



## Meeting Minutes - Final City Commission

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Tuesday, June 6, 2017

7:00 PM

Commission Chambers

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### CALL TO ORDER AND ROLL CALL

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

*Vice Mayor Miller arrived at 7:02 p.m.*

**Present:** 5 - Commissioner Gloria J. Battle  
Commissioner Todd Drosky  
Commissioner Bernie Parness  
Vice Mayor Joseph Miller  
Mayor Bill Ganz

**Also Present:** 3 - City Manager Burgess Hanson  
City Attorney Andrew Maurodis  
City Clerk Samantha Gillyard

### MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

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

### APPROVAL OF CITY COMMISSION MINUTES

**MOTION was made by Commissioner Battle, seconded by Commissioner Parness, that the May 16, 2017 be approved as submitted. Roll Call:**

Regular City Commission Meeting Minutes - May 16, 2017

*Vice Mayor Miller was not present for this vote.*

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

**Yeas:** 4 - Commissioner Battle, Commissioner Drosky, Commissioner Parness, and Mayor Ganz

**Nays:** 0

**Excused:** 1 - Vice Mayor Miller

### ACKNOWLEDGEMENT OF CITY BOARD MINUTES

*Vice Mayor Miller was not present for this vote.*

**MOTION was made by Commissioner Battle, seconded by Commissioner Parness, to acknowledge the Board minutes. Voice Vote:**

**Yeas:** 4 - Commissioner Battle, Commissioner Drosky, Commissioner Parness, and Mayor Ganz

**Nays:** 0

**Excused:** 1 - Vice Mayor Miller

Community Appearance Board Meeting Minutes - April 12 & May 10, 2017

Non-Uniformed Employees' Retirement Committee Meeting Minutes - March 13, 2017

## **APPROVAL OF CITY COMMISSION AGENDA**

*June 6, 2017*

**MOTION was made by Vice Mayor Miller, seconded by Commissioner Battle, that the June 6, 2017 agenda be approved as submitted. Voice Vote:**

**Yeas:** 5 - Commissioner Battle, Commissioner Drosky, Commissioner Parness, Vice Mayor Miller, and Mayor Ganz

**Nays:** 0

## **PRESENTATIONS**

1. Certificate of Recognition presented to the Kiwanis Club and the Kiwanis West of Deerfield Beach for their outstanding volunteer efforts and charitable donations to programs and events throughout the City.

Mayor Ganz provided certificates of recognition to both the Kiwanis Club and Kiwanis Club West who have contributed greatly to the City. Thereafter, Mayor Ganz provided background on both organizations including the number of members, the year established, various events both clubs have sponsored throughout the City and their contributions to the community. Lastly, Mayor Ganz presented the certificates to the clubs.

2. A presentation by Kathy Wesley, Broward County Human Services Administrator for Family Success.

Ms. Wesley said Broward County has a program that many people are unaware of and the Broward County Human Services Family Success Administration Division is starting a campaign to bring awareness. Ms. Wesley outlined the mission of the organization, to provide assistance to individuals and families in achieving economic self sufficiency. Family Success offers services to Broward County residents through the following programs: Family Success centers, Community Action Agency and housing options. There are four (4) centers located in Fort Lauderdale, Coral Springs, Hollywood and Pompano that provide emergency financial assistance and self sufficiency case management. Thereafter, Ms. Wesley continued to outline some of the services offered through Family Success. Assistance from the Family Success Centers is allowed one time within a 24 month period and no more than three (3) times in a lifetime.

Continuing, Ms. Wesley explained the criteria to qualify for emergency food and shelter which varies from other programs. For utility assistance, a maximum of \$500 is offered. Self

sufficiency case management may provide additional rent assistance as well as child care, food and transportation assistance while helping customers develop a sustainability plan. The sustainability plan includes assistance in budget education, credit repair and assessing mainstream resources. Ms. Wesley outlined the programs offered by the various locations. She said a number of services are provided throughout the County, to serve as a one-stop shop. Other services include home energy assistance and crisis payments for utility services. Community Action Agency provides services for education, training, books, tools, child care and other; clients are accepted on an income basis, 125% of the poverty level or below with a strong desire to achieve.

Moreover, Ms. Wesley said the housing options program offers programs intended to prevent or end homelessness to low income families and individuals. Other programs include assistance with case management, move-in expenses as needed to house a family while they address barriers to housing stability. There are two HUD funded programs for individuals who are homeless and suffering with substance abuse disorders; limited funding is available for hotel placement when access to emergency shelters is unavailable. Housing options has a program called Family Reunification which offers a one-way bus fare ticket to a Broward County resident who is homeless and has no other local resources. The individual or family can be transported to a family member or individual outside Broward County willing to provide a home. Ms. Wesley outlined the program for potential homebuyers whereby, the entire program can last from one (1) to three (3) months and includes budgeting classes.

Commissioner Drosky said he met Ms. Wesley at his first Saturday meeting in May and thought it would be worthwhile for her to bring awareness to this program. He thanked her for attending.

Ms. Wesley said she provided the Clerk with various paraphernalia regarding the program.

Commissioner Battle said she is very familiar with the programs, but expressed concern that the cost of rent for a one-bedroom apartment, for example, far exceeds the amount provided by Family Success. She asked if there is a secondary source to make up the difference provided through Family Success.

Ms. Wesley replied that Family Success does reach out to other partners to match the dollars they are unable to if a customer does not have the ability.

Commissioner Battle asked how many District 2 residents have used the program in the past.

Ms. Wesley replied that Deerfield Beach is #2 in using their services.

**3. A presentation regarding Broward Next by Eric Power, Director of Planning and Development Services.**

Mr. Power provided an update on the Broward Next program; whereby, in 2014, Broward County decided to reevaluate their comprehensive plan. Since there have been changes over time, Broward County is revising their plan in consideration of climate change, targeted redevelopment, natural resource protection, multi-modal transportation, attainable housing,

disaster planning recovery and renewed partnerships of intergovernmental relations between the County and municipalities. The policies that resulted in this review included the support of a Countywide climate action plan, redevelopment programs, Complete Streets Incentive Initiatives and historic resources, attainable housing which was previously affordable housing, reform the land use plan and to increase the plat exemption from 5 to 10 acres.

Continuing, Mr. Power said the County is collapsing the land uses; instead of having multiple land uses, things will be much simpler; for example, non-residential is changing to commerce, community facilities to utilities, mixed use to activity center as well as other changes. He said the City is not necessarily required to change its comprehensive plan if it still falls within the concept of Broward County's Land Use Plan, but may do so to make it simpler. He outlined a copy of the land use plan map with both the existing and proposed. The plan was adopted back in April, but the resolution was just adopted June 2nd. Additionally, Broward County will provide an implementation document to the municipalities discussing the actions each has the choice to take. Cities can be more restrictive than the County if chosen. Mr. Power said there will be additional meetings to discuss the possibility of changing the City's land use and comprehensive plan to meet or match the County plan.

### **AUDIENCE TO BE HEARD**

**Christine Wortmann, 2922 Deer Creek Country Club Boulevard, Deerfield Beach**, asked the Commission to consider boat parking passes similar to the beach parking stickers at a reduced fee for those already in possession of the beach parking sticker.

**Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach**, asked if staff attended the South Florida Regional Council Conference regarding the census on Monday, June 5th.

Burgess Hanson, City Manager, replied that he is not sure.

Ms. Clarke-Reed suggested that staff start working the census as every person wants to be counted.

Mr. Hanson said staff attended the strategic planning session and could not attend the census meeting.

