



Meeting Minutes City Commission

Monday, September 13, 2021

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 7:01 p.m., in the City Commission Chambers, City Hall, Deerfield Beach.

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

Also Present: 3 – City Manager David Santucci
City Attorney Andrew Maurodis
City Clerk Samantha Gillyard

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Mayor Ganz asked that everyone pray for John Chikerotis' family who recently passed, as well as the remembrance of the 9/11 attacks. Thereafter was a moment of silence, followed by the Pledge of Allegiance.

APPROVAL OF CITY COMMISSION MINUTES

Regular City Commission Meeting Minutes - August 17, 2021

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

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

Nays: 0

ACKNOWLEDGEMENT OF CITY BOARD MINUTES

Planning & Zoning Board Meeting Minutes - August 5, 2021

Code Compliance Meeting Minutes - April 28, 2021

Community Redevelopment Agency Meeting Minutes - August 10, 2021

Police Pension Board Meeting Minutes - January 14, April 8, & June 4, 2021

ACKNOWLEDGEMENT OF CITY BOARD MINUTES - CONTINUED

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

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

Nays: 0

APPROVAL OF THE AGENDA

September 13, 2021

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

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

Nays: 0

AWARDS & RECOGNITION

1. Proclamation presented to Feeding South Florida recognizing September as Hunger Action Month.

Mayor Ganz read a proclamation in recognition of Hunger Action Month; the proclamation was mailed to the recipient.

2. Proclamation presented to the League of Women Voters of Broward recognizing the month of September as Suicide Prevention Awareness Month.

Mayor Ganz read a proclamation in recognition of Suicide Prevention Awareness Month; the proclamation was mailed to the recipient.

BUDGET & MILLAGE PUBLIC HEARINGS

3. ORDINANCE 2021/018 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, ADOPTING THE MILLAGE RATE TO BE LEVIED BY THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; STATING THE PERCENTAGE CHANGE BY WHICH THE MILLAGE RATE EXCEEDS THE ROLLED-BACK RATE AS COMPUTED PURSUANT TO SECTION 200.065, FLORIDA STATUTES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

Andrew Maurodis, City Attorney, outlined the millage rate to be adopted by the City for fiscal year 2022; operating millage rate 6.0018, voted debt service millage .3107 and total millage 6.3125. The fiscal year 2022 millage rate of 6.0018 is 5.13% more than the rolled back rate of 5.7092 mills.

David Santucci, City Manager, briefly outlined the process taken to reach the final budget hearing. He advised that changes requested by the City Commission have been achieved; whereas, the Director of Public Safety position was decreased from an E30 to an E29, and engaging the African American Heritage Board on the MLK event.

BUDGET & MILLAGE PUBLIC HEARINGS - CONTINUED

Mayor Ganz opened the public hearing.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, asked for the difference between the millage rates from current to next year and how it affects the budget.

Mayor Ganz closed the public hearing.

Mr. Santucci replied that the millage rate is currently 6.3560 and the new rate will be 6.3125.

There was no discussion amongst the Commission.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Preston, to approve Item 3, adopted Ordinance 2021/018. Roll Call:

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

Nays: 0

4. ORDINANCE 2021/019 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, ADOPTING THE FINAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

In response to Mayor Ganz's question, David Santucci, City Manager, replied that the budget includes the reduction of the Director of Public Safety position from E30 to E29.

Mayor Ganz opened the public hearing.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, spoke in opposition to merging the Legislative and Community Affairs Department with Active Aging. Lastly, she asked if there was a timeline to hire someone as the Director of Public Safety.

Sandra Jackson, 386 SW 35th Avenue, Deerfield Beach, asked about budgets for various special events as she wants to make sure it is fair across the board.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, said she is concerned with the schools, physical and software infrastructure, as well as the fire departments. While she has not been able to locate funding for those items, and understands that schools are not the City's responsibility, it normally falls back on the City.

Mayor Ganz closed the public hearing.

