



Meeting Minutes City Commission

Tuesday, December 7, 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 7:00 p.m., in the City Commission Chambers, City Hall, Deerfield Beach.

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

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

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Mayor Ganz expressed condolences for the passing of Don Bradley, who worked at the City's water plant for 30 years. He asked that his family be in everyone's prayers. Additionally, he recognized today as Pearl Harbor Day. Thereafter was a moment of silence, followed by the Pledge of Allegiance.

APPROVAL OF CITY COMMISSION MINUTES

Regular City Commission Meeting Minutes - November 16, 2021

Special City Commission Meeting Minutes - November 9, 2021

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

Police Pension Board Meeting Minutes - June 25 & September 22, 2021

Non-Uniformed Pension Board Meeting Minutes - May 3, 2021

Hillsboro Inlet District Meeting Minutes - October 18, 2021

ACKNOWLEDGEMENT OF CITY BOARD MINUTES - CONTINUED

MOTION was made by Commissioner Hudak, 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 CITY COMMISSION AGENDA

December 7, 2021

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

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

Nays: 0

AWARDS & RECOGNITION

1. Certificate of Appreciation presented to Mr. Wayne Barton for donating lunch at the Deerfield Beach Buck Pride Community Day Clean-up Event.

Mayor Ganz read and presented a certificate to Mr. Barton for purchasing and preparing lunches for all the volunteers who participated in the community clean-up on Saturday, November 13th from 9 a.m. - noon. He thanked him for his time and dedication in giving back to the community.

Mr. Barton said the event was more than just a clean-up, but was created to bring unity in the community for those who would not normally come together. Also, he commented on BSO deputies being part of the experience; whereby, the children were able to engage with them. Mr. Barton said he hopes the event will continue in an effort to build unity as youth from varying ethnicities participated.

2. Certificate of Recognition presented to Michael Gilbert for 15 years of service to the City of Deerfield Beach and its residents.

Mayor Ganz presented a certificate to Mr. Gilbert for his service to the City. Mr. Gilbert is commended for his strong work ethic, positive attitude, and kindness. He always has an encouraging word for his co-workers and readily passed along his knowledge which earned him the nickname of the "babysitter" by his co-workers as he was the trainer for all newly hired maintenance workers. Mayor Ganz thanked Mr. Gilbert for his years of service.

Mr. Gilbert commented on his time with the City and said he hopes that the knowledge he passed on will fill the void.

QUASI-JUDICIAL PUBLIC HEARING

3. P.H. 2022-020: Applicant: Application No. 90-I-51 Rev.10 (GEN 3, LLC) Gen 3, LLC, represented by Jaime Mayo of HNM Architecture

Proposal: Major site plan modification seeking approval to demolish an existing industrial building and construct a new 29,480 square foot warehouse and storage facility.

Location: The property is generally described as MANCHESTER PLAT 124-24 B A POR PAR C DESC AS COMM AT NW COR PAR C; E 0.79, ELY & SELY 63.62 TO POB ELY, SELY 170.50; SELY 87.32 TO P/R/C; SELY 48.18; SELY 203.92; SE 34.79; S 137.85; CONT SLY

QUASI-JUDICIAL PUBLIC HEARING - CONTINUED

153.01; WLY 227.58; CONT W 300, N 365.60 TO POB & BEG NW COR PAR C, W 5.60, S 365.80, E 70, N 365.50, W 63.62, W 0.79 TO POB, more particularly described in the file, and is located at **1371 SW 30th Avenue**.

Anthony Soroka, City Attorney, outlined Item 3 and explained the quasi-judicial process.

Jaime Mayo, HNM Architecture, 3705 N. Federal Highway, Delray Beach, waived the quasi-judicial process. Thereafter, he provided a brief overview of the application; whereas, the project was presented to the Commission about 5 years ago for the first building on the site. The proposed application will demolish an old industrial building and construct a building, approximately 30,000 square feet which is compatible to the adjacent building.

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

Commissioner Drosky asked about the deed restriction, indemnification agreement and why the deed cannot be released.

Eric Power, Director of Planning & Development Services, replied that attempts have been made to locate the previous owner, but to no avail. The indemnification agreement would hold the City harmless if anything were to happen.

Mr. Mayo said the deed goes back 20 to 30 years under 2 different companies. After utilizing several attorneys to find the company, adding the indemnification letter was the best alternative. Furthermore, Mr. Mayo said the owner is a large printing company and has several buildings in the City, but the proposed facility will be used for storage with minor office areas.

