



Meeting Minutes City Commission

Tuesday, August 4, 2020

7:00 PM

Virtual Meeting

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., via virtual meeting technology.

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

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

MOMENT OF SILENCE & PLEDGE OF ALLEGIANCE

Mayor Ganz said Mike Chance, Parks & Recreation, a 39 year employee, passed away last week. He asked that everyone remember him as he will be missed.

Thereafter, the Pledge of Allegiance was led by Vice Mayor Parness.

APPROVAL OF CITY COMMISSION MEETING MINUTES

Regular City Commission Meeting Minutes – July 7, 2020

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

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

Nays: 0

ACKNOWLEDGEMENT OF CITY BOARD MINUTES

Code Compliance Meeting Minutes - January 14, January 29, February 11, February 26, & March 10, 2020

Hillsboro Inlet District Meeting Minutes - June 15, 2020

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

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

Nays: 0

APPROVAL OF CITY COMMISSION AGENDA

August 4, 2020

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

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

Nays: 0

AWARDS & RECOGNITION

1. Presentation by Sheriff Gregory Tony providing an overview of the Broward Sheriff's Office (BSO) Community Initiatives.

Sheriff Tony commented on two (2) initiatives, COVID-19 and a worldwide push for police reform. As the commander of the organization, his focal point was fixing and mitigating a multitude of issues related to active shooter preparedness response protocol due to the Parkland tragedy. He outlined the steps taken to accomplish this protocol as well as policy changes. Sheriff Tony also spoke about transparency and accountability to the communities when it comes to police brutality or excessive force; whereby, checks and balances were implemented in advance long before the brutal murder of Mr. Floyd in Minneapolis. An early warning system was introduced in February 2019 to track and monitor such cases as well as disciplinary actions.

Continuing, Sheriff Tony said he created the first Use of Force Review Board, where use of forces occurring in all cities are being reviewed by a panel of subject matter experts. The Professional Standards Committee was reestablished which has been part of the organization for about 30 years. The Committee includes a body of both law enforcement and civilians who analyze internal affairs investigations and provide recommendation for disciplinary action which is then forwarded to the Sheriff. Sheriff Tony said he was disappointed to see how use of force circumstances were being respond; thereafter, he outlined such cases. In the cases outlined, the perpetrator was handcuffed and excessive force was used; whereby, the officers were terminated. If a hard stand was not taken, it could have resulted in rioting and picketing in Broward County.

Additionally, Sheriff Tony said the terminations are retroactive; thus, the harm is already done and someone was already hurt or killed. Therefore, to mitigate some of these acts, the County introduced a racial equity training program but BSO opted out of the training years ago. With him as Sheriff, he dove into the training and invested \$500,000 on the front end to assure his men and women are trained in this area and have a better understanding of real issues of how black and brown people perceive law enforcement and interaction between these civilians and officers. Moreover, there are a lot of different systemic and institutional levels of racism that exist in every aspect of the justice system, law enforcement, corrections, courts, sentencing, and arrest procedures. Thus, he analyzed costs being spent in the jails which totaled approximately \$278 million; therefore, funding should be reallocated to projects to keep people out of jail and eliminate the potential for conflict. This endeavor stemmed into the Broward Sheriff's Office Youth Mentoring Program, a summer program that provides an opportunity to work with kids in the black and brown community. Sheriff Tony continued to outline the various partnering agencies, increased funding for the program and expanded opportunities in the fire cadet program and police explorers. Scholarship opportunities are also being provided through the BSO Legacy Program. Sheriff Tony continued to outline programs being offered to the residents to reduce the issues highlighted.

Sheriff Tony said in August 2019, park, walk and talk initiative was launched. The program created a positive setting between law enforcement as they would park their cars and engage with the community. Since that time, Deerfield Beach has been a shining star with their actions; over 1,000 officers have been engaging the people. This type of policing makes a difference when people know you on a first name basis. There is also a Neighborhood Support Team; whereby, Deerfield Beach has a dedicated sergeant and deputy responsible for building a coalition of forces between school teachers, business entities, pastors, etc. to filter back the issues affecting Deerfield Beach. He also commented on their participation with food drives, whereby, over 16 million pounds of food was distributed. Thereafter, he entertained questions of the Commission regarding citations issued for COVID-19 violations and technological solutions for crime.

AWARDS & RECOGNITION – CONTINUED**2. Certificate of Recognition presented to Water Plant Operations Staff for receiving the Most Improved Water Treatment Plant (WTP) Class A for 2019 by the American Water Works Association Florida Section.**

Tom Good, Assistant City Manager, said he is proud to acknowledge how hard staff has worked to achieve best in class performance. The City has received the 2019 Florida Section American Water Works Association Most Improved Water Plant Class A Award. It is based on exemplary performance in plant operations, maintenance, cost-efficiency, plant safety, training and achieving consistently high drinking water quality. This water treatment plant award is based on three size classes with Class A being the largest treatment facilities in the State and competition is fierce. This is a 24-hour operation and there are a number of people participating in making this water plant a success.

Thereafter, Mr. Good outlined the employees who helped make this award possible: Roland Dominguez, Walter Moser, Latta McDonald, Bernard Sookra, Clauduarte Andrade, Steve Simone, Ilsa Alvarez-Henriquez, Micheline Michel, Alfonso Zayas, Clemy Rene, Dunieski Linares, Melissa Namor, Donald Bradley, David Brisbane, Raymond Jones, Robert Lertora, Luis Rivera, Antonio Johnson, Robert Brown, Ernest Cadet, Wil Serrano, Fernando Carmona, Joshua Niemann, John Holdman, Jovan Selvon, Adrian Mocanu, Hamid Nikvan and Allen Fathi. As winners of this prestigious award, the City will be highlighted in the August edition of Florida Water Resources Journal. Also, the Florida Section American Water Works Association has tentatively scheduled the presentation of a plaque to the winners at the 2020 Fall Conference.

