, and either deny the submission or make a recommendation to the City Commission to approve or approve with conditions. The Committee's recommendations shall be submitted to the City Commission for a vote.
- (b) Selection process. The Committee shall establish procedures for selecting art works to be purchased utilizing the City's Public Art Fund, which may include any of the means set forth below.
- (1) Open competition;
 - (2) Limited competition;
 - (3) Invitation;
 - (4) Direct purchase;
 - (5) Donation; and
 - (6) Any combination of the above.

Sec. 14-114 Artwork on Private Property.

Private property owners who wish to install art on a portion of the exterior of their private property that is visible to the public from the public right-of-way shall submit an artwork permit application to the City in accordance with this Section.

(a) Artwork permits, applications, and review.

(1) Artwork permits required. Artwork may not be erected, hung, placed, posted, painted, displayed, constructed, installed, or maintained in the City, which is visible to the public from the public right-of-way, except as authorized by the City through the issuance of an artwork permit consistent with the requirements of this Section.

(2) Application requirements. To seek an artwork permit, a property owner shall complete and submit an application in a form approved by the City. The application for an artwork permit shall be accompanied by two copies of each of the following:

- a. The address and the folio number of the subject site upon which the artwork would be placed, along with proof of ownership of the site;
- b. Preliminary sketches, photographs, or other documentation of sufficient descriptive clarity to indicate the nature of the proposed artwork;
- c. A copy of the portion of the City's zoning atlas depicting the zoning of the property where the artwork is to be located;
- d. A narrative statement demonstrating that the artwork will be displayed in a location visible to the public and a written commitment regarding the time period that the artwork will be displayed in such location;
- e. Documentation that the subject private property is in good standing with the City with no pending code enforcement matters and no outstanding fee(s), fine(s), civil or administrative violation(s), or lien(s) for any amounts owed to the City, including, but not limited to, business taxes, certificate of use fees, code enforcement fines or liens, fire liens, unsafe structure fines or liens, or any other fee, fine, penalty, or lien due and owing to the City.

(3) Permit application review. Upon submission of a complete application, the City shall review and evaluate the information submitted to determine conformity with this section and applicable sections of the Florida Building Code. Within 30 business days of application submittal, the City shall respond with a notice of corrections, revisions or deficiencies noted on the application. Upon each re-submittal of corrected plans, the City shall have 15 business days to respond to the applicant regarding any corrections, revisions or deficiencies to the applicant. If an applicant fails to provide additional information as requested by the City within 30 calendar days of the request, the application shall be deemed to be withdrawn by the applicant. Upon receipt of a completed application, the application shall be forwarded to the Committee. The Committee shall review the application using the criteria set forth in Section 14-115, and either deny or recommend approval or approval with conditions of the artwork permit to the City Commission. The Committee shall provide written notice to the City Commission of the Committee's recommendation regarding artwork on private property visible to the public from the public right-of-way.

(4) Contracts. The City Manager and City Attorney may negotiate and execute appropriate contracts, in a form acceptable to the City Attorney, for the acquisition of approved works

of art, which contracts may include indemnification and hold harmless provisions in favor of the City from all claims related to the City's approval of the artwork.

- (b) *Administrative appeal.* An applicant may appeal a Committee denial of a private property artwork permit to the City Commission, provided a written petition for appeal stating the grounds for the appeal is filed with the City Manager and City Clerk within ten calendar days of the date of the written notice of denial. The petition for appeal shall be accompanied by a non-refundable appeal fee of ~~\$750.00~~ \$500.00. The City Commission shall review the application de novo and may approve, approve with conditions, or deny the application. The City Commission's decision shall be the final administrative decision of the City.
- (c) *Assignment; change of property owner.* Artwork permits shall be specific to the permittee and shall not be assignable in the event of a change in ownership of the property. Any change in ownership of the property where artwork is located shall require submission of a new application pursuant to section 14-114(a). When the private property where the artwork is located is owned or operated by a corporate entity, a change of ownership shall include any transfer of 50 percent or more of ownership interest in the entity.
- (d) *Rights to and Reproduction of artwork.* City Commission approval of the artwork and the artist's acceptance of an artwork permit shall be deemed to be a grant by the artist of authorization for the City and third parties to review and reproduce documents provided by the artist to the City, which may be subject to the public records pursuant to Florida's public records laws, as amended from time to time. Unless otherwise expressly agreed to in writing by the City, the City shall also have an irrevocable license to use, reference and promote the artwork and reproduce and distribute two-dimensional reproductions of the artwork for City-related marketing purposes.

Sec. 14-115 Criteria for Selection of Artwork

The following criteria shall be considered in denying, approving, or approving with conditions artwork on public and private property visible to the public from the public right-of-way:

- (a) *Compliance.* The proposed artwork conforms to the definition of artwork contained in this article and will be created by an artist or local artist, as defined in this article.
- (b) *Master plan.* The proposed artwork and location is consistent with the City's art in public places master plan.
- (c) *Historic significance.* The proposed artwork includes a historic element that is historically important, reflects the history of the City or the character of the surrounding neighborhood.
- (d) *Cultural significance.* The proposed artwork is culturally significant and reflects the aesthetic and cultural traditions and diversity of the City or the surrounding neighborhood.
- (e) *Visual accessibility.* The proposed artwork will be readily visible to the public and satisfies the location requirements of this Article.
- (f) *Quality.* The proposed artist is professionally recognized in the medium and the proposed artwork is of quality and enduring value.

(g) Appropriateness to site. The proposed artwork consists of a design, scale and material appropriate the proposed site.

(h) Compatibility. The proposed artwork is compatible with the property proposed for placement and with the surrounding neighborhood.

(i) Public safety. Artwork shall not have animated parts or any other electronic movements, and shall not be illuminated in such a manner so as to cause glare or to impair the vision of motorists or otherwise distract motorists and interfere with their ability to safely operate their vehicles.

(j) Compliance with Applicable Law. Artwork shall also comply with all applicable federal, state, county and City laws, rules and regulations.

(k) Maintenance. A proposed maintenance plan that addresses vandalism, weathering, and maintenance requirements during the life of the artwork shall be submitted with each proposed piece of artwork. The proposed artwork shall not require extraordinary maintenance.

(l) Location. The proposed location of the artwork shall be located in:

1. Areas where residents and visitors live and congregate and shall be accessible and visible to the public (maximum visual accessibility to pedestrian or vehicular traffic); or
2. Areas used by tourists, including parks and thoroughfares, or at public or governmental facilities.

(m) Design/installation. Each piece of artwork shall be designed and installed pursuant to all requirements of the City's Code, the Florida Building Code, and all other applicable local state and federal regulations.

(n) Illumination. Artwork may be illuminated only if approved by the City Commission and only by indirect lighting. Such illumination shall be permitted from 6:00 p.m. to midnight Standard Time and 7:00 p.m. to midnight Day Light Savings Time or such shorter time as approved by the City Commission, and only in accordance with Broward County Code sections 39-63 "Sign Illumination Standards," as amended. Internal illumination, blinking lights, and flashing lights are prohibited.

Section 3. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. The provisions of this Ordinance are declared to be severable, and, if any section, sentence, clause and/or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, which shall remain in effect, it being the legislative intent that this Ordinance shall stand despite the invalidity of any part.

Section 5. It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code of the City of Deerfield Beach, and that the sections of this Ordinance may be renumbered to accomplish such intent.

Section 6. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED 1ST READING ON THIS 3RD DAY OF DECEMBER, 2019.

PASSED 2ND READING ON THIS ____ DAY OF _____, 2020.

BILL GANZ, MAYOR

ATTEST:

SAMANTHA GILLYARD, CMC, CITY CLERK



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet

File Number: I.D. 2019-58

Agenda Date: 1/14/2020

Status: PUBLIC HEARINGS –
SECOND READING

In Control: City Commission

Title

P.H. 2020-021: ORDINANCE 2020/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA; AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO THE MIXED USE LAND - RESIDENTIAL USE CATEGORY; AMENDING SECTION 2.6.1, PERMITTED USES IN FUTURE LAND USE CATEGORIES, RELATING TO DENSITY AND INTENSITY STANDARDS, AND AMENDING SECTION 1.7.2, RELATING TO MIXED USE LAND USED DESIGNATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.
(Approved on first reading May 21, 2019)

Recommended Action

Commission to vote on Ordinance

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

Summary

Attached is a proposed amendment to the Future Land Use (FLU) element of the City's Comprehensive Plan to add an additional category within the Mixed Use FLU designation. This is the second reading (adoption) for the proposed amendment.

On May 21, 2019, the City Commission approved transmittal (first reading) of the proposed amendment to the Department of Economic Opportunity (DEO).

On May 28, 2019, staff transmitted the proposed text amendment to the DEO and state agencies pursuant to Florida Statutes s.163.3184(2)(a). No formal comments or objections were received, however the South Florida Water Management District (SFWMD) offered the following technical guidance:

“The City is required to revise its Water Supply Facilities Work Plan (Work Plan) within 18 months after approval of the Lower East Coast (LEC) Water Supply Plan Update by the District's Governing Board. The District's Governing Board approved the LEC Water Supply Plan Update on November 8, 2018. Therefore, the City's Work Plan needs to be updated and adopted by May 2020. The Work Plan must cover at least a 10-year planning period, include updated water demand projections, identify alternative and traditional water supply projects, and describe conservation and reuse activities needed to meet the projected future demands.”

The City's Environmental Services Department is in the process of updating its comprehensive water and waste water supply plan to meet these requirements.

The above comments do not trigger any changes to the proposed text amendment in the form that was approved by the City Commission on first reading. Accordingly, staff is now forwarding this item to the City Commission for adoption.

Background as presented to City Commission on May 21, 2019

On October 16, 2018, the City Commission approved the creation of the Planned Development District (PDD) zoning designation under Section 98-68 of the City's Land Development Code (Ordinance No. 2018/030). The purpose of the PDD is to provide an opportunity for redevelopment of sites that demonstrate unique property considerations and provide a public benefit, where development according to the standard regulations of the Land Development Code would result in under-utilized or under-developed property. The PDD district is intended to provide flexibility to enable innovative design, while requiring a project that ensures development is compatible with surrounding existing development and public infrastructure.

In order to facilitate mixed use development of properties consistent with the intent of the PDD zoning district, Planning staff is recommending the addition of a fourth category to the Mixed Use-Residential designations provided in the Comprehensive Plan. There are currently only three (3) levels of density / intensity that can be allocated a Mixed Use Residential FLU designation, which are as follows:

- Low 5 Mixed Use (permits up to 5 residential dwelling units per gross acre and a Floor Area Ratio (FAR) of 1.0 for combined development – residential and nonresidential).
- Medium 16 Mixed Use (permits up to 16 residential dwelling units per gross acres and a FAR of 1.5 for combined development – residential and nonresidential).
- High 25 Mixed Use (permits up to 25 residential dwelling units per gross acre and a FAR of 2.0 for combined development – residential and nonresidential).

The proposed amendment will rename the High 25 Mixed Use category to Medium-High 25 Mixed Use and add the following:

- High 50 Mixed Use (permits up to 50 residential dwelling units per gross acre and a FAR of 2.5 for combined development – residential and nonresidential).

Any applicant seeking to utilize the proposed new land use would need to request an amendment to the Future Land Use map, which itself would require review by the Planning and Zoning Board and City Commission.

On May 2, 2019 the Planning and Zoning Board voted to recommend approval of this item.

Recommendation

This is a recommendation for approval.

ORDINANCE NO. 2020/

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA; AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO THE MIXED USE LAND - RESIDENTIAL USE CATEGORY; AMENDING SECTION 2.6.1, PERMITTED USES IN FUTURE LAND USE CATEGORIES, RELATING TO DENSITY AND INTENSITY STANDARDS, AND AMENDING SECTION 1.7.2, RELATING TO MIXED USE LAND USED DESIGNATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to state law, the Planning and Zoning Board, acting in its capacity as the Local Planning Agency, held a duly noticed public hearing to review the proposed Comprehensive Plan Text Amendment to the Permitted Uses of the Future Land Use Element, and has forwarded a recommendation to amend the Future Land Use Element relating to the density and intensity standards of the Mixed Use – Residential designation (a copy of which is attached hereto as Exhibit A and is referred to as the “Amendment”) for approval to the City Commission; and

WHEREAS, pursuant to Florida Statutes, the City Commission has conducted all necessary public hearings and reviews of the Amendment; and

WHEREAS, the City Commission, after review of the recommendations of the Director of Planning and Development Services, the Local Planning Agency, comments made at the public hearings, and careful consideration of the issues, finds that there is sufficient data, analysis and support for the Amendment and that the Amendment will further the goals and objectives of the Comprehensive plan and are in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above Whereas clauses are true and correct and made a part hereof.

Section 2. The City of Deerfield Beach hereby adopts the Amendment to its Future Land Use Element relating to the Mixed Use – Residential Land Use designation, amending Sections 1.7.2 and 2.6.1 of the Future Land Use Element of the Comprehensive Plan as set forth on Exhibit A.

Section 3. The effective date of the Amendment, if the Amendment is not timely challenged, shall be effective 31 days after the Florida Department of Economic Opportunity (“DEO”) notifies the City that the Amendment package is complete (or, if timely challenged, upon a compliance determination by DEO or the Administration Commission) and upon certification by the Broward County Planning Council, at which time the Future Land Use Plan of the City of Deerfield Beach shall be revised accordingly.

Section 4. If any word, phrase, clause, sentence, or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this ordinance.

Section 5. This Ordinance shall take effect immediately upon adoption on Second Reading.

PASSED AND ADOPTED ON FIRST READING THIS 21ST DAY OF MAY, 2019.

PASSED AND ADOPTED ON SECOND READING THIS ___ DAY OF _____, 2020.