Mr. Power advised that the original item was from 1990. Also, it was confirmed that the original company has dissolved through the City Attorney's Office and applicant's attorney.

There was a brief discussion regarding the use of solar panels which has proven cost prohibitive due to use and square footage.

MOTION was made by Commissioner Hudak, seconded by Commissioner Drosky, to approve Item 3, adopted Resolution 2021/173. Roll Call:

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

Nays: 0

PUBLIC HEARINGS

- 4. P.N. 2022-013: Resolution 2021/174 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the program year 2020/2021 Consolidated Annual Performance and Evaluation Report ("CAPER") for Housing and Community Development Programs; authorizing submission of the CAPER to HUD; providing for implementation and an effective date.**

The Resolution was read by title only.

Jonathan Salas, Assistant Director of Community Services, provided a brief overview of the CAPER, which is a summary of items included in the City's CDBG Annual Action Plan. The CAPER highlights how the funds were utilized in fiscal year 2020/2021. Due to the pandemic, some services were altered, i.e. transportation, child care, and senior services; whereby, numbers slightly decreased. He advised that housing purchase assistance and rehab program remained consistent. Upon approval by the Commission,

PUBLIC HEARINGS - CONTINUED

the CAPER will be submitted to HUD as required.

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 4, adopted Resolution 2021/174. Roll Call:

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

Nays: 0

5. P.H. 2022-017 Resolution 2021/175 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Deerfield Beach Affordable Housing Advisory Committee Incentive Report for fiscal year 2021-2022; authorizing submission of the Incentive Report to the Florida Housing Finance Corporation; providing for implementation and an effective date.

The Resolution was read by title only.

Jonathan Salas, Assistant Director of Community Services, said since the City is a recipient of State Housing Initiative Partnership (SHIP) funding, an advisory committee was established and includes an elected official as required by Statute. Furthermore, an annual report is now required, whereas, it was triennial previously. Mr. Salas said the committee came up with 3 recommendations; (A) the processing of approvals of development orders or permits, as defined in s. 163.3164(7) and (8), for affordable housing projects is expedited to a greater degree than other projects. This incentive allows for any affordable housing project to receive approval at a faster pace than any other project. Next, (I) the establishment of a process by which a local government considers, before adoption, of policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.

Continuing, Mr. Salas said the City already adopted incentives (A) and (I) in previous AHAC; thus, it is recommended to adopt an additional incentive, (J) the preparation of a printed inventory of locally owned public lands suitable for affordable housing. He asked that the Commission approve the incentive report, which is due to the State of Florida by December 30th. Thereafter, he advised that anyone interested in the report would have to request it.

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

MOTION was made by Vice Mayor Preston, seconded by Commissioner Parness, to approve Item 5, adopted Resolution 2021/175. Voice Vote:

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

Nays: 0

PUBLIC HEARINGS - SECOND READING

6. P.H. 2022-021: ORDINANCE 2021/025 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, ADOPTING THE AMENDED CAPITAL IMPROVEMENTS ELEMENT OF THE CITY'S ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

PUBLIC HEARINGS - SECOND READING - CONTINUED

The Ordinance was read by title only.

David Santucci, City Manager, advised that every year when the capital improvement program is completed, the capital improvement element (CIE), within the City's comprehensive plan must be updated. This item changes the CIE of the comprehensive plan to match the City's current capital improvement plan.

Mayor Ganz opened the public hearing.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, asked if the amount shown for the Tigner Center is updated with the additional funds for the space in the community room.

Mr. Santucci replied no, because it reflects the capital improvement plan which was approved with the budget. He said it would be updated next year with the correct amount.

Mayor Ganz closed the public hearing.

MOTION was made by Vice Mayor Preston, seconded by Commissioner Hudak, to approve Item 6, adopted Ordinance 2021/025. Roll Call:

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

Nays: 0

PUBLIC COMMENT

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, thanked the elected officials who were in attendance at the Broward County Commission meeting for addressing Mount Trashmore.

Chauncey Chapman, 191 NW 47th Avenue, Deerfield Beach, commented on the steps he has taken when seeing people panhandling in the medians. Also, he said there was a medical bed and breakfast that opened in his community and with the City's help, and the management company, the facility was shut down in 7 days. Mr. Chapman continued to speak about various safety concerns and how the City must continue to act and hold people accountable. Furthermore, the police department must be empowered as they risk their lives daily. Thereafter, he listed measures that should be taken in addressing public safety; i.e. reduce response time, increase patrols and others.