**Joe Hines, 559 NW 47th Terrace, Deerfield Beach**, said on April 4th, there was an item pertaining to door-to-door solicitation and canvassing and he would like it to be revisited. He said election candidates should not be excluded from visiting residents and asked that it be addressed in the ordinance. Additionally, in April, he attended the Department of Transportation meeting and thought the topic was Sawgrass to I-95 expansion, but only I-95 was discussed. He recommended that the City take the lead of how the road will be developed as he has heard it will only be an elevated highway. Also, he asked that the Commission consider the tunnel that was mentioned and how it would impact the City in terms of surface traffic at Military Trail. He asked that the City be proactive on this situation since DOT has another meeting in August. Continuing, Mr. Hines commented on the documents he received through a public records request pertaining to the Municipal Firefighter's Fund ending October 1, 2016. On page 27, it states that the average firefighter earns \$117,000 annually and every year, they receive 5%. When the contract comes up around 2020, it will be another 15% bringing the amount up to \$130,000.

**Dan Herz, 330 SE 19th Avenue, Deerfield Beach,** said he attended the Strategic Planning Workshop on June 5th and did not hear any concrete discussion regarding Pioneer Grove/Dixie Highway Development. He asked if the City planned to spend millions on infrastructure with the hope that multi-family and businesses will relocate there or is the City willing to give waivers on development fees or forego property taxes to encourage development. Mr. Herz said there was not much discussion, but remembered Mayor Ganz saying tax incentives are not needed to lure people. He expressed concern with not having tax incentives for Pioneer Grove/Dixie Business corridor and spending \$1.7 million to buy beach property.

**David Mirantz, 9841 Riverside Drive, Coral Springs,** commended the Commission for the Strategic Planning session; thereafter, he commented on the Sunshine Law.

**Jerry Lee, 4311 Crystal Lake Drive, Deerfield Beach,** applauded Vice Mayor Miller for his stance in recycling and with polystyrene material. Thereafter, Mr. Lee commented on keeping the affordable Crystal Lake Golf Course which is more valuable than the monetary revenues produced. Further, he commented on the cost of the Deer Creek Golf Club and asked that a moratorium be implemented for the driving range portion of Crystal Lake Golf course, pay a settlement to the developers, reclaim all the land back to commercial recreational and lastly, place a referendum on the property for use as a golf course through perpetuity. Lastly, Mr. Lee commented on the election process and partisan processes.

Mayor Ganz said the Commission can consider a separate sticker; thereafter, he explained the history behind the sticker and the opposition some have expressed for having it. Next, he thanked Ms. Clarke-Reed for her comments concerning the census. With regard to 10th Street, Mayor Ganz explained that the City has taken more than a leadership position on that topic. The COAT committee served for a year and a half and was comprised primarily of Deerfield Beach residents, which shows the City took a leadership approach. He encouraged residents to visit the Broward MPO's website and view the plans being proposed as it provides direction on the project. Regarding I-95 and the connection between the Sawgrass and I-95, those are two (2) separate projects in addition to the 10th Street project. The City is watching these projects closely because they impact the residents and businesses. The Strategic Planning Workshop was not meant to discuss specifics, because the consultant wanted a general direction from the Commission to give guidance to staff so action plans could be created.

## **QUASI-JUDICIAL PUBLIC HEARINGS**

Andrew Maurodis, City Attorney, performed the oath for those wishing to testify on Items 4 and 5; thereafter, he explained the process for waiving the quasi-judicial hearing.

### **4. P.H. 2017-096: APPLICATION CASE NO. 2438**

Applicant: JOHN A GRANT, JR. INC. ON BEHALF OF JOSEPH K MAIURO

Proposal: Seeking a VARIANCE from the provisions of Chapter 98, Article III and Article IV of the Deerfield Beach Land Development Code, in order to 1) grant a 3-space parking variance; and 2) allow 8 parking spaces to be reduced to 9 feet in width, as permitted by Section 98-117 of the Deerfield Beach Land Development Code where the parking

modifications are for a Florida Department of Transportation project, east of the Intracoastal Waterway.

Location: The property is located at 601 NE 21st Avenue, Deerfield Beach, Florida.

Keith Grant, John Grant Engineers & Land Surveyors, 916 SE 14th Court, Deerfield Beach, waived the quasi-judicial proceedings. Mr. Grant outlined the location of the project and explained that several months ago the State started a project on A1A to expand the pedestrian friendly sidewalks for safety. As a result, the apartment house lost nine (9) parking spaces and they are proposing to reinstall a total of nine (9) spaces, with one (1) being designated for handicapped parking.

There was a brief discussion regarding the conditions under which the parking spaces were lost and where the residents are currently parking.

Commissioner Drosky spoke in support of the application due to there being an automatic hardship due to FDOT taking the parking spaces.

Andrew Maurodis, City Attorney, said this application is quite close to being ministerial. When these facts exists, under the City's Code, it is pretty much an entitlement to the variance.

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

**MOTION was made by Vice Mayor Miller, seconded by Commissioner Parness, to approve Item 4, adopted Resolution 2017/063. Roll Call:**

**Yeas:** 5 - Commissioner Battle, Commissioner Drosky, Commissioner Parness, Vice Mayor Miller, and Mayor Ganz

**Nays:** 0

**5. P.H. 2017-074A: APPLICATION 17-RM25-100 AND CASE NO. 2442**

Applicant: OCEAN BREEZE 777, LLC, represented by Mr. Jack Hawk

Proposal: Site plan application to construct an 8 unit multi-family building with swimming pool, parking, fencing and associated landscaping; AND seeking the following five (5) VARIANCES (Case No. 2442) from the provisions of the Deerfield Beach Land Development Code: 1) Section 98-61 to allow a 10' 6" side setback to the northern property line in lieu of the required 27' 6"; 2) Section 98-61 to allow a 13' 7/8" side setback to the southern property line in lieu of the required 27' 6"; 3) Section 98-61 to allow a 15' rear building setback in lieu of the required 32' 6"; 4) Section 98-73(2)b.3 to allow a 7' rear swimming pool setback in lieu of the required 7' 6"; and 5) Section 98-80(b)(2) to allow a 2' wide perimeter landscape buffer along part of the northern property line in lieu of the required 5'.

Location: The property in 0.32 acre parcel, Lots 14 and 15, Deerfield Beach, according to the plat thereof as recorded in Plat Book 4, Page 4, more particularly described in the file and located at 132-148 SE 20 Avenue.

Dwayne Dickerson, Dunay, Miskel, Backman, et al., 14 SE 4th Street, Boca Raton, waived the quasi-judicial proceedings.

Andrew Maurodis, City Attorney, said this is a reopening of the hearing on the variance request

for the Ocean Breeze development and this is an opportunity to supplement the record and to provide the opportunity for new testimony.

Mr. Dickerson said the applicant is Ocean Breeze, 777, Inc., who serves as the development team for the project, consisting of two (2) families, Deglar and Radisson, who are present tonight. The architect of record is Jack Hawk, and the project is known as Oceans 20. Thereafter, Mr. Dickerson presented photographs of the proposed site and renderings. The subject site is located just south of Hillsboro Boulevard on the east side of A1A, which previously were two (2) single family lots; they were combined as part of this development project. The home to the north with the pinkish roof is the Radisson family's home, who intend to stay and become adjacent neighbors to the development. The aerial shows three (3) single family lots which are the only ones around as other properties are RM-25 and higher. The land use for the property is residential high which is 25 dwelling units per acre; the zoning matches the land use at RM-25 and the gross acreage is approximately 0.39 acres once the two (2) lots are combined together.

Continuing, Mr. Dickerson displayed photos of the existing conditions; an urban infill and fairly blighted area. The requested site plan allows for a multi-family residential development, comprised of five (5) stories in height and eight (8) total units for the property. The ground floor is parking and the four (4) stories above would be residential development, with each story having two (2) units per floor and a maximum height of 55 feet. In the RM-25, 55 feet is permitted in the Code; thus, no height variances or deviations are being requested. He said based on calculations, the applicant would be allowed approximately 9.75 units, but to make sure it was compatible with the area, the units were reduced to eight (8). Mr. Dickerson provided a color rendering that illustrates the ground floor parking and the four (4) stories as well as the materials being used in construction.