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

ATTEST:

SAMANTHA GILLYARD, CMC, CITY CLERK

19-FLU-05



COMPREHENSIVE PLAN

PROPOSED TEXT CHANGE TO THE FUTURE LAND USE ELEMENT

VOLUME 2.0



DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

PROPOSED TEXT AMENDEMENT 19-FLU-05

The following proposed text amendment amends Policy 1.7.2 and the permitted use section of the Deerfield Beach Future Land Use Element to rename the High 25 Mixed Use area, add the High 50 Mixed Use area, set the density and intensity standards for the High 50 Mixed Use area and add methodology for calculation of floor area ratio and residential density.

2.2.3 FUTURE LAND USE GOALS, OBJECTIVES AND POLICIES

GOAL FLU 1.0: Ensure that development and redevelopment occurring in the City achieves and maintains a functional mix of residential, commercial, industrial and recreational land uses.

Text omitted for brevity.

Objective FLU 1.7: Promote mixed use land development patterns which combine residential and nonresidential uses to achieve an attractive, well integrated, and pedestrian and transit friendly environment through the establishment of Mixed Use - Residential land use categories consistent with the Broward County Land Use Plan.

Policy FLU 1.7.1: Provide for residential mixed land use designations which allow a combination of residential, commercial, employment based and other appropriate uses as described in the permitted uses section of this Plan.

Policy FLU 1.7.2: A Mixed-Use Residential land use designation may allow low, medium, medium-high, or high intensity Mixed Use-Residential. Residential use will be a permitted use within each mixed land use category.

Policy FLU 1.7.3: Design guidelines for mixed use development shall be established for inclusion in the Land Development Code. Such regulations shall promote urban form which:

- creates well integrated land use combinations,
- balances intensity and density,
- promotes the safe interconnectivity of vehicular, pedestrian and other non-motorized movement
- integrates the public realm through open space, urban public plazas and/or recreational areas, and
- ensures a mixed use development compatibility with adjacent land uses and adjacent adopted Future Land Use Designations.

Text omitted for brevity.

2.6.1 PERMITTED USES IN FUTURE LAND USE CATEGORIES

Text omitted for brevity.

MIXED USE – RESIDENTIAL

Within the mixed use – residential categories, urban form could include several variations; vertical mixed use, where commercial/retail uses are located on the ground floor with residential uses located on upper floors. It may also include horizontal (attached) mixed use; where separate uses are located side by side in the same building. In addition, it may include horizontal (detached) mixed use; where separate uses are located in separate buildings within the same site.

a. Density and Intensity Standards

Mixed Use Areas may be designated on the Future Land Use Plan according to four ranges of density and intensity:

- The Low 5 Mixed Use (permits up to 5 residential dwelling units per gross acre and a FAR of 1.0 for combined development – residential and nonresidential).
- The Medium 16 Mixed Use (permits up to 16 residential dwelling units per gross acres and a FAR of 1.5 for combined development – residential and nonresidential).
- The Medium-High 25 Mixed Use (permits up to 25 residential dwelling units per gross acre and a FAR of 2.0 for combined development – residential and nonresidential).
- The High 50 Mixed Use (permits up to 50 residential dwelling units per gross acre and a FAR of 2.5 for combined development – residential and nonresidential). This category of density shall only be available for properties located west of the Intracoastal Waterway.

The residential density shall not exceed the units per acre and the floor area ratio permitted. There is a minimum of two uses required within the development and a minimum percentage of 10 percent for any one use. Residential development is a required use. These categories may be applied to parcels up to fifty gross acres in size.

For example, a development on a one gross acre (43,560 s.f.) within an M/U Low Intensity -5 category with a FAR of 1.0 could be represented as follows:

Gross Site Area = 1.0 acre (~~43,560~~43,560 s.f.); Net Site Area = 0.9 acre (39,204 s.f.)

Use	Percentage of Use	Square Footage of Use
Residential	25.5%	5 Units @ 2,000 s.f. = 10,000 s.f.
Commercial <u>Non-residential</u>	74.5%	39,204 – 10,000 = 29,204 s.f.
Total	100%	39,204 <u>s.f.</u>

Floor area ratio calculations are based on Net Site Area. Net Site Area is the entire acreage of the site located inside the parcel boundary.

Residential density is based on gross acreage as defined in the Plan Implementation Requirements of the Broward County Land Use Plan.

b. Design Guidelines

The design guidelines for Mixed Use – Residential shall promote an urban ~~form~~ form which creates well integrated land use combinations, balances intensity and density, promotes the safe, interconnectivity of vehicular, pedestrian and other non-motorized movement and promotes the public realm. These guidelines may include;

- Buildings should front the street (zero or minimum setbacks are preferable).
- Vehicle parking strategies which lessen conflicts with bicycles and pedestrians and promote transit usage (i.e. parking structures, off-site parking, reduced parking ratios, shared parking facilities and parking which does not front the street).
- Other design features which promote transit (e.g. integrated transit stop, shelter or station on site).
- A circulation system designed to strengthen bicycle and pedestrian connectivity to all areas of the site/area, including recreation areas, parks, adjacent uses, transit facilities and activity nodes.
- Integration of the public realm through open space or urban public plazas and/or recreational areas.
- The physical separation, such as walling off neighborhoods from adjacent development or roadways, is discouraged where it disrupts the connectivity of compatible uses, pedestrian and/or bicycle access. If a buffer is necessary, adequate landscaping could be used in place of a continuous wall.

Design guidelines shall ensure a mixed use development is compatible with surrounding land uses and/or adjacent adopted Future Land Use Plan designations. These guidelines should address the following:

- Complement and support adjacent existing land uses and/or adopted Future Land Use Plan designations through the effective use of density, massing and other design elements.
- Protect the integrity of existing single family neighborhoods through design elements which maintain consistency and/or improve the aesthetic quality of the neighborhood. (i.e. maintaining an architectural style or quality of building materials and construction predominant in the neighborhood).
- Promote connectivity, open space pedestrian and other non-motorized networks and landscaped streetscapes.
- Incorporate designs which are environmentally sensitive (i.e. reduction of impervious surfaces, alternative material for spillover parking).

c. Uses permitted under the Mixed Use – Residential categories

Under the Mixed Use – Residential categories, all uses which are permitted under the Residential, Commercial, Commercial Recreation, Community Facilities uses of this Plan may be applied, consistent with the Planned Development District (PDD) zoning designation.

**CITY OF DEERFIELD BEACH, FLORIDA
NOTICE OF PUBLIC HEARING**

P.H. 2020-021: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA; AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN RELATING TO THE MIXED USE LAND- RESIDENTIAL USE CATEGORY; AMENDING SECTION 2.6.1, PERMITTED USES IN FUTURE LAND USE CATEGORIES, RELATING TO DENSITY AND INTENSITY STANDARDS, AND AMENDING SECTION 1.7.2, RELATING TO MIXED USE LAND USED DESIGNATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

YOU ARE HEREBY NOTIFIED that the second public hearing on the ordinance will be held before the City Commission on **Tuesday, January 14, 2020** at 7:00 p.m. in the City Commission Chambers, City Hall, 150 NE 2nd Avenue, Deerfield Beach, Florida.

Copies of the Ordinance are available for public inspection in the City Clerk's Office, 150 N.E. 2nd Avenue, Deerfield Beach, Florida 33441. All interested persons are urged to attend the Public Hearing(s), send a representative or express their views by letter.

You may either be present in person at the Public Hearing(s), represented by counsel or letter. All interested persons take due notice of the time and place of the Public Hearing and govern yourselves accordingly.

Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this meeting would need a record of the proceedings. For such purpose, a person may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring auxiliary aids and services at this meeting may contact the City Clerk's Office at (954) 480-4213 at least 24 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8770 or 1-800-955-8771.

BY: SAMANTHA GILLYARD, CMC, CITY CLERK

Publish: Sun-Sentinel
Friday, January 3, 2020



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet

File Number: I.D. 2019-260

Agenda Date: 1/14/2020

Status: BOARD APPOINTMENTS

In Control: City Commission

Title

Resolution 2020/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Thelema Lamar to the Cultural Committee; and providing for an effective date.

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

The Cultural Committee is comprised of ten (10) members and five (5) alternates; whereby, the Mayor and each district Commissioner appoint two (2) regular members and one (1) alternate. Terms for these members end on May 15th of the year the nominating elected official's term ends.

Current Activity

There are currently six (6) total members on the Cultural Committee: four (4) regular and two (2) alternate. In order to conduct business, Commissioner Preston has decided to nominate Thelema Lamar to serve as a regular member. This change results in the following:

District 1 - two (2) regular & one (1) alternate

District 2 - one (1) alternate

District 3 - two (2) regular & one (1) alternate

District 4 - one (1) alternate

Mayor - one (1) alternate

Recommendation

Approval is recommended.

RESOLUTION NO. 2020/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPOINTING THELEMA LAMAR TO THE CULTURAL COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in accordance with City of Deerfield Beach City Code Section 2-167 et. seq., a Cultural Committee consisting of ten regular members and five alternate members has been established with the powers and duties set forth in the City Code; and

WHEREAS, the members of the Cultural Committee are appointed by and serve at the pleasure of the City Commission for terms that will expire on May 15th of the year that the term of the appointing commissioner expires; and

WHEREAS, there are currently six total members and two alternates serving on the Cultural Committee and there is a great need for additional members to serve on the Committee; and

WHEREAS, Thelema Lamar has graciously served as an alternate member since May 2019 and has been nominated by Commissioner Ben Preston to serve as a regular member.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced “Whereas” clauses are true and correct and made a part hereof.

Section 2. Thelema Lamar is hereby appointed to serve as a regular member of the Cultural Committee of the City of Deerfield Beach for a term ending on May 15, 2023.

Section 3. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2020.

BILL GANZ, MAYOR

ATTEST:

SAMANTHA GILLYARD, CMC, CITY CLERK



Nominating Form

Application for Appointment to Board or Committee

Date: 12/12/2019

The attached application from Thelema Lamar for the Cultural Committee has been received.

The board's liaison has verified that the applicant is qualified and that all prerequisites have been met.

- Regular Member
 Alternate Member

Please place this application on an upcoming agenda for consideration for appointment.

 12-19-19

Signature:

Date:

Appointing
Elected Official:

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

**CITY OF DEERFIELD BEACH
RECEIVED**

DEC 19 2019

CITY CLERK'S OFFICE

Please return to City Administration for processing.

Profile

Prefix	Thelema	Middle Initial	Lamar	736903
	First Name		Last Name	Suffix

tbongoslim@aol.com
 Email Address

660 NW 2ND TER	
Street Address	Suite or Apt

DEERFIELD BEACH	FL	33441
City	State	Postal Code

What district do you live in? *

District 2

Mobile: (954) 709-0311	Home: (954) 427-0966
Primary Phone	Alternate Phone

Are you a year-round resident?

Yes No

If no, which months are you away?

Broward College	Educator
Employer	Occupation

Employer's Address

1000 Coconut Creek Blvd. Coconut Creek, FL 33066

Which Boards would you like to apply for?

Cultural Committee: Submitted
Education Advisory Board: Submitted

Interests & Experiences

Please list any governmental Advisory Boards or Committees on which you currently serve:

N/A

Academic: Degrees, Diplomas

M.S. Science Education B.S. Biological Science

Professional: Certifications

Teaching Certification

Knowledge: Training, interest, or experience

College Level Teaching K-12 Teaching General Education Diplomas Preparation Cultural Awareness and Event Planning

Community Involvement: List organizations/positions

Friend of the Library Cathedral Church of God CDC

Organizations: Memberships

Delta Sigma Theta Sorority Inc., North Broward County Alumnae Chapter, Arts and Letters Chair Florida Educators Association National Educators Association

[T.Lamar-Resume.docx](#)

Upload a Resume

Certification

Please acknowledge your understanding of the following statement:

I understand that in accordance with the Florida Sunshine Law, this information may be made public. I understand that the appointment is for voluntary, uncompensated service. If appointed, I agree to faithfully and fully perform the duties of my office, will make every endeavor to serve my full term and will comply with all laws and ordinances of the City, County and State of Florida, particularly those pertaining to the conduct of public officials and the financial disclosure requirements, if applicable to my position.

I Agree *

Thelema Rochida Lamar

Objective

I am eagerly seeking a job that can really use my talent and skills. With the turn of the new century, there are many career opportunities. There are many high tech and science careers that need skilled workers. With this in mind I will help students navigate towards their career goals to get the education, training and experience they need to take advantage of these opportunities.

Education

1994 - 1997 Deerfield Beach High School Deerfield, FL

Diploma

- Graduated at the top of the class
- Health Science Education Certificate, Health Careers Program

1997 - 2001 Florida Atlantic University Boca Raton, FL

BS Degree

- Biological Sciences

2010 – 2012 Albany State University Albany, GA

MS Degree

- Science Education with an emphasis in Biology

Work experience

2002 - 2017 Palm Beach County School District West Palm Beach, FL

Teacher

- Biology, John I Leonard High
- Certified in Biology 6-12, CRISS Trained, Reading Endorsed
- ABE / GED Adult and Community Education, TABE Certified Teacher

2015 - Current Broward College-South Pembroke Pines, FL

Adjunct Instructor

- General Biology- BSC 1005
- Environmental Science- EVR 1001

Summary of Qualifications

I am a very dependable, hard working, quick learner. I take an interest in my duties to insure that I do my very best. I am a team player, which insures that I can work diligently with others. I am also very creative, which demonstrates that I can find ways to get the job done in a more productive matter, without jeopardizing, or contradicting the task at hand My teaching methods consist of using the latest research base learning strategies, technology and hands-on enrichment, to engage students to want to learn, work to their potential and excel academically.

Reference

Available upon request.