Mr. Santucci said upon approval of the budget, the recruitment for the public safety director will begin immediately and remain open for 30 days. Further, he outlined the net costs for special events, MLK \$50,500 which includes overtime, in-kind contributions, revenue sources, and is equivalent to Pioneer Days; Fall Festival \$52,350; Black Heritage Month - \$18,000, Country Music Festival - \$43,000; Dunn's Run - \$10,000; and Juneteenth - \$26,500. He said he would be happy to discuss with Ms. Jackson if desired. Furthermore, Mr. Santucci said no monies have been allocated towards schools as contributions consist of direct contributions, in-kind through staff volunteerism in various programs, etc. Additionally, this year's capital budget includes approximately \$32.3 million in the capital improvement plan, but does not include the entire capital outlay which is \$43.9 million in the FY 22 budget. A public safety master plan has been incorporated into the budget as needed to bring the facilities up to a sufficient level; wherein, funds have been set aside.

Mayor Ganz asked about the Information Technology Services budget as additional security was requested.

BUDGET & MILLAGE PUBLIC HEARINGS - CONTINUED

Mr. Santucci replied that is correct.

There were no additional Commission comments.

MOTION was made by Commissioner Parness, seconded by Commissioner Hudak, to approve Item 4, adopted Ordinance 2021/019. Roll Call:

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

Nays: 0

- 5. ORDINANCE 2021/020 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPROVING THE BUDGET FOR THE DEERFIELD BEACH COMMUNITY REDEVELOPMENT AGENCY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; PROVIDING FOR FUNDING THROUGH TAX INCREMENT FINANCING AS PROVIDED FOR IN PART III, CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

The Ordinance was read by title only.

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

There was no discussion amongst the Commission.

MOTION was made by Commissioner Parness, seconded by Commissioner Hudak, to approve Item 5, adopted Ordinance 2021/020. Roll Call:

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

Nays: 0

PUBLIC HEARINGS - SECOND READING

- 6. P.H. 2021-111: ORDINANCE 2021/021 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, REZONING APPROXIMATELY 11.95 GROSS ACRES LOCATED AT 500-730 NE 38TH COURT, 501-731 NE 38TH COURT, 500-750 NE 39TH STREET AND 3851 N. DIXIE HIGHWAY FROM ONE-FAMILY DETACHED DWELLING DISTRICT (RS-4c) AND INTENSE COMMERCIAL BUSINESS DISTRICT (B-3c) TO PLANNED DEVELOPMENT DISTRICT (PDD) (APPLICATION 19-R-188); PROVIDING FOR A MAXIMUM OF 155 DWELLING UNITS; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

The Ordinance was read by title only.

Keith Poliakoff, representing the applicant, waived the quasi-judicial proceedings. Thereafter, he advised that the Broward County Housing Authority, HTG are present. Furthermore, since the application has been previously considered by the Commission, he asked that the presentation from the previous meeting, as well as questions/answers, testimonials be incorporated into the record. Mr. Poliakoff said this is only a rezoning and the site plan will return to the City for consideration; whereby, there will be more community outreach to resolve remaining concerns. Additionally, the parcel that affronts Dixie, the current zoning allows higher than what is being proposed. It is being rezoned from a commercial category to residential and lowering the height. Lastly, the declaration of trust was submitted to the City Attorney's Office last week

PUBLIC HEARINGS - SECOND READING - CONTINUED

based on the requirements to keep the property affordable, along with the easement to grant the south neighbors the right to the property owned by the Housing Authority.

Mayor Ganz asked about the safeguards to prevent the property from reverting to what was previously there, such as screenings and what are the steps to protecting the public.

Mr. Poliakoff replied that the development is funded in part from Florida Housing, who has very rigorous auditing and management requirements to ensure the safety, wellbeing, look and design of the building throughout the building's lifespan due to the declaration of trust with HUD as well. He said every resident who applies to live in this community will have a complete background check, automatically. It will encompass their history to make sure there is no severe criminal background. Furthermore, their financial ability to live in the community is scored and weighted. Additionally, there is a zero-tolerance policy; wherein, for anyone committing a serious crime, the eviction process will begin right away. It is not straight public housing like last time, where no management was present; whereby, this will be a private public partnership coming in to manage and operate the development. Management will be there throughout the day, and cameras will surround the entire property. Mr. Poliakoff said there will be no safety issues because they could be subject to recapture by the State and Federal government; as they would be on the line for \$55 million for the development.

Andrew Maurodis, City Attorney, advised that the filed application and entire backup material will be made a part of the official record tonight.