3. Certificate of Recognition presented to the City of Deerfield Beach and the Budget and Performance Division for receiving the Distinguished Budget Presentation Award.

Stephanie Tinsley, Chief Financial Officer, said based on the examination by a panel of independent reviewers, the City has been awarded the Distinguished Budget Presentation Award from the Government Finance Officers Association (GFOA) for the Fiscal Year 2020 budget document. This award is the highest form of recognition in governmental budgeting and reflects the commitment of the governing body, leadership of the city as well as the entire staff, especially the budget team. In order to receive this award, the City had to satisfy nationally recognized guidelines for an effective budget presentation. These guidelines are designed to assess how well an entity's budget serves as a policy document, a financial plan, an operations guide, and communications device. The budget documents must be rated at least proficient in all four (4) categories and the 14 mandatory criteria within the categories to be awarded.

Ms. Tinsley outlined staff who helped make the award possible: Budget Manager, Allison Teslia and Gilbert Hernandez, Budget Analyst, with the support of various team members who assisted throughout the process. She applauded staff for their hard work and achieving this nationally recognized award.

VISTA CLARA (ITEMS 4 – 10)**4. P.H. 2020-063: ORDINANCE 2020/015 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, REZONING APPROXIMATELY 8.4 ACRES LOCATED AT 414, 430, 454 & 480 N.E. 1ST AVENUE, 240 N.E. 5TH STREET, 412, 424, 430, 446, 450 & 458 N. RIVER DRIVE, AND 409 N. RIVER AVENUE FROM RS-5 RESIDENCE, SINGLE FAMILY, RM-10 RESIDENCE, MULTI-FAMILY AND B-3 BUSINESS, GENERAL TO PLANNED DEVELOPMENT DISTRICT ("PDD") (VISTA CLARA); PROVIDING FOR A MAXIMUM OF 326 MULTI-FAMILY DWELLING UNITS; PROVIDING FOR DEVELOPMENT REGULATIONS AND OTHER REQUIREMENTS APPLICABLE TO THE PDD; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE. (Public Hearing - 2nd Reading - First Reading approved on March 4, 2020)**

VISTA CLARA (ITEMS 4 – 10) – CONTINUED

The Ordinance was read by title only.

Dennis Mele, attorney representing applicant, said the first reading of the rezoning was held in early March and although it was not on the agenda the site plan was shown at that time; whereby, none of those have changed since that time. Thereafter, he presented a PowerPoint for Items 4 – 10.

Aerial Location Map – Mr. Mele said the property consists of portions of five (5) different plats; three (3) have a plat note which have to be amended and the others do not have a note. Items 5, 6 and 7, are the plat notes being amended to match the site plan. The Antibes Plat and Antibes II Plat are the areas where the parking garage will be built, along 1st Avenue and the Pennell Plat is further east on the property and will consist of a portion of residential dwellings. Those are housekeeping items that the County uses to assess and collect impact fees. Item 8 is the site plan which has not changed from March, but there have been many changes to the project including significant reductions in the heights of not only the main building, but also the parking garage building. Item 9 pertains to the relocation of utility easements and Item 10 is the development agreement.

Existing Site Conditions – Mr. Mele provided aerial photos of the property from different angles.

Existing Site Conditions (Slide 4) – Mr. Mele said these are ground level photos with the white star depicting the northern area; pink – southern; and orange – center. More aerial photographs were shown in slide 5.

Zoning – Mr. Mele highlighted the existing zoning district on the left and the proposed zoning on the right; whereby, the proposed rezoning is PDD.

Conceptual Master Plan – Mr. Mele explained what is included in the Master Plan. The two (2) purple rectangles are the garage building, previously 66 feet and have been reduced to 41 feet. The main building, salmon colored, was once at 84 feet in height but reduced to 60 feet. The center tan area was once the highest height, 84 feet, and is now 65 feet; this is the recreation element of the building, lobby, business center and other recreational amenities. All are under the building height for similar zoning districts and PDD zoning. He reiterated that it is the same site plan shown in March, but with reductions.

Circulation – Mr. Mele advised that the access routes show travel to and from River Avenue with various routes coming east and west but to the north is blocked by the water.

Public Improvements – Mr. Mele said the public improvements were listed in the development agreement (Item 10). There are three (3) categories for public improvements; Article II of the agreement outlines the boardwalk and recreational improvements shown in blue. Article III outlines other public benefit improvements which include improvements along 1st Avenue and North River Avenue, and the sidewalk connection being made from the existing sidewalk on 5th Street to take people to the boardwalk. The green line along North River Avenue is another method to access the boardwalk. The agreement outlines details on how it will be built and maintained. The City's Parks Department will have control over when it will be opened and closed; there will be gates just in case it needs to be closed at night. There are a variety of public improvements along the roadways; whereby, a major lift station will be replaced for the City to provide better sewer service to the area.

Building Elevations – Materials & Color Scheme – Mr. Mele highlighted the elevations and color schemes for the building which has gone before the Community Appearance Board.

3D Rendering – Building Main Entrance – Mr. Mele highlighted the rendering for the main entrance, Vista Clara, will be 65 feet high to create a nice entrance.

3D Rendering – Parking Garage View at NE 1st Avenue (0-5 Years) – Mr. Mele highlighted the parking garage along 1st Avenue which shows the initial planting/landscaping.

3D Rendering – Parking Garage View at NE 1st Avenue (10 Years) – Mr. Mele said this rendering shows what the garage will look like once the landscaping grows in. The effort is to make the frontage on 1st Avenue look good, and not like a parking garage.

VISTA CLARA (ITEMS 4 – 10) – CONTINUED

3D Rendering – Courtyard View – Mr. Mele highlighted the view from the boardwalk, which shows the boat dock area looking toward the waterway.

3D Rendering – Marina View – Mr. Mele highlighted the look from the boardwalk and docks. Therefore, he advised that he is waiving the quasi-judicial procedures.

Mayor Ganz opened the public hearing.