CULTURAL COMMITTEE

Creating Authority:

City Charter-Section 3.12 (2)

Method of Appointment:

Resolution No. C-3212

Resolution C-1981/048 (Amending Resolution C-3212)

Resolution C-1989/104 (Amending Resolution C3212 - Changing Composition of Membership)

Resolution C-1989/155 (Amending Resolution C-3212 - Changing Composition of Membership)

Resolution C-1990/102 (Amending Resolution C3212 - Powers and Duties)

Ordinance C-1993/034 (Amending Section 2-167 - Increase membership from 12 to 15)

Ordinance No. 2014/004 (Amending Section 2-167 - Decrease membership from 15 to 9)

Ordinance No. 2014/025 (Amending Section 2-167 - Committee shall consist of 9 regular members and 3 alternate members)

Ordinance No. 2017/009 (Amending Section 2-167 and 2-168 – Membership and Removal for Unexcused Absences)

Financial Disclosure:

Not Required (As of Resolution C-1990/102/Letter from Commission of Ethics)

Compensation:

None

Liaison:

Allison Fitzsimmons, Superintendent of Special Events, (954) 480-4429

Meeting Dates:

3rd Monday at 6:30 p.m. at the Central City Campus Conference Room

Functions and Responsibilities:

That the powers and duties of this committee shall be as follows:

- 1) The Deerfield Beach Cultural Committee may recommend to the City Commission various cultural events and projects to be undertaken by the City.
- 2) The Deerfield Beach Cultural Committee may enter into preliminary negotiations concerning the arrangement of cultural events for the city but the committee is not empowered to contract but merely to recommend said events to the City Commission
- 3) The Deerfield Beach Cultural Committee is empowered to recommend to the City Commission the arranging of cultural events, including but not limited to, the method of distribution of tickets and general promotion of said events.
- 4) Should the Deerfield Beach Cultural Committee receive monies from ticket sales or should it receive donations for cultural events then all such monies shall be delivered to the City of Deerfield Beach Department of Management and budget for deposit into a City fund reserved for cultural events and facilities.
- 5) The Deerfield Beach Cultural Committee is empowered to recommend various expenditures that may be incurred in connection with the presentation of approved cultural events. Such expenditures shall only be incurred upon the approval of the City Manager.

Name <i>Regular Members</i>	Address	Phone	Replaces	Resolution Number	Date Appointed	Term Expires
Katherine Freitag (Mayor)	418 SE 2 nd Street Deerfield Beach, FL 33441	804-5474	NEW	2017/145	11/07/17	05/15/21
Perry Victor (Mayor)	48 NE 19 th Terrace Deerfield Beach, FL 33441	914-646-3333	NEW	2017/141	11/07/17	05/15/21
VACANT (District 1)			NEW			05/15/23
VACANT (District 1)			NEW			05/15/23
Martha Henry (District 2)	441 NW 1 st Terr Deerfield Beach, FL 33441	561-306-4220	SELF	2019/067	05/21/19	05/15/23
VACANT (District 2)			Easley			05/15/23
VACANT (District 3)			Johnson			05/15/21
VACANT (District 3)	Deerfield Beach, FL 33442		NEW			05/15/21
Judy Wilson (District 4)	408 Lake Pointe S Lane Deerfield Beach, FL 33442	427-3718	SELF	2017/124	10/01/17	05/15/21
Karen Hardy (District 4)	2277 Deer Creek Alba Deerfield Beach, FL 33442	242-5485	SELF	2017/124	10/01/17	05/15/21

Name <i>Alternate Members</i>	Address	Phone	Replaces	Resolution Number	Date Appointed	Term Expires
VACANT (Mayor)	Deerfield Beach, FL 33441		NEW			05/15/21
VACANT (District 1)			NEW			
Thelema Lamar (District 2)	660 NW 2 nd Ter Deerfield Beach, FL 33441	427-0966 709-0311 (C)	NEW	2019/049	05/15/19	05/15/23
VACANT (District 3)	Deerfield Beach, FL 33442		NEW			
VACANT (District 4)			Harte			05/15/21



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet

File Number: I.D. 2019-261

Agenda Date: 1/14/2020

Status: BOARD APPOINTMENTS

In Control: City Commission

Title

Resolution 2020/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Annette Mitchell to the 2020 Complete Count Advisory Committee; and providing for an effective date.

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

The U.S. Constitution requires that a count or census of America's population is completed each decade. The next Decennial Census is April 1, 2020.

The census provides vital information. The results of the census determine the number of seats for each state in the U.S. House of Representatives and are used to draw congressional and state legislative districts. Communities rely on census statistics to plan for a variety of resident needs, including new roads, creating new jobs, and providing housing, schools, and emergency services. Businesses use census data to determine where to open places to shop. Additionally, federal agencies use the results to distribute more than \$675 billion in federal funds each year.

In anticipation of the Decennial Census, the Commission adopted Resolution 2019/060 to create the CCAC, consisting of 10 members. The CCAC is ad hoc in nature and will disband automatically on October 31, 2020.

Current Activity

With Census Day, April 1, 2020, quickly approaching, it is important to appoint members to the Committee. Each elected official can appoint two (2) members. Commissioner Preston has nominated Annette Mitchell. If appointed, she will be the first member of the CCAC. It is important to note that Ms. Mitchell is currently a member of the Housing Authority Board. Nevertheless, after discussion with the City Attorney and Director of Community Development, it has been deemed that there is no conflict with Ms. Mitchell's appointment to the CCAC.

Recommendation

Due to the importance of the Census, staff recommends approval.

RESOLUTION NO. 2020/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPOINTING ANNETTE MITCHELL TO THE 2020 COMPLETE COUNT ADVISORY COMMITTEE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 7, 2019, the City of Deerfield Beach City Commission adopted Resolution 2019/060 creating the ad hoc Complete County Advisory Committee (“CCAC”), consisting of ten (10) regular members and establishing the powers and duties of the CCAC; and

WHEREAS, the members of the CCAC are appointed by and serve at the pleasure of the City Commission for terms which will expire on October 31, 2020; and

WHEREAS, the purpose of the CCAC is to raise awareness of the importance of Census 2020, assertively reach out to hard to enumerate groups, and encourage participation in the Census; and

WHEREAS, participation in the Decennial Census will help stimulate tax dollars for the City of Deerfield Beach; and

WHEREAS, Commissioner Preston has nominated Annette Mitchell to serve as a CCAC member.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced “Whereas” clauses are true and correct and made a part hereof.

Section 2. Annette Mitchell is hereby appointed to serve as a member of the CCAC of the City of Deerfield Beach for a term ending October 31, 2020.

Section 3. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2020.

BILL GANZ, MAYOR

ATTEST:

SAMANTHA GILLYARD, CMC, CITY CLERK



Nominating Form

Application for Appointment to Board or Committee

Date:

The attached application from for the

has been received.

The board's liaison has verified that the applicant is qualified and that all prerequisites have been met.

- Regular Member
- Alternate Member

Please place this application on an upcoming agenda for consideration for appointment.

	12-19-19
---	----------

Signature:

Date:

Appointing
Elected Official:

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

**CITY OF DEERFIELD BEACH
RECEIVED**

DEC 19 2019

CITY CLERK'S OFFICE

Please return to City Administration for processing.



City of Deerfield Beach Application for Advisory Board or Committee

Advisory Board or Committee you are applying for:

Are you willing to be considered for an alternate Board or Committee? Yes No

Name

Address

City State Zip .

I reside in District # (can be found on back of your Voter Registration Card)

Year- Round Resident? Yes No

If No, how what months are you away?

Home Phone Work/Mobile Phone

E-mail

Employer

Address

Occupation (if retired, please indicate and list former occupation)

Please list any governmental Advisory Boards or Committees on which you currently serve:

Complete the following. Please describe those facets of your background/experience which you feel may be useful for membership on this Board/Committee.

Academic: Degrees, Diplomas

Professional: Certification(s)

Knowledge: Training, interest or experience

Community Involvement: List organizations/positions

Organizations: Memberships

I understand that in accordance with the Florida Sunshine Law, this information may be made public. I understand that the appointment is for voluntary, uncompensated service. If appointed, I agree to faithfully and fully perform the duties of my office, will make every endeavor to serve my full term, and will comply with all laws and ordinances of the City, County and State of Florida, particularly those pertaining to the conduct of public officials and the financial disclosure requirements, if applicable to my position.

Signature: *Audette Mitchell*

Date:

Print Name:

Return completed application to:
City Clerk's Office
150 NE 2nd Avenue, Deerfield Beach, FL 33441
Phone: 954-480-4213
Website: www.deerfield-beach.com

Fax: 954-480-4323
E-mail: web.clerk@deerfield-beach.com

PLEASE NOTE: Resumes/Additional information may be included; however, the application MUST be completed.



Complete Count Advisory Committee

Creating Authority:

Resolution 2019/060

Method of Appointment:

Resolution 2019/060 – ten (10) Regular Members

Qualifications:

All members of the Board shall reside within the City of Deerfield Beach
 All members of the Board Committee shall be comprised of community leaders including, but not limited to the following sectors: faith based organizations, community based organizations, local schools/education, local businesses, healthcare, and other civic minded community leaders interested in promoting the Census

Financial Disclosure:

None

Compensation:

None

Liaison:

Vicki Placide-Pickard, Director of Community Development, (954) 571-2675

Meeting Dates:

The CCAC shall meet no less than once per month, at a date and time set by the CCAC to maximize participation and public interest.

Functions and Responsibilities:

The CCAC shall meet no less than once per month, at a date and time set by the CCAC to maximize participation and public interest. A majority of members of the CCAC shall constitute a quorum.

The CCAC shall automatically terminate on October 31, 2020. The CCAC shall select a Chair and Vice Chair from among its members.

The CCAC shall adopt rules and procedures for the conduct of its meetings. The CCAC shall meet at a location to be designated by the City Manager or designee. The City Manager or designee shall serve as a liaison for the CCAC.

Name	Address	Phone	Replaces	Resolution Number	Date Appointed	Term Expires
(Mayor)			NEW			10/31/2020
(Mayor)			NEW			10/31/2020
(District 1)			NEW			10/31/2020
(District 1)			NEW			10/31/2020
(District 2)			NEW			10/31/2020
(District 2)			NEW			10/31/2020
(District 3)			NEW			10/31/2020
(District 3)			NEW			10/31/2020
(District 4)			NEW			10/31/2020
(District 4)			NEW			10/31/2020



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet

File Number: I.D. 2019-274

Agenda Date: 1/14/2020

Status: BOARD APPOINTMENTS

In Control: City Commission

Title

Resolution 2020/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Tracey Williams and Camille Morse to the Deerfield Beach Education Advisory Board; and providing for an effective date.

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

The Education Advisory Board (the "Board") was created in 2017 to participate in information exchange and serve as a liaison between the schools, community, and City Commission. The Board consists of five (5) members, with an appointment by each elected official.

Current Activity

Vacancies were recently created for Districts 3 and 4. Commissioner Parness has nominated Tracey Williams and Vice Mayor Drosky has nominated Camille Morse to fill the vacancies. Applications are included in the agenda backup for review. Should Ms. Williams and Ms. Morse be appointed, the Board will be at full capacity.

RESOLUTION NO. 2020/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPOINTING TRACEY WILLIAMS AND CAMILLE MORSE TO THE DEERFIELD BEACH EDUCATION ADVISORY BOARD; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in accordance with City of Deerfield Beach City Code Section 2-205 et. seq., the Deerfield Beach Education Advisory Board consisting of five members has been established with the powers and duties set forth in the City Code; and

WHEREAS, the members of the Deerfield Beach Education Advisory Board are appointed by and serve at the pleasure of the City Commission for terms which expire on May 15th of the year that the term of the appointing Commissioner/Mayor expires; and

WHEREAS, the Mayor and Commissioners each appoint one member to the Deerfield Beach Education Advisory Board; and

WHEREAS, Tracey Williams has expressed an interest in serving on the Education Advisory Board and was nominated by Commissioner Parness; and

WHEREAS, Camille Morse has expressed an interest in serving on the Education Advisory Board and was nominated by Vice Mayor Drosky.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced “Whereas” clauses are true and correct and made a part hereof.

Section 2. Tracey Williams and Camille Morse are hereby appointed to serve as regular members of the Deerfield Beach Education Advisory Board of the City of Deerfield Beach for a term ending May 15, 2021.

Section 3. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2020.

BILL GANZ, MAYOR

ATTEST:

SAMANTHA GILLYARD, CMC, CITY CLERK



Nominating Form

Application for Appointment to Board or Committee

Date:

The attached application from for the has been received.

The board's liaison has verified that the applicant is qualified and that all prerequisites have been met.

- Regular Member
- Alternate Member

Please place this application on an upcoming agenda for consideration for appointment.

Signature:

Date:

- Appointing Elected Official:
- Mayor Bill Ganz
 - Vice Mayor Todd Drosky
 - Commissioner Michael Hudak
 - Commissioner Ben Preston
 - Commissioner Bernie Parness

CITY OF DEERFIELD BEACH
RECEIVED
 DEC 19 2019
CITY CLERK'S OFFICE

Please return to City Administration for processing.



City of Deerfield Beach
Application for Advisory Board or Committee

Advisory Board or Committee you are applying for: Education

Are you willing to be considered for an alternate Board or Committee? Yes No

Name Tracey M. Williams

Address 158 SW 5th St

City Deerfield Beach State FL Zip 33441

I reside in District # (can be found on back of your Voter Registration Card)

Year-Round Resident? Yes No

If No, how what months are you away?

Home Phone 9544281537 Work/Mobile Phone 9545441280

E-mail tracey.williams@browardschools.com

Employer Broward County Public Schools

Address 600 SE 3rd Ave, Fort Lauderdale, FL 33301

Occupation (if retired, please indicate and list former occupation)

Please list any governmental Advisory Boards or Committees on which you currently serve:

Human Relations Committee

Complete the following. Please describe those facets of your background/experience which you feel may be useful for membership on this Board/Committee.