Commissioner Hudak read from a written statement which thanked the public for their input as a means to protect the City. Numerous low-income developments have been considered, and believed they would destroy the neighborhood, but the proposed application would not. Since this property is 100% owned by Broward County Housing Authority, the land is deed restricted to affordable housing development only. Further, he said the County will develop the property as Broward County is at capacity and the property has been vacant since 2006. Moreover, Commissioner Hudak said the County is legally obligated and has complete authority to place any type of affordable housing development on the land whether it be low-income, Section 8 or workforce housing. Workforce housing is housing that is affordable to workers and close to their jobs making a moderate income between \$30,000 to \$60,000 annually; whereas, the median family income in Broward County is \$76,000. Anyone renting here will be vetted for both criminal and financial backgrounds. Commissioner Hudak commented on how the real estate market has tripled, but not salaries; whereby, many people would not be able to purchase the homes they currently reside. In closing, Commissioner Hudak said everyone must continue to work together to ensure this property remains exactly what it is being presented today, so the City and neighborhood is enhanced and not destroyed.

Mayor Ganz opened the public hearing.

Billie Lane, 11 Tilford A, Deerfield Beach, asked if the proposed properties are single-family and whether the 155 dwellings would be developed on all the parcels.

Mayor Ganz replied yes, they are apartments and homes, but not single-family. He asked that Mr. Lane outline all his questions and a response will be given. Lastly, he advised that the apartment units would be shorter than Century Village.

Terry Scott, 180 SW 3rd Avenue, Deerfield Beach, said once the units are built, the developer will walk away and the community will be left with the nuisance to follow. Mr. Scott said there are problems with current Housing Authority properties like Stanley Terrace; whereas, the police are constantly there. He commented on how the background checks performed by the Housing Authority create problems in the neighborhoods. In closing, Mr. Scott said the Housing Authority needs to be held accountable for what is left after this development.

Elizabeth Mitchell, 570 NE 38th Street, Deerfield Beach, expressed opposition to the proposed development because it was purposed under the belief that she would be in a single-family home community and did not want to live near apartments or high-rises. On August 2nd, there was a group of young people from the Tallman Pines area, managed by the Housing Authority, that placed a contraption

PUBLIC HEARINGS - SECOND READING - CONTINUED

on the empty parcels with a sign reading "no trespassing". They engaged in lawlessness; wherein, they were intimidated by the people and were not allowed to proceed forward or backward in their cars. She said the police were called continuously from around 4 p.m. till 9 p.m., but to no avail. Ms. Mitchell said although some of the tenants are vetted, those associated with the tenants are not. Thereafter, she continued to comment on the turmoil from August 2nd and the lack of police assistance.

Lykeisha Sweeting-Scott, 581 NE 38th Street, Deerfield Beach, said the issues outlined by Ms. Mitchell have been ongoing for months and have worsened. She explained that the prior development was a problem and this will also be a problem. The August 2nd challenge was in her backyard on the other side, from early morning till almost 11:30 p.m.; police were present a minimum of 3 times and did nothing. Ms. Sweeting-Scott expressed concern that BSO did not assist the community and to add more units only increases the problem. Furthermore, she explained why she does not trust the local government and it is important to listen to those paying property taxes.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, said having management present during the day is not enough as 24/7 security is needed and hopes the Housing Authority will consider this to protect the residents.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, said each address will have one family that moves in within the first 6 months; 6 months later, there will probably be 2 or more families living in each individual dwelling. She explained the problems with the eviction process which could take 3 to 9 months. Further, she agreed that 24/7 management is needed and should be mandatory; however, there is no guarantee of accountability 5 years after. Although affordable housing is needed, the properties need to be maintained; whereas, many renters do not care for their properties like owners. Ms. Freitag asked that 100 dwellings at most be developed, so it is more manageable and a true community.

Mayor Ganz closed the public hearing. Thereafter, he responded to Mr. Lane's questions; there will be 9 one-story garden apartments for a total of 80 units, and 1 8-story apartment building consisting of 75 units for senior housing. Mixed units are proposed, including 40 one-bedroom apartments, 35 two-bedroom apartments, 44 two-bedroom garden apartments, and 36 three-bedroom garden apartments. There will be a community building, playground, and dog park as proposed in the plan. Mayor Ganz asked about restrictions for these type buildings.