Moreover, Mr. Dickerson said in addition to the site plan, five (5) variances are being requested. Two (2) are side setback variances; one (1) is a rear setback variance, one (1) is a setback variance for the pool and the last is a landscape buffer on the north. The first variance is the north side setback variance; the Code in the RM-25 requires a 10 foot setback. There is another provision in the RM-25 Code that says once you exceed 20 feet in height, there is a requirement for an additional 1 foot of setback for every 2 feet above the 20 feet. Thereafter, Mr. Dickerson outlined the differences for each variance in comparison to the Code. The final variance requests an emergency sidewalk leaving the building which would be on the northwest corner of the site and is required by ADA and fire; therefore requiring the 2 feet proposal for landscaping instead of 5 feet in that area. Moreover, a landscaping variance is not being required as the correct amount is being provided, but in a different area to accommodate the 3 foot emergency sidewalk.

Additionally, Mr. Dickerson outlined the required none self inflicted hardships. He started with the City's parking lot which was acquired in the late 1970's which previously were single family lots, with the last lot being acquired around 1978; then moving forward with the parking lot. The Radisson family moved in around 1980 and the parking lot had not been developed. What is unique is that as part of the development of the parking lot, the parking lot was graded and raised above the grade of the homes. He provided a photo looking west toward the subject property for the development; whereby, approximately 80% of the home is not visible based on the existing grading of the City's parking lot above and beyond the applicant's parcels heading west. He continued to display photos of the grading and the applicant's property. Mr. Dickerson displayed

the photos of the house to the north with an existing setback of approximately 3 feet; the edge of the home to the chain linked fence is the property line. The proposal is to allow 10 feet 6 inches which places the proposed building further away from the existing property line than what exists today.

Continuing, Mr. Dickerson said the home to the south has a similar scenario; whereby, the setback between the PVC fence and edge of home is approximately 7 feet. If a new single family home were built today, a 10 foot setback would be required. The arrow to the left denotes where the proposed building would be, approximately 13 feet away. Not only would the building be further away, it would be further away than a new single family home meeting Code today. The aerial, provided outlines the boundaries of the property, with the two (2) lots combined. The red border is the proposed building; the yellow on top and bottom represent the north and south respectively and are the existing homes' setback. The red line, where the proposed building would be, is further setback than both on the north and south. Mr. Dickerson said the application still meets the 10 feet on the two (2) sides and 15 feet in the back. The height is what necessitates the variance; whereas, without the height, the bottom floor would have the view of a dumpster or other facility.

Moreover, Mr. Dickerson displayed a photograph showing the size of a building that met all setbacks required by Code; it would be about 45 feet which is extremely narrow. The proposed building is 76.5 feet which exceeds the minimum setbacks for RM-25. He explained why the proposed building could not be shorter; in comparison to a typical story, 15 feet equivalent to 30 feet in total height for a two-story home. The lots are 50 feet wide by 140 feet deep and if a two-story home were built, it would be 10 feet over the 20 feet threshold which triggers the extra setback; whereby, it is required to have 5 feet on each side of the property and based on calculations, there would only be enough space for a 20 foot wide house. Based on the size of the lot, this is a non-self inflicted hardship. Thereafter, Mr. Dickerson outlined the requirements of the Code for the variance and how the application meets the variance hardships. He said this is not a special privilege because the applicant is the only one in this condition; with the single family homes, there are only three (3) lots in this area. The variance granted is the minimum variance that would make possible reasonable use of the land and building structures; the proposed building offers the greater setbacks to allow for consistency within the RM-25 zoning district. The RM-25 zoning district calls for a dense multi-unit residential development. To the south, there are four-story buildings and across the street are five-stories and up; likely, the proposed building would be a smaller building in the area in terms of compatibility and consistency.

Lastly, Mr. Dickerson said granting the variances would be in harmony with the general intent and purpose of the Code and would be injurious to the area involved or otherwise detrimental to the public's welfare. Based on the conditions of the two (2) lots, he said it is clear that the development will be a much needed boost to the area and will not injure adjacent properties. Also, there is substantial support for this project through various property owners; thereafter, he outlined the groups who have responded favorably to the project including Save Our Beach, La Cote Condominiums, the Radisson family and the Deerfield Beach Island Community Association. Thereafter, Mr. Dickerson entertained questions.

Vice Mayor Miller spoke in support of the project.



Mayor Ganz opened the public hearing.

**Bett Willett, 2646 Emerald Way Circle, Deerfield Beach**, said the Original Save Our Beach group do not support the project in totality, but members of the group do support it as she does. The project will improve the area immensely and the hardships outlined are valid. She reiterated that the project is not being supported as a group, only as individuals whereas some are members of the group and some are not.

**Katy Freitaug, 418 SE 2nd Street, Deerfield Beach**, said while the applicant has garnered support, she asked how the residents to the east (s/b west) will be impacted as their view will be blocked. Also, if the property was in such deplorable condition, owned by the same people asking for a variance now, there is a problem because if they did not take care of the property before, is there a guarantee they will maintain the property now.

**Pam Militello, 884 SE 19th Avenue, Deerfield Beach**, said the Original Save Our Beach did not take a position on the project; however, she does support the project as well as other individuals in the group.

**Marge Hilton, 1101 SE 5th Court, Deerfield Beach**, spoke in support of the project.

**James McGeary, 1442 SE 6th Street, Deerfield Beach**, presented photos of the area and explained how raising the parking lot is a benefit to the homeowner because lights are not shining into anyone's home. Thereafter, he commented on the elevation and the calculations provided by Mr. Dickerson, whereby, he believes the calculations exceed Code. Thereafter, Mr. McGeary commented on the photos and explained why he does not feel the proposed project should be granted a variance.

**Dan Herz, 330 SE 19th Avenue, Deerfield Beach**, said he owns another property on A1A , approximately 7 blocks from the subject property and cannot think of a better example than to see the City's vision. Mr. Herz spoke in support of the proposed project.

Mayor Ganz closed the public hearing.

Mr. Maurodis, clarified that the Commission cannot consider what type of facility could be built in this location if the proposed project is not approved. He noted the Commission's acknowledgement that it would not be a consideration.

Mr. Dickerson said the last lot was purchased only a few months ago; thus, the property owner has not owned the lots for several years. He said if approved, demolition activities will take place very soon. Lastly, he said the Original Save Our Beach was clear to him that this was not a group decision, but several members expressed individual support.

Mayor Ganz commented on the elevation of the City's parking lot and the calculations for height limitations are not being requested by variance. There is a hardship, but a variance cannot be granted due to blight which he explained. He asked if the setback outlined for the proposed project is better than the current setback.

Mr. Dickerson replied that is correct.

Mayor Ganz said this is an undue hardship; however, drainage has not been discussed which would be an issue.

Commissioner Parness spoke in favor of the project.

Commissioner Drosky said he originally opposed this item and disclosed that he met with Mr. Dickerson and the applicant, together and separately before tonight's vote. He said the last presentation, nothing presented represented a hardship. Commissioner Drosky said he has had an opportunity to view the property and explained the steepness of the slope and explained how the slope creates a hardship for residents. Therefore, he spoke in support of the project.

Commissioner Battle said she also met with Mr. Dickerson and the applicant and now supports the project based on what was presented tonight.

**MOTION was made by Vice Mayor Miller, seconded by Commissioner Battle, to approve Item 5, adopted Resolution 2017/064. Roll Call:**

**Yeas:** 5 - Commissioner Battle, Commissioner Drosky, Commissioner Parness, Vice Mayor Miller, and Mayor Ganz

**Nays:** 0

## **PUBLIC HEARINGS - 1ST READING**

6. P.H. 2017-099: Ordinance 2017/ - AN ORDINANCE OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING SECTION 98-3, DEFINITIONS; AMENDING SECTION 98-41 ADDING LOCAL ACTIVITY CENTERS TO THE LIST OF DISTRICTS; CREATING SECTION 98-66 LOCAL ACTIVITY CENTER; CREATING SECTION 98-67 PIONEER GROVE DISTRICT LOCAL ACTIVITY CENTER (LAC), PROVIDING FOR REGULATIONS FOR THE PIONEER GROVE DISTRICT LOCAL ACTIVITY CENTER; CREATING SECTION 98-105 OUTDOOR SEATING; AMENDING SCHEDULE B OFFSTREET PARKING REQUIREMENTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

The Ordinance was read by title only.