Marty Madura, 459 NE 1st Avenue, Deerfield Beach, spoke in opposition to the project. He expressed concerns with the lack of public meetings after March, notification of the meeting by signs and the developer's agreement allowing entrance by residents on NE 1st Avenue. He asked if there is any way the developer's agreement could be amended so residents are never allowed on the NE 1st Avenue entrance. Lastly, sections 1.7 and 1.9 of the developer's agreement was read into the record.

City Clerk, Samantha Gillyard, read the e-mail received by Mr. Madura in its entirety.

Joseph, no other information given, said he opposes the project.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, asked if the grounds have any contamination from the marina.

Kirstie Daise, 221 NE 6th Street, Deerfield Beach, expressed concerns with the number of units in the building. Ms. Daise expressed concern with how the project will impact their quality of life as the streets are narrow and there is no way 326 units will fit on North River Avenue.

Mayor Ganz closed the public hearing.

Commissioner Preston asked if Mr. Mele has reached out to the surrounding neighborhood to establish as much communication as possible and keep them advised of the decisions being made throughout the process.

Mr. Mele replied to Commissioner Preston's questions and issues raised by the public. There have been five (5) community meetings on the project regarding everything they are working on. After the March meeting, an e-mail went to the community, but due to COVID, they did not have a meeting. He then commented on the developer's agreement; whereas, every agreement includes an amendment paragraph and the concern presented entailed the entrance onto NE 1st Avenue. The agreement currently reads that the 1st Avenue entrance is for emergency and service vehicles only. The amendment paragraph talks about amendments that can be done administratively that would not require an amendment to the agreement. An administrative amendment can only be done if the Planning Director agrees it is administrative. He said he is fine with adding to the record, a proposed change to the site plan to have the 1st Avenue entrance and exits for the general public, it would not be an administrative amendment but would come back for a full review. The issue with the signs being down for 22 hours was addressed at the March meeting and all notices were redone for this meeting including mailed out notices, whereby, a certification was provided. Mr. Mele commented on their adherence to the regular zoning code for heights, the various studies performed and approved by the City and County, i.e. traffic flow, school review for student population, and others. Lastly, he advised that the site has been reviewed by Broward County and there is no contamination.

Commissioner Preston said the study performed does not show what to expect and if there is an overflow of traffic, will the applicant agree to mitigate it in the future.

Mr. Mele said it is believed that the studies are accurate, but if something is needed in the future, they are open to discuss with the City at that time and address the impacts. Additionally, he will continue to work with the residents, even afterward and if there is an issue to address, they will do their best to do so. Moreover, he said there are a couple of neighborhood leaders who have kept in contact with them through the process and vice versa; this open communication will continue.

Vice Mayor Parness acknowledged a campaign contribution from Mr. Mele. Thereafter, Vice Mayor Parness spoke in support of the project as it will enhance the neighborhood.

VISTA CLARA (ITEMS 4 – 10) – CONTINUED

Commissioner Drosky said there has to be a benefit to the residents and area, and although new development is challenging, the applicant is providing a new lift station which will improve the sewer, additional drainage to 1st Avenue, 5th Street and North River Avenue; whereas the areas prone to flooding will be improved. He continued to outline improvements to the area because of the project and therefore supports it.

Mayor Ganz commented on the aerial view, whereby, there is no development on the sites, because the area consists of a hodgepodge of different zoning types and the proposed project is lower than the maximum allowed by zoning.

Mr. Mele said a majority of the property is commercial and a small portion is 10 units per acre and a smaller portion is 5 units per acre; therefore, the actual traffic is a significant reduction from what could be done if built out with current zoning. At the Broward County Planning Council, it showed that the traffic was a fraction of the amount that is allowed under the current land use. Notwithstanding, a traffic study was done because the City was worried about the County roads and local traffic on the surrounding streets.

Mayor Ganz clarified that because the applicant is not requesting a variance, it is very difficult for the Commission to deny the request.

Anthony Soroka, City Attorney, agreed. When an applicant meets the comprehensive plan and code requirements, approval is almost ad ministerial.

Mayor Ganz commented on how the project will impact the residents as well as building on vacant lots in the community. This changes the potential of what could be there and make it a reality. The existing zoning is far worse of an impact on this neighborhood than what is currently being proposed.

Ms. Gillyard outlined disclosure affidavits being received by both the applicant and Mr. Mele as provided in the agenda backup. Please note that the applicants reported no contributions.

Commissioner Preston expressed concern that not everything was done to ease tensions, but there is more here to be gained. From the questions he has received, he believes the communication could have been better.

Commissioner Drosky said he received a contribution from Mr. Mele during the 2017 campaign, but not Vista Clara or its principals.

Mayor Ganz said he too received contributions from Mr. Mele, but not the applicants.

Commissioner Hudak confirmed the same.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to approve Item 4, adopted Ordinance 2020/015. Roll Call:

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

Nays: 0

5. P.H. 2020-071: Application 19-P-222 (Deerfield Development Resources, LLC) (Deferred from March 4, 2020)

Applicant: Deerfield Development Resources, LLC, represented by Greenspoon Marder and Leigh Robinson Kerr & Assoc.

Proposal: Request to amend restrictive plat note on "Antibes Development Plat" (Plat Book 150, Page 11) to ancillary parking garage to accommodate the proposed development of 326 multi-family dwelling units (Vista Clara Apartments).

Location: The property is generally described as ANTIBES DEVELOPMENT PLAT 150-11 B PARCEL A, more particularly described in the file, and located at **414 N.E. 1st Avenue.**

VISTA CLARA (ITEMS 4 – 10) – CONTINUED

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to approve Item 5, adopted Resolution 2020/093. Roll Call:

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

Nays: 0

6. P.H. 2020-072: Application 19-P-223 (Deerfield Development Resources, LLC) (Deferred from March 4, 2020)

Applicant: Deerfield Development Resources, LLC, represented by Greenspoon Marder and Leigh Robinson Kerr & Assoc.