Academic: Degrees, Diplomas

BA in History from Alabama State University
MA in Christian Education from Interdenominational Theological Center
EDS in Educational Leadership from North Central University
EDD in Educational Leadership from North Central University in progress
Over 15 years of educational experiences teaching both secondary and primary grades. I have taught special education, math and literacy.

Professional: Certification(s)

Middle Grades Intergrated Curriculum 6-8
Elementary Education K-6

Knowledge: Training, interest or experience

dge in literacy due to my years of teaching children to both read and write. I also have leadership experience serving as the Department Head of the 5th grade team at Park Ridge Elementary School. Being that I was born and raised in Deerfield Beach, my connection to the city gives me more insight on the needs of the children within the city.

Community Involvement: List organizations/positions

Kiwanis West Deerfield for over 10 years. I have served as Vice President, Treasurer, and President

Organizations: Memberships

Delta Kappa Gamma Xi Chapter

I understand that in accordance with the Florida Sunshine Law, this information may be made public. I understand that the appointment is for voluntary, uncompensated service. If appointed, I agree to faithfully and fully perform the duties of my office, will make every endeavor to serve my full term, and will comply with all laws and ordinances of the City, County and State of Florida, particularly those pertaining to the conduct of public officials and the financial disclosure requirements, if applicable to my position.

Signature: 

Date: 12/16/2019

Print Name: Tracey M. Williams

Return completed application to:
City Clerk's Office
150 NE 2nd Avenue, Deerfield Beach, FL 33441
Phone: 954-480-4213
Website: www.deerfield-beach.com

Fax: 954-480-4323
E-mail: web.clerk@deerfield-beach.com

PLEASE NOTE: Resumes/Additional information may be included; however, the application MUST be completed.

WILLIAMS TRACEY

158 Southwest 5th Street, Deerfield Beach, Florida 33441 | H: 9544281537 | C: 9547987526 |
theselahconference@gmail.com

Professional Profile

Highly motivated and results-driven Educator experienced in training small and large groups across diverse ages, intelligence levels, and demographics. Possess broad-based professional experience, related proficiencies and academic background in educational program development, issue resolution, and proactive approach to addressing growth areas. Professional career includes more than 10 years of educational leadership experience with the critical focus on implementing human resources strategies, implementing education reform initiatives, curriculum design, technology and enhancing students' performances. Proven record of success in:

- Increasing student achievement and closing achievement gaps.
- Implementing systematic, continuous school improvement based on research and data.
- Employ differentiated instruction skills, teaching activities and channels, teaching strategies to meet all learning styles and encourage children to gain an appreciation for learning.
- Served as member of school Data Team. Helped teachers understand how to use school data to increase student performance.
- Increasing commitment and engagement from school constituents and community.
- Create a diverse school population that includes students from different cultural, linguistic and socioeconomic background as well as children with special needs.
- Instructional technologies
- Utilize metrics to quantify the effectiveness of strategic plans, curriculum, and teaching methodologies.
- Over the past three years, I have received a highly effective or effective standing based on evaluations and student growth scores.

Highlights

- Valid and Current Teaching Certification in Education
- Standardized testing techniques
- Urban public schools background
- Adept classroom manager
- Strategic Planning
- Critical Thinking
- Divergent Intelligence
- Theory of Multiple Intelligences
- Instructional leader
- Creative lesson planning
- SMART Board familiarity
- Data-driven curriculum expertise
- Program Development
- Conflict Resolution
- Classroom Management
- Crisis Management
- Cooperative Learning
- Professional Development
- Process Improvement
- Special Education
- Reading
- Social Studies
- Community Outreach
- Individual and Group Instruction
- Differentiating instruction specialist

Accomplishments

Led a class of 23 to increase their overall standardized test scores in both math and reading by an average of 40 to 50% over the course of the school year. Led several students to improve test scores by more than 30% during the 2013-2015 academic years. Considered highly effective teachers or effective based on evaluations and student gains over the past three years.

Experience

Teacher/Leader

Silver Lakes Middle School

Served as a teacher/leader who provided support to the school and student success. As an instructional specialist, I help colleagues implement effective teaching strategies through providing ideas in professional develops and professional learning communities. As a classroom supporter, I work in classrooms to help teachers implement new ideas, often by demonstrating a lesson, coteaching, or observing and giving feedback. As a mentor I serve as a role model; acclimate new teachers to a new school; and advise new teachers about instruction, curriculum, procedure, practices, and politics. Serve

01/2013 to Current
North Lauderdale, Florida

on the Aspiring Leadership Team, which helps promote and implement ideas needed to bring about student success and community awareness. I have started and continued three mentorship programs needed to address student needs and expose students to new concepts. Used a variety of teaching methods such as lectures, discussions, and demonstrations. Met with parents and guardians to discuss students' progress at least once per semester. Enforced both classroom and administration policies and rules at all times. Established positive relationships with students, parents, colleagues, and administrators. Encouraged discussion of class material to promote critical thinking. Implemented remedial programs for students requiring extra help.

English Instructor

10/2011 to 05/2012

Disney English

Shanghai, China

Encouraged discussion of class material to promote critical thinking. Implemented remedial programs for students requiring extra help. Participated in regular training courses to keep up-to-date with new teaching methods and developments in the field. Kept accurate records of student performance, maintaining the confidentiality of student records and information at all times. Assessed student progress weekly, monthly and quarterly. Monitored students for destructive or unhealthy behavior and reported concerns to guidance counselors. Integrated technology into the curriculum to develop students' word processing and research skills. Set and enforced clear deadlines for student work. Established and enforced rules for behavior among students.

Social Studies Teacher

08/2010 to 06/2011

Sunrise Middle School

Sunrise, Florida

Presented all class material and policies accurately and precisely for five classes each semester. Used a variety of teaching methods such as lectures, discussions, and demonstrations. Met with parents and guardians to discuss student progress at least once per semester. Enforced both classroom and administration policies and rules at all times. Established positive relationships with students, parents, colleagues, and administrators. Enforced both classroom and management policies and rules at all times. Implemented remedial programs for students requiring extra help. Kept accurate records of student performance, maintaining the confidentiality of student records and information at all times. Incorporated engaging texts to enhance literacy skills and foster a fun and engaging learning environment. Assessed student progress weekly, monthly and quarterly. Planned and conducted hands-on activities to provide students with opportunities to observe, question and investigate. Worked cooperatively with special education teachers to modify curricula for special education students according to Individual Education Plans (IEPs). Being a new teacher, I was surplused along with 749 other teachers due to a budget shortage.

Special Education Teacher

08/2006 to 06/2010

Pointe South Middle School

Jonesboro, Georgia

Developed individual educational plans (IEP) designed to promote educational, physical and social development. Established and communicated clear objectives for all lessons, units and projects to both students and parents. Wrote and presented documents for Individual Education Plan conferences. Taught math and social studies in both the collaborative and resource setting. Administered the all required state mandated assessments. Enhanced lessons using Smart Board technology and computers. Successfully transitioned sixth-graders into the middle school setting and eighth graders into the high school setting. Encouraged students to be understanding of others. Supervised field trips to local parks, fire stations and zoos. Conducted small group and individual classroom activities with students based on differentiated learning needs. Moved to Florida to help my elderly parents.

Education

Bachelor of Arts: History

2000

Alabama State University

Montgomery, Alabama, USA

Master of Arts: Christian Education

2006

Interdenominational Theological Center

Atlanta, Georgia, USA

Completed a master thesis focusing on the importance of education in providing true liberation to people both spiritually and mentally.

ED. S: Educational Leadership

2016

Northcentral University

Prescott Valley, Arizona, USA

Completed a capstone project focusing on the importance of emergent reading programs in urban communities to address low literacy rates in elementary and middle schools.

Affiliations

- **Kiwanis Club of Deerfield Beach West** 2010-Current. Served as President Elect and Treasurer. Responsible for implementing a community literacy program, fund raising, and recruitment.
- **Xi-Chapter Delta Kappa Gamma** 2014-Current. Serve on State Membership Committee.



Nominating Form

Application for Appointment to Board or Committee

Date: 12/19/2019

The attached application from Camille Morse for the

Education Advisory Board

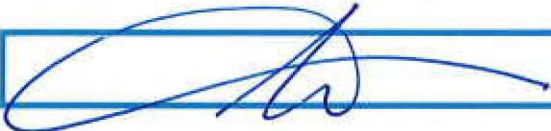
has been received.

The board's liaison has verified that the applicant is qualified and that all prerequisites have been met.

Regular Member

Alternate Member

Please place this application on an upcoming agenda for consideration for appointment.

 12-23-19

Signature:

Date:

Appointing
Elected Official:

Mayor Bill Ganz

Vice Mayor Todd Drosky

Commissioner Michael Hudak

Commissioner Ben Preston

Commissioner Bernie Parness

Please return to City Administration for processing.



City of Deerfield Beach
Application for Advisory Board or Committee

Advisory Board or Committee you are applying for:

Educational Advisory Board

Are you willing to be considered for an alternate Board or Committee? Yes No

Name Camille Morse

Address 2175 Woodlands Way

City Deerfield Beach State FL Zip 33442

I reside in District # (can be found on back of your Voter Registration Card) District # 4

Year-Round Resident? Yes No

If No, how many months are you away? DNA

Home Phone 954-481-9316 Work/Mobile Phone

E-mail seamorse@aol.com

Employer Retired Broward County teacher

Address

Occupation (if retired, please indicate and list former occupation)

Teacher for over 30 years

Please list any governmental Advisory Boards or Committees on which you currently serve:

NONE currently in this County

CITY OF DEERFIELD BEACH RECEIVED DEC 20 2019 CITY CLERK'S OFFICE

Complete the following. Please describe those facets of your background/experience which you feel may be useful for membership on this Board/Committee.

Academic: Degrees, Diplomas

Dual

BS Degree Major Education: Minor Economics & American Literature
Masters: Administration & Supervision (Education)
Certification: Book-keeping

Professional: Certification(s)

- Florida Teacher Certificate in the following areas: Elem. Education, Middle School ESOL, GIFTED.
- Florida Certificate in Administration & Supervision in Education

Knowledge: Training, interest or experience

- Had prior training in Real Estate Sales and on Homeowners Board.
- Interests include Sailing, Skiing and extensive Traveling.
- Animal Rights: Local and spend ~~some~~ 2-5 week a year volunteering at BIG CATS RESCUE in Tampa Area.

Community Involvement: List organizations/positions

- Most positions are of a volunteer nature.
- Broward County Humane Society
 - Woman in Distress
 - Tri County Animal Care
 - Broward Co. Schools Mental Program (inactive presently)
 - School Volunteer (Hyon & Cree k) office help and on call unpaid tutoring.

Organizations: Memberships

- Retired Teachers of Broward Co.
- League of Women Voters
- ACLU
- Democrat Club
- Shakespeare Society

I understand that in accordance with the Florida Sunshine Law, this information may be made public. I understand that the appointment is for voluntary, uncompensated service. If appointed, I agree to faithfully and fully perform the duties of my office, will make every endeavor to serve my full term, and will comply with all laws and ordinances of the City, County and State of Florida, particularly those pertaining to the conduct of public officials and the financial disclosure requirements, if applicable to my position.

Signature: 

Date: 12-20-19

Print Name: Camille A. Morse

Return completed application to:

City Clerk's Office

150 NE 2nd Avenue, Deerfield Beach, FL 33441

Phone: 954-480-4213

Fax: 954-480-4323

Website: www.deerfield-beach.com

E-mail: web.clerk@deerfield-beach.com

PLEASE NOTE: Resumes/Additional information may be included; however, the application MUST be completed.



EDUCATION ADVISORY BOARD

Creating Authority:

Ordinance No. 2017/020

Method of Appointment:

Ordinance No. 2017/020 – Five (5) Regular Members

Qualifications:

All members of the Board shall reside within the City of Deerfield Beach
 All members of the Board shall be current or former educators or parents/guardians of current students

Financial Disclosure:

None

Compensation:

None

Liaison:

Vicki Placide-Pickard, Director of Community Development, (954) 571-2675

Meeting Dates:

1st Wednesday of the month at 7:00 p.m. at the Hillsboro Community Center

Functions and Responsibilities:

The Education Advisory Board shall participate in information exchange via newsletters and principals' offices with the administration of each school, serve as liaison between the schools, the community and the City Commission.

The Board also coordinates the activities of the City with those activities of local schools, colleges and universities in order to promote educational opportunities for residents of the City and promote programs and community involvement relating to education. With permission from the Mayor, the Chair can meet with members of the Broward County School Board on behalf of the Commission.

Name Regular Members	Address	Phone	Replaces	Resolution Number	Date Appointed	Term Expires
Joseph Mendes (Mayor)	4087 NW 5 th Drive Deerfield Beach, FL 33442	531-1837 401-413-4356 (C)	NEW	2017/144	11/07/17	05/15/21
Michael Lubin (District 1)	16 Little Harbor Way Deerfield Beach, FL 33441	954-415-6812	NEW	2019/050	05/16/19	05/15/23
Gwyndolen Clarke-Reed (District 2)	1430 SW 6 th Way Deerfield Beach, FL 33441	480-9340 856-9796 (C)	SELF	2019/050	05/16/19	05/15/23
VACANT (District 3)			Fink			05/15/21
VACANT (District 4)			Caputo			05/15/21



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet

File Number: I.D. 2019-198

Agenda Date: 1/14/2020

Status: CONSENT - AGREEMENTS &
EXPENDITURE REQUESTS

In Control: City Commission

Title

Resolution 2020/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, authorizing execution of a Maintenance Memorandum of Agreement with the Florida Department of Transportation for the installation of a radar speed sign located at Hillsboro Boulevard West of NW 45th Avenue; and providing for an effective

date. *(Funds from Account #108-5050-541-35-21 - Traffic Control, Signs)*

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Fiscal Impact

Costs: \$10,000

Account Name: Traffic Control, Signs

Account Number: 108-5050-541-35-21

Background/History

The Broward Sheriff's Office requested the installation of a radar speed sign on West Hillsboro Boulevard eastbound as you enter the City from the direction of the Turnpike due to numerous incidents at this location, including fatalities.