David Mirantz, Economic Development Council, 10 Fairway Drive, Deerfield Beach, commented on various events that have recently occurred throughout the City that have added value. Mr. Mirantz commented on the vote at the County Commission regarding Deerfield Beach districts and the need for collaboration as there was little time to address this issue. Lastly, he said the Pompano Beach Economic Development Council would like to meet with Mayor Ganz and City Manager Santucci on January 22nd to reveal the results of their study which allows them to show the City the benefit of working together.

Commissioner Drosky addressed comments by the residents. Patrol has increased on the streets as certain roads have become speedways after COVID when there were not many people on the road; more than 16,000 traffic citations have been given out this year. He continued outlining various changes for public safety, i.e. LED lights, and amplified speakers regulated by permit as they distracted drivers.

Mayor Ganz thanked the elected officials for speaking out today against the expansion of Mount Trashmore. Mayor Ganz commented on other initiatives by Waste Management, destroy the waste to energy plant and expand the landfill to the north. He urged residents to monitor this because although the County Commission did not support closure, it will go to the County's Planning Council. Additionally, the item was advanced because the County Attorney said it was in the County's best interest, otherwise, Waste Management could sue. Mayor Ganz objected to working with Waste Management if there is fear of litigation when doing what is best for the residents. Continuing, Mayor Ganz said the results of the County's redistricting has led to the loss of Lamar Fisher; so, there will only be one county commissioner in Deerfield

PUBLIC COMMENT - CONTINUED

Beach. Mayor Ganz applauded various actions throughout the City.

Adam Hofstein, BSO Police Chief, outlined traffic initiatives and said 16,000 citations have been issued this year and 24/7 traffic coverage is enforced.

Commissioner Parness said as a member of the Broward County Planning Council, he will do his best to represent the City well.

CONSENT - BOARD APPOINTMENTS**7. Resolution 2021/176 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, confirming Najaim Musto as a member of the Non-Uniformed Employees Retirement Plan Committee; providing for an effective date.**

The Resolution was read by title only.

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

There was no discussion amongst the Commission.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Preston, to approve Item 7, adopted Resolution 2021/176. Voice Vote:

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

Nays: 0

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

After a brief discussion, items 11 and 12 were pulled for discussion.

MOTION was made by Commissioner Parness, seconded by Commissioner Hudak, to approve Items 8 - 10 & 13 - 15 in concert. Roll Call:

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

Nays: 0

8. Resolution 2021/177 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, accepting the Investment Policy and Internal Controls Certification from the City's Chief Financial Officer for the Fiscal Year ending September 30, 2021; providing for an effective date.**9. Resolution 2021/178 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Older Americans Act ("OAA") Contract #JA122-06-2022 with the Areawide Council on Aging of Broward County, Inc. for Center for Active Aging Services in an amount not to exceed \$190,476.71; authorizing execution of the OAA Contract; providing for implementation and an effective date.****10. Resolution 2021/179 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the ranking and award of Request for Proposals #22-06-JW for citywide electrical services; authorizing execution of agreements with the three ranked responsive and responsible firms, C.W. Fischer Electric, Inc., Gerhold Electric,**

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

Inc., and Miller Electric Company, for electrical services on an as needed basis for two-year terms with three additional one-year renewal terms; providing for implementation and an effective date. (*Funds from Account #001-5060-519-31-03 - Electrical Services & Account #108-5050-541-33-06 - Street Lighting*)

11. Resolution 2021/180 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Special Event Permit Application submitted by Christian Love Fellowship Church for the monthly CLF Church Flea Market Event located at 297 SW 10th Street, every first Saturday of the month from 8 am to 2 pm; providing for an effective date.

The Resolution was read by title only.

Commissioner Parness asked if the Commission has a right to revoke the permit if traffic and noise violate the code.

Anthony Soroka, City Attorney, replied that the Commission does have that right when it comes to public health, safety and concern. Additionally, since a waiver is being requested for frequency and is beyond the 4 per year per Code, the Commission can bring it back for discussion. The applicant has requested 12 per year, on the first Saturday of the month.

Commissioner Drosky said he has spoken with Pastor Tony and was assured that if there are any issues, he would come back to the City to find a resolution; therefore, Commissioner Drosky spoke in support.

Mayor Ganz asked if the waiver pertained to permit fees.

Terry Rynard, Director of Parks & Recreation, said the applicant paid the special event application fee, in October, so no there is not a new application fee.

