



Meeting Minutes City Commission

Tuesday, March 15, 2022

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

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

APPROVAL OF CITY COMMISSION MINUTES

Regular City Commission Meeting Minutes - March 1, 2022

MOTION was made by Commissioner Hudak, seconded by Commissioner Drosky, 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

Community Appearance Board Meeting Minutes - February 9, 2022

Planning & Zoning Board Meeting Minutes - December 2, 2021

Fire Pension Board Meeting Minutes - September 27, 2021

Hillsboro Inlet District Meeting Minutes - January 24, 2022

Police Pension Board Meeting Minutes - November 1, 2021

ACKNOWLEDGEMENT OF CITY BOARD MINUTES - CONTINUED

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

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

Nays: 0

INSTALLATION CEREMONY

1. Remarks from outgoing Vice Mayor Ben Preston

Vice Mayor Preston said it has been an honor and pleasure to serve as vice mayor and work with all his colleagues. He also applauded staff for the job being done here. Furthermore, he celebrated Commissioner Hudak as he fills the role of vice mayor and offered his assistance in any capacity.

Mayor Ganz thanked Vice Mayor Preston for serving and for stepping in during times he was unable.

2. Induction of Vice Mayor - Commissioner Michael Hudak

Samantha Gillyard, City Clerk, provided the oath of office to Commissioner Hudak.

3. Remarks by Vice Mayor Michael Hudak

After affirming the oath, Vice Mayor Hudak commented on his service as an elected official and working with the dais and staff. Thereafter, he outlined various accomplishments over the last 3 years.

APPROVAL OF CITY COMMISSION AGENDA

March 15, 2022

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

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

Nays: 0

AWARDS & RECOGNITION

1. Proclamation presented to Principal Jon Marlow recognizing March 15, 2022, as "Principal Jon Marlow Day."

Mayor Ganz provided a proclamation for Mr. Jon Marlow for his dedicated service to the students, faculty, and staff during his tenure as the Deerfield Beach High School principal for the last 15 years. He has recently been promoted and will now serve as the Director of the Broward County Public Schools Career Technical Adult Community Education Department. Mayor Ganz applauded Mr. Marlow for his promotion and his contributions to the City as he has fostered the goal of academic excellence, partnerships with the City and other initiatives, like mentorship programs. Lastly, Mayor Ganz said the City is extremely grateful for Mr. Marlow's contributions and wished him much success in his new role; thereafter, the proclamation was read in its entirety.

Mr. Marlow said it has been a privilege serving as a member of the City. Thereafter, he commented on the positive experiences he has experienced at the school, relationships in the community, the relationships he has built, and how the City has been supportive of the school and children.

AWARDS & RECOGNITION - CONTINUED

Commissioner Preston said it has been a pleasure to have Mr. Marlow in the community as he truly cares for the children. He said he is overjoyed to see Deerfield Beach High School's progress and because of Mr. Marlow's influence, many kids will be better. Commissioner Preston commented on the experience shared during the redesign of Buck Pride Way and Mr. Marlow's time will leave the community closer than it was before. Lastly, he wished him much success in his new role as he knows he will do well.

Nora Rupert, School Board Member, said Mr. Marlow has desired this position for a long time and will do well. He is an amazing leader who leads with his heart and the children know that he really cares for them and about their future. In closing, she thanked Mr. Marlow for all he has done.

PUBLIC COMMENT

Olivia Acosta, 1440 SW 7th Terrace, Deerfield Beach, expressed dissatisfaction with the parking enforcement officers within the community. She said there is a lack of professionalism in the manner residents are being addressed. Ms. Acosta said if they take the time to get to know the community better, they would understand what is happening. Thereafter, she explained that a long time resident recently passed and there were many people at the home, whereas, the officers need to be more respectful. In closing, she said she would like to build a relationship with the Commission on various community functions she has created.

Vernette Antwon, 1450 SW 11th Way, Deerfield Beach, said she is a Praxis resident and there are many people living there that are not eligible. Ms. Antwon advised that many young people are being allowed to rent under false pretenses by collecting paystub, work, and banking information; however, they are later evicted with the help of a judge. She said she plans to bring this to the attention of HUD because the disenfranchised are being ignored, while the owners are lining their pockets. Lastly, she said the property is not being repaired.