Proposal: Request to amend restrictive plat note on "Pennell Family Plat" (Plat Book 160, Page 23) to 179 mid-rise dwelling units on Parcel A and Parcel B to accommodate the proposed development of 326 multi-family dwelling units (Vista Clara Apartments).

Location: The property is generally described as COSDEN & BRACKNELL ADD TO DEERFIELD 6-9 PB LOTS 1, 2, 3, 7 & 8 TOG WITH THATPT OF VAC COSDEN ST LYING WITHIN SAID LOTS, TOG WITH PENNEL FAMILY PLAT 160-23 PAR B, more particularly described in the file, and located at 412 North River Drive & 454 NE 1st Avenue.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to approve Item 6, adopted Resolution 2020/094. Roll Call:

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

Nays: 0

7. P.H. 2020-073: Application 19-P-224 (Deerfield Development Resources, LLC) (Deferred from March 4, 2020)

Applicant: Deerfield Development Resources, LLC, represented by Greenspoon Marder and Leigh Robinson Kerr & Assoc.

Proposal: Request to amend restrictive plat note on "Antibes Development Plat II" (Plat Book 150, Page 6) to ancillary parking garage to accommodate the proposed development of 326 multi-family dwelling units (Vista Clara Apartments).

Location: The property is generally described as ANTIBES DEVELOPMENT PLAT II 150-26 B PARCEL 'A', more particularly described in the file, and located at 430 N.E. 1st Avenue.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to approve Item 7, adopted Resolution 2020/095. Roll Call:

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

Nays: 0

8. P.H. 2020-066: APPLICATION NO. 19-PDD-01 (Vista Clara Apartments Site Plan) (Quasi-Judicial Public Hearing)

Applicant: Deerfield Development Resources, LLC, represented by Greenspoon Marder and Leigh Robinson Kerr & Assoc.

Proposal: Major site plan application seeking approval for 326 multi-family dwelling units (apartments), attached parking garage and associated site improvements.

Location: The property is generally described as several parcels of land in SECTION 31, TOWNSHIP 47 SOUTH, RANGE 43 EAST, BROWARD COUNTY, and located at 414, 430, 454 & 480 N.E. 1st Avenue, 240 N.E. 5th Street, 412, 424, 430, 446, 450 & 458 N. River Drive, and 409 N. River Avenue.

VISTA CLARA (ITEMS 4 – 10) – CONTINUED

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item 8, adopted Resolution 2020/096. Roll Call:

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

Nays: 0

9. P.H. 2020-074: Application 19-A-195 (Vista Clara Apartments Abandonment)

Applicant: Deerfield Development Resources, LLC, represented by Greenspoon Marder and Leigh Robinson Kerr & Assoc.

Proposal: Abandonment application seeking approval to abandon existing easements to accommodate a proposed 326-unit multi-family residential development.

Location: The property is generally described as several parcels of land in SECTION 31, TOWNSHIP 47 SOUTH, RANGE 43 EAST, BROWARD COUNTY, and located at 414, 430, 454 & 480 N.E. 1st Avenue, 240 N.E. 5th Street, 412, 424, 430, 446, 450 & 458 N. River Drive, and 409 N. River Avenue.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item 9, adopted Resolution 2020/097. Roll Call:

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

Nays: 0

10. Resolution 2020/098 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a Development Agreement with the Developer of the Vista Clara multi-family residential development to be located on 8.4 acres at 414, 430, 454, & 480 N.E. 1st Avenue, 240 N.E. 5th Street, 412, 424, 430, 446, 450 & 458 N. River Drive, and 409 N. River Avenue, Deerfield Beach, Florida; providing for an effective date.

The Resolution was read by title only.

MOTION was made by Commissioner Preston, seconded by Vice Mayor Parness, to approve Item 10, adopted Resolution 2020/098. Roll Call:

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

Nays: 0

PUBLIC HEARINGS – SECOND READING

11. P.H. 2020-064: ORDINANCE 2020/016 - AN ORDINANCE OF THE CITY OF COMMISSION OF THE CITY OF DEERFIELD BEACH, AMENDING DIVISION 2 "PARKING CITATIONS AND PENALTIES" OF ARTICLE II "STOPPING, STANDING, PARKING" OF CHAPTER 66 "TRAFFIC AND VEHICLES" OF THE CODE BY CREATING SECTION 66-44 "TOWING" TO PROVIDE FOR THE TOWING OF VEHICLES IN VIOLATION OF PARKING REGULATIONS; 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 Preston expressed concern with adopting the proposed ordinance due to the current environment and financial constraints which may cause an undue burden on many people.

PUBLIC HEARINGS – SECOND READING – CONTINUED

Vice Mayor Parness explained that people who receive several parking tickets deserve to be towed. By the time someone has received three (3) tickets, they are not obeying the law and their vehicle should be towed. Otherwise, illegal parking will continue; this ordinance will help stop it.

David Santucci, City Manager, said this circumstance would apply to a vehicle that already has two (2) outstanding parking violations and a third occurrence. This will not apply to someone who has an initial or second infraction. This takes effect on the third infraction, whereby, the person failed to pay the first or second infraction. Also, the parking PAID program will be submitted to the City Commission, which provides the ability for those with parking violations amnesty on any late charges that accumulated. This also helps reduce the fine amounts and overall costs to the individual.

There was a brief discussion between Commissioner Preston and Mayor Ganz regarding people being ticketed and having difficulty paying as well as where people are ticketed, the beach.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Parness, to approve Item 11, adopted Ordinance 2020/016. Roll Call:

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

Nays: 1 - Commissioner Preston

12. P.H. 2020-065: ORDINANCE 2020/017 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, AMENDING ARTICLE VII "USE OF CITY RIGHTS-OF-WAY" OF CHAPTER 2 "ADMINISTRATION" TO CONFORM WITH STATE LAW; AMENDING SECTION 2-454 TO PROVIDE FOR ADMINISTRATIVE APPROVAL OF CERTAIN APPLICATIONS FOR USE OF CITY RIGHTS-OF-WAY BY PERSONS OTHER THAN A COMMUNICATIONS SERVICE PROVIDER; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

Mayor Ganz opened the public hearing.