The State owns and operates State Road 810/Hillsboro Boulevard and the City must enter into a Maintenance Agreement with FDOT to allow the installation of this radar speed sign.

Current Activity

Staff has submitted plans for permitting of this installation to FDOT pending authorizing action from our City Commission.

Recommendation

Authorize execution of a Maintenance Agreement with FDOT to install and maintain the proposed radar speed sign assembly located on Hillsboro Boulevard west of NW 45 Avenue.

RESOLUTION NO. 2020/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AUTHORIZING EXECUTION OF A MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF A RADAR SPEED SIGN LOCATED AT HILLSBORO BOULEVARD WEST OF NW 45TH AVENUE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Broward Sheriff's Office requested the installation of a radar speed sign on West Hillsboro Boulevard eastbound as you enter the City from the direction of the Turnpike due to numerous incidents at this location, including fatalities; and

WHEREAS, the State owns and operates State Road 810/Hillsboro Boulevard and the City must enter into a maintenance memorandum of agreement ("MMOA") with FDOT to allow the installation of a radar speed sign; and

WHEREAS, the City Commission has deemed it to be in the best interests of the City to authorize execution of an MMOA with FDOT for the installation of a radar speed sign at Hillsboro Boulevard west of NW 45th Avenue.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing 'WHEREAS' paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. The City Commission hereby authorizes the appropriate City officials to execute an MMOA, subject to the terms of the MMOA being acceptable to the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 3. The appropriate City officials are authorized to take all necessary steps to implement the aims of this Resolution.

Section 4. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2020.

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

ATTEST:

SAMANTHA GILLYARD, CMC, CITY CLERK

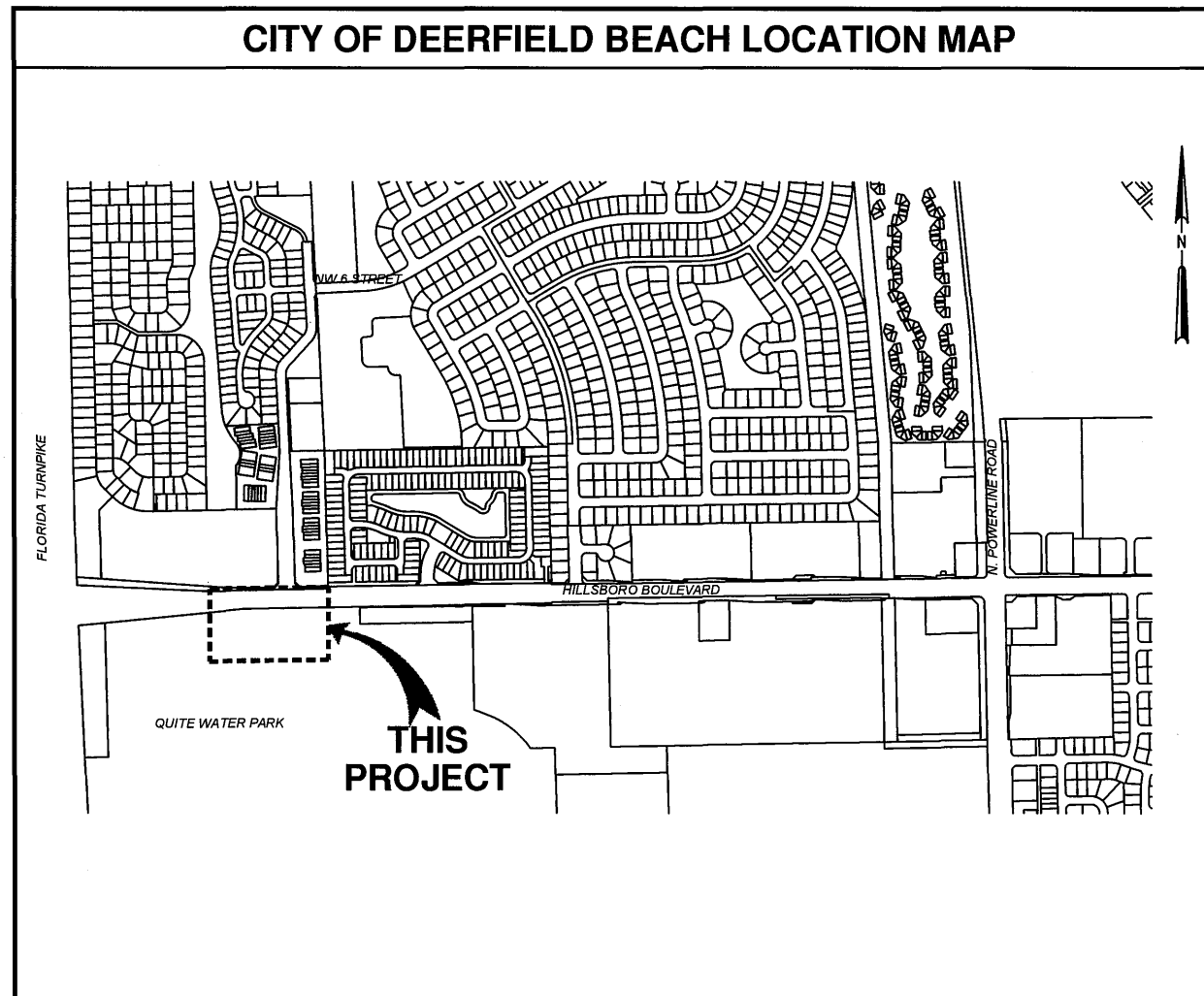
CITY OF DEERFIELD BEACH RADAR SPEED SIGN PROJECT

COMMISSIONERS

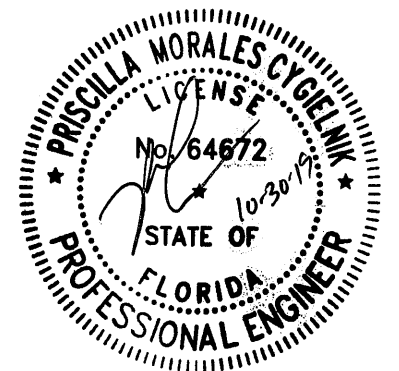
Bill Ganz, Mayor
Michael Hudak, Commissioner
Ben Preston, Commissioner
Bernie Parness, Commissioner
Todd Drosky, Commissioner

CITY MANAGER

David Santucci



- 1 _____ COVER SHEET
- 2 _____ CONSTRUCTION SHEET
- 3 _____ NOTES & DETAILS SHEET



PRISCILLA CYGIELNIK, P.E.
 Fla. License # 64672
 200 GOOLSBY BOULEVARD
 DEERFIELD BEACH, FL. 33441

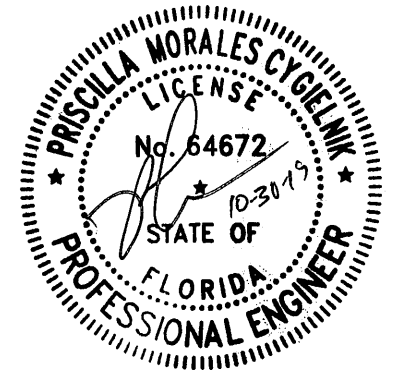
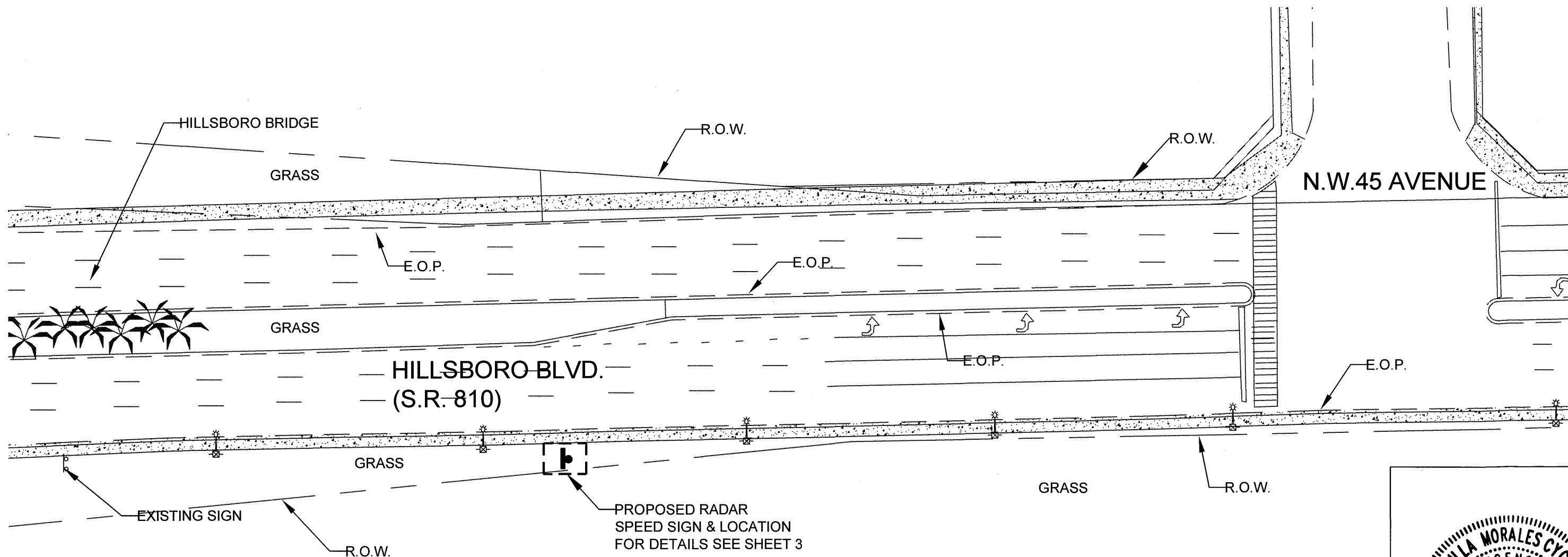
REVISIONS	DATE	BY

PROJECT # 00000 COVER SHEET
 DESIGNED BY: P.C DRAWN BY: W.L. CHECKED BY: P.C

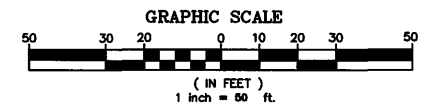
CITY OF DEERFIELD BEACH

HILLSBORO BOULEVARD
 RADAR SPEED SIGN PROJECT

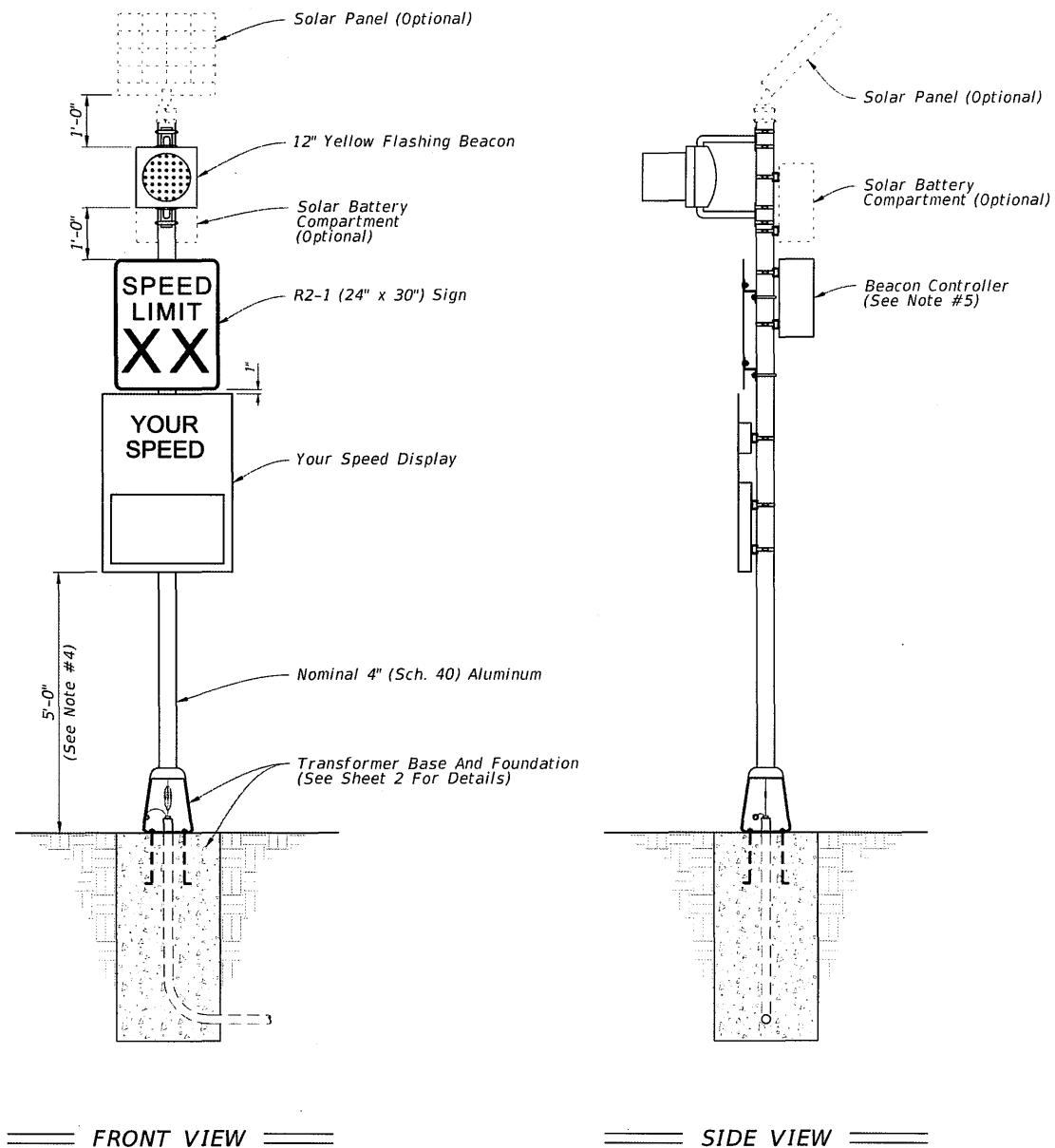
SCALE: N.T.S.
 DATE: NOV., 2019
 SHEET 1 OF 3
 COVER