Due to oversight, a motion and vote was performed; thereafter, Mayor Ganz opened the public hearing. There were none to speak and the public hearing was closed.

The motion and vote were repeated.

MOTION was made by Commissioner Parness, seconded by Vice Mayor Preston, to approve Item 11, adopted Resolution 2021/180. Roll Call:

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

Nays: 0

12. Resolution 2021/181 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Special Event Permit Application submitted by I Am Kingdom Ministries International for the Joy Fest 2021 Event at 432 SW 10th Court, on Saturday December 18, 2021 from 2:00 pm to 8:00 pm; approving a waiver of fees; providing for an effective date.

The Resolution was read by title only.

David Santucci, City Manager, outlined Item 12; whereas, the event could draw between 200 to 1,000 people. The request for city resources includes a waiver of the special event permit, Showmobile rental and associated Showmobile labor costs, approximately \$1,200. The applicant has also requested a waiver of fees for the Broward Sheriff's Office (BSO), which is required due to activities expected to occur at the event, i.e. food trucks and crowd control. Mr. Santucci said since these fees were not budgeted, staff

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

recommends denial of fee waivers. Lastly, he asked that if approved, that it be contingent upon the applicant working through issues with staff and BSO.

Commissioner Parness spoke in opposition to the application because of the fee waivers and lack of process not being adhered; whereas, he would have appreciated it being budgeted.

Vice Mayor Preston spoke in support of the application and explained how the applicant has brought forth programs that lift the City. Furthermore, he commented on errors in the paperwork that the applicant tried to fix; thereafter, Vice Mayor Preston continued to express his support and how the event is focused on community outreach for the youth. Moreover, the applicant will need to work with BSO regarding fee waivers as the City cannot. Lastly, Vice Mayor Preston said the City Commission has to review applications individually and the event will be positive for the community.

Commissioner Hudak expressed concern with waiving all fees for a private event.

Mayor Ganz opened the public hearing.

William Lane, 11 Tilford A, Deerfield Beach, asked about the fees.

Mayor Ganz replied that the fees are \$1,210 for labor, \$250 - Showmobile, and \$50 - permit fee; BSO has their own fees.

Vice Mayor Preston asked if the Commission would consider waiving only the fees for the Showmobile.

Chris Marino, 1525 SE 14th Court, Deerfield Beach, spoke in opposition to the City absorbing any fees and that proper procedure should be followed, as indicated by Commissioner Parness.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, asked about the event being broadcast and will other organizations receive leniency for fee waivers in the future.

Mayor Ganz closed the public hearing.

Vice Mayor Preston said the applicant has not been extended any leniency.

Mayor Ganz clarified Ms. Freitag's comment; whereas, she wanted to know if other agencies would receive the same treatment, if granted. Mayor Ganz said the applicant did not break procedure and adhered to the rules; however, the amount being requested is a little more than what others have previously requested. Notwithstanding, Mayor Ganz outlined some concerns with the number of attendees, the location being in the park and church parking lot.

Vice Mayor Preston advised that it is a vacant lot, not the park.

Theresa Rynard, Director of Parks & Recreation, said when the application was originally received, the location was only the church, but was revised yesterday to include the vacant lot across the street which is a different owner. The secondary owner was asked to sign the application.

Mayor Ganz said he does not have a problem waiving the Showmobile and permit fee at a total of \$300, which has been done in the past. He reiterated his concerns about the event's size and location, and no representation from the church.

Mr. Santucci advised that if the applicant complies with staff and public safety requirements, the event could proceed at an administrative level.

MOTION was made by Commissioner Parness, seconded by Commissioner Hudak, to deny the waiver of fees. Roll Call:

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS - CONTINUED

Yeas: 2 - Commissioner Hudak and Commissioner Parness

Nays: 3 - Commissioner Drosky, Vice Mayor Preston and Mayor Ganz

Commissioner Drosky said he would accept a fee waiver totaling \$300, Showmobile and permit fee; in addition, the applicant would continue to work with staff

MOTION was made by Vice Mayor Preston, seconded by Commissioner Drosky, to waive the Showmobile and permit fees, totaling \$300. Roll Call:

Yeas: 3 - Commissioner Drosky, Vice Mayor Preston and Mayor Ganz

Nays: 2 - Commissioner Hudak and Commissioner Parness

13. Resolution 2021/182 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the City of Deerfield Beach Department of Parks and Recreation Title VI Plan; providing for conflicts, implementation and an effective date.