Eric Power, Director of Planning & Development Services, replied that depending on the number of units in an apartment complex, they can be developed in any multi-family district; there are 5 in the City, i.e. RS-7, 7 units per acre, RM-30, 30 units per acre. The current zoning is a mix of commercial and single-family residential. The applicant is requesting a rezoning to the planned development district which allows multi-family and the villas which is considered single-family.

Mr. Poliakoff said at the last meeting, he stipulated that the building on Dixie Highway would not exceed 6-stories which was reduced from 8-stories. Additionally, this building is restricted to 55 and over and considered mid-rise due to the height. Mr. Poliakoff said just because someone lives in an affordable community does not mean they are criminals; these are people who do not earn enough money and this affords them an opportunity to live in a place with the same amenities as a traditional development.

Mayor Ganz asked for additional commentary on the background check and the accountability of the developer as to the \$55 million.

Mr. Poliakoff replied that the developer is paid a development fee and must stabilize the property to ensure it is rented, operational, properly managed and maintained, known as the stabilization period. During this time, they are there continuously to ensure the development is great. When everyone feels it is running well, Broward County Housing Authority wants to manage and maintain thereafter; they would be accountable to the \$55 million.

Mayor Ganz asked how this and other projects in the area differ.

PUBLIC HEARINGS - SECOND READING - CONTINUED

Mr. Poliakoff replied that unlike the prior development, Humphries Villas, that was public housing which was run and operated by the Federal Government and strictly Section 8. It gave people who needed a place to live just that; moreover, it was not maintained, managed and did not have reserves or budgets like a normal building which is why it fell into a dilapidated state. This property is very different whereas it services an affordable need, is deed restricted and is required to meet different standards versus a HUD public housing development.

Mayor Ganz asked what level background checks are performed and what happens when other people besides the applicant move in.

Dilia Tabora, HTG, 999 SW 1st Avenue, Miami, replied that everyone is placed on a waiting list, until financial and background checks are performed. If something is reviewed more closely, committees meet separately to investigate specific cases and even call the applicant if necessary to explain what is happening. If threshold requirements are not met, the next applicant is vetted. Furthermore, anyone 18+ living there is checked and those 16 years of age will be registered into the apartment.

Vice Mayor Preston asked about public outreach.

Mr. Poliakoff outlined various meetings, the number of individuals who spoke and advised that there are other works to be done; whereby, staff is aware of the timeline and additional public meetings will occur.

Vice Mayor Preston expressed the importance of stabilizing the community and increasing outreach. Furthermore, there is a need for housing due to a shortage, but believes more information could be shared with the residents to make them comfortable. Vice Mayor Preston continued to provide pointers for creating buy-in for the residents.

Mr. Poliakoff said 3 meetings were held and the turnout was very low and became a one-on-one. Additionally, he has offered the opportunity to visit other communities to see how they operate and will continue to make that offer and address all their concerns. Lastly, he said outreach was offered in-person and virtually; whereas, he wanted to make sure as many people as possible could meet with them and have all their questions answered.

Vice Mayor Preston said he understands the community's concerns and believes there is a disconnect; nevertheless, he agreed with the need for affordable housing, and asked that information be received and understood by the community.

Mr. Poliakoff said additional outreach will continue and the feedback will be provided to the Commission during the upcoming phases of the project. Furthermore, he said a number of the residents moved to their homes when Humphries Villas was there and has seen what it became; nevertheless, they are working to ensure that element will not return.

Commissioner Hudak asked how long it will be before the Housing Authority takes over the property and whether 24/7 security can be considered. Additionally, the residents who have spoke are speaking out of fear due to the properties surrounding them and the previous property, Humphries Villas. Thus, in future meetings, he asked Mr. Poliakoff to provide a presentation to show how this property is different from those type properties.

Mr. Poliakoff replied that it will be discussed during site planning.

Ms. Tabora replied that HTG, the developer, puts up the guarantees for the development; once the lenders and investors go through a process of approving the Housing Authority as guarantor, then they would take over the property. The soonest it could happen is 5 years, but in reality, it may not happen depending on the lender and investor.

Tisha Pinkney, Broward County Housing Authority Director of Real Estate Management, said she has been

PUBLIC HEARINGS - SECOND READING - CONTINUED

with the agency for about 21 years and is familiar with the fears associated with the former Humphries Villas as she managed the property for 2 years. The management team is a third-party team that does not fall under many of the same restraints as the Housing Authority for background checks and other tools for the multi-family property. Ms. Pinkney explained that if they are given the chance to walk through the steps for the background checks, it may ease everyone's fears. Regarding multi-family, she explained that there's a waiting list and the Housing Authority does not have a lot of choices as to whom lives in the property which is completely different for affordable housing. With this type housing, there must be a certain background check dating back approximately 10 years and meet income qualifications. Furthermore, lease terminations are quicker than with their multi-family.