PRISCILLA CYGIELNIK, P.E.
 Fla. License # 64672
 200 GOOLSBY BOULEVARD
 DEERFIELD BEACH, FL. 33441



			CITY OF DEERFIELD BEACH		
REVISIONS		DATE	BY		
PROJECT #			CONSTRUCTION PLAN		
DESIGNED BY: P.C.			DRAWN BY: W.L.		CHECKED BY: P.C.
			HILLSBORO BOULEVARD RADAR SPEED SIGN PROJECT		
			SCALE: 1"=50' DATE: NOV., 2019 SHEET 2 OF 3 2		

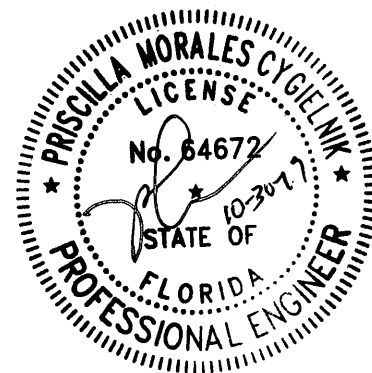


NOTES:

1. A transformer base is required for both conventional powered and solar powered applications. (Conventional Power Shown)
2. Use speed feedback display, beacons, beacon controllers and installation hardware that are on the Approved Products List (APL).
3. For posted speeds less than 45 mph, install a speed feedback display with numeral heights of 15" and for posted speeds 45 mph or greater, install a speed feedback display with numeral heights of 18"
4. Only speed display units weighing 62 lbs. or less may be mounted with a 5'-0" clearance. Mount speed display units that weigh more than 62 lbs. with a 7'-0" clearance.
5. The beacon controller and solar batteries may be in the same compartment.

REGULATORY SIGN WITH SPEED FEEDBACK DETAILS

LAST REVISION 11/01/16	DESCRIPTION:	FY 2017-18 DESIGN STANDARDS	ROADSIDE FLASHING BEACON ASSEMBLY	INDEX NO. 11862	SHEET NO. 8 of 8
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PRISCILLA CYGIELNIK, P.E.
 Fla. License # 64672
 200 GOOLSBY BOULEVARD
 DEERFIELD BEACH, FL. 33441

CITY OF DEERFIELD BEACH

REVISIONS	DATE	BY

PROJECT # _____ NOTES & DETAILS _____
 DESIGNED BY: P.C. DRAWN BY: W.L. CHECKED BY: P.C.

**HILLSBORO BOULEVARD
 RADAR SPEED SIGN PROJECT**

SCALE: N.T.S.
 DATE: NOV., 2019
 SHEET 3 OF 3
3



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet

File Number: I.D. 2020-4

Agenda Date: 1/14/2020

Status: CONSENT - AGREEMENTS &
EXPENDITURE REQUESTS

In Control: City Commission

Title

Resolution 2020/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a one-year insurance coverage renewal for the City's underground storage tanks in the amount of \$33,643.00; providing for execution; and providing for an effective date. (Funds from Account #606-0900-519-37-65 - Property and Flood Insurance)

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Fiscal Impact

Costs: \$33,643

Account Name: Property and Flood Insurance

Account Number: 606-0900-519-37-65

Background/History

The City of Deerfield Beach (the "City") maintains liability insurance to cover its financial responsibility for any leakage, seepage, and accidental discharge that could occur from one of its many aboveground or underground storage tanks.

Due to the various ages and types of tanks utilized throughout the City, the City has different insurance carriers. The current insurance providers are Commerce & Industry, Ace USA, and Prime Insurance Company ("Prime"). During the 2020 renewal process, Ace USA elected to non-renew the underground storage tanks that were included in their policy for the City.

Current Activity

After an exhaustive search, deliberation, and negotiation, on December 26, 2019, the Gehring Group was finally able to secure coverage through Prime.

The attached Storage Tank Liability Renewal Evaluation reflects the policies from Commerce & Industry and Prime that will now be covering all of the City's storage tanks, including the acceptance by Prime to add the non-renewed storage tanks from Ace USA.

Recommendation

Staff recommends approval.

RESOLUTION NO. 2020/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPROVING A ONE-YEAR INSURANCE COVERAGE RENEWAL FOR THE CITY'S UNDERGROUND STORAGE TANKS IN THE AMOUNT OF \$33,643.00; PROVIDING FOR EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City maintains liability insurance to cover its financial responsibility for any leakage, seepage, and accidental discharge that could occur from one of the City's aboveground or underground storage tanks; and

WHEREAS, due to the various ages and types of the tanks utilized throughout the City, the City has different insurance carriers; and

WHEREAS, during the 2020 renewal process, Ace USA, one of the City's insurance carriers, elected not to renew the underground storage tanks that were included in their policy for the City; and

WHEREAS, after an exhaustive search, deliberation, and negotiation, the City's insurance broker was able to secure coverage through Prime Insurance Company ("Prime"); and

WHEREAS, City staff recommends approving the insurance coverage renewals with Prime for a one-year term in the amount of \$33,643.00 (the "Insurance Coverage Renewal"), and authorizing the appropriate City officials to execute any documents required to effectuate the Insurance Coverage Renewal.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced "Whereas" clauses are true and correct and made a part hereof.

Section 2. The recommended Insurance Coverage Renewal for coverage of the City's underground storage tanks in the amount of \$33,643.00 is hereby approved.

Section 3. The appropriate City officials are hereby authorized to execute any documents required to effectuate the Insurance Coverage Renewal.

Section 4. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2020.

BILL GANZ, MAYOR

ATTEST:

SAMANTHA GILLYARD, CMC, CITY CLERK

January 2, 2020

Via Email

Amanda Robin
Human Resources
City of Deerfield Beach
150 NE 2nd Avenue
Deerfield Beach, FL 33441

Re: **City of Deerfield Beach
Storage Tank Liability Insurance – 2020 Renewal Summary**

Dear Amanda,

The City of Deerfield Beach maintains liability insurance to cover its financial responsibility for any leakage, seepage, and accidental discharge that could occur from one of its many aboveground or underground storage tanks (AST or UST).

Due to the various ages and types of tanks utilized throughout the City, Deerfield Beach has utilized different insurance carriers to address these varieties, Commerce & Industry, Ace USA, and Prime Insurance are the current providers. During the 2020 renewal process, Ace USA, elected to non-renew the underground storage tanks that were included in their policy for the City. Ace USA cited advanced age and claims experience as the primary reasons for the non-renewal. The difficulty that ensued was seeking out another carrier who would be willing to accept the risk of the older, underground tanks. After an exhaustive search, deliberation and negotiation, the Gehring Group was finally able to secure coverage through one of Deerfield Beach's other storage tank insurers, Prime Insurance, on December 26, 2019.

The evaluation reflects the two policies that will now be covering all of Deerfield Beach's storage Tanks, including the acceptance by Prime insurance to add the non-renewed storage tanks From Ace USA. The resulting Prime Insurance premium amount increased to \$33,643 in order to include them, which now must require Commissioner approval.

Very truly yours,

Rodney Louis

Rodney Louis
Senior Risk Management Consultant

City of Deerfield Beach
Storage Tank Liability Renewal Evaluation
Effective 2019-2020



	<i>Current</i>			<i>Renewal</i>		
	Commerce & Industry 2018-2019			Commerce & Industry 2019-2020		
Coverage Type	Deductible/SIR	Liability Limits	Premium	Deductible/SIR	Liability Limits	Premium
Storage Tank liability			\$ 4,914			\$ 4,765
Underground Tanks	\$25,000 (per incident)	\$1,000,000 Occ \$2,000,000 Agg	Included in Premium	\$25,000 (per incident)	\$1,000,000 Occ \$2,000,000 Agg	Included in Premium
Aboveground Tanks	\$25,000 (per incident)	\$1,000,000 Occ \$2,000,000 Agg	Included in Premium	\$25,000 (per incident)	\$1,000,000 Occ \$2,000,000 Agg	Included in Premium
Terrorism(TRIA) Coverage			\$ 193.00	72 hours	\$ 1,000,000.00	\$ 193.00
Storage Tank Coverage Premium			\$ 5,107			\$ 4,958
Combined Premium:			\$ 5,107			\$ 4,958
\$ Increase/Decrease						-\$149.00
% Increase/Decrease						-2.9%

Locations: 8 Storage Tanks: AST-23; UST-4

*40-Month Extended Reporting Period Coverage for removed Storage Tank at Location #9 for an additional \$162.00.

	<i>Current</i>			<i>Renewal</i>		
	Prime Insurance 2018-2019			Prime Insurance 2019-2020		
Coverage Type	Deductible/SIR	Liability Limits	Premium	Deductible/SIR	Liability Limits	Premium
Storage Tank liability			\$ 22,281			\$ 33,450
Underground Tanks	\$25,000 (per incident)	\$1,000,000 Occ \$2,000,000 Agg	Included in Premium	\$25,000 (per incident)	\$1,000,000 Occ \$2,000,000 Agg	Included in Premium
Aboveground Tanks	\$25,000 (per incident)	\$1,000,000 Occ \$2,000,000 Agg	Included in Premium	\$25,000 (per incident)	\$1,000,000 Occ \$2,000,000 Agg	Included in Premium
Terrorism(TRIA) Coverage			\$ 193.00	72 hours	\$1,000,000/\$1,000,000	\$ 193.00
Storage Tank Coverage Premium			\$ 22,474			\$ 33,643
Combined Premium:			\$ 22,474			\$ 33,643
\$ Increase/Decrease						\$11,169.00
% Increase/Decrease						49.7%

Locations: 3 Storage Tanks: AST-1; UST-5

Deductible Limits are applicable on a Per Incident basis.

Claims are subject to a \$25,000 Deductible and \$25,000 Retention



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet

File Number: I.D. 2019-244

Agenda Date: 1/14/2020

Status: DEPARTMENTAL BUSINESS

In Control: City Commission

Title

ORDINANCE 2020/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING SECTION 66-58 "PARKING PROHIBITED ON CERTAIN STREETS AND COMMERCIAL VEHICLE PARKING RESTRICTIONS" OF THE CITY CODE OF ORDINANCES TO PROHIBIT PARKING ON N.E. 49TH STREET FROM N.E. 48TH STREET TO DIXIE HIGHWAY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Recommended Action

Commission to vote on Ordinance and set public hearing for February 4, 2020

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

The City's Code Compliance and Broward Sheriff's Office have identified issues with overnight truck parking on NE 49th Street from NE 48th Street to Dixie Highway. Further, the residents along this corridor have petitioned the city to install no parking signs along this alley behind the Highlands Plaza Shopping Center. Residents complain the trucks block gates and create property damage for which the residents are responsible to upkeep. Installation of No Parking Signs would enable enforcement and authority to cite and remove these vehicles.

Current Activity

In addition to future installation of No Parking Signs, the City will look to improve any deficiencies along this corridor, such as the pavement condition, to ensure the alley is maintained in compliance with City Code Enforcement standards.

Recommendation

Staff recommends amending section 66-58 "Parking Prohibited on Certain Streets and Commercial Vehicle Parking Restrictions" of the city code to prohibit parking on NE 49th Street from NE 48th Street to Dixie highway.

ORDINANCE NO. 2020/

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING SECTION 66-58 “PARKING PROHIBITED ON CERTAIN STREETS AND COMMERCIAL VEHICLE PARKING RESTRICTIONS” OF THE CITY CODE OF ORDINANCES TO PROHIBIT PARKING ON N.E. 49TH STREET FROM N.E. 48TH STREET TO DIXIE HIGHWAY; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE

WHEREAS, the City’s Code Compliance and the Broward Sheriff’s Office have identified issues with overnight truck parking on N.E. 49th street from N.E. 48th Street to Dixie Highway (the “Street”); and

WHEREAS, residents have complained that the trucks block gates and cause property damage for which the residents are responsible to fix and maintain; and

WHEREAS, residents from this area have petitioned the City to install “no parking” signs along the Street behind the Highlands Plaza Shopping Center; and

WHEREAS, amending the City Code to prohibit parking along the Street and installing “no parking” signs would enable the City to enforce no parking on the Street, and authorize the City to cite and remove vehicles for parking on the Street; and

WHEREAS, the City Commission has determined that it is in the best interests of the citizens and general public to amend Section 66-58 to prohibit parking on N.E. 49th Street from N.E. 48th Street to Dixie Highway.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, AS FOLLOWS:

Section 1. The above “WHEREAS” clauses are true and correct and are incorporated herein.

Section 2. Section 66-59 “Parking prohibited on certain streets and commercial vehicle parking restrictions” of the City Code is hereby amended to read as follows¹:

Chapter 66 – TRAFFIC AND VEHICLES

ARTICLE II. – Stopping, Standing, Parking

Division 3. – Regulations, Generally

¹ Additions to existing City Code text are shown in underline. Deletions to existing City Code text are shown in ~~strikethrough~~.

Sec. 66-58 – Parking prohibited on certain streets and commercial vehicle parking restrictions.

- (a) Except in compliance with law or the directions of a police officer, no person shall stop, stand or park a vehicle upon certain areas of the following streets of the city:

(69) N.E. 49th Street from N.E. 48th Street to Dixie Highway.

Section 3. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. The provisions of this Ordinance are declared to be severable, and, if any section, sentence, clause and/or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, which shall remain in effect, it being the legislative intent that this Ordinance shall stand despite the invalidity of any part.