Burgess Hanson, City Manager, said he would like consideration to reschedule the June 20th City Commission meeting to Monday, June 19th, due to Senator Farmer's meeting on June 20th. Senator Farmer sits on the subcommittee for pre-K through Grade 12 for the State Senate as well as the Education Committee, Banking & Insurance Committee and others that are important to the City and the strategic plan. He said he just found out last week about the meeting.

Commissioner Battle said both Senator Farmer and Representative Hawkins-Williams know

when the Commission holds their meeting and scheduling a meeting one hour before the City Commission meeting on the same date is disrespectful.

**MOTION was made by Commissioner Parness, seconded by Vice Mayor Miller, to reschedule the June 20, 2017 City Commission meeting to Monday, June 19, 2017. Roll Call:**

**Yeas:** 5 - Commissioner Battle, Commissioner Drosky, Commissioner Parness, Vice Mayor Miller, and Mayor Ganz

**Nays:** 0

P.H. 2017-099: Ordinance 2017/ - AN ORDINANCE OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING SECTION 98-3, DEFINITIONS; AMENDING SECTION 98-41 ADDING LOCAL ACTIVITY CENTERS TO THE LIST OF DISTRICTS; CREATING SECTION 98-66 LOCAL ACTIVITY CENTER; CREATING SECTION 98-67 PIONEER GROVE DISTRICT LOCAL ACTIVITY CENTER (LAC), PROVIDING FOR REGULATIONS FOR THE PIONEER GROVE DISTRICT LOCAL ACTIVITY CENTER; CREATING SECTION 98-105 OUTDOOR SEATING; AMENDING SCHEDULE B OFFSTREET PARKING REQUIREMENTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

Commissioner Drosky asked about hardscaping which is defined in the backup as street furniture. He asked for clarification on the definition.

Eric Power, Director of Planning & Development Services, replied that it does include benches, chairs, knee walls, tables that are not related to outdoor seating for restaurants or anything that would allow a pedestrian who is walking to use it for a break. The items would be decorative and approved through the site plan process by the City Commission.

Commissioner Drosky asked if the definition can be clarified.

Mr. Power replied yes. Also, hardscape refers to pavers, but for the City's purpose, it is referring to street furniture.

*Commissioner Parness left the dais temporarily at 8:36 p.m.*

Mayor Ganz said the City is not trying to purchase or take property for development; there are design standards to allow for and hopefully promote redevelopment in the area. While he does not encourage economic incentives for people to come to the City, he believes the money is better spent on luring people to the City by improving infrastructure and putting in high impact amenities.

**MOTION was made by Vice Mayor Miller, seconded by Commissioner Battle, to approve Item 6 on first reading and set the second public hearing for June 19, 2017. Roll Call:**

**Yeas:** 4 - Commissioner Battle, Commissioner Drosky, Vice Mayor Miller, and Mayor Ganz

**Nays:** 0

**Excused:** 1 - Commissioner Parness

7. P.H. 2017-098: Ordinance 2017/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, REZONING SAID PROPERTY DESCRIBED ON ATTACHED EXHIBIT "A" FROM B-1 COMMUNITY BUSINESS, B-1A FLEX BUSINESS DISTRICT, B-2 HIGHWAY BUSINESS, B-3 GENERAL BUSINESS, CF COMMUNITY FACILITY, DBR DIXIE BUSINESS/RESIDENTIAL, RM-10 MULTI-FAMILY, RM-15 MULTI-FAMILY, RM-25 MULTI-FAMILY, AND S OPEN SPACE TO THE LOCAL ACTIVITY CENTER ZONING DISTRICT; CONTAINING A PROVISION FOR REVISION OF THE CITY ZONING MAP; CONTAINING A SEVERABILITY CLAUSE; CONTAINING AN EFFECTIVE DATE.

The Ordinance was read by title only.

Mayor Ganz explained the process by which the Commission is trying to adhere to; Commission speaks first to hopefully provide clarity to the public and then the public speaks. Mayor Ganz spoke in support of the proposed ordinance and thereafter, he opened the public hearing; however, there was none to speak and the public hearing was closed.

*Commissioner Parness returned at 8:38 p.m.*

Commissioner Miller spoke in support of the proposed ordinance.

**MOTION was made by Vice Mayor Miller, seconded by Commissioner Battle, to approve Item 7 on first reading and set the public hearing for June 19, 2017. Roll Call:**

**Yeas:** 5 - Commissioner Battle, Commissioner Drosky, Commissioner Parness, Vice Mayor Miller, and Mayor Ganz

**Nays:** 0

8. P.H. 2017-097: Ordinance 2017/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING SECTION 98-3 OF THE LAND DEVELOPMENT CODE, ADDING AND AMENDING DEFINITIONS RELATING TO RESIDENTIAL LANDSCAPING; AMENDING SEC. 98-61. - SCHEDULE OF DIMENSIONAL REGULATIONS, AMENDING SECTION 98-45, RS-5 RESIDENCE, SINGLE-FAMILY AND SEC. 98-46, RS-7 RESIDENCE, SINGLE-FAMILY REGARDING THE HEIGHT OF TEMPORARY STRUCTURES; AMENDING SEC. 98-71. - LOT REGULATIONS - LIGHTING; AMENDING SEC. 98-73. - MINIMUM YARD REGULATIONS FOR ACCESSORY STRUCTURES; AMENDING SEC. 98-74. - SWIMMING POOLS AND SPAS REQUIRE A FENCE OR SCREEN ENCLOSURE; AMENDING SEC. 98-75. - RESIDENTIAL WALLS, FENCES AND HEDGES; AMENDING SEC. 98-80. - LANDSCAPE REQUIREMENTS; AMENDING SEC. 98-81. - TREE PRESERVATION;

AMENDING SEC. 98-88. - OFF-STREET PARKING AND LOADING; AMENDING SEC. 98-91. - MISCELLANEOUS USES - HOME OCCUPATIONS; AMENDING SEC. 98-94. - GROWTH OF PLANTS AND PLACEMENT OF OBJECTS IN THE RIGHT-OF-WAY; AMENDING SEC. 98-95. - LANDSCAPING AND PAVING; AMENDING SEC. 66-59. - PARKING ON RESIDENTIALLY ZONED LOTS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

The Ordinance was read by title only.

Commissioner Battle said she spoke with Eric Power, Director of Planning & Development Services, and Harold Hoyte, Landscape Architect, who clarified that this is the landscape ordinance she previously requested.

Mayor Ganz asked that staff discuss some of the highlights in the proposed ordinance and business licenses for homes.

Mr. Power said last year, the Commission requested an update to the Land Development Code and felt the best way to accomplish this was to take items similar in nature and bring smaller sections to the Commission for consideration. The proposed ordinance is related to single family homes, setbacks, landscaping, occupational licenses and driveways, things of that nature. Changes are being made to update the Code in order to meet Broward County and State of Florida standards. Regarding setbacks, staff recognized that the restrictions are much more restrictive than adjacent communities which is reflected in the table. Further, home occupations require a business tax license; the current Code is extremely restrictive and states that there are only five (5) businesses that can receive a business tax license for home occupation. Staff receives this request on a daily basis and occupants want to use their home to pay their bills or have a physical address, but there would not be any external view of the City. Thus, although they are still allowed to have a business, it would not negatively impact the community.

Mayor Ganz said because the City has been too restrictive, they have been leaving the City and going elsewhere which is a loss of revenue.

Mr. Power agreed, but they still pay a business tax.

