



City of Pompano Beach, Florida

Regular City Commission Meeting Minutes

Agenda No. 2016-08

Date: January 26, 2016

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CITY OF POMPANO BEACH, FLORIDA

REGULAR CITY COMMISSION MINUTES

Agenda No. 2016-08

Date: January 26, 2016

Commission Meeting Room

The Mayor called the meeting to order at 6:00 p.m. and presided as the chairman.

ROLL CALL:

Mayor
Vice Mayor
Commissioner
Commissioner
Commissioner
Commissioner

Present:

Lamar Fisher
Charlotte Burrie
Barry Dockswell
Rex Hardin
Barry Moss
Edward Phillips

and

City Manager
City Attorney
City Clerk

Dennis Beach
Mark Berman
Ascelela Hammond

INVOCATION BY:

Elder Robert Kintchen, Jr.
Christ Fellowship Church of God in Christ

PLEDGE OF ALLEGIANCE LED BY: *Ascelela Hammond, City Clerk*

Names of Commrs.	M	S	Y	N	V	V
VOICE VOTE						
Dockswell						
Hardin	x				x	
Moss					x	
Phillips					x	
Burrie		x			x	
Fisher					x	
VOICE VOTE						
Dockswell						x
Hardin	x				x	
Moss					x	
Phillips					x	
Burrie		x			x	
Fisher					x	

CITY COMMISSION MEETING MINUTES **January 26, 2016**

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APPROVAL OF MINUTES

MOTION: To approve the Regular City Commission Meeting Minutes of January 12, 2016, as submitted.

There were no revisions to the minutes.

APPROVAL OF THE AGENDA

MOTION: To approve the City Commission Meeting Agenda of January 26, 2016, as amended.

Mayor Fisher indicated that Item 6 would be stricken from the Agenda.

CONSENT AGENDA DISCUSSION

Mayor Fisher stated the Commission did not have any items to be pulled from the Consent Agenda for discussion. However, a person may speak on the remaining items on the Consent Agenda during Audience to be Heard.

SPECIAL RECOGNITION

Commissioner Keith London – City of Hallandale Beach

Mayor Fisher welcomed City of Hallandale Beach’s Commissioner Keith London who was visiting the City of Pompano Beach Commission meeting.

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

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PROCLAMATIONS

Dr. Norman Adelman Centenarian

Mayor Fisher indicated that it is always a pleasure to recognize someone for living in our community for one hundred years. Therefore, Mayor Fisher on behalf of the City Commission and residents of Pompano Beach read a proclamation acknowledging Dr. Norman Adelman’s life accomplishments and contributions, and most of all recognized his zest for life. He stated, “We are proud to have Dr. Norman Adelman as a resident of Pompano Beach.” He then presented the proclamation to Dr. Adelman’s son, Michael Adelman.

Michael Adelman thanked everyone and expressed his pleasure on behalf of his family, to accept the proclamation for his dad, who was unable to attend.

SPECIAL PRESENTATION

Broward Sherriff’s Office – Major John Hale

Mohad Tabani, Owner of Azilian Hair and Spa on Federal Highway, Pompano Beach, stated that last month they experienced a huge robbery that “practically put us out of business.” However, less than five minutes the Sherriff’s Department was able to capture the thief. The entire police department reacted with coordination, which was outstanding. Mr. Tabani expressed appreciation, and indicated that under the guidance and leadership of Major John Hale, the officers did an incredible job that should be published in every newspaper. He then presented a plaque to Major Hale.

Major Hale thanked Mr. Tabani for his thoughtfulness in providing the plaque to his troops that are daily dedicating and putting their lives on the line for service to the City. Therefore, he will ensure each member named on the plaque receives a copy of the recognition in his or her permanent file.