Continuing, Ms. Pinkney opined that there is a real disconnect about what they can and cannot do among the 2 programs; however, because they fall under the Housing Authority's umbrella, the developments are being meshed together. Furthermore, the Housing Authority has more than one program and the rules are totally different. Additionally, Ms. Pinkney recommended an educational component in future public meetings so people do not mesh the programs together. Lastly, Ms. Pinkney offered her contact information to the public and City Commission.

Commissioner Drosky said tonight's item is to consider the rezoning of the property from commercial business district and residential to a planned development district. He encouraged the public to stay involved as the process will continue; whereby, the site plan is where many decisions are made.

Commissioner Parness commented on his upbringing and how it is a misconception that the residents will be criminals based on meager beginnings. He said people earning \$30,000 to \$60,000 are entitled to affordable housing.

In response to Mayor Ganz's question, Ms. Tabora replied that about 200 people are on a waitlist for a 100-unit property.

Mayor Ganz said the residents have every right to fear what is being developed because they have been through this before. He said the reality is that single-family homes are out of reach for a lot of people; whereas, property values have soared. He referenced an article where a couple sold their home and could not find a rental for \$2600/month, which demonstrates the hardship even in the rental market. Furthermore, Mayor Ganz outlined the positive attributes to the project, background checks which are different than other projects, even the eviction process is different. In closing, Mayor Ganz asked that the Housing Authority do what is right by current and incoming residents moving forward.

Vice Mayor Preston asked that the residents give Ms. Pinkney a chance. Lastly, he said single-family homes do not alleviate all the problems outlined and asked that communication be increased moving forward.

MOTION was made by Commissioner Parness, seconded by Commissioner Hudak, to approve Item 6, adopted Ordinance 2021/021. Roll Call:

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

Nays: 0

- 7. Resolution 2021/135 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a Development Agreement with the developer of the Tallman Pines Development located at 500-730 NE 38th Court, 501-731 NE 38th Court, 500-750 NE 39th Street and 3851 N. Dixie Highway and consisting of approximately 11.95 gross acres; authorizing execution of the Development Agreement; providing for an effective date. (*Companion for Item #6*)**

The Resolution was read by title only.

PUBLIC HEARINGS - SECOND READING - CONTINUED

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 Hudak, to approve Item 7, adopted Resolution 2021/135. Roll Call:

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

Nays: 0

PUBLIC COMMENT

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, said longevity has become the City's demise as many departments have lost employees for various reasons, lack of leadership, structure, promotability, morale and others. Many employees have left in the Parks & Recreation Department and other divisions to other cities with better salaries, benefits and more incentives. She said there needs to be some balance to get the City back to where it needs to be.

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

8. Resolution 2021/136 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Memorandum of Understanding ("MOU") with the Broward Metropolitan Planning Organization for administration of the B Tactical Urbanism Program Pilot Project; authorizing the City Manager to execute the MOU; providing for implementation and an effective date.

The Resolution was read by title only.

Andrew Maurodis, City Attorney, advised that the grant does not commit the City to expending any funds at this time.

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

Commissioner Hudak commented on NE 3rd Avenue and the dangers associated with this road. The proposed program is a temporary alternative to NE 3rd Avenue to change driving habits and protect the residents. This is the first in Broward County history and is a community program where the organizers will need the residents' help with enhancements. Thereafter, he explained why this project is so important to him as someone was struck by a vehicle crossing 3rd Avenue. This project will not include any physical changes to the road, and will only take a few weeks, but the goal is to have painted roadways and narrowing some lanes to change driver habits. If there is a positive reaction, permanent changes will be considered.

Commissioner Parness left the dais temporarily at 8:38 p.m.; the motion was made thereafter and he was not present for roll call.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Preston, to approve Item 8, adopted Resolution 2021/136. Roll Call:

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

Nays: 0

DEPARTMENTAL BUSINESS**9. Resolution 2021/137 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, adopting the City Commission Regular Meeting Schedule for FY 2021/2022; providing for an effective date.**

The Resolution was read by title only.