Mayor Ganz said this would be a new revenue stream for the City because it has been restrictive.

Mr. Power said staff currently reviews all business tax receipts for certificate of use. Home occupation is exempted from the certificate of use process; therefore, there is a stricter review. Nevertheless, staff will still continue to review all home businesses with the new restrictions provided that ensure there will not be any visible process to know someone is running a business out of their home.

Commissioner Battle asked that the type of home based businesses be outlined as she is receiving a lot of requests. She asked if cross fit gyms and hair salons can be operated from a home garage.

Mr. Power replied no.

Commissioner Battle said she always thought home based businesses were paper intensive.

Mr. Power said those types of businesses are not allowed, whereby, a client would come to the home; however, the new regulations would not permit that either. He cited page 27 of the backup in Section 98-91 for miscellaneous uses; under (e), which he provided an example. Further, there are a list of standards that the applicant will have to meet which will be listed on the business tax receipt and if not, Code Enforcement has the ability to take the license away.

Vice Mayor Miller asked about someone who has a vehicle with business signs on it.

Mr. Power said the Code does not currently regulate what would be considered a street vehicle.

In response to Vice Mayor Miller's comment, Mr. Power said in a section of the Code, the height of a commercial vehicle has been raised by 1 foot because of the new vans.

*Burgess Hanson, City Manager, left the dais temporarily at 8:48 p.m and returned at 8:49 p.m.*

Commissioner Drosky commended staff for updating the ordinance as it took a valiant effort. He said for District 4, hedges for side and rear yards are increasing from 6 feet to 8 feet. He also commented on page 23 and 24 regarding formatting. Further, Commissioner Drosky said he has heard from his constituents on garage sales and has provided a proposed provision to the garage sale ordinance to the City Attorney which will be on the next agenda. He said the proposed ordinance is a large improvement over what currently exists.

Mayor Ganz opened the public hearing.

**Gwyndolen Clarke-Reed, 1430 SW 6th Way, Deerfield Beach**, said a lot of residents want to fence their property because many people do not curb their dogs. She asked if there is anything in the proposed ordinance that allows her to install a fence.

**Katy Freitaug, 418 SE 2nd Street, Deerfield Beach**, clarified that any new commercial buildings or homes are required to have sidewalks in front of them. Next, she asked if trucks with signs, parked at a residence is still permitted, but is not a business at the residence.

**Joe Hines, 559 NW 47th Terrace, Deerfield Beach**, said he tried to obtain an occupational license to do business out of his home and it was not allowed; thus, he went to Pompano Beach to acquire one. He spoke in support of the proposed ordinance as he and others could benefit.

**Tom Schuessler, 59 Little Harbor Way, Deerfield Beach**, spoke in opposition to setting the lot coverage maximum to anything greater than the current 35%. The proposed R5 ordinance would increase the lot coverage percentage to 40, height maximum remains the same at 35, but there is no limit on the number of floors to stay within the 35. Essentially, you could end up with a 10,000 square foot home on a R5 lot. A developer tried to build such a home with over 40% coverage based on a variance which was defeated. If the City is set on going to 40%, to also adopt a maximum floor/area ratio coverage of 80% which would limit the size of the home to something reasonable on a R5 lot.

**Terry Scott, 624 NW 2nd Way, Deerfield Beach,** asked if Code Enforcement is being educated when ordinances change because Code Enforcement seems unaware. He said he contacted them about a fencing issue that his family was cited for, but when the officer came out, he did not understand because the fence had been in place for over 20 years. He said they need to be educated so that the community at large does not feel they are being picked on.

Commissioner Battle said staff will educate Code Enforcement; citizens will be educated during district meetings. Further, she said staff has been advised because there was lag time in the unincorporated area because they were allowed to have fencing all around their property; however, that was not allowed in the City. Additionally, the City has not held the County responsible for things that have happened in the annexed area. At some point, everyone will be on the same page. She said this does not exclude anyone who installed a gate without a permit and if cited by Code Enforcement, the fence may have to be removed.

**Mike Lubin, 16 Little Harbor Way, Deerfield Beach,** said the underwater camera was not working today, it was in black and white. Regarding the Code changes, Little Harbor Board of Directors met with the association and it was agreed that they did not want an increase in the lot coverage sizes especially in Little Harbor.

**Vicki Carlin, 17 Little Harbor Way, Deerfield Beach,** said she moved to Little Harbor, as it is very family oriented and quaint, and objected to changing the lot sizes and height.

**George Ruffalo, 2557 SW 14th Court, Deerfield Beach,** spoke in favor of the changes to the lot coverage and explained that the change would only be a 250 square feet increase.

Mayor Ganz closed the public hearing.

*Andrew Maurodis, City Attorney, left the dais temporarily at 9:07 p.m.*

Mr. Power, thanked the audience for their feedback. The largest problem that staff has is the unincorporated land that is now Deerfield Beach; when it was annexed, the necessary changes were not made to the Land Development Code and the zoning regulations; therefore, anyone in unincorporated Broward County must still follow the Broward County zoning code. There are multiple places in the City that are across the street from each other and have different code regulations. He explained that it will take a couple of years to revise the Code so those within the City are abiding by City Code and not the County's. Regarding vehicles, there is no bearing on whether or not the vehicle is tied to a business tax license within the property, there's only a definition for vehicles.

Additionally, Mr. Power said Code Enforcement was involved in reviewing the proposed ordinance. He explained that Code and Planning meet once a month to review code changes and whenever an ordinance is being proposed, it is also discussed amongst them. The next code changes presented will involve process; whereby, Code Enforcement is one of those process and there will be changes to how Code Enforcement goes about their business including the Building Department, public boards and DRC process. Mr. Power said that variances presented to the Special Magistrate typically relate to setbacks and lot coverage. In realizing that the setbacks could not be decreased for single family homes without increasing the lot coverage.

For example, if the setback were increased, it would give the homeowner an additional 10 feet, but the lot coverage remains the same, it would likely not be viable. Moreover, Mr. Power said in amending the Code, staff examined other cities and found out a majority have different setbacks. Continuing, Mr. Power said three (3) variances have been received in the last six (6) month related to a lot coverage at or above 40% and they have all been denied by the zoning magistrate since it was brought forward.

*Mr. Maurodis returned at 9:09 p.m.*

Mayor Ganz asked if the issues and concerns that the Little Harbor residents have are applicable to this proposed ordinance.

Mr. Power replied that currently, the floor/area ratio is not a consideration for single family homes; if the Commission desires for staff to research, he would ask for additional time to run the calculations and see if that is applicable. He opined that adding a floor/area ratio to a home would probably make it difficult to meet the overall setbacks for a building.

Mayor Ganz asked if the change warrants the concerns the residents have.

Mr. Power replied that there are people in Little Harbor who feel both ways; today, two (2) letters were received with one (1) opposed and the other supporting.

Mr. Hanson, said yes, it would have an impact on what some of the speakers discussed.

In response to Mayor Ganz's question, Mr. Power said he would have to do the calculations because there are multiple examples. The lot coverage in Little Harbor is much larger than the average in the RS5 zoning district; whether on the beach or near the Turnpike. Some properties in Little Harbor have 8,000 - 9,000 square feet in comparison to some properties with 5,000 square feet; thus, it is difficult to generalize the outcome.

Commissioner Battle said on 12th, the neighbors have complained that once they start installing certain features in their yards and square footage, the house will be large enough to cover more of the lot than any other house on the street. She asked if enough is being done to address those issues.

Mr. Power replied that the request made in that issue was for 42.9% lot coverage whereas the proposed ordinance would only allow a maximum of 40%. The Zoning Magistrate would be responsible in determining whether there is a hardship to exceed that amount. Staff serves as a processor for the Zoning Magistrate and do not offer an opinion, they only process the application so there is no bias.

Vice Mayor Miller asked if the proposed ordinance affects everyone or just new people coming in.