Peggy Ross, 103 NE 19th Avenue, Deerfield Beach, said the lights on the bridge going over the Intercoastal are out and it is really dark.

Tom Schuessler, 59 NE 11th Way, Deerfield Beach, expressed concern with construction noise in his area; wherein, he asked that the Commission limit the time to 9 to 5, instead of a 7a – 7p. He also commented on the number of air conditioning units being installed on the new homes as well as generators and believes it is louder than the allotted decibel level. Other concerns included water runoff, post construction, which is a violation, and parking. Mr. Schuessler recommended a parking plan that allows the parking to remain on the construction lot.

Mayor Ganz said he was leery about the approval of Praxis when they originally appeared before the Commission, but staff is working on stronger enforcement and involving other agencies to address the problems at Praxis. Furthermore, he thanked the public for other concerns presented and advised that the lights would be addressed.

DEPARTMENTAL BUSINESS

- 7. Resolution 2022/041 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Memorandum of Understanding ("MOU") with Broward College for participation in the Broward Up Program; authorizing the City Manager to execute the MOU; providing for implementation and an effective date.**

Mayor Ganz asked that this item be discussed out of order; there was no objection by the Commission.

The Resolution was read by title only.

Gregory Haile, President Broward College, provided a brief background on his career and a personal history that caused him to seek higher education. Thereafter, a PowerPoint presentation was provided outlining higher education and its importance for income outcome.

DEPARTMENTAL BUSINESS - CONTINUED

Mildred Coyne, Broward College, explained the process for determining what communities needed the program; whereby, 11 zip codes were identified, but paired down to 6 zip codes with the highest unemployment rate, between 9% and 13%. Ms. Coyne said within those zip codes, 54% have a high school diploma or less which is challenging considering the labor market. Right now, employment requires education beyond high school and normally, a bachelor's degree. Ms. Coyne provided statistics that illustrated a higher unemployment rate in 33441, at 9.3% when the County was at 2.8%. There must be a better job to connect residents to post-secondary credentials to align more equitably to the labor market and obtain access to good jobs in the communities.

Continuing, Ms. Coyne outlined the goals for Broward UP aka Unlimited Potential: increase college access and attendance; improve degree and certificate attainment; holistically raise social and economic mobility; whereby, the intent is to raise income by at least two income quartiles. Furthermore, there are many that cannot access postsecondary education; therefore, Broward College has added various locations for higher learning. She said they wanted to connect people to opportunities available to them and began partnering through the Governor's Job Program with the Urban League of Broward County. Broward College began offering free workforce training classes; whereby other agencies entered into a memorandum of understanding with Broward College to offer free classes and use underutilized spaces, workforce credentials for certifications and trainings needed to align to the marketplace, build a resume, and increase competence for the market. Within the six zip codes, partnerships are being formed with other municipalities as well. Lastly, Ms. Coyne displayed a map showing an increase of 26 locations since 2017-2018.

Dr. Jennifer St. Louis, Associate Vice President for Partnership Impact, explained how the program is being marketed to help residents understand how to start and offering opportunities for short term programming, like a one-day Excel program, etc. She said since 2018, more than 3,250 residents have been served along with over 2,000 workforce credentials who have gone through the workshops. Ms. St. Louis shared success stories for those who have gone through the program. Thereafter, she outlined the return on investment for both students and community; whereby, it is based on an increase of employment, public revenue, and a decreased dependency on public subsidy. Ms. St. Louis explained how the memorandum of understanding works, i.e. access to live an on-demand webinars, support for the students as they will have access to a dedicated clear path navigator to help them with career planning and goal setting and craft their educational plan to identify any gaps. Lastly, once the location is determined, Broward College will saturate the community with Broward College banners, signs, flags, and posters.

Kris Mory, Director of Economic Development, said if approved, staff is prepared to submit a press release in the morning.

Bob Birdsong, supporter, thanked the Commission and Broward College for bringing this to fruition.

Commissioner Drosky and Vice Mayor Hudak spoke in support of the proposed resolution.