Robert G. Scott, Jr., Davis Wright Tremaine LLP, 1919 Pennsylvania Avenue NW, Suite 800, Washington, DC, provided a letter regarding Comcast's concerns as outlined in SB 1000.

Samantha Gillyard, City Clerk, read the letter into the record, see attached.

Mayor Ganz closed the public hearing.

Commissioner Drosky said he does not support the Ordinance as it is an attack on home rule.

Anthony Soroka, City Attorney, said the letter from Mr. Scott has been addressed and the Ordinance will comply with applicable State law; thus, he believes they are satisfied with the given response.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Hudak, to approve Item 12, adopted Ordinance 2020/017. Roll Call:

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

Nays: 1 - Commissioner Drosky,

PUBLIC HEARINGS – SECOND READING – CONTINUED

13. P.H. 2020-057: ORDINANCE 2020/018 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPROVING A LARGE SCALE CORRECTIVE LAND USE PLAN AMENDMENT TO AMEND THE BOUNDARIES AND DENSITY OF THE CENTURY VILLAGE DASHED LINE AREA ON THE CITY OF DEERFIELD BEACH FUTURE LAND USE (FLU) MAP FOR CONSISTENCY WITH COUNTY'S FUTURE LAND USE MAP AND THE DENSITY THAT EXISTS WITHIN THE CENTURY VILLAGE COMMUNITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE. (First Reading approved on August 20, 2019)

The Ordinance was read by title only.

Mayor Ganz opened the public hearing.

Rosa Delp, no address given, asked via chat, how the amendment would affect the property and neighborhood.

Mayor Ganz closed the public hearing.

Anthony Soroka, City Attorney, replied that the Ordinance updates the City's map to conform with the County's map with respect to the density within the community and existing density currently there. There were existing units unrelated to the Toll development and the map had to be updated to reflect the existing density; it is an administrative clean up item.

Vice Mayor Parness advised that this will not affect the community in anyway.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to approve Item 13, adopted Ordinance 2020/018. Voice Vote:

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

Nays: 0

PUBLIC COMMENT

Amie Kay Tanner, 111 Odas Tanner Way, Deerfield Beach, expressed condolences for Mr. Mike Chance. Also, another Deerfield Beach pioneer, Margaret Briggs, passed away at the age of 103. She is responsible for many properties being on the National Register of Historic Places and was instrumental at the elementary school. Thereafter, she provided a brief history of how Ms. Briggs and her late husband arrived in Deerfield Beach.

Virginia Garcia-Perez, 1050 NW 45th Street, Deerfield Beach, commented on complaints made by a neighbor at a previous City Commission meeting. She advised that they have been the only ones to complain, but misrepresented the facts. In the past, there were loud and disruptive renters, wherein efforts to resolve these differences. Ms. Garcia-Perez said all parties are prohibited on AirBnb sites and cautions renters against them. In the six (6) months they have rented the property, only two (2) complaints have been raised by the same neighbor. The property owner has addressed them through AirBnb, the City and letter was written to the neighbors to clarify the differences. Thereafter, she commented on other actions taken by the neighbors. All permits on the property are up to date and have complied with and approved by the City. Only one (1) building permit is outstanding whereby, the City has issued a courtesy notice. Over the past three (3) weeks, they have repeatedly contacted the City for follow-up; no responses have been received. Lastly, she asked for an update on their pending permit.

Mayor Ganz said the property was recently registered with the City under the [vacation rental] Ordinance which requires registration and asked why.

PUBLIC COMMENT – CONTINUED

Ms. Garcia-Perez replied that they have had the permit since February. She said she is not sure why the City continues to ask for that permit and they already have it, but, they continually send it.

Susan Papagikos, on behalf of Mrs. Rubio Gomez, said they are aware of the tenants attending the last commission meeting and the allegations reported have gone to various mediums, newspaper and local website. She said they are more than happy to supply any evidence/information that the Commission needs to make a decision. Further, at the last meeting, the Mayor asked the City Manager to reach out to the couple, her clients, concerning this matter and to date, no one has reached out to get their side of the story. She asked the Commission to reach out to her client as there is plenty of evidence that can be supplied. Though they are compassionate to Mr. and Mrs. Ucena's complaints, just as they are renting their property, their landlord has the right to rent to them. Her client has a property right to run an Airbnb under Florida's regulations and Deerfield Beach.

***Paul Bourque, 3032 Hardwood D, Deerfield Beach**, asked for the status of the lakes concept within the CVE proposed park areas, to be provided by FDOT. *[Due to technical difficulties, the question was read by the City Clerk and received via Zoom Chat]*

There were no others to speak.

David Santucci, City Manager, said he has been loosely following the vacation rental issue since it was brought up at the last meeting and asked that staff provide an update.

Eric Power, Director of Planning & Development Services, advised that 1050 NW 45th Street did submit their application for vacation rental two (2) weeks ago and are not aware of an application submitted prior. Additionally, he advised that there has been communication with Ms. Garcia-Perez, Bernard Pita, Code Compliance, has spoken to her on several occasions. Further, there is a citation against the property for working without a permit and no current permits have been submitted at this time.

Mayor Ganz said regarding the lakes at Century Village, he is not aware of the latest update and asked for input from Mr. Santucci.

Mr. Santucci replied that FDOT had their meeting with Century Village last week whereas, the lakes were a topic of discussion. He advised of the reluctance to allow for drainage onto the property, but communication is ongoing.

Vice Mayor Parness said FDOT advised that they will make a proposal that will be beneficial to Century Village, but there are other avenues if Century Village declines. Also, Master Management was part of the conversation; nevertheless, once he has additional information, he will provide an update.