Mr. Power replied that everyone is affected. He opined that any ordinance negatively affects existing uses. Further, he explained that when he was referring to the County regulations, when the City received annexed property, it was not only geared toward residential, but industrial and



commercial. While he believes the residents would like to abide by City Code, he cannot say the same for industrial and commercial property owners.

Vice Mayor Miller agreed that Little Harbor is a unique area and it does have larger lots than others in the city. He asked if they could do anything, such as creating their own HOA where they have their own rules.

Mr. Power replied that they have their own binding HOA and it would be up to them if they wanted to incorporate.

In response to Commissioner Miller's question, Mr. Maurodis replied that you cannot delegate governmental authority to Little Harbor residents. As demonstrated, the hardship standard will be considerable and it is very difficult to show in a residential area the need to go above 40%.

Mr. Power said the onus is on the applicant.

Vice Mayor Miller clarified that the proposed ordinance will not affect the people who built within the current code.

Mr. Power said yes. Further, he said he does not believe there is anything that would negatively affect anyone with the Code changes; and there is more latitude for many areas.

Mr. Hanson asked for input on the sidewalk installation requirements for someone building a new home.

Tom Good, Director of Environmental Services, replied not necessarily, it depends on what the adjoining homes are like; if none have a sidewalk, you would not want to install one.

Commissioner Battle commended staff on the proposed ordinance and asked if the sod being used is St. Augustine.

Mr. Power replied yes, St. Augustine grass is required for swales, but there will be options to install anything that meets the Zone 10 requirement.

Commissioner Battle explained that the new changes remove xeriscaping; instead, it is Florida-Friendly landscaping which provides a great deal of latitude in terms of water conservation. She asked that Mr. Power attend her district meeting to outline the changes.

Mayor Ganz outlined the allowances for Florida-Friendly landscaping and the nine (9) principles for landscaping. He said while there are a lot of great changes, the residents and real estate community needs to be aware of the changes as there is much more flexibility than before. However, flexibility does not mean the community standards will be lowered. Mayor Ganz said he is concerned with the village feel being encroached upon with the ratio increase. He said by second reading he would like a better explanation and possibly a compromise because people throughout the City love the village feel. When other homes are allowed to encroach upon other homes, it does not help the community.

**MOTION was made by Vice Mayor Miller, seconded by Commissioner Battle, to approve Item 8 on first reading. Roll Call:**

**Yeas:** 5 - Commissioner Battle, Commissioner Drosky, Commissioner Parness, Vice Mayor Miller, and Mayor Ganz

**Nays:** 0

9. P.H. 2017-100: Ordinance 2017/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING SECTION 98-3 TO INCLUDE THE DEFINITION OF VACATION RENTAL AND TRANSIENT OCCUPANTS; CREATING A NEW SECTION 98-105 PROVIDING FOR AUTHORITY, FINDINGS OF FACT, VACATION RENTAL REGULATIONS, CERTIFICATES OF USE, AND LIFE SAFETY REQUIREMENTS, REVOCATION OF A CERTIFICATE OF USE; CONTAINING A SEVERABILITY CLAUSE, A PROVISION FOR INCLUSION IN THE CITY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

The Ordinance was read by title only.

Commissioner Parness said people who want to rent their property should be registered. Broward County considers that if you rent for less than six (6) months, you pay a hotel tax at 11%. The people who want to rent their property would lose their homestead, pay 11% tax and should be registered so the proper taxes can be collected. Also, Broward County fines are rather severe; thus, he reiterated the need for registration.

Mayor Ganz said the ordinance does not prohibit vacation rentals or provide restrictions on length of stay as it is prohibited by State law. The proposed ordinance requires property owners to provide the following information to tenants: maximum occupancy, emergency egress, parking locations and maximum parking allowed, garbage pick up days, city noise ordinance hours, emergency contact information for the property owner, nearest hospital and restrictions for lighting on the barrier island during turtle nesting season. For the certificate of use process, the owner must show evidence that the property meets minimum life safety standards, safety standards for pool barriers and all emergency exits are clearly marked. This ordinance puts rules in place so no one can say they were not aware; it strengthens the rules for those who may abuse the system and with rental properties that adversely affect the community.

Vice Mayor Miller commented on a situation near his home, whereby, he contacted the property manager and it was immediately addressed; thus, he asked that the verbiage be changed to reflect owner, agent or responsible party.

Commissioner Battle said the Planning & Zoning Board met and they denied the proposed ordinance because they felt it would be more work and felt that it would not be completely enforceable. Also, owners have said they will have to submit to the City for a certificate of use, along with added regulation for violation. She asked if the ordinance is adopted would enforcement be given to a third party.

Eric Power, Director of Planning & Development Services, said the memo asks for clarification from the Commission as to how they felt regulation should be handled. One of the options is for a

third party, but that is not staff's direction. Option 1 is no action only on records; option 2 allows for active regulation and enforcement as there are between 350 to 400 of these homes in the City. Planning staff recognized that this would be nearly impossible to catch everyone and there are many more homes on the website in season than right now. While many people will be cited because of trash or noise violations, it is impossible to cover 100% of the violators; the third party applicant believes that is something they can do.

Commissioner Battle said her concern is the unenforceability and does not understand why the ordinance should be adopted in view of that.

Mr. Power said he believes it is enforceable, but does not think 100% enforcement is possible. It will be enforced to those who are found.

Burgess Hanson, City Manager, said several residents brought this to the Commission about a year ago and he asked that the item be revisited now because last year, it would have been very difficult to implement. With the use of a third party, it will significantly increase the chances for success as this is their expertise. Should the duty not be outsourced, it would still have to come to the City Commission for final approval. Staff feels confident in moving forward with the vacation rental ordinance and will make it happen if this is a priority or policy direction by the Commission. It is clearly an issue as several complaints were about late night parties, noise, trash and parking. Of course there are life safety standards that should be in place. Additionally, Mr. Hanson said when it was discussed last year, he received feedback from hotels that this is unfair that they are paying a bed tax, but Airbnb's are competing against them unfairly.

Commissioner Battle asked if there was a bill at the State level this year on vacation rentals and if so, what was the result. Also, she asked if the proposed ordinance is in tandem with the County and State.

Mr. Hanson replied that the bill died in committee at the State level. Staff held off on bringing it forward in order to see the outcome at the State level.

Commissioner Drosky said the proposed ordinance has been vetted well and too cumbersome in regard to the required documents and inspections that the property owner would need to submit for the certificate of use. Also, it will create added regulation for violations which are already controlled by the current code enforcement process and lastly, the City will have a difficult time finding and certifying all short term rentals. He applauded Mr. Hanson for communicating the problems that have been witnessed thus far, i.e. trash and noise violations. The unintended consequences that the City is missing out on is the tourism and bed tax that the vacation rentals are not paying that hotels and other properties are paying. The bigger issue is that if you are renting out your property, you are likely not entitled to homestead exemption. Moreover, if there are 350 to 400 vacation rentals, the City is missing out on a lot of revenue; therefore, these unintended consequences are of huge concern for the City.

Vice Mayor Miller said there are vacation rentals in close proximity to him and he likes having the ordinance although it is not 100% enforceable. Further, the ordinance provides rules for those renting their properties, as it will assist in reducing disruption to the neighborhoods. He commented that it is extremely important to regulate those who are abusing the system, i.e. trash,

noise and parking violations. Lastly, Vice Mayor Miller spoke in support of the proposed ordinance.

*Mr. Hanson left the dais temporarily at 9:43 p.m.*

Commissioner Parness said Century Village also has vacation rentals and if someone's property is homesteaded, it should be taken away and a bed tax should be enforced.

Mayor Ganz opened the public hearing

**Jerry Lee, 4311 Crystal Lake Drive, Deerfield Beach**, read an excerpt from the proposed ordinance whereby, if someone rents their home more than three (3) times, they must comply with the rules as they have now become a business.

Mayor Ganz closed the public hearing.