Mayor Ganz opened the public hearing.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, spoke in support of the item. She said as Education Advisory Board Chair, they are researching every aspect of upgrading the educational advantages in the City as residents have difficulties getting to certain areas.

Mayor Ganz closed the public hearing; thereafter, he applauded the proposed resolution and thanked Broward College and staff for their efforts in bringing this to fruition.

MOTION was made by Commissioner Preston, seconded by Commissioner Parness, to approve Item 7, adopted Resolution 2022/041. Roll Call:

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

Nays: 0

CONSENT - BOARD APPOINTMENTS

Mayor Ganz opened the public hearing for items 2 and 3; however, there were none to speak and the public hearing was closed.

There was no discussion amongst the Commission.

2. **Resolution 2022/036 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, reappointing Anthony Pelt and Tony Guadagnino as Commissioners of the Deerfield Beach Housing Authority; and providing an effective date.**
3. **Resolution 2022/037 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, confirming Lee Magnuson as a member of the Non-Uniformed Employees Retirement Plan Committee; providing for an effective date.**

MOTION was made by Vice Mayor Hudak, seconded by Commissioner Parness, to approve Items 2 - 3 in concert. Voice Vote:

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

Nays: 0

CONSENT - AGREEMENTS & EXPENDITURE REQUESTS

Mayor Ganz opened the public hearing for items 4 - 6; however, there were none to speak and the public hearing was closed.

There was no discussion amongst the Commission.

4. **Resolution 2022/038 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, authorizing submission of a 2022 Community Challenge Grant Application to the American Association of Retired Persons ("AARP") to fund an intergenerational garden at the Teen Center; authorizing acceptance of the grant funds and execution of a Grant Agreement with the AARP, if awarded; providing for implementation and an effective date.**
5. **Resolution 2022/039 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving an Agreement with Government Services Group, Inc. for American Rescue Plan Act Grant Management Services in an amount not to exceed \$191,000 for Phase II of the services, utilizing the State of Florida, Department of Management Services State Term Contract #80101500-20-1; providing for execution and an effective date. (Funds from Account #186-8000-554-32-99 - Other Contractual Services)**
6. **Resolution 2022/040 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Special Event Permit Application submitted by Surfers for Autism for the 13th Annual Surfers for Autism Event at Deerfield Beach, 149 SE 21st Avenue, on Friday, April 29, 2022 through Sunday, May 1, 2022; approving a waiver of fees; providing for an effective date. (Fiscal Impact: \$4,810.10 - Parking, Showmobile, & Salary)**

MOTION was made by Commissioner Preston, seconded by Commissioner Parness, to approve Items 4 - 6 in concert. Roll Call:

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

Nays: 0

DEPARTMENTAL BUSINESS

- 8. Resolution 2022/042 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, supporting the City's membership in the Metro-Transportation Engineering and Construction Cooperative ("MTECC"); approving the Interlocal Agreement for the creation of the MTECC; authorizing expenditure of \$50,000 for the membership fee and \$25,000 for the annual fee provided for in the Interlocal Agreement; providing for execution and an effective date. (Funds from Account #108-5050-541-32-99 - Other Contractual Services)**

The Resolution was read by title only.

David Santucci, City Manager, said staff has communicated with the Broward Metropolitan Planning Organization (MPO) and believes the agreement to be in the best interest of the City.

Paul Calvaresi, Broward MPO Intergovernmental Manager, provided a brief PowerPoint concerning the MTECC. MTECC was the answer to a problem; whereby, in 2018, there was a Mayor's Elect Official Roundtable that reviewed how transportation projects were being executed in Broward County. Smaller municipalities were tasked with the same amount of responsibility as larger municipalities for capital projects. He explained the disparity amongst cities based on size and staff; whereby, the largest city in Broward County has a population of 182,000 and the smallest 26. Additionally, the Florida Department of Transportation (FDOT) made the decision to end delivery of federally funded off-state projects using LAP (local agency programming). The LAP process is long and arduous, it entails a lot of paperwork and requires a specific skill. An analysis was performed which revealed that every time a city takes on a LAP project, they must spend \$100,000 in unbudgeted costs between personnel and effort.