14. Resolution 2021/183 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an agreement with Broward County for the City's provision of agency coordinated transportation services for a three-year term in an amount not to exceed \$598,280; authorizing the City Manager to execute the Agreement; providing for implementation and an effective date. (*Funds from Account #001-0000-337-60-98 - General Fund/Paratransit*)

ADDENDUM

15. Resolution 2021/167 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, authorizing submission of a Safe Routes to School Grant Application to the Florida Department of Transportation ("FDOT") to fund sidewalk improvements along the routes to Deerfield Beach Elementary School; providing for implementation and an effective date.

DEPARTMENTAL BUSINESS

16. Resolution 2021/184 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Community Development Block Grant Citizen Participation Plan; providing for implementation and an effective date.

The Resolution was read by title only.

David Santucci, City Manager, advised that item 16 accompanies the CAPER, item 4; further, it approves the participation plan discussed during the process.

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 16, adopted Resolution 2021/184. Roll Call:

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

Nays: 0

DEPARTMENTAL BUSINESS - CONTINUED

17. Resolution 2021/185 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Formal Distributor Settlement Agreement with McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation; approving the Settlement Agreement with Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc., implementing the Unified Plan related to the opioid litigation; authorizing the City Manager to execute the agreements; providing for implementation and an effective date.

The Resolution was read by title only.

Anthony Soroka, City Attorney, advised that the City is a participating litigant in the opioid litigation which involved various states, counties and cities throughout the Country. Previously, the Commission approved the Florida Plan MOU which was supported by the Florida Attorney General's Office to participate in a proposed structure for these settlements. This is the next step, which consists of a settlement discussion with one of the opioid manufacturers and 3 opioid distributors and to receive monies from the settlement, the agreement has to be approved and executed by the end of the year.

In response to Mayor Ganz's question, Mr. Soroka replied that there are monetary estimates but it depends on what the State receives; nevertheless, the City could receive between \$21,000 to \$40,000.

Mayor Ganz opened the public hearing.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, asked if the funds must be used for a specific purpose.

Mayor Ganz closed the public hearing.

Mr. Soroka replied that there are a number of approved uses within the exhibit and settlement agreement which are primarily related to opioid treatment, opioid education, training, and other options. The money could also be contributed to organizations like Broward Sheriff's Office, schools, and non-profit organizations that provide opioid treatment/training and mitigation services, either new or existing programs. In response to Mayor Ganz's question, Mr. Soroka replied that he believes it can be used for Narcan purchases.

There was no further discussion amongst the Commission.

MOTION was made by Vice Mayor Preston, seconded by Commissioner Hudak, to approve Item 17, adopted Resolution 2021/185. Roll Call:

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

Nays: 0

18. ORDINANCE 2021/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 98 "LAND DEVELOPMENT REGULATIONS," ARTICLE III "ZONING DISTRICT REGULATIONS," SECTION 98-59 "S, OPEN SPACE" OF THE CITY OF DEERFIELD BEACH LAND DEVELOPMENT CODE TO PROVIDE FOR BEACH CHAIR AND UMBRELLA SETUPS AS AN ACCESSORY USE TO A BEACH USE IN THE S, OPEN SPACE, ZONING DISTRICT, SUBJECT TO CONDITIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. (Tabled from October 19, 2021)

The Ordinance was read by title only.

DEPARTMENTAL BUSINESS - CONTINUED

Anthony Soroka, City Attorney, advised that some of the beach lots within the City are privately owned. There have been requests over the years to allow these owners to have their own amenities and service adjacent properties. The City currently utilizes a vendor who provides these services on the public portion of the beach; whereby, the private owners have requested a similar solution. He explained that this ordinance would create a new accessory use in the open space zoning district, the beach. The accessory use means it could not be a primary use and there must be open beach still and exclusively servicing the condominium or affiliated hotel within 100 feet of the parcel where the equipment is to be located. The ordinance does not allow the private owners to sell to the general public.

Continuing, Mr. Soroka said there are a number of conditions; permit application, site plan to outline where chairs would be set up; overnight storage solutions; equipment must be owned or leased by the affiliated owner within 100 feet; no structures that would impede the public's view shall be permitted; the equipment cannot unduly impede government business, imperil public safety or materially interfere with public access to use of the public beach; and indemnify, defend and hold the City harmless for any damage or injury use resulting from those beach chairs or umbrellas being set up in the designated location and have insurance.

Commissioner Hudak asked who would be responsible for cleaning the area and how will they be held accountable.

David Santucci, City Manager, replied that the City rakes that portion of the beach and is preferred as it is more beneficial to all. Furthermore, trash and debris would be the parcel owner's responsibility.