*Mr. Hanson returned at 9:45 p.m.*

**MOTION was made by Vice Mayor Miller, seconded by Commissioner Parness, to approve Item 9 on first reading. Roll Call:**

**Yeas:** 5 - Commissioner Battle, Commissioner Drosky, Commissioner Parness, Vice Mayor Miller, and Mayor Ganz

**Nays:** 0

## **PUBLIC HEARINGS - 2ND READING**

- 10. P.H. 2017-101: Ordinance 2017/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING SECTIONS 2-167 AND 2-168 RELATING TO THE DEERFIELD BEACH CULTURAL COMMITTEE MEMBERSHIP AND REMOVAL FOR UNEXCUSED ABSENCES; CONTAINING A PROVISION FOR INCLUSION IN THE CODE; CONTAINING A SEVERABILITY CLAUSE; CONTAINING AN EFFECTIVE DATE.**

The Ordinance was read by title only.

Mayor Ganz opened the public hearing.

**Katy Freitaug, 418 SE 2nd Street, Deerfield Beach**, said the Cultural Committee meets on June 19th; whereby, the Commission just changed their meeting date to the same day.

Mayor Ganz closed the public hearing.

*There was no discussion amongst the Commission.*

**MOTION was made by Commissioner Battle, seconded by Vice Mayor Miller, to approve Item 10, adopted Ordinance 2017/009. Roll Call:**

**Yeas:** 5 - Commissioner Battle, Commissioner Drosky, Commissioner Parness, Vice Mayor Miller, and Mayor Ganz

**Nays:** 0

## **CONSENT AGENDA**

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

**MOTION was made by Vice Mayor Miller, seconded by Commissioner Battle, to approve the consent agenda. Roll Call:**

**Yeas:** 5 - Commissioner Battle, Commissioner Drosky, Commissioner Parness, Vice Mayor Miller, and Mayor Ganz

**Nays:** 0

11. Resolution 2017/065 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, amending the 2016/2017 schedule of the City Commission Meetings.
12. Resolution 2017/066 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the award of RFP #2016-17/25, Disaster Debris Monitoring Services, to Tetra Tech, Inc. in an amount as approved in the applicable fiscal year budget by the City Commission.
13. Resolution 2017/067 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the award of RFP #2016-17/26, Emergency Debris Removal Services, to Ashbritt, Inc. as the primary contractor and Ceres Environmental Services, Inc. as the secondary contractor.
14. Resolution 2017/068 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving contract JZ117-06-2018 between the Areawide Council on Aging of Broward County, Inc. and the City of Deerfield Beach/Northeast Focal Point Senior Center for Alzheimer's Disease Initiative (ADI - State Funding) for Alzheimer's Daycare Services for \$432,959.85. (Fiscal Impact: Increase in revenue)
15. Resolution 2017/069 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving contract #JL117-06-2018 between the Areawide Council on Aging of Broward County, Inc. and the City of Deerfield Beach/Northeast Focal Point Senior Center for Local Service Program (LSP - State Funding) for Adult Daycare and Transportation Services for \$132,380.00. (Fiscal Impact: Increase in Revenue)
16. Resolution 2017/070 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving Voluntary Pre-Kindergarten Kindergarten tuition reimbursement of \$69.30 per week for 15 hours of education for each eligible child participating in the Voluntary Pre-Kindergarten (VPK) Program - School Year 2017-2018 - between the City of Deerfield Beach/Northeast Focal Point and the Early Learning Coalition of Broward County. (Fiscal Impact: Reimbursement based on eligible children)
17. Resolution 2017/071 - A Resolution of the City Commission of the City of Deerfield Beach,

Florida, approving a School Readiness Service agreement for FY 2017-2018 between the City of Deerfield Beach/Northeast Focal Point and the Early Learning Coalition of Broward County. (Fiscal Impact: Reimbursement based on eligible children)

18. Resolution 2017/072 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving Amendment 001 to contract #JZ116-06-2017 between the Areawide Council on Aging of Broward County, Inc. and the City of Deerfield Beach/Northeast Focal Point Senior Center for Alzheimer's Disease Initiative (ADI-State funding) for an increase in funds of \$31,845.37 for Alzheimer's Day Care, for a total of \$503,370.01.
19. Resolution 2017/073 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the first amendment to a license agreement with Verizon Personal Communications, LP, D/B/A Verizon Wireless, Inc., for placement of a telecommunications tower on city-owned property at 210 Goolsby Boulevard; providing for execution; and providing for an effective date.
20. Resolution 2017/074 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the special event application from The Naked Warrior Project to host the 1st Annual Ryan Owen's Memorial 4-Mile Beach Run on Saturday, November 4th from 6:00 a.m. - 12:00 p.m. on Deerfield beach subject to the applicant receiving approval from the City of Boca Raton for the run portion that goes into the City of Boca Raton; approving the request to serve alcohol on the beach as part of the finish line festival for event participants; approving the waiver of parking space fees and authorizing the City Manager to approve or deny any additional requests by the event applicant.
21. Ordinance 2017/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, CREATING A NEW SECTION 38-134 OF THE PROCUREMENT CODE RELATING TO OBTAINING BOND FINANCING, BORROWING AND INSURANCE PROCUREMENT; CREATING PROCEDURES; CONTAINING A PROVISION FOR INCLUSION IN THE CODE; CONTAINING A SEVERABILITY CLAUSE; AND CONTAINING AN EFFECTIVE DATE.

## GENERAL ITEMS

22. Resolution 2017/075 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, appointing Jerry DuBois as a regular member to the Community Appearance Board; providing for an effective date.

The Resolution was read by title only.

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

*There was no discussion amongst the City Commission.*

**MOTION was made by Commissioner Drosky, seconded by Commissioner Parness, to approve Item 22, adopted Resolution 2017/075. Roll Call:**

**Yeas:** 5 - Commissioner Battle, Commissioner Drosky, Commissioner Parness, Vice Mayor Miller, and Mayor Ganz

Nays: 0

## COMMENTS BY CITY MANAGER AND CITY ATTORNEY

### CITY MANAGER

Underwater Camera - Burgess Hanson, City Manager, said a resident spoke earlier about the underwater camera and from time to time, the camera goes down. Depending on the conditions, a diver is not sent down to repair it.

Strategic Planning - Mr. Hanson thanked the City Commission and staff for participating in the strategic session yesterday, June 5th, as it was a very important first step for the City and will help with the upcoming budget as well for other types of land use applications.

4th of July Celebration - Mr. Hanson said there will be precautions made for the 4th of July event to make sure it is safe for all. He asked that the Police Captain comment on the activities.

Captain Robert Schnakenberg, BSO Police Chief District X, said with all the threats throughout the Country, precautionary measures will be implemented for the event. While there is no information that the City is a target, it is better to be prepared. He asked that the public be understanding of the changes as it is in regard to their safety.

Mr. Hanson said the Public Affairs and Marketing Department will be putting out a lot of information in advance so visitors will be aware as there is always an influx of traffic onto and out of the island.

Median Maintenance - Mr. Hanson said Mayor Ganz has asked for discussion on the medians for the current and upcoming fiscal year.

David Miller, Director of Parks & Recreation, said the medians are very important, but there are challenges with Broward County for installing meters. As such, without good irrigation, it is hard to properly maintain the medians. There has also been consistent vandalism to the irrigation to the backflow valves, damaged controllers which have been repaired, but it causes down time. The numerous medians in the public right-of-way are not owned and maintained by the City which creates an inconsistent look and standard which staff is trying to address through the median program. Mr. Miller said this planning year, additional meters will be installed at Hillsboro Boulevard and 48th and Dixie to maintain the medians. In an effort to curb the vandalism, the controls and backflows will be installed underground. First, the equipment will be placed in protective cases to prevent damage whereas, staff is hopeful this will decrease down time.