Commissioner Parness returned at 8:39 p.m.

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

There was no discussion amongst the Commission.

MOTION was made by Vice Mayor Preston, seconded by Commissioner Parness, to approve Item 9, adopted Resolution 2021/137. Voice Vote:

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

Nays: 0

10. Resolution 2021/138 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, authorizing the City of Deerfield Beach to join with the State of Florida and other local governmental units as a participant in the Florida Memorandum of Understanding and formal agreements implementing a Unified Plan; authorizing the City Manager to execute the Memorandum of Understanding; directing the City Clerk to provide a copy of this resolution to the Florida League of Cities and the Florida Attorney General; providing for implementation, conflicts, severability, and an effective date.

The Resolution was read by title only.

Andrew Maurodis, City Attorney, advised that this resolution pertains to the opioid litigation.

Mayor Ganz clarified that the resolution gives the City an opportunity to participate in funding, if any is awarded. Thereafter, the public hearing was opened; however, none spoke and Mayor Ganz closed the public hearing.

MOTION was made by Vice Mayor Preston, seconded by Commissioner Parness, to approve Item 10, adopted Resolution 2021/138. Voice Vote:

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

Nays: 0

11. ORDINANCE 2021/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 98 "LAND DEVELOPMENT REGULATIONS," ARTICLE X "HISTORIC PRESERVATION" OF THE CITY LAND DEVELOPMENT CODE; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

Andrew Maurodis, City Attorney, advised that the proposed ordinance provides changes to the City's land development code, so the City's historic preservation process will be certified as necessary. By virtue of

DEPARTMENTAL BUSINESS - CONTINUED

that certification, the City can implement and control how the process works as opposed to Broward County. He said it is a home rule issue, but the City must be certified.

Mayor Ganz opened the public hearing.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, said in reviewing the agenda backup, she did not notice a designation as to the amount of years a property had to be in order to qualify for making an application for the process. She asked if that information can be found elsewhere.

Mayor Ganz replied that it is his understanding that the ordinance gives the City control over its historic preservation policy as opposed to Broward County.

Eric Power, Director of Planning & Development Services, advised that the information pertaining to the longevity of the property is included in the existing ordinance. The proposed ordinance only outlines the changes; notwithstanding, historic preservation is not only based on age, but multiple categories, i.e. an event, location and others.

Mayor Ganz closed the public hearing.

MOTION was made by Vice Mayor Preston, seconded by Commissioner Parness, to approve Item 11, approved ordinance on first reading. Voice Vote:

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

Nays: 0

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

- 8. Resolution 2021/136 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Memorandum of Understanding ("MOU") with the Broward Metropolitan Planning Organization for administration of the B Tactical Urbanism Program Pilot Project; authorizing the City Manager to execute the MOU; providing for implementation and an effective date.**

Andrew Maurodis, City Attorney, advised that since Commissioner Parness was not physically in the Chambers when the vote occurred, the item must be re-voted.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Preston, to approve Item 8, adopted Resolution 2021/136. Roll Call:

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

Nays: 0

DEPARTMENTAL BUSINESS - CONTINUED

- 12. Resolution 2021/139 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, ratifying the Collective Bargaining Agreement between the City of Deerfield Beach and the Local 1010/District Council 78 of the International Union of Painters and Allied Trades, AFL-CIO in effect from October 1, 2021 through September 30, 2024; authorizing the City Manager to execute the Collective Bargaining Agreement; providing for implementation and an effective date.**

The Resolution was read by title only.

DEPARTMENTAL BUSINESS - CONTINUED

Amanda Robin, Director of Human Resources & Risk Management, outlined the changes to the union agreements for both IUPAT (item 12) and PMSA (item 13). She advised that there is only one difference between the contracts which she will outline. Regarding wages, all employees will receive a 0% to 2% merit increase each year and highest performers being eligible for a max of 3%. A cost of living adjustment was negotiated at 4% and in years 2 and 3, up to 3% tied to the consumer pricing index (CPI). Ms. Robin said if CPI is 1.5%, only 1.5% would be given. If the CPI is 4.9%, only 3% would be given; however, the union could request reopening to negotiate the higher increase which is not guaranteed.