CONSENT – AGREEMENTS & EXPENDITURE REQUESTS

14. Resolution 2020/ - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a Construction Agreement with the Florida Department of Transportation for installation of brick pavers, curbing, landscaping, bollard lighting, and street lighting within a portion of State Road A1A/South Ocean Drive; authorizing execution of the Agreement; and providing an effective date. (Tabled from July 7, 2020)

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to table indefinitely.
Voice Vote:

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

Nays: 0

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

CONSENT – AGREEMENTS & EXPENDITURE REQUESTS – CONTINUED

There was no discussion on items 15 – 18.

- 15. Resolution 2020/099 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the First Amendment to the Interlocal Agreement with Broward County for disbursement of HOME Program Funds for the Housing Rehabilitation Program for fiscal year 2018-2019 to extend the term of the Interlocal Agreement; authorizing Mayor and City Manager to execute the First Amendment; and providing for an effective date.**
- 16. Resolution 2020/100 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an Amendment to the Agreement with the State of Florida, Division of Emergency Management, for the implementation and administration of the Hurricane Loss Mitigation Program Grant for fiscal year 2019-2020; providing for execution and an effective date.**
- 17. Resolution 2020/101 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Subrecipient Agreement with Florida Housing Finance Corporation for the distribution of State Housing Initiatives Partnership ("SHIP") Coronavirus Relief Funds; authorizing the Mayor and City Manager to execute the Agreement; and providing for an effective date.**
- 18. Resolution 2020/102 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Interconnection Agreement with Florida Power and Light for customer-owned renewable energy generation; authorizing the City Manager to execute the Agreement; and providing for an effective date.**

MOTION was made by Commissioner Preston, seconded by Vice Mayor Parness, to approve Items 15 – 18. Voice Vote:

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

Nays: 0

DEPARTMENTAL BUSINESS

- 19. Resolution 2020/ - A Resolution of the City Commission of the City of Deerfield, Florida, approving the design for an Arboretum Wall Mural; providing for an effective date.**
(Tabled from July 7, 2020)

David Santucci, City Manager, advised that staff has been conversing with the artist and Friends of the Arboretum, but a revised concept is not yet ready.

Mayor Ganz said the last Commission Meeting was a long and he may have been harsh in his comments; notwithstanding, the design was beautiful and the artist is outstanding and does a great job throughout the city. The comments were not a severe criticism and though his tone may have been somewhat harsh, he thanked the artist for her services as he looks forward to the new submission.

MOTION was made by Commissioner Preston, seconded by Vice Mayor Parness, to table Item 19 indefinitely. Voice Vote:

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

Nays: 0

COMMENTS BY ADMINISTRATION & LEGAL

CITY ATTORNEY – No Report.

CITY MANAGER

FARDA Property – David Santucci, City Manager, advised that on July 31, 2020, a letter signed jointly by the Florida Atlantic Research & Development Authority, Andrew Duffel, President, and DRP Finance, LLC, James Eagen, the sub-leasee to the FARDA property on the four (4) acres, was received. The letter was addressed to the City Attorney and recognizes that a building permit is due to the City by August 22, 2020 per the terms of the fifth amendment to the agreement dated August 20, 2019. The letter states that due to the global pandemic, they have been adversely affected and unable to pursue development of the property. They have jointly requested a nine (9) month extension from August 22, 2020 to May 22, 2021 to obtain a building permit. It was requested that it go on tonight's agenda, but he did not feel it appropriate to submit since there was very little time for the request. He then asked for direction from the Commission.

Mayor Ganz expressed dissatisfaction toward the short time period to respond. Though he has received phone calls in the last couple of weeks, he refuses their calls at this point, but has been directing them to staff.

Commissioner Drosky said without more details, i.e. letter of intent, a potential client, contract, there is nothing to discuss.

Commissioner Hudak concurred.

Online Payment Vendor – Mr. Santucci said the vendor for the City's utility bill payment provider, Squares Click2Gov, has experienced another malfunction. Because of this, he would like to start with a new vendor; whereby, staff recommends Paymentus. Paymentus is a viable candidate for online credit card payment processing. The vendor has over 20 years in the industry, an impeccable reputation for security transactions through online payment and presents a much more cost friendly option. He advised that he would like to execute the contract tomorrow as it has been vetted by both the City Attorney and Chief Financial Officer, then bring it back to the City Commission for ratification at the next meeting.

In response to Commissioner Hudak's question, Mr. Santucci replied that the system is standalone and can be integrated into a master ERP.

Recycling Program – Mr. Santucci said the City Commission previously decided to modify the recycling program until October 1st because it was not clear whether Waste Management (WM) would agree to extending till January 1, 2021. WM has agreed to extend the modification of the current program until January 1, 2020 which can be done administratively.

Anthony Soroka, City Attorney, suggested the Commission pass a motion because the body seemed amenable to January 1, 2021. During the prior meeting, the WM representative could not obligate the company, but they have agreed. He reiterated his recommendation that the City Commission approve suspending the recycling until January 1st.

In response to Commissioner Drosky's question, Mr. Soroka replied that the item can be formalized and submitted to the Commission on a future agenda as long as it is before October 1st.

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

Public Participation – Commissioner Hudak said he received a call from a resident over the weekend stating numerous individuals would like the City to overturn the restriction prohibiting boat parking in the front yards of homes in the Cove. He asked them to provide a petition signed by at least 200 residents in the Cove in agreement and he would present to the Commission. The following day, he received an e-mail from a resident who strongly opposed this change and Commissioner Hudak advised the

COMMENTS BY MAYOR & CITY COMMISSION – CONTINUED

resident the same on petitions. It is important to hear from residents on all sides of an issue. There are many times the Commission only hears from a passionate few on one-side of an issue. Though no petitions have been received to date, he reminded everyone of the importance of staying connected and being educated on issues affecting the City.

Quiet Waters Food Drive – Commissioner Hudak advised that the food drive will be held Friday, August 7th from 9:30 a.m. till noon.

Saturday Office Hours – Commissioner Hudak said he will be available on Saturday, August 8, 2020 from 10 a.m. till noon via Zoom/phone.