Section 5. It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code of the City of Deerfield Beach, and that the sections of this Ordinance may be renumbered to accomplish such intent.

Section 6. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED 1ST READING ON THIS ____ DAY OF _____, 2020.

PASSED 2ND READING ON THIS ____ DAY OF _____, 2020.

BILL GANZ, MAYOR

ATTEST:


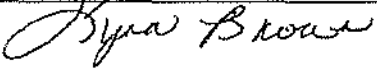
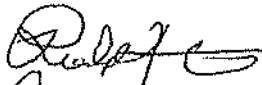
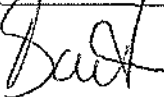
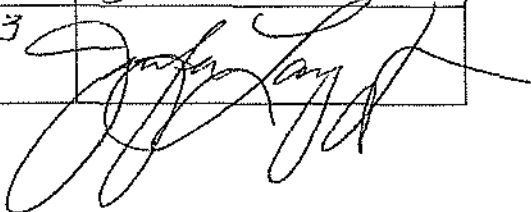
SAMANTHA GILLYARD, CMC, CITY CLERK

November 25, 2019

Attention: City of Deerfield Beach
 Code Enforcement
 150 N.E. 2 Avenue
 Deerfield Beach, FL 33441

We, the residents of the Highlands, petition the city to install several signs behind our homes that state **No Parking Allowed** and **No Garbage Dumping Allowed**. Our homes are located directly behind the Highlands Plaza Shopping Center. Over the past several months, we have been experiencing tractor trailer trucks parking in the rear of our homes and blocking our gates, which cause us many inconveniences. This is City of Deerfield property, yet, we the homeowners are responsible for the upkeep of this property (cutting the grass and keeping it clean of debris) or we face fines. In addition, to the tractor trailer trucks parking there, many people throw trash there (i.e. old furniture) as if it were a dumpster. We have repeatedly called the police, and the trucks are not issued fines, much less towed. We also continually call Code Enforcement for trash to be picked up.

The property manager of the Highlands Plaza Shopping Center, has also frequently called the City of Deerfield Beach regarding the same concerns, and nothing has been resolved. The property manager may be reached at 954-256-2111.

Name	Property Address	Phone Number	Signature
Cesar & Karen Borge	900 NE 49th St. Pompano Bch, FL 33064	305-790-2318 305-790-2192	
Lynn Brown	890 NE 49th St Pompano Beach Fla 33064	954-881-7084	
RUDY & DIANE SENDER STONE	940 NE 49th St Pompano Beach FL 33064	(561) 465-9409	
GUCRIDA BYSSAINTHE	930 NE 49th Street Pompano Beach FL 33064	954-515-8573	
Jennifer Langley	910 NE 49th Street Pompano Beach 33064	954-362-3103	



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet

File Number: I.D. 2019-254

Agenda Date: 1/14/2020

Status: CITY COMMISSION
BUSINESS

In Control: City Commission

Title

Discussion regarding the City Manager Evaluation Criteria.

Recommended Action

Motion on decision of Commission

Background/History

The City's contract with the City Manager requires the City Commission to evaluate the City Manager's performance on an annual basis. The performance evaluate includes the submission of written performance evaluations by the City Commission in accordance with evaluation criteria approved by the Commission. The evaluation criteria is to be adopted by the Commission within 90 days of the contract execution.

An evaluation form, including proposed criteria, provided by Commissioner Hudak is enclosed for City Commission consideration.

Recommendation

Approve the City Manager evaluation criteria.

City Manager Performance Evaluation

City Manager Performance Evaluation

City of Deerfield Beach, FL

Evaluation period: _____

Governing Body Member's Name

Each member of the Dais should complete this evaluation form, sign it in the space below, and return it to **The City Clerks Office**. The deadline for submitting this performance evaluation is _____. Evaluations will be summarized and included on the agenda for discussion at the work session on _____.

Mayor's Signature

Date

Governing Body Member's Signature

Date Submitted

INSTRUCTIONS

This evaluation form contains ten categories of evaluation criteria. Each category contains a statement to describe a behavior standard in that category. For each statement, use the following scale to indicate your rating of the city manager's performance.

- 5 = Excellent** (almost always exceeds the performance standard)
- 4 = Above average** (generally exceeds the performance standard)
- 3 = Average** (generally meets the performance standard)
- 2 = Below average** (usually does not meet the performance standard)
- 1 = Poor** (rarely meets the performance standard)

Any item left blank will be interpreted as a score of "3 = Average"

This evaluation form also contains a provision for entering narrative comments, including an opportunity to enter responses to specific questions and an opportunity to list any comments you believe appropriate and pertinent to the rating period. Please write legibly.

Leave all pages of this evaluation form attached. Initial each page. Sign and date the cover page. On the date space of the cover page, enter the date the evaluation form was submitted. All evaluations presented prior to the deadline identified on the cover page will be summarized into a performance evaluation to be presented by the governing body to the city manager as part of the agenda for the meeting indicated on the cover page.

PERFORMANCE CATEGORY SCORING

1. INDIVIDUAL CHARACTERISTICS

- _____ Diligent and thorough in the discharge of duties, "self-starter"
- _____ Exercises good judgment
- _____ Displays enthusiasm, cooperation, and will to adapt
- _____ Mental and physical stamina appropriate for the position
- _____ Exhibits composure, appearance and attitude appropriate for executive position

Add the values from above and enter the score for this category _____

2. PROFESSIONAL SKILLS AND STATUS

- Maintains knowledge of current developments affecting the practice of local government management
- Demonstrates a capacity for innovation and creativity
- Anticipates and analyzes problems to develop effective approaches for solving them
- Willing to try new ideas proposed by governing body members and/or staff
- Sets a professional example by handling affairs of the public office in a fair and impartial manner

Add the values from above and enter the score for this category _____

3. RELATIONS WITH ELECTED MEMBERS OF THE GOVERNING BODY

- Carries out directives of the body as a whole as opposed to those of any one member or minority group
- Sets meeting agendas that reflect the guidance of the governing body and avoids unnecessary involvement in administrative actions
- Disseminates complete and accurate information equally to all members in a timely manner
- Assists by facilitating decision making without usurping authority
- Responds well to requests, advice, and constructive criticism

Add the values from above and enter the score for this category _____

4. POLICY EXECUTION

- Implements governing body actions in accordance with the intent of council
- Supports the actions of the governing body after a decision has been reached, both inside and outside the organization
- Understands, supports, and enforces local government's laws, policies, and ordinances
- Reviews ordinance and policy procedures periodically to suggest improvements to their effectiveness
- Offers workable alternatives to the governing body for changes in law or policy when an existing policy or ordinance is no longer practical

Add the values from above and enter the score for this category _____

5. REPORTING

- _____ Provides regular information and reports to the governing body concerning matters of importance to the local government, using the city charter as guide
- _____ Responds in a timely manner to requests from the governing body for special reports
- _____ Takes the initiative to provide information, advice, and recommendations to the governing body on matters that are non-routine and not administrative in nature
- _____ Reports produced by the manager are accurate, comprehensive, concise and written to their intended audience
- _____ Produces and handles reports in a way to convey the message that affairs of the city are open to public scrutiny

Add the values from above and enter the score for this category _____

6. CITIZEN RELATIONS

- _____ Responsive to requests from citizens
- _____ Demonstrates a dedication to service to the community and its citizens
- _____ Maintains a nonpartisan approach in dealing with the news media
- _____ Meets with and listens to members of the community to discuss their concerns and strives to understand their interests
- _____ Gives an appropriate effort to maintain citizen satisfaction with city services

Add the values from above and enter the score for this category _____

7. STAFFING

- _____ Recruits and retains competent personnel for staff positions
- _____ Applies an appropriate level of supervision to improve any areas of substandard performance
- _____ Stays accurately informed and appropriately concerned about employee relations
- _____ Professionally manages the compensation and benefits plan
- _____ Promotes training and development opportunities for employees at all levels of the organization

Add the values from above and enter the score for this category _____

8. SUPERVISION

- _____ Encourages heads of departments to make decisions within their jurisdictions with minimal city manager involvement, yet maintains general control of operations by providing the right amount of communication to the staff
- _____ Instills confidence and promotes initiative in subordinates through supportive rather than restrictive controls for their programs while still monitoring operations at the department level
- _____ Develops and maintains a friendly and informal relationship with the staff and work force in general, yet maintains the professional dignity of the city manager's office
- _____ Sustains or improves staff performance by evaluating the performance of staff members at least annually, setting goals and objectives for them, periodically assessing their progress, and providing appropriate feedback
- _____ Encourages teamwork, innovation, and effective problem-solving among the staff members

Add the values from above and enter the score for this category _____

9. FISCAL MANAGEMENT

- _____ Prepares a balanced budget to provide services at a level directed by council
- _____ Makes the best possible use of available funds, conscious of the need to operate the local government efficiently and effectively
- _____ Prepares a budget and budgetary recommendations in an intelligent and accessible format
- _____ Ensures actions and decisions reflect an appropriate level of responsibility for financial planning and accountability
- _____ Appropriately monitors and manages fiscal activities of the organization

Add the values from above and enter the score for this category _____

10. COMMUNITY

- ___ Shares responsibility for addressing the difficult issues facing the city
- ___ Avoids unnecessary controversy
- ___ Cooperates with neighboring communities and the county
- ___ Helps the council address future needs and develop adequate plans to address long term trends
- ___ Cooperates with other regional, state and federal government agencies

Add the values from above and enter the score for this category _____

Total Score for section I. _____

Rate Category I: Excellent = 225 - 250; Above Average = 200 - 224; Average = 175 - 199; Below Average = 150 - 174; Poor = 1 - 149.

II. GOAL/TARGET ACHIEVEMENT CURRENT REVIEW PERIOD (50%)

Rate Category II: Achieved = 90 - 100; Partially Achieved = 51 - 89; Not Achieved = 30 - 50;

II. GOALS FOR CURRENT REVIEW PERIOD

SCORE FOR GOAL

- A. _____
- B. _____
- C. _____
- D. _____

- A. _____
- B. _____
- C. _____
- D. _____

Comments:

Total Score for section II. _____ / **Number of GOALS** _____ = _____

Rate Category II: Excellent = 90 - 100; Above Average = 75 - 89; Average = 60 - 74; Below Average: 51 - 59; Poor = 30 - 50.

OVERALL EVALUATION (Add scores from Section I and Section II): _____

Overall: Excellent = 315 - 350; Average = 395 - 449; Below Average = 316 - 394; Poor = 1 - 315.

IV. SUGGESTED GOALS/TARGETS FOR UPCOMING YEAR

- A. _____ D. _____
- B. _____
- C. _____

City Manager's Signature _____

Date _____



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet

File Number: I.D. 2019-257

Agenda Date: 1/14/2020

Status: CITY COMMISSION
BUSINESS

In Control: City Commission

Title

A/R TOM: Resolution 2020/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, amending the 2019/2020 schedule of City Commission meetings; providing for an effective date

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Background/History

Due to the unavailability of at least one Commissioner, a request has been made to reschedule the March 3, 2020 Regular Commission Meeting to March 4, 2020.

Recommendation

Approve amendment to 2019/2020 schedule of City Commission meetings to reschedule the March 3, 2020 Regular Commission Meeting to March 4, 2020.

RESOLUTION NO. 2020/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING THE 2019/2020 SCHEDULE OF CITY COMMISSION MEETINGS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission wishes to amend the City Commission meetings schedule for 2019/2020; and

WHEREAS, due to the critical nature of items being presented on the City Commission agenda and the unavailability of at least one Commissioner, a request has been made to reschedule the March 3, 2020 Regular Commission Meeting to March 4, 2020.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced “Whereas” clauses are true and correct and made a part hereof.

Section 2. The City Commission hereby amends the City Commission meetings schedule to reschedule the March 3, 2020 Regular City Commission Meeting to March 4, 2020 at 7pm.

Section 3. The City Commission reserves the right to further reschedule meetings, schedule special meetings or take such other actions as it deems appropriate.

Section 4. The appropriate City officials are authorized to do all things necessary and expedient to accomplish the aims of this Resolution.

Section 5. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2020.

BILL GANZ, MAYOR

ATTEST:

SAMANTHA GILLYARD, CMC, CITY CLERK



FY 20 City Commission Meeting Calendar

Wednesday, October 2, 2019

Tuesday, October 15, 2019

Tuesday, November 12, 2019

Tuesday, December 3, 2019

Tuesday, January 14, 2020

Tuesday, February 4, 2020

Tuesday, February 18, 2020

Tuesday, March 3, 2020

Tuesday, March 17, 2020

Tuesday, April 7, 2020

Tuesday, April 21, 2020

Tuesday, May 5, 2020

Tuesday, May 19, 2020

Tuesday, June 2, 2020

Tuesday, June 16, 2020

Tuesday, July 7, 2020

Tuesday, August 4, 2020

Tuesday, August 18, 2020

Tuesday, September 1, 2020

Tuesday, September 15, 2020

Tuesday, October 6, 2020

*subject to change based on budget hearing scheduling requirements

** Rosh Hashana 9/30-10/1



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet

File Number: I.D. 2019-256

Agenda Date: 1/14/2020

Status: CITY COMMISSION
BUSINESS

In Control: City Commission

Title

Resolution 2020/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, adopting a policy to support local businesses in certain small scale purchases; and providing for an effective date.

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

RESOLUTION NO. 2020/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, ADOPTING A POLICY TO SUPPORT LOCAL BUSINESSES IN CERTAIN SMALL SCALE PURCHASES; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 38-126(1) of the City Code authorizes department heads to make purchases for goods and services that are less than \$5,000 for a single purchase; and

WHEREAS, the City Commission wishes to support local restaurants and businesses, and encourage the opening of new restaurants and businesses within the City; and

WHEREAS, the City Commission believes that when the City undertakes or sponsors an event, program, or activity, and purchases food, beverages, supplies, or other items for such event, program, or activity, the City should seek to use local vendors for such purposes where the expenditure is anticipated to be \$500 or less.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced “Whereas” clauses are true and correct and made a part hereof.