Continuing, Ms. Robin commented on a new merit-based evaluation program to tie to merit increases. Essentially, the evaluation program differentiates between below average, average and above average performers. Also, a progress status meeting is mandated 6 months into the evaluation period so employees know how they are performing and to discuss steps to achieve goals. For insurance, calculations each year will be percentage based, cost sharing splits and does not require reopeners to the Commission for 3 years as automatic increases if the plan design warrants it. In the upcoming plan year, there will be a 9.8% increase to the platinum plan; gold and silver are trending well. Vision and dental tiers were updated to reflect industry standards. An educational reimbursement program has been added; whereby, it is subject to budgetary approval which was approved in the Fiscal Year 2022 budget. Lastly, Ms. Robin advised that within the PMSA contract, there is a 6-month trial period for one specific position of landscape supervisor to determine if there is an ongoing need for a standby which can be terminated if deemed not necessary, but can continue if necessary.

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

Commissioner Drosky said it was difficult for him to reach a conclusion on the agreements due to the amount of the increase, 7%. He said during negotiations, he felt that a 4.2% cost of living increase was satisfactory, because it shows fiscal responsibility to the taxpayers. Thereafter, he commented on how the City Manager was not granted an increase as the head of the organization. Nevertheless, Commissioner Drosky commented on how employees are leaving the City, and the only way to create the best team is to stay competitive. He also commented on how the employees took furlough during the pandemic.

Vice Mayor Preston commended Ms. Robin and her team for their negotiating efforts. Further, he said the employees are great employees and many times, the residents do not know what they do.

Mayor Ganz said last year nothing was given to the employees, which is not the first time. He commented on the CPI and how it has increased; whereby, it is warranted and deserving.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Preston, to approve Item 12, adopted Resolution 2021/139. Roll Call:

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

Nays: 0

13. Resolution 2021/140 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, ratifying the Collective Bargaining Agreement between the City of Deerfield Beach and the Professional Managers and Supervisors Association in effect from October 1, 2021 through September 30, 2024; authorizing the City Manager to execute the Collective Bargaining Agreement; providing for implementation and an effective date.

The Resolution was read by title only.

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

DEPARTMENTAL BUSINESS - CONTINUED

There was no discussion amongst the Commission.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Preston, to approve Item 13, adopted Resolution 2021/140. Roll Call:

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

Nays: 0

COMMENTS BY ADMINISTRATION & LEGAL

CITY ATTORNEY - No Report.

CITY MANAGER

Commended Staff - David Santucci, City Manager, thanked City and BSO staff for their participation in events over the weekend, 9/11 Memorial and Mental Health Summit.

Fire Station 51 - Mr. Santucci said the Crystal Lake Fire Station should be completed within the next 90 days; this station arose out of a developer's agreement.

CITY COMMISSION BUSINESS

14. ORDINANCE 2021/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING SECTION 50-80 OF THE CITY CODE RELATING TO THE SPORTS VOLUNTEER BACKGROUND SCREENING APPEALS PROCESS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

Vice Mayor Preston asked that the appeals board for background screening be reimplemented; thereafter, he provided a history of the board starting in 2013. The appeals board consisted of the City Manager/designee, BSO law enforcement and residents which was working. He said the ordinance from 2018 is very strict but the board gives the community a chance to be a part of the process. Furthermore, he commented on the cost using the special magistrate which could exceed \$2,000 annually. In 2019, 4 cases were reviewed by the special magistrate; 2 successful. There were none in 2020 due to COVID, but in 2021, there were 5 appeals; 3 successful. He commented on the importance of giving a person a second chance. Vice Mayor Preston asked that the appeals board be reinstituted.

Mayor Ganz opened the public hearing.

David Santucci, City Manager, left the dais temporarily at 9:04 p.m.

Sandra Jackson, 386 SW 35th Avenue, Deerfield Beach, spoke in support of the appeals board being reinstituted. She advised that there was an incident with a coach who was not charged beforehand and if the appeals board were in place, he would not be coaching.

Mayor Ganz explained that an individual without a criminal background would not come before the appeals board.

Terry Scott, 180 SW 3rd Avenue, Deerfield Beach, spoke in support of the appeals board being reinstituted for all youth programs.

CITY COMMISSION BUSINESS - CONTINUED

Mr. Santucci returned at 9:09 p.m.