COVID-19 Testing – Commissioner Hudak thanked Commissioner Preston for pursuing a City test site. Since June 8, 2020, 13,967 people have been tested by the Department of Health, at the Oveta McKeithen Recreational Complex. Testing is available Monday through Saturday from 8 a.m. till 4 p.m. Thereafter, he outlined his experiences being tested; whereby, he received negative results within three (3) days. Commissioner Hudak encouraged others to get tested.

Recycling/Solid Waste – Commissioner Hudak said there are three (3) recycling sites available for residents who want to recycle. Thereafter, he displayed a photo of one of the sites which shows trash and unrecyclable items are being discarded in the containers. People are taking the time to bring recyclables to the collection site, but the items are still being contaminated, which is a challenge. He said it is up to the residents to recycle properly as education has been provided. If the program moves forward, recycling must be done properly.

Pickup Disruptions – Commissioner Hudak said there have been challenges with trash and bulk pickup in the last couple of months due to the equipment and COVID-19. The Sustainable Management department is working hard to resolve these issues as they are considering different vehicle routes.

City Manager Performance Review – Commissioner Hudak said last January, the Commission approved the evaluation form and he conducted the first performance review for the City Manager; wherein, he provided goals. Before the next Commission meeting, he plans to evaluate his progress on those goals then provide four (4) new goals for the upcoming year. He reminded the Commission that the City Manager's contract outlines an annual review to be conducted between June 1st and August 30th, but no later than September 30th of each year.

COMMISSIONER PRESTON**DISTRICT 2**

Mike Chance – Commissioner Preston said Mr. Chance was a part of the City for over 30 years, but was involved in City activities as a kid. He had a huge heart in uplifting kids and was never given enough credit for the things he did. Mr. Chance was special in trying to achieve his job and make the City better.

Mr. Chance recently passed.

Packer Rattlers/Pop Warner – Commissioner Preston said last night the Packer Rattler organization and Pop Warner met via Zoom. Jay Howard, Pop Warner President, plans to have a regular season and to start little league football now, to include the Packer Rattlers. Other teams are ready to participate and advised the Packer Rattler Board of such. There will be safety measures: kids will have to practice with masks on; there will be a modified huddle so children are not too close. Commissioner Preston said he does not know how that will work when strategizing plays; nevertheless, he explained to them that the children's safety is first priority. Though he would like football to happen this year, he does not want to risk safety; therefore, he suggested to Mr. Howard that it be suspended for two (2) months before moving forward.

Continuing, Commissioner Preston advised that Mr. Howard does not believe the board would be amenable. So if Deerfield Beach decided to hold back for a couple of months, and the season went ahead, there may not be a season for the Packer Rattlers. Also, he advised that all the parents would have to sign waivers acknowledging the possibility of contracting the virus. Commissioner Preston said he is not

COMMENTS BY MAYOR & CITY COMMISSION – CONTINUED

comfortable with that as there is no solution; moreover, even teams at higher levels do not have a resolution. Pop Warner has teams in place and Mr. Howard said he would submit the request to the Board, but nothing is guaranteed; nevertheless, he will update Commissioner Preston.

Family Support – Commissioner Preston said his youngest son, a firefighter/paramedic for Broward Sheriff's Office, contracted COVID-19 but is recovering; he asked for prayers for his son's recovery while he is being treated.

VICE MAYOR PARNES**DISTRICT 3**

District 3 Meeting - Vice Mayor Parnes advised that he will be hosting a meeting via Zoom on August 24th. This will allow him to meet with all four (4) neighborhoods representing his district in one (1) night; he invited Commission to attend.

Little League Football – Vice Mayor Parnes said he is not willing to risk children's lives for football. There are too many people getting sick; as of this morning 1,633 residents have contracted the virus. He is concerned that strict enforcement is necessary as there are too many people not wearing masks. He commended restaurants prohibiting entrance without a mask.

Furlough – Vice Mayor Parnes said employees are losing money as a result of furlough. They should be cared for before contributing to charity. He suggested donating at a reduced amount.

Fire Rescue – Vice Mayor Parnes said he is pleased with the response from the police and firefighters. Within the last 60 days, there were 62 ambulance calls for COVID-19 related illness in Century Village. He recommended that everyone be tested as too many people are sick.

COMMISSIONER DROSKY**DISTRICT 4**

Hurricane Preparation – Commissioner Drosky thanked staff and the City Manager for being prepared for Hurricane Isaias. This marks two (2) consecutive years that the city has been in harm's way, but escaped danger; whereas people in the Bahamas and New England area did not. This shows the need to prepare and be vigilant as the storms are unpredictable.

Recycling Centers – Commissioner Drosky thanked Commissioner Hudak for the photos presented this evening regarding recycling. He advised that the east/west centers have exhibited excessive contamination. Though he is unsure on the answer to restarting the recycling program, a hard look is needed since the interim period is not working either. Further, the east/west locations are not as strictly monitored like the central location where an attendant is present; this could be a reason for excessive contamination. Lastly, anyone who is driving their recyclables to the site likely know the recycling rules better than others, but it is not working.

Broward League of Cities – Commissioner Drosky said the Broward County City Manager's Association (BCCMA) in connection with the Broward League, has been working with the County Attorney's Office to come up with a formula for distribution of the 30% funding from CARES Act, approximately \$102 million. These funds must be disbursed among all 31 cities in the County; whereas, the BCCMA is working on a formula under five (5) distinct categories to determine reimbursement. Once finalized, it will be presented to the County Administrator for consideration and hopefully approval so the City can be reimbursed allowable expenses which will help with the budget deficit.

Broward League Solid Waste Working Group – Commissioner Drosky said the Broward League is also working on the solid waste working group to consider solid waste alternatives into the future. The items being discussed are independent and dependent districts and details for both those options on how they are run, how the board members are appointed and funding. These are influx at the moment and discussions are ongoing. The next step is for city attorneys to give insight on the differences between independent and dependent districts, and hopefully, the options will be narrowed later.

Prayers – Commissioner Drosky said his thoughts and prayers are with Commissioner Preston's son.