Continuing, Mr. Calvaresi outlined various endeavors to bring the cities together to pull resources and make it more efficient; c-corporations, cooperatives "co-ops", and Florida Interlocal Cooperation Act of 1969. The latter was determined to be the most efficient way of bringing the cities together. The Interlocal Cooperation Act does not have a known legal process, the agreement sets terms and structure of the cooperation, and it is flexible enough to meet specific city needs. Mr. Calvaresi outlined the benefits of MTECC; centralized engineering expertise, centralized procurement, efficient and timely project delivery, and others. He said the organization is very lean and listed the key elements of the Board; self-governing and self-funded by members, as municipalities will submit annual dues to cover overhead. The founding members include Hollywood, Plantation, and Pompano Beach, who are contributing \$100,000 each as seed money; non-founding member contribution is \$50,000. Each year, there will be a \$25,000 annual membership fee; however, it can be adjusted by the Board annually. The minimum commitment is five years to plan out process needs and loan requests.

Commissioner Drosky left the dais temporarily at 8:12 p.m. and returned at 8:14 p.m.

Christopher Bross, Contracts & Procurement Manager, said there are two separate agreements; the first is with the three founding members which have been executed. The second is an interlocal agreement (ILA) which will be presented to the MPO Board about the services being provided to MTECC, i.e. start up services. He said it will be in-house as well as contracted services for MTECC. The purpose of the ILA is to consent to and authorize the creation of MTECC, in order to facilitate the planning, design and construction of transportation related projects throughout the County. There is a firewall between planning activities of the MPO and the design and construction activities of MTECC; however, he advised that all the projects will have to go through the LAP process. MPO assumes no financial responsibility for MTECC projects. Thereafter, Mr. Bross outlined authorized activities of MTECC: federal aid project administration, LAP certification, and others.

Continuing, Mr. Bross said MTECC may become LAP certified by FDOT and upon certification, MTECC may contract for project delivery of Federal Aid Projects on behalf of FDOT. Municipal members requesting the project is responsible for non-eligible expenses and cost overruns; MTECC is never responsible, nor is the MPO. This occurs when there is extra work once construction has commenced, possibly due to a change order that is not funded. Additionally, he discussed local project administration; whereby, the municipal members always retain the option to use MTECC or not when taking on a project. Project costs

DEPARTMENTAL BUSINESS - CONTINUED

and responsibilities are addressed in individual project-based agreements between FDOT, MTECC, and the municipality. For any individual project-based agreements, the MPO will not be involved and will not have any responsibility for funding beyond TIP programmed funds. Other services upon ILA execution include: in-house support, Broward MPO contracted support, administrative services support, assistance with board meetings, legal, finance and others. Thereafter, Mr. Bross presented the MTECC implementation schedule; whereas, MTECC operations will begin in the second quarter of 2022, obtain FDOT LAP certification in the summer and begin MTECC projects in the state's fiscal year 2023. Thereafter, Commission questions were entertained.

Mayor Ganz spoke in support of the proposed resolution. He explained that this would offer support and resources for various projects, in a collaborative manner instead of dealing with a lot of red tape.

Vice Mayor Hudak asked what guarantees are there that the annual membership fee will not increase and how will projects be prioritized considering the number of cities in the county and the desire to onboard all the cities.

Mr. Calvaresi replied that the only time MTECC incurs costs is when there are projects to be had; the MPO is hosting this to keep the overhead fees at a minimum. The \$25,000 maintenance fee is for overhead only and as projects come online, they will be self-funded. He said as for prioritization, the projects have already been prioritized by the MPO and Mayor through TIP and there is already a process in place. Furthermore, FDOT will no longer be the implementing agency, MTECC will be.

Mr. Bross said the three original board members will have an opportunity to discuss further expansion for more members. The \$25,000 can be adjusted, but he understands it is a contingency and hopes it could be lowered on an annual basis; however, he does not know yet.

Vice Mayor Hudak said his concern is that the founding cities will prioritize their projects over others.

Commissioner Drosky expressed the same concern and asked Mayor Ganz his opinion.

Mayor Ganz replied that it will not happen as the list has already been agreed upon.

Mr. Santucci asked that the duties of the board members be outlined. Further, he said he had the same concerns regarding the projects, but does not any longer.