John Slattery, 1455 SE 5th Place, Deerfield Beach, spoke in support of the appeals board and does not believe someone who made a mistake in the past should be kept from doing good. Furthermore, he opined that it is important to have people in the community versus a magistrate who may not have enough time invested in an evaluation of another person. Mr. Slattery expressed how some people may be naïve to what they are confessing; therefore, having a board that is involved in the community would be beneficial. Lastly, he said if there are not enough coaches, the youth could be playing in other cities.

Marilyn Strowbridge, 231 SW 8th Street, Deerfield Beach, said she is the cheer commissioner on the Packer Rattler Board and spoke in support of the appeals board. She said a lot of the coaches have kids and when the parent is not coaching, they are leaving. Ms. Strowbridge said she has been a part of the organization for over 20 years and thanked the Commission for their support.

Wayne Adams, 1431 SW 5th Terrace, Deerfield Beach, spoke in support of the appeals board. He then asked how much the magistrate is paid as the Commission frequently comments on fiscal responsibility. Additionally, Mr. Adams opined that the community would know a person better than a magistrate who does not know the person's history.

Mayor Ganz clarified that there is an appeal process in place, it goes through the special magistrate as opposed to an appeals board.

Bernard Adams, 180 SW 5th Court, Deerfield Beach, spoke in support of reinstituting of the appeals board. He commented on how a background check was originally implemented; whereby, no other cities at that time were performing them. He said he did not understand why the appeals board was eliminated, but supports its return.

Tyrone Philpart, 5808 Australian Pine Drive, Tamarac, said he is the Deerfield Packer Rattler President, a Broward County school teacher and high school football coach. He said the current process is more restrictive than any other city and puts the City in a situation where a lot of good people are being turned away or choosing to not undergo the process. He commented on his personal situation, whereby, if he were not the President, he would not have undergone the process. Mr. Philpart said he wants to make sure the kids are safe, but it is prudent to have community members that understand not everything is black and white. Lastly, he thanked the City for the partnership and asked that the appeals board be reinstituted.

Mayor Ganz asked for clarity on some of Mr. Philpart's comments; a system too restrictive, more inclusive and not exclusive and whether the appeals board would be more lenient than a magistrate.

Mr. Philpart said from his personal perspective, he would have felt more comfortable going in front of peers. He opined that District 2 residents would feel more comfortable with someone which they are familiar, in telling their story, versus a magistrate. He said he does not believe the rate of approval was much higher, but for many people who have made mistakes, going before an appellate judge is more dissuasive than an appeals board.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, said the magistrate takes away personal bias and it is important to be completely unbiased as people need to be held accountable. She also commented on the excessive amount of financial donations given to the Packer Rattlers and the drama within the league, which has not changed. Therefore, she spoke in opposition to the appeals board.

Flora Philpart, 523 NW 3rd Way, Deerfield Beach, said she is a retired Broward Sheriff's Office deputy, and was on the appeals board several years ago. She said the board did its best to review each applicant and were not biased; whereby, they dealt with each person and their charges accordingly. Lastly, Ms. Philpart said anyone who was coming before the board for an appeal was advised that if approved, they would be watching them.

CITY COMMISSION BUSINESS - CONTINUED

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, said the appeals board was working fine and believes it should be reinstated.

Mayor Ganz closed the public hearing.

Thereafter, a lengthy discussion ensued regarding the differences between the magistrate and an appeals board; whereby, the magistrate is the most unbiased option.

MOTION was made by Vice Mayor Preston to approve the ordinance on first reading.

The motion failed due to lack of a second.

COMMENTS BY MAYOR & CITY COMMISSION**COMMISSIONER DROSKY****DISTRICT 4**

Saturday Office Hours - Commissioner Drosky said he will hold office hours on Saturday, October 2nd from 10 am till noon; appointments can be made by contacting him or the City Manager's Office.

COMMISSIONER PARNES**DISTRICT 3**

No Report.

VICE MAYOR PRESTON**DISTRICT 2**

No Report.

COMMISSIONER HUDAK**DISTRICT 1**

No Report.

MAYOR BILL GANZ

Economic Development Council - Mayor Ganz thanked the EDC for their event; it was an excellent roundtable discussion regarding economic development regionally. He said they are a great asset to the City.

ADJOURNMENT

There being no additional business to discuss, the meeting adjourned at 10:09 p.m.

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

Samantha Gillyard, CMC, City Clerk