COMMENTS BY MAYOR & CITY COMMISSION – CONTINUED**MAYOR BILL GANZ**

Prayers – Mayor Ganz said he wishes Commissioner Preston's son a swift recovery.

COVID-19 – Mayor Ganz applauded the results of the City's testing site and outlined the number of cases as of tonight: Deerfield Beach [1,640], Pompano Beach [6,934], Coconut Creek [1,113] and Boca Raton [4,705]. The City is surrounded by cases as this is hard to contain. Though things have slowed down as of a couple of weeks ago, it is not where it needs to be. Thereafter, he commented on citations issues, warnings issued, the number resolved, non-substantiated, and pending inspections. He said Deerfield Beach is doing an outstanding job being proactive and looking for issues within the businesses and other areas. Though warnings have been issued, most have come back as not substantiated meaning staff has checked on a situation only to find out it is not substantiated or gone to a business to see if they are following the rules and determined adherence.

Continuing, Mayor Ganz said the actual number of citations issued are surprising as Fort Lauderdale has only issued 44; Pompano Beach – 7; Deerfield Beach – 2. Mayor Ganz said at various places and on the streets, it is clear the rules are not being followed and is therefore concerned on how things are being handled since the educational component has been foregone. He advised that wearing a mask is a County and City order and must be followed to keep each other safe and the city open.

Joint Public Service Announcement (PSA) – Mayor Ganz said staff is working on a joint PSA with other coastal mayors to outline what needs to be done to keep the economy going, keep people safe and follow the rules.

Packer Rattlers – Mayor Ganz said he is stunned on the request to move forward during these uncertain times. As an employee with the National Football League, what they have in place still has a great deal of uncertainty. This was a big year for the Packer Rattlers as they were starting to charge and would not receive the same amount previously slated from the City. If there is no season, it will be hard for them to restart and suggested moving funds for this year and next year and putting it together for Packer Rattlers in the future if possible.

Hurricane Preparation – Mayor Ganz applauded the City Manager and staff for the outstanding job on preparing for Isaias.

ADJOURNMENT

There was no further business to discuss.

MOTION was made by Vice Mayor Parness, seconded by Commissioner Preston, to adjourn the meeting at 9:37 p.m. Voice Vote:

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

Nays: 0

BILL GANZ, MAYOR

Samantha Gillyard, CMC, City Clerk

August 3, 2020

VIA EMAIL

(web.commissioner@deerfield-beach.com)

Mayor Bill Ganz
Vice Mayor Bernie Parness
District 1 Commissioner Michael Hudak
District 2 Commissioner Ben Preston
District 4 Commissioner Todd Drosky
City of Deerfield Beach
150 NE 2nd Ave.
Deerfield Beach, FL 33441

Re: Ordinance P.H. 2020-065, Amending Chapter 2, Article VII of the City Code

Dear Mayor Ganz, Vice Mayor Parness, and Commissioners:

We write on behalf of Comcast regarding the scheduled second reading tonight of P.H. 2020-065, an ordinance amending Article VII of Chapter 2 of the City Code, regulations for communications facilities in the City's rights-of-ways. This letter supplement comments we submitted on February 6, 2018 with respect to Ordinance P.H. 2018-042, which also amended Chapter 2 in response to previous state legislation.

One of the City's stated goals with regard to the Ordinance is to amend and revise the Code "for consistency with the most recent amendments to Section 337.40, Florida Statutes," which the legislature enacted last year in SB 1000. As described in more detail below, Comcast requests that the City incorporate into the proposed Ordinance an important limit on permitting requirements for wireline communications systems contained in SB 1000, which is not currently contained in the proposed Ordinance.

SB 1000 requires that certain work in the rights of way on wireline communications systems be exempt from local permitting. Specifically, SB 1000 provides that "[a] municipality or county may not require a permit for the maintenance, repair, replacement, extension, or upgrade of existing aerial wireline communications facilities on utility poles, or for aerial wireline facilities between existing wireline communications facility attachments on utility poles . . ." Fla. Stat. § 337.401(3)(g).

August 3, 2020

The existing City Code, however, provides that "A registrant shall not commence to place or maintain a communications facility in a city public right-of-way until all applicable permits have been issued by the city." See Code Section 2-456(a)(1). Although the Code exempts "routine maintenance or emergency maintenance" work on aerial wireline facilities and other facilities, it does not exempt all of the work SB 1000 allows without a permit.

The proposed Ordinance begins to broaden the exemption from permitting so that it would allow "service restoration work . . . or repair work, including but not limited to, emergency repair of existing facilities or extension of such facilities for providing communications services to customers . . ." without a permit. Yet as drafted, the exemption does not exempt from permitting the full range of work exempt under SB 1000.

In order to fully comply with state law, Comcast respectfully requests that the City revise the proposed ordinance to incorporate the statutory exemption for wireline work into Code Section 2-456(2). The City could do so by adding a separate category of work allowed without a permit as new subsection 2-456(2) for:

d. Maintenance, repair, replacement, extension, or upgrade of existing aerial wireline communications facilities on utility poles, or for aerial wireline facilities between existing wireline communications facility attachments on utility poles.

Alternatively, the City could add the following italicized language to the beginning of Section 2-456(1): "Unless as otherwise permitted in subsection 2-456, and subject to the exemptions provided in Fla. Stat. 337.401(7)(e). . . ."

In sum, Comcast requests that the Commission incorporate the revision to the Ordinance proposed above to bring the Code into compliance with state law, or if necessary, defer the item to allow time to make those revisions. In the alternative, Comcast reserves all of its rights to contest the enforceability of any or all of these provisions at any time.

Respectfully submitted,



Robert G. Scott, Jr.

cc: Derek Cooper, Comcast
Dawn Stagliano, Comcast
David Santucci, City Manager web.citymgr@deerfield-beach.com
Samantha Gillyard, CMC, City Clerk web.clerk@deerfield-beach.com
Anthony Soroka, City Attorney asoroka@wsh-law.com