Commissioner Drosky said the agenda backup advises that the board may expand to five so there is no guarantee Deerfield Beach will become a member.

Mr. Bross said the founding board members would be the decision makers for MTECC projects, and their primary focus will be contracts, approval and execution. He supported Mayor Ganz's statement that the projects have already been prioritized and set; therefore, MTECC will not be re-prioritizing projects moving forward.

Mayor Ganz asked that the board's limitations be outlined so everyone understands what they can and cannot do; whereas, they do not have the ability to re-prioritize or put their cities ahead of others.

Mr. Calvaresi agreed. He said the board serves as a board of directors for MTECC; as contracts come through, they will approve them; and serve mostly in an administrative capacity. Regarding the expansion, five cities were lined up, but two dropped out and the ILA was revised to proceed with only three members. He said the contract needs to start before fiscal year 23 so everything is ready for the next fiscal year.

Mayor Ganz said if MTECC fails in the areas where there is concern, the MPO would outnumber the MTECC three-member board and could move for discontinuation of services. Lastly, he advised that the ILA was never set up in a manner that would give the board members an upper hand on the projects.

In response to Commissioner Drosky's question, Mr. Calvaresi replied that Pembroke Pines, Pembroke Park, and Davie are the other cities considering the ILA and could be the next three non-bounding members.

DEPARTMENTAL BUSINESS - CONTINUED

Mayor Ganz opened the public hearing.

Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach, asked if the projects were previously approved by the MPO and asked for additional clarification on the board's responsibilities and handling of projects.

Mr. Calvaresi replied that the FDOT has stepped back from the role of implementation and MTECC was created to fill the gap.

Mayor Ganz explained that FDOT has decided they do not want to spend time, money, or staff resources on these projects and has given the responsibility to the municipalities for work that they have done historically. Thus, it creates extreme difficulty for all cities and MTECC is stepping in to help move the federally funded projects forward. Thereafter, the public hearing was closed.

MOTION was made by Vice Mayor Hudak, seconded by Commissioner Drosky, to approve Item 8, adopted Resolution 2022/042. Roll Call:

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

Nays: 0

9. Resolution 2022/043 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, authorizing the City Manager to send a letter to the Florida Department of Transportation District Four Secretary regarding the SW 10th Street Connector Project; providing for implementation and an effective date.

The Resolution was read by title only.

David Santucci, City Manager, said staff is reviewing various agreements that the Florida Department of Transportation (FDOT) wants the City to consider. First, a utility work by highway contractor agreement; there will be two, and one will be utilities that FDOT would be responsible for refunding and the other at the City's expense. Other considerations include right of way memorandum agreements; all need to be signed by June 2022. Additionally, Mr. Santucci said there is a disagreement on the landscaping irrigation system maintenance agreement and the lighting maintenance agreement.

Continuing, Mr. Santucci said there are four major issues to address with FDOT: the impacts resulting from FDOT's proposed right of way acquisition; whereas, the full documentation has not been provided and the amount of right of way they would need to take from private property, i.e. businesses or vacant parcels, that have the potential for future development and turn into right of way. Basically, the City would either lose the revenue or never see it again; FDOT has not discussed how it will be mitigated and there is no guarantee that is part of the plan. Moreover, there is an opportunity for the County to establish a reclaimed water line amid the project. The County recently installed a reclaimed water main along Powerline Road; the City may be able to piggyback on it and run a line down 10th Street to be used in the City and neighboring communities.

Furthermore, Mr. Santucci said there is the potential to irrigate the SW 10th Street project and landscaping that should arise. There is a disagreement as to who should pay for the cost and interpretation of State Statute; FDOT considers it a betterment. Conversely, there is language in the State Statute that references creative ways to conserve water and one way is through reclaimed water. Lastly, decisions regarding landscaping maintenance as the current project proposes \$4 million worth of landscaping. FDOT is required to fund 1.5% of their total construction project costs for landscaping, whereas, they are significantly short. Mr. Santucci said with long term maintenance, FDOT has agreed to oversee the landscape maintenance for two years for the growing period, then turn the responsibility over to the City. Finally, the City has requested installation of decorative light within the corridor and while FDOT is willing to oblige, it would be a cost to the City and includes city maintenance. In closing, FDOT provided a letter to the City advising that they would not fund the reclaimed water line and will maintain landscaping for two years before giving

DEPARTMENTAL BUSINESS - CONTINUED

responsibility to the City. He asked if the Commission agreed to request a response in writing prior to the MPO meeting in April.