In response to Commissioner Hudak's question, Mr. Soroka replied that the beach lots are privately owned, so they have rights. He said sitting on the beach is a little different than having an area to traverse to the public beach. Although the property owner must tell people when they cannot be in the area, the ordinance does not change the current situation. The only difference would be patrons seeing beach chairs and umbrellas on the property which were not there before. Lastly, he said the site plan would have to be submitted and cannot block the public's access to the public beach portion.

Commissioner Drosky said this item is for one business. He said the beach should not be privately owned but in the public domain. He objected to the proposed ordinance because the City should be promoting public policy of putting beach lots into the public domain. Thereafter, he commented on the business and what a great community partner they have been; however, the best interests of the residents must be considered. While the hotel wants to compete with others in the area, it is an admirable business decision and if opened to one private lot owner, it will benefit the others. This is the opposite direction of what the City has been trying to accomplish. Lastly, he said the logical solution would be for the private beach lot owner to sell the lot to the City and the City enter into a long-term license agreement for the use of the property.

In response to Mayor Ganz's question, Commissioner Drosky replied that it was relayed to him that the owner was not interested in his suggestion.

Commissioner Parness disagreed with trying to purchase the property as the private owner does not prohibit city guests from accessing the beach. Furthermore, the City does not have unlimited resources to purchase all the private beach lots. Lastly, Commissioner Parness said the owner is trying to compete against other businesses and provide an amenity to its guests; and therefore, supports the proposed ordinance.

Commissioner Hudak commented on the rights of the property owner and asked that Mr. Soroka explain the City's options.

Mr. Soroka advised that the City currently has an ordinance regarding the customary use of beaches which this would be subject to and the public would have access to traverse to the public beach. There are various permitted and accessory uses within the open space district that are permissible. He then explained that building is not necessarily possible, if setback requirements are not met or have trouble permitting as permits with other entities are required, not just the City.

DEPARTMENTAL BUSINESS - CONTINUED

Vice Mayor Preston spoke in support of the proposed ordinance as the hotel has had a great working relationship with the City and would like to give it a chance. He said he is assured that if any problems arise, residents would update the Commission and then solutions can be addressed.

Mayor Ganz opened the public hearing.

Katy Freitag, 418 SE 2nd Street, Deerfield Beach, commented on the amount of money the Wyndham makes during events on the beach. She said the space south of the pier will impact families when visiting on the weekend. She asked how the public will know what is public and private. She also commented on vendors paying the taxes based on the value of the beach lot when offering such amenities on the beach as other private owners will want to do the same thing.

Mayor Ganz closed the public hearing. Thereafter, he said business relationships should be taken out of the equation as it does not matter what type relationship the property owner has with the City. Mayor Ganz outlined various situations that have arisen which the City has addressed. He then asked about a private owner fencing off their beach.

Mr. Soroka replied that customary use may prevent someone from fencing off their beach. Although it can be done, the City's position is that it is illegal.

Mayor Ganz continued commenting on various cases and clarified that the proposed ordinance requires that the amenities be 100 feet from adjacent properties.

Mr. Soroka replied yes.

In response to Mayor Ganz's question, Mr. Santucci replied that there are 3 properties that this ordinance would affect; Venetian Villas, Wyndham, and Ocean Club.

Discussion ensued regarding how the ordinance may be impacted publicly and privately.

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

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

Nays: 1 - Commissioner Drosky

19. ORDINANCE 2021/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 34 "ENVIRONMENT," ARTICLE IV "OUTDOOR LIGHTING RESTRICTIONS," SECTION 34-60 "BEACH AREA OUTDOOR LIGHTING RESTRICTIONS" AND CHAPTER 46 "OFFENSES" SECTION 46-31 "OPEN BURNING" OF THE CITY CODE OF ORDINANCES TO INCORPORATE THE STATE OF FLORIDA MODEL SEA TURTLE LIGHTING REQUIREMENTS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

Eric Power, Director of Planning & Development Services, provided a PowerPoint presentation of the proposed changes to the City's Code. Last December, the State of Florida implemented a model ordinance regarding lighting restrictions for sea turtles. Being a coastal community, the City already has a section regarding lighting along the beach, but amended the ordinance with certain requirements from the State's model ordinance. The new changes include new definitions for fire pits and existing development is not required to meet Code sections, but are encouraged. He explained the new lighting requirements that encourage sea turtles to go toward the water and not to land. Some of the requirements are as follows: downward directional fixtures, approval by Florida Fish and Wildlife Conservation, and regulations for emergency lighting during construction or other during beach season.