Continuing, Mr. Miller said he is working with Harold Hoyte, the City Landscape Architect, to design a landscape plan for the City. Some of the medians were acquired through the annexation process they need to be cared for so they reflect the look of other medians in the City. Mr. Miller said the goal is to introduce and implement a robust median program which will require a priority plan for medians and irrigation replacement. Monies will be budgeted for 2018 to upgrade the medians at Hillsboro, 48th from Dixie Highway to Military Trail and Federal Highway. Staff is also working on installing additional entry way signs and increasing the landscaping

coming into the City. Another consideration that would further enhance the median program would be allowing staff to take over maintenance of privately owned medians in the public right-of-way. This will bring about consistency and a consistent standard for the look and maintenance of the medians. Since there could be a budget implication, the Commission may want to consider passing the costs onto the property owners.

Vice Mayor Miller asked if Palm trees are being maintained properly because some of the trees have been lost. Further, he said he prefers not having a Palm tree over seeing a dead one. He asked that the trees be fed four (4) times a year; if not, three (3) times a year will suffice.

Mayor Ganz said public humiliation can be an effective tool in getting those who own the medians to respond appropriately by posting a sign that indicates who the property is maintained by, instead of the City taking on that responsibility. He commended Coconut Creek for their landscaping changes from Hillsboro Boulevard to Lyons Road. Further, Mayor Ganz said in areas throughout the City there is pressed concrete with a brick look that has been damaged. He recommended pressure cleaning and listed some of the flowers he objects to, ixoras and plumbagos, as they do not add to the aesthetics of the City.

Mr. Hanson said staff will provide more detail about what is planned for landscaping during the budget workshops. Further, there will be a new bid in the fall for the landscape contractor as it expires in early 2018. Staff is preparing the scope of services and a lot of time is being spent setting the standards.

Mayor Ganz said he has seen an improvement in the maintenance over the past year.

Mr. Hanson commended Mike Pursell, Superintendent of Parks, and his supervisors for taking action toward the landscaping.

Commission Chamber Rehab - Mr. Hanson said there will be a facelift to the Chambers during the recess in July and August.

## **COMMENTS BY MAYOR AND CITY COMMISSIONERS**

### **VICE MAYOR MILLER**

### **DISTRICT 1**

Meeting Functionality - Vice Mayor Miller thanked Mayor Ganz for serving in his position.

### **COMMISSIONER BATTLE**

### **DISTRICT 2**

City Manager Assistance - Commissioner Battle said there was a situation on Sunday at the beach; she thanked Burgess Hanson, City Manager, and staff for how it was handled. She said the City is very diverse which should be embraced and leave the divisiveness out.

Governor Scott - Commissioner Battle said the Governor approved \$400,000 for the African-American cemetery and within the next year or so, the cemetery will be redone and homage paid to those interred there; one having been her great grandfather.



Landscape Ordinance - Commissioner Battle thanked staff for the landscape ordinance. She said people have taken shots at her because she does not have grass, but now she will be able to make changes to her yard to conform with the City and stay healthy.

Meeting Functionality - Commissioner Battle thanked Mayor Ganz for serving; since he has assumed office, she has not left the meeting stressed. She also thanked him for working toward having the residents embrace diversity.

Wing Warrior & Music Fest - Commissioner Battle said she will be at the event on Saturday between 12 p.m. and 6 p.m.; she will be judging the wings. The event will be held at the Oveta McKeithen Park; she welcomed people to sign up and cook their wings.

## COMMISSIONER PARNESS

### DISTRICT 3

District 3 Meeting - Commissioner Parness said he will hold his District 3 meeting on June 13, 2017 at NW 18th Avenue, at the lake in Crystal Lake. Commissioner LaMarca will be in attendance as well as the Mayor. He said he wants the people in Crystal Lake to know they are represented and to meet their representatives.

Marijuana Legalization - Commissioner Parness said he has asked the City Attorney to draft an ordinance just in case marijuana becomes legal in the state so that if it can be dispensed, it is done safely and correctly so there is no thought of a pill mill operation.

City Businesses - Commissioner Parness said there were comments about the Commission getting rid of businesses; however, a pill mill was a business that employed people but they were detrimental to the life and health of the City. He explained that the Commission's first job is the welfare of its citizens; Styrofoam floating in the Intracoastal or in rivers is not healthy for humans or animals. While the City would love to work with the company that manufactures it, the City will do all it can to help them succeed, but again, the welfare of the citizens comes first. He said the Commission is pro-business, but not at the detriment of the residents.

## COMMISSIONER DROSKY

### DISTRICT 4

Meeting Functionality - Commissioner Drosky also thanked Mayor Ganz for how the meetings are conducted and operating the City. He said he has consistently heard how much better the meetings are ran than previously.

Wing Warrior Event - Commissioner Drosky said he will be in attendance on Saturday.

Coconut Creek Landscaping - Commissioner Drosky concurred with Mayor Ganz on the landscaping improvements in Coconut Creek and while the City has made strides, there is still room for improvement.

Saturday Office Hours - Commissioner Drosky said his next Saturday office hours will be July 1st; with it being close to a holiday, he said he is open to changing it to July 8th if there are staffing problems.

**Traffic Light Signalization** - Commissioner Drosky thanked Burgess Hanson, the City Manager, and Tom Good, Director of Environmental Services, for their assistance in changing the signal timing at SW 10th Street and 28th Avenue. This serves as a main exit from Waterford Homes whereby, people are waiting an inordinate amount of time to turn east or west on 10th Street. Commissioner Drosky explained that from midnight until 6 a.m. the light was on a sensor, but after that, it was hard timed. Broward County has changed it and now the sensor will kick in at 10 p.m. Hopefully, it will be seen as necessary in the future and they will change it.

**Code Compliance Town Hall Meeting** - Commissioner Drosky said last Thursday the Code Compliance meeting was held at Constitution Park over two (2) hours with much dialogue on code compliance. He said the next town hall meeting will be in the fall around budget time to discuss things District 4 residents either like or dislike.

## **MAYOR BILL GANZ**

**Deerfield Beach Ranking** - Mayor Ganz said back in April, the City was ranked the 22nd city in the United States for starting a new business. Wallet Hub investigated 1,261 cities with a population between 25,000 to 100,000, analyzed access to resources, business costs and business environments. Deerfield Beach is the only Florida city included in the top 30. This week, Realtor.com rated the City nationally as the 4th cheapest beach town to live in.

**Facebook** - Mayor Ganz reminded everyone that he has a Facebook page, Deerfield Beach Mayor Ganz, and encouraged everyone to follow it as it contains valuable information. He said he received a message on Facebook by someone who noticed a depression in the roadway on 10th Street, east of Federal Highway; staff discovered that a pipe burst underground that caused a sink hole.

**Citywide Crime Alert** - Mayor Ganz said the Citywide crime alert has begun and encouraged everyone to sign up on the City's website.

**Board Appointments** - Mayor Ganz said the Commission should truly consider their board appointments. The people on the boards represent the Commission who nominated them. He said it concerns him when he hears about appointees that may have their own agenda and breaking protocol by bringing things forward on a board that may be out of line. While no action has to be taken, the Commission should be aware of what is happening and making sure the appointments properly represent the Commission.

**Meeting Functionality** - Mayor Ganz thanked everyone for their comments. He said it is a team effort and through the eight (8) years he has served, this is the most collegial body he has served with. He sincerely thanked the Commission for the actions and kind remarks.

**Strategic Planning** - Mayor Ganz thanked the City Manager for the strategic planning session and the comments provided by the Commission. The Commission's job is to provide direction; staff is there to tell the Commission how to meet those goals as they are experts in their respective fields.

## **ADJOURNMENT**

**MOTION** was made by **Vice Mayor Miller**, seconded by **Commissioner Battle**, to adjourn the meeting at 10:16 p.m. **Voice Vote:**

**Yeas:** 5 - Commissioner Battle, Commissioner Drosky, Commissioner Parness, Vice Mayor Miller, and Mayor Ganz

**Nays:** 0