Mayor Ganz outlined his experiences with FDOT and their handling of various projects especially when the costs were exorbitant. He asked that the letter be placed on an MPO meeting agenda and the residents attend the meeting, even if the City has to provide transportation.

Commissioner Drosky explained how FDOT has mishandled past projects and therefore, he supports the resolution and letter being provided to the FDOT. He said having the city's concerns disregarded is extremely troubling and these issues need to be worked out quickly.

Commissioner Parness commented on a project that caused Green Road to become a speed way because they failed to have a traffic signal installed between Military Trail and Powerline Road. He said they are not trustworthy and supported the letter being sent. He also said transportation can be provided for Century Village residents can be provided to attend the meeting.

There were no speakers from the public.

MOTION was made by Commissioner Drosky, seconded by Commissioner Parness, to approve Item 9, adopted Resolution 2022/043. Voice Vote:

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

Nays: 0

COMMENTS BY ADMINISTRATION & LEGAL**CITY ATTORNEY**

Legislative Bills – Anthony Soroka, City Attorney, outlined various bills that could have negatively impacted the City that failed: sovereign immunity caps (HB985/SB984); and adoption of city ordinances with business impact estimate (HB403/ SB280). Approved bills include: business damages (SB620), whereby, certain businesses have the ability to sue the City for ordinance changes; and regulation of smoking (HB105). He said he will discuss these further at a future meeting.

CITY MANAGER

Hybrid Commission Meetings – David Santucci, City Manager, asked the Commission how he would like to move forward, i.e. all elected officials attend the meeting or continuation of some via Zoom and in person.

After a brief discussion, it was the consensus of the Commission to continue with hybrid meetings; however, elected officials may choose to attend in person or virtually. Additionally, the issue will be reconsidered in a month and at that time all elected officials will return to in person attendance; however, the Zoom format will continue for the public.

CITY COMMISSION BUSINESS

10. ORDINANCE 2022/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION" OF THE CITY CODE OF ORDINANCE ARTICLE VI, "CODE ENFORCEMENT," DIVISION 2 "SPECIAL MAGISTRATE," SECTION 2-361 "ADMINISTRATIVE FINES; COSTS OF REPAIR; LIENS" TO INCREASE THE MAXIMUM AMOUNT OF ADMINISTRATIVE FINES THAT MAY BE IMPOSED BY THE SPECIAL MAGISTRATE FOR CITY CODE VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

CITY COMMISSION BUSINESS - CONTINUED

The Resolution was read by title only.

Anthony Soroka, City Attorney, advised that passage requires a 4/5 vote. He explained that the fine amounts that the special magistrate can levy for code enforcement hearings are usually based on state law. Currently, the city code provides for maximum fines in the amount of \$250 per day for the first violation and \$500 per day for repeat violations. When something is really egregious, the special magistrate is capped at issuing the \$250 per day fine. Under FS 162.09, municipalities with populations greater than 50,000 have the option to increase the maximum fine amount upon an affirmative 4/5 vote of an ordinance. The proposed ordinance provides for the maximum fines allowed by statute. Mr. Soroka said just because a person receives a violation, they may not receive that fine, but the special magistrate would have the authority to go to that limit. Finally, per state law, the magistrate is required when issuing the fine amount to consider the gravity of the violation, actions taken by the violator to correct, and any previous violations committed.

Vice Mayor Hudak said the proposed ordinance gives the magistrate an option on what to impose to bring people into compliance. He explained that there is an issue with vacation rentals that are adversely affecting the communities; therefore, the special magistrate needs to have as much authority as possible to deal with egregious violators. Vice Mayor Hudak said he would like the owners of the vacation rentals to take responsibility for what is happening on their property.

Mr. Soroka said this ordinance is not specific to any particular property, type of property, or types of violations. If adopted, it would apply citywide and allow the magistrate to levy for code violations.

Mayor Ganz said he does not want the fine amount to be seen as the city's first option, but wants to address egregious acts that he has witnessed and wants to have tougher enforcement on those.