DEPARTMENTAL BUSINESS - CONTINUED

Mr. Power responded to questions posed by Mayor Ganz and Commissioner Hudak.

Mayor Ganz opened the public hearing.

Chauncey Chapman, 191 NW 47th Avenue, Deerfield Beach, commented on the importance of keeping the ocean clean and free of sewage.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, asked what does the City need to do for compliance.

Mayor Ganz replied that the proposed ordinance is a change to make sure any structurally built fire pits have the same consideration for lighting and any new development lighting. The City is currently in compliance but is looking to strengthen current requirements. There being no others to speak, Mayor Ganz closed the public hearing.

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Preston, to approve Item 19 on first reading. Voice Vote:

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

Nays: 0

20. ORDINANCE 2021/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 98 "LAND DEVELOPMENT REGULATIONS," ARTICLE IV "SUPPLEMENTARY REGULATIONS," SECTION 98-3 "DEFINITIONS" OF THE CITY'S LAND DEVELOPMENT CODE TO ADD DEFINITIONS RELATED TO DOCKING AND MOORING FACILITIES; AMENDING SECTION 98-87 "DOCKING AND MOORING FACILITIES" TO AMEND THE CITY'S DOCKING AND MOORING FACILITIES REGULATIONS; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

The Ordinance was read by title only.

Eric Power, Director of Planning & Development Services, provided a brief PowerPoint presentation regarding Item 20. A couple of years ago, Broward County made required changes to seawall height and regulations; whereby, all municipalities were required to adopt some of the language. The City has reevaluated the current docking and mooring code with some changes. Nothing regarding regulations has changed for those with a dock, seawall, or boat ramp. He explained that anyone off the Intracoastal are tidally influenced and others are not.

Continuing, Mr. Power displayed the language adopted by Broward County which establishes minimum elevations for tidal flood barriers within tidally influenced areas and the minimum elevation of 5 feet by 2050. Thereafter, he displayed the dock and boat lift setbacks which will help the residents meet the requirements (Exhibits A & B). Exhibit C provides graphical information for property owners when the property is not parallel to the water; now the City has a graphical way to represent the situation, instead of requiring a variance. Exhibit D shows the option for those without a sea wall on a canal dead end. Exhibit E shows vegetated unaltered shorelines, mangrove fringe, where no dock exists. Exhibit F is an example of a nontidal water body on a lake. He said staff has been showing the charts for over a month now with positive feedback.

Mayor Ganz said this ordinance has not been presented to the Marine Advisory Board as of yet. Thereafter, the public hearing was opened; however, there were none to speak and the public hearing was closed.

There was no discussion amongst the Commission.

DEPARTMENTAL BUSINESS - CONTINUED

MOTION was made by Commissioner Hudak, seconded by Vice Mayor Preston, to approve Item 20 on first reading. Voice Vote:

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

Broward County Items - David Santucci, City Manager, thanked the Commission for their support on the two items considered by the County today.

FDOT 10th Street Project - Mr. Santucci said he expects movement on this project soon; whereas, FDOT and Broward County may present various agreements to the City over the next few months. He and Commissioner Drosky will be meeting with FDOT tomorrow for additional details.

Weekly Report - Mr. Santucci said in this week's report, there will be a legislative update on current legislation in Tallahassee. There is a profound effort to degrade home rule, i.e. allowing for residencies to act as residential kitchens for commercial food processing.

Director of Public Safety - Mr. Santucci said he has recruited for the position and announced Rodney Brimlow as the new director.

CITY COMMISSION BUSINESS

21. Resolution 2021/186 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, adopting the City's 2022 State Legislative Agenda; providing for transmittal, implementation, and an effective date.

The Resolution was read by title only.

Commissioner Drosky said the legislative agenda provides notice for what the City supports or does not. He encouraged the Commission to use the agenda when lobbying the Legislature. He thanked staff for their assistance in compiling the document. Thereafter, Commissioner Drosky commented on various projects included in the agenda and potential for funding; whereas, the session starts in January.

Mayor Ganz thanked Commissioner Drosky for his efforts and expounded on the need to fight for Home Rule. Thereafter, he opened the public hearing.

Dave Mirantz, Deerfield Beach Economic Development Council (EDC), 10 Fairway Drive, Deerfield Beach, said the EDC will be working with small businesses through the Chamber on legislative issues during events in Tallahassee. Furthermore, he would like feedback from the City Commission and staff before lobbying in Tallahassee.