Section 2. The City Commission hereby adopts the following policy:

When the City undertakes or sponsors an event, program, or activity, and purchases food, beverages, supplies, or other items for such event, program, or activity, the City should seek to use local vendors located within the City, where practicable, for such purposes where the expenditure is anticipated to be \$500 or less and the goods are offered at a commercially reasonable price, in the sole discretion of the person authorized to purchase the goods. This policy shall not be used to circumvent the City’s procurement code, but shall also not prohibit the City from purchasing additional items from local vendors where such purchases are otherwise purchased in accordance with the procurement code. The sum of \$500 is a cumulative sum for all City expenditures at the event, program, or activity.

Section 3. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2020.

BILL GANZ, MAYOR

ATTEST:

SAMANTHA GILLYARD, CMC, CITY CLERK



City of Deerfield Beach

150 NE 2nd Ave
Deerfield Beach, FL
33441
954-480-4200

Face Sheet

File Number: I.D. 2020-2

Agenda Date: 1/14/2020

Status: CITY COMMISSION
BUSINESS

In Control: City Commission

Title

Resolution 2020/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the payment of attorney's fees incurred by Mayor Ganz in successfully defending ethics and elections investigations; and providing an effective date. (Funds from Account #606-0900-519-37-70 - Risk Management, General Liability-Legal)

Recommended Action

Commission to vote on Resolution

Voting Requirement

Adoption requires a 3/5 vote of the City Commission

Fiscal Impact

Costs: \$1,000

Account Name: Risk Management, General Liability - Legal

Account Number: 606-0900-519-37-70

Background/History

Two complaints were filed with the Florida Elections Commission (the "Elections Complaints"), and one complaint was filed with the Florida Commission on Ethics, against Mayor Bill Ganz (the "Ethics Complaint"). The Elections Complaints and Ethics Complaint were related to the alleged misuse of a public position, alleged breach of confidentiality, and alleged election violations in relation to the Mayor's comments at City Commission Meetings and the Mayor's participation in a holiday celebration sponsored by the City.

The Florida Commission on Ethics found the Ethics Complaint to be legally insufficient and dismissed the Ethics Complaint against Mayor Ganz. The Florida Elections Commission found the Elections Complaints to be legally insufficient, and closed out the last of the Elections Complaints via a correspondence dated December 16, 2019 finding lack of legal sufficiency.

Mayor Ganz retained counsel and incurred expenses in defending the Elections Complaints and Ethics Complaint and has requested reimbursement of fees and expenses in the amount of \$1,000.

Current Activity

See also enclosed Memo from City Attorney's Office and correspondence from Florida Elections Commission.

Recommendation

Commission to vote on Resolution.

RESOLUTION NO. 2020/

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPROVING THE PAYMENT OF ATTORNEY'S FEES INCURRED BY MAYOR GANZ IN SUCCESSFULLY DEFENDING ETHICS AND ELECTIONS INVESTIGATIONS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, two complaints were filed with the Florida Elections Commission (the "Elections Complaints"), and one complaint was filed with the Florida Commission on Ethics, against Mayor Bill Ganz (the "Ethics Complaint"); and

WHEREAS, the Elections Complaints and Ethics Complaint were related to the alleged misuse of a public position, alleged breach of confidentiality, and alleged election violations in relation to the Mayor's comments at City Commission Meetings and the Mayor's participation in a holiday celebration sponsored by the City; and

WHEREAS, the Florida Commission on Ethics found the Ethics Complaint to be legally insufficient and dismissed the Ethics Complaint against Mayor Ganz; and

WHEREAS, the Florida Elections Commission found the Elections Complaints to be legally insufficient, and closed out the last of the Elections Complaints via a correspondence dated December 16, 2019 finding lack of legal sufficiency; and

WHEREAS, Mayor Ganz retained counsel and incurred expenses in defending the Elections Complaints and Ethics Complaint; and

WHEREAS, the City has received a request for reimbursement of fees and expenses from Mayor Ganz in the amount of \$1,000, and the invoice for such reimbursement request is attached as Exhibit "A" (the "Attorney Fee Invoice"); and

WHEREAS, the City Commission finds that Mayor Ganz was acting within the course and scope of his position as Mayor in matters related to the Elections Complaints and Ethics Complaint and that the City is responsible for reimbursement of fees under prevailing law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above referenced "Whereas" clauses are true and correct and made a part hereof.

Section 2. The City Commission hereby authorizes the payment of the Attorney's Fees Invoice, attached as Exhibit "A", from the City's General Fund.

Section 3. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2020.

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

ATTEST:

SAMANTHA GILLYARD, CMC, CITY CLERK



WEISS SEROTA HELFMAN COLE & BIERMAN

AT THE CROSSROADS OF BUSINESS, GOVERNMENT & THE LAW

MEMORANDUM

TO:	City Commission, City Manager
FROM:	City Attorney's Office
DATE:	January 3, 2020
RE:	Reimbursement of Mayor's Attorney's Fees

Attached please find Stuart Michelson's bill in the amount of \$1,000 for successfully representing Mayor Ganz in an ethics complaint filed against him with the Florida Commission on Ethics, and elections complaints filed against him with the Florida Elections Commission. The Florida Commission on Ethics found the ethics complaint to be legally insufficient and dismissed the complaint. Additionally, the Florida Elections Commission found the elections complaints to be legally insufficient, and closed out the last of the elections complaints via a correspondence dated December 16, 2019 finding lack of legal sufficiency.

The elections complaints and ethics complaint were related to the alleged misuse of a public position, alleged breach of confidentiality, and alleged election violations in relation to the Mayor's comments at City Commission Meetings and the Mayor's participation in a holiday celebration sponsored by the City.

The courts of this state have found that city officials are entitled to reimbursement for attorney's fees incurred where they are the subject of legal action related to their official duties. *Miller v. Carbonelli*, 80 So.2d 909 (Fla.1955); *Williams v. City of Miami*, 42 So.2d 582 (Fla.1949); *Peck v. Spencer*, 26 Fla. 23, 7 So. 642 (1890); *Lomelo v. City of Sunrise*, 423 So.2d 974 (Fla. 4th DCA 1982), review dismissed, 431 So.2d 988 (Fla.1983); *Ellison v. Reid*, 397 So.2d 352 (Fla. 1st DCA 1981). The purpose of this common law rule is to avoid the chilling effect that a denial of representation might have on public officials in performing their duties properly and diligently. *Nuzum v. Valdes*, 407 So.2d 277 (Fla. 3d DCA 1981). This entitlement to attorney's fees arises independent of statute, ordinance, or charter. *Lomelo*, 423 So.2d at 976. For public officials to be entitled to representation at public expense, the litigation must (1) arise out of or in connection with the performance of their official duties and (2) serve a public purpose. *Chavez v. City of Tampa*, 560 So.2d 1214 (Fla. 2d DCA 1990). See *Lomelo*; *Nuzum*; *Markham v. Department of Revenue*, 298 So.2d 210 (Fla. 1st DCA 1974), cert. denied, 309 So.2d 547 (Fla.1975).

We have forwarded a Resolution to approve the fees incurred, which fees we find to be reasonable under the circumstances.



Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-1050
Telephone: (850) 922-4539 · Facsimile: (850) 921-0783
FEC@myfloridalegal.com · www.fec.state.fl.us



December 16, 2019

John Grassi
1001 SE 12th Terrace
Deerfield Beach, FL 33441

RE: Case No.: FEC 19-031; Respondent: William "Bill" Ganz

Dear Mr. Grassi:

The Florida Elections Commission has received your amended complaint, including any additional information you provided, alleging violation(s) of Florida's election laws.

I have reviewed your amended complaint and still find it to be Legally Insufficient.

Complainant alleged that Respondent violated a confidentiality requirement in Section 106.25(7), Florida Statutes, by publicly stating at a January 15, 2019, Deerfield Beach City Commission meeting, that Mr. Dan Herz filed a complaint against him with the Florida Elections Commission. Complainant alleged that Respondent failed to file a waiver of confidentiality required by Section 106.25(7), F.S.

Complainant enclosed a thumb drive with his complaint, indicating that it contained a video taken at the January 15, 2019, commission meeting. However, the thumb drive was blank. The Florida Elections Commission issued a letter of legal insufficiency, indicating that Complainant had not provided personal information or information other than hearsay upon which to base his complaint.

In his amended complaint, Complainant provided a web link, which he indicated contained the video of the Deerfield Beach City Commission meeting. However, the web link, which appeared to be inactive, did not contain a video of the January 15, 2019, meeting. Therefore, Complainant had not provided personal information or information other than hearsay upon which to base his amended complaint.

Subsequently, the January 15, 2019, City Commission meeting was found posted on YouTube. In the video, Respondent stated, "Mr. Herz has taken offense to that. He has filed a campaign complaint against me personally saying that a special favor was given to this gentleman. He's also attached the names of the Respondents (referring to individuals named as witnesses) on the complaint were John Grassi, Pat Jolivet, and himself. Very interesting and odd thing to do, and I can tell you there was no favoritism given at all."

John Grassi
December 16, 2019
Page 2
FEC 19-031

Based upon the foregoing information, it appears Respondent did not state that a complaint had been filed with the Florida Elections Commission, nor did he announce a Commission case number. Based on Respondent's remarks, it does not appear that he breach confidentiality regarding this specific complaint.

Additionally, during its November 19, 2019, meeting, the Commission considered the issue of confidentiality requirements under Section 106.25(7), F.S., and determined that in the absence of a written waiver to the Commission, the statute does not prohibit a respondent from disclosing or discussing a complaint filed against him.

This case is now closed. If you have any questions, please contact us at fec@myfloridalegal.com.

Sincerely,


Tim Vaccaro
Executive Director

TV/med
cc: Stuart R. Michelson, Attorney for Respondent



FLORIDA ELECTIONS COMMISSION

**107 W. Gaines Street,
Collins Building, Suite 224
Tallahassee, Florida 32399-1050
(850) 922-4539**

www.fec.state.fl.us; fec@myfloridalegal.com

May 10, 2019

Stuart R. Michelson
Attorney for Bill Ganz
800 SE Third Avenue, Fourth Floor
Ft. Lauderdale, FL 33316

RE: Case No.: FEC 18-504; Respondent: Bill Ganz

Dear Mr. Michelson:

On April 12, 2019, the Florida Elections Commission notified Dan Herz that the complaint he filed on December 27, 2018 was legally insufficient. Since the Commission did not receive any additional information that corrected the stated grounds of insufficiency, this case is closed.

Please let me know if you have any questions.

Sincerely,
Tim Vaccaro
Executive Director
Florida Elections Commission

TV/med

**BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS**

In re WILLIAM GANZ,

Respondent.

Complaint No. 19-016

PUBLIC REPORT AND ORDER DISMISSING COMPLAINT

On Friday, March 8, 2019, the Commission on Ethics met in executive session and considered this complaint for legal sufficiency pursuant to Commission Rule 34-5.002, F.A.C. The Commission's review was limited to questions of jurisdiction of the Commission and of the adequacy of the details of the complaint to allege a violation of the Code of Ethics for Public Officers and Employees. No factual investigation preceded the review, and therefore the Commission's conclusions do not reflect on the accuracy of the allegations of the complaint.

The Commission voted to dismiss the complaint for lack of legal sufficiency, based on the following analysis:

1. This complaint was filed by John Grassi of Deerfield Beach, Florida.
2. The Respondent, William (Bill) Ganz, serves as Mayor of Deerfield Beach.
3. The complaint alleges that during a City Commission meeting which transpired on January 15, 2019, the Respondent sought to discredit a candidate for City Commission and criticized him and others for their involvement in an ongoing complaint with the Florida Department of State's Division of Elections.

4. The provision of the Code of Ethics implicated by the complaint is Section 112.313(6), Florida Statutes, which states:

MISUSE OF PUBLIC POSITION.--No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.

Pursuant to Section 112.312(9), Florida Statutes, "corruptly" is defined as

... done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.

Section 112.313(6) prohibits public officials and employees from corruptly using or attempting to use their official positions or property or resources within their trust, and it prohibits them from corruptly performing their official duties, in order to secure a special privilege, benefit, or exemption for themselves or another.

5. The complaint substantively fails to indicate a possible violation of Section 112.313(6). In order to indicate a possible violation of the statute, a complaint must allege, in a factual, substantive, nonconclusory manner, that a respondent corruptly used or attempted to use his public position or resources within his public trust, or that he corruptly performed his official duties, in order to specially benefit himself or another; it is not enough that a detriment to a complainant or another is alleged. In the instant matter the complaint does not allege any particular benefit of a substantive nature that the Respondent would have received by engaging in the alleged activities.¹ While the Respondent's alleged actions in making defamatory

¹ In essence the Respondent's alleged political commentary is of the type that the Commission has found to not be indicative of a violation of Section 112.313(6), Florida Statutes. See CEO 91-37.

comments regarding a candidate for public office may have been detrimental to the Complainant and others, this effect is not a sufficient basis for investigation under Section 112.313(6).

6. In sum, we recognize the importance of matters in the complaint to the Complainant and his considerable effort in filing the complaint. Nevertheless, his remedy, if any, lies with courts or forums other than this Commission.

Accordingly, this complaint is hereby dismissed for failure to constitute a legally sufficient complaint with the issuance of this public report.

ORDERED by the State of Florida Commission on Ethics meeting in executive session on Friday, March 8, 2019.

March 13, 2019
Date Rendered


Guy W. Norris
Chair, Florida Commission on Ethics

GWN/cmK

cc: Mr. Stuart R. Michelson, Attorney for Respondent
Mr. John Grassi, Complainant