Commissioner Parness spoke in support of the ordinance and said he has attended special magistrate meetings and saw leniency; therefore, it is time to act. Lastly, he said it is important that people are kept safe and outlined life threatening issues that should be handled in a manner to bring compliance.

Commissioner Preston spoke in support of the ordinance and explained that the ordinance does not target any one group, but brings a balance to anyone in violation.

Commissioner Drosky said although he agrees with the proposed ordinance, the fines could apply to someone with a simple lawn mowing violation. Thereafter, he listed the options available to the special magistrate: gravity of the violation; actions taken to correct violation; and any previous violations committed by the violator. He said he does not foresee a vacation rental owner taking corrective actions. Also, it is important to consider who is the violator, as a tenant/renter will never comply. If the violator is a property owner, then maybe a procedure can be followed. Commissioner Drosky recommended adding violations for property owners to Section 1b as it would give the magistrate more leeway to impose the maximum fine.

Commissioner Hudak left the dais temporarily at 9:49 p.m. and returned at 9:51 p.m.

Mayor Ganz said the magistrate can impose the maximum but does not believe there are many situations where the maximum fine is imposed for something like not mowing the lawn. He said the proposed ordinance applies across the board and will be used with the same approach, that a violator is not imposed the maximum for a minor violation.

Commissioner Preston said he agrees with targeting egregious violators.

Commissioner Parness asked if the owner is normally cited for violations instead of the tenant.

Mr. Soroka replied that both the tenants and property owners can be cited for property related violations; however, citing the property owner provides more enforceability. Additionally, continued non-compliance would allow the City to lien the property.

CITY COMMISSION BUSINESS - CONTINUED

Commissioner Parness commented on various violations and how continued violators would be fined the highest if continually in front of the magistrate or ignoring the problem. He said he has personally attended a magistrate hearing and witnessed the magistrate's leniency, but if the violation is not corrected, a fine is imposed. He emphasized that the ordinance addresses the most egregious violators.

Vice Mayor Hudak said the ordinance does not target anyone, but gives the magistrate an additional tool. The hearings are meant to serve as a deterrent and the ordinance is a tool as the City does not tell the magistrate how to handle cases, the only thing that can be done is what the law allows. Lastly, he reiterated that the ordinance does not target any industry or individual, except the egregious offender, but gives the magistrate an opportunity to impose a higher fine and hopefully bring the properties back into compliance.

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

MOTION was made by Vice Mayor Hudak, seconded by Commissioner Parness, to approve Item 10 on first reading. Voice Vote:

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

Nays: 0

ADDENDUM**11. Discussion and potential action regarding City Charter term limit restrictions for consecutive service as Commissioner and then as Mayor.**

Anthony Soroka, City Attorney, said during the last commission meeting, there was a discussion regarding a potential ballot question for adding an additional term for the term limits, then an issue was raised about a potential loophole with respect to an individual who would serve as a commissioner consecutively for eight years, immediately followed as the mayor consecutively for eight years. The concern was raised that the same individual possibly running for commissioner, immediately. He has reviewed the charter provision and advised that his opinion is as such that someone in that circumstance, currently, with the existing charter language would not be able to immediately run for commissioner after eight years of consecutive service and eight years of consecutive service as mayor.

Continuing, Mr. Soroka presented the current charter provision from Section 3.04 Election and Terms: No person may appear on the ballot for re-election to the Deerfield Beach City Commission (as defined in Section 3.01). Section 3.01 refers to both a commissioner and mayor. He explained that Section 3.04 also carves out language for what is currently allowed, a mayor who has served for 8 consecutive years, to then serve as commissioner for another 8 consecutive years. He expressed concern with moving to a ballot question as it can be defended as is, but asked the Commission how they would like to proceed.

Mayor Ganz said he does not think he should have the ability to run as commissioner again and would like finality to this concern; therefore, in light of Mr. Soroka's legal opinion, he opted to not pursue it as a ballot question.

Mr. Soroka said anyone can challenge the question, but believes this is the proper reading as agreed by other attorneys. If the Commission desires, he asked that there be a motion to rescind the vote made at the previous meeting.