Mayor Ganz closed the public hearing

MOTION was made by Commissioner Drosky, seconded by Commissioner Parness, to approve Item 21, adopted Resolution 2021/186. Voice Vote:

CITY COMMISSION BUSINESS - CONTINUED

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

Nays: 0

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

Pearl Harbor Day - Commissioner Hudak thanked Mayor Ganz for acknowledging Pearl Harbor Day, and the World War II veterans, as that day will always be remembered.

Upcoming Events - Commissioner Hudak wished everyone happy holidays; Movies in the Park on Friday, December 10th, "The Grinch" will be playing at the Middle School Aquatics Center; Boat Show on December 10th, from 6 p.m. till 9 p.m. at Sullivan Park. On December 11th, the NE 3rd Avenue B-Tactical Community Build Day, volunteers are welcome to help beautify and improve the street, from Sample Road to 44th Street.

VICE MAYOR PRESTON**DISTRICT 2**

I Am United Kingdom Ministries (Item 12) - Vice Mayor Preston said the event will be held on December 18th and the Commission is welcome to attend, contingent on approval. He thanked staff for working with the applicant throughout the process.

Upcoming Holidays - Vice Mayor Preston wished everyone Happy Holidays and encouraged everyone to continue to work together.

COMMISSIONER PARNES**DISTRICT 3**

City Commission Term Limits - Commissioner Parness said he would like an ordinance changing the current term limits to a third term; the old ordinance is almost 30 years old, but the voters should not be excluded.

COMMISSIONER DROSKY**DISTRICT 4**

City Commission Term Limits - Commissioner Drosky asked if Commissioner Parness is requesting an extension of the current Charter from 2 four-year terms to 3 four-year terms.

Commissioner Parness said he is asking that it be placed on the ballot and allow the voters to decide.

Commissioner Drosky asked if the proposal applies to the existing officeholders; Districts 3 and 4, and the Mayor.

Commissioner Parness replied yes, but it would be 3 years from now. It would not affect the next election, District 1 or 2. He said it would go on the November 2022 ballot for the public to decide.

Commissioner Drosky said he would like to research further.

Thereafter was a brief discussion on terms for various cities and how the terms would work for the Commission.

County Redistricting - Commissioner Drosky said it was a loss for the City with the County redistricting as the coastal link has now been lost and Deerfield Beach was eliminated from the coastal communities for representation. He said the City is now linked more with western communities and now County District 2 Commissioner will change. He expressed concern with lobbying efforts with other coastal communities.

COMMENTS BY MAYOR & CITY COMMISSION - CONTINUED

County Commission Land Use Plan Amendment (LUPA) - Commissioner Drosky thanked Mayor Ganz and Commissioner Hudak for speaking against the LUPA. He said it was important that the City was represented and our voices heard. Commissioner Drosky said it is important to stay on this item as there will come a day when Waste Management seeks to increase the height of the dump which is not fair to neighboring residential communities.

Toy Drive - Commissioner Drosky thanked those for their support of the City's toy drive; the cut off date is December 15th.

Santa on the Sand - Commissioner Drosky said he attended the event on Sunday at the Wyndham which supported families of special needs children in the community. He described the event and how successful it was for all involved. Commissioner Drosky thanked the Wyndham and Broward Sheriff's Office deputies for their involvement.

Saturday Office Hours - Commissioner Drosky said he will not have any appointments on Saturday, January 1st.

Happy Holidays - Commissioner Drosky wished everyone Happy Holidays.

MAYOR BILL GANZ

Updates - Mayor Ganz said he mentioned having a City sponsored bonfire, similar to Lake Worth and asked if there was any progress. Additionally, he asked that contact be made with Clean Waterways LLC, the protein skimmer used to clean canals.

David Santucci, City Manager, replied that he would look into both.

Dixie Highway Renaming - Mayor Ganz said he was approached by Commissioner Sorenson, Fort Lauderdale, regarding renaming Dixie Highway to Harriet Tubman Way. Since Dixie Highway is a state road, he does not believe the City has the authority to make such a change. Nevertheless, he did not agree with the renaming, but wanted to bring it to the Commission to receive resident feedback.

Thank you - Mayor Ganz thanked the City and other organizations bringing events to the City and wished everyone Happy Holidays.

ADJOURNMENT

There being no additional business to discuss, the meeting adjourned at 9:46 p.m.

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

Samantha Gillyard, CMC, City Clerk