Vice Mayor Hudak asked, for example, if Mayor Ganz decided to move to District 1 and run would it be allowed.

Mr. Soroka replied that it does not prohibit someone from taking a break and coming back, it speaks to consecutive service.

CITY COMMISSION BUSINESS - CONTINUED

In response to Commissioner Parness' question, Mr. Soroka replied that if a newly elected official were suddenly out of office due to death or resignation, because of the wording, by the end of their current term of office, suggests that the individual would need to be in office to be prevented from going into the next election; therefore, it may be possible. He said he has not fully researched that topic.

Mayor Ganz opened the public hearing; however, only one e-mail was provided to read and pertained to a previous agenda item. Since there were no others to speak, the public hearing was closed.

MOTION was made by Commissioner Preston, seconded by Vice Mayor Hudak, to rescind request for an additional ballot question on consecutive terms. Voice Vote:

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

Nays: 0

PUBLIC COMMENT - CONTINUED

Mayor Ganz reopened the public comment portion for the e-mail to be read.

Chad Cheleden, 109 SE 13th Street, Deerfield Beach, spoke in opposition to increasing term limits to three terms as well as the cost to place a question on the ballot since it was previously addressed by the voters. [Read by Mayor Ganz]

Commissioner Parness said he thinks it is very important that the public decides.

COMMENTS BY MAYOR & CITY COMMISSION**COMMISSIONER PARNESS****DISTRICT 3**

Code Enforcement - Commissioner Parness applauded Code Enforcement for the work they've done in his district and Century Village as there has been a tremendous reduction in illegal dumping and removing bulk items from the roads.

COMMISSIONER DROSKY**DISTRICT 4**

Saturday Office Hours - Commissioner Drosky advised that he will be available on April 2nd, from 10 am – 11 am instead of the normal time, so he has an opportunity to attend the Employee Appreciation Picnic.

Ukraine Support - Commissioner Drosky asked that a resolution be presented at the next meeting to divest any investments the City has with Russia as a show of support to Ukraine. He said this is an action the City is able to take and wishes to move forward.

COMMISSIONER PRESTON**DISTRICT 2**

Attack on Ukraine - Commissioner Preston agreed with Commissioner Drosky as this attack is very difficult to see as it is also an attack on democracy.

District 2 Meeting - Commissioner Preston said he will hold a meeting at the Hillsboro Community Center on March 31st at 7 p.m.

Kiwanis West Cleanup - Commissioner Preston said Kiwanis is having a clean-up from Deerfield Park Elementary to NW 2nd Street, during Spring Break; he advised that they need gloves and other supplies. Also, volunteer hours will be awarded.

COMMENTS BY MAYOR & CITY COMMISSION - CONTINUED**VICE MAYOR HUDAK****DISTRICT 1**

Service as Vice Mayor - Vice Mayor Hudak said he is honored to serve as vice mayor and serve not only District 1, but the City as a whole.

Employee Appreciation - Vice Mayor Hudak said he looks forward to April 2nd for the employees.

Attack on Ukraine - Vice Mayor Hudak spoke in support of the resolution. He said it is very sad and feels bad for the citizens who are experiencing this devastation.

MAYOR BILL GANZ

District 3 - Mayor Ganz applauded Commissioner Parness for his efforts with cleaning up the district as he has seen the changes and heard compliments also.

Burrowing Owl - Mayor Ganz said someone reported a burrowing owl next at Oveta McKeithen Recreational Complex near the gym, to the east. He said they are an endangered species and asked that staff investigate.

Fiscal Year Budget - Mayor Ganz said there are various clubs in the City that give back so much through volunteerism. He asked that during the budget season, there be a financial consideration for the clubs as it reduces the burden on city staff.

Speeding on Hillsboro Boulevard - Mayor Ganz asked that there be additional enforcement to the point that it is almost unbearable; as an effort to reduce speeding.

Unavailable - Mayor Ganz said he will not be available for the next week; however, if he needs anything, he will contact the City Manager.

ADJOURNMENT

There being no additional business to discuss, the meeting adjourned at 10:03 p.m.

CITY OF DEERFIELD BEACH

BILL GANZ, MAYOR

Samantha Gillyard, CMC, City Clerk