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

January 26, 2016

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AUDIENCE TO BE HEARD – CONTINUED

Black History in Pompano Beach – Sarah M. Benichou, Director of Bailey Contemporary Arts, Pompano Beach (BaCa), 41 Northeast 1st Street, Pompano Beach, Florida, stated that scheduled at the BaCa is a heritage event, which is an exhibition called, “What is your Story.” She informed that they have been partnering with the African-American research library in Fort Lauderdale, and have secured approximately 300 scanned images of the 1930’s Pompano residents from the black community. Therefore, they have decided to invite people from the community to bring a piece or a part of black history that they may have from their family or community, to include recipes, and any other type of artifacts. They plan to replicate them to be included in the exhibition.

Ms. Benichou invited all the community and its leaders to participate in the exhibition to commence on February 16, 2016 to March 16, 2016. The opening reception will start on February 18, 2016 from 6:00 p.m. to 8:00 p.m.

Additionally, Ms. Benichou indicated that all submissions of artifacts would be received from February 1, 2016 to February 11, 2016, for display. She invited the community to partner with them by sharing any noteworthy information for display.

Mayor Fisher instructed Ms. Benichou to provide the schedule of events to the City Commission and to Sandra King, Public Communication Director to ensure the information is posted on the City’s website.

Comr. Phillips commended Ms. Benichou and urged anyone with artifacts to get them to her. He asked if the artifacts would be returned to its owners.

Ms. Benichou replied yes, and that they would be able to replicate them and ensure that nothing is damaged. In fact, they will be partnering with other preservation organizations to commence displaying artifacts at BaCa.

Mark E. Berman, City Attorney, suggested a waiver form for those original artifact items.

Names of Commrs.	M	S	Y	N

CITY COMMISSION MEETING MINUTES

January 26, 2016

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AUDIENCE TO BE HEARD – CONTINUED

Ms. LeSane continued to complain that they are tired of taxation without representation. Moreover, the neighborhood residents would want the ability, and the chance against the odds being faced by the community, for programs that are not promoted to reach the community. In fact, there are programs being instituted that do not fit the needs of certain communities.

Additionally, Ms. LeSane indicated that she would like to bring in a pool of qualified applicants if there are any open positions within the City.

Finally, Ms. LeSane indicated that there should be a budget designed for the entire City.

Failed Pompano Beach Schools – Patrick Jovanov, 411 Northeast 18th Avenue, Pompano Beach, FL 33060, brought up the topic regarding the children. He indicated that he wrote a document that was inspired by a meeting on Thursday, January 21, 2016 held at the Deerfield Beach High School, which he distributed to the City Commission and Clerk. He indicated that in attendance were prominent Officials from the City of Pompano Beach and concerned citizens. He complained that there was a hideous atmosphere at the meeting. Nevertheless, he commended the librarian at the Pompano Beach High School for providing him with books, one of which was on Public Education – Hidden Agenda, which is quite familiar to him. He opined that thousands of children’s lives are affected.

Comr. Phillips commended Mr. Jovanov for taking a position to express his opinion. However, some of his opinion expressed would make out to have the City Commission standing still and that the public school is not doing anything. Notwithstanding, he has attended some of the schools in Pompano Beach and they are attempting to resolve some of the issues they are experiencing. In fact, not every elementary school is an “F” school.

Names of Comms.	M	S	Y	N
ROLL CALL				
Dockswell		x		
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie			x	
Fisher			x	

CITY COMMISSION MEETING MINUTES

January 26, 2016

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REGULAR ITEMS - CONTINUED

MOTION: To adopt Ordinance No. 2016-38 upon second reading.

Mark E. Berman, City Attorney, advised this item is quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

Asceleta Hammond, City Clerk, placed under oath all individuals, including staff, addressing the City Commission in this matter.

Robin M. Bird, Development Service Director, stated that this item is a request to rezone the property from B-3 (General Commercial) to RS-4 (Single Family Residential). The site is located north of Northwest 1st Street and east of Northwest 28th Avenue. The request was presented to the Planning and Zoning Board as a larger application that included a total of 1.956 acres extending to the west of Northwest 28th Avenue. Therefore, the request is only for the eastern lots, which is .73 acres.

Additionally, Mr. Bird indicated that the applicant desires to build six family homes on the property. Furthermore, the parcel received a Local Plan Use Amendment last June and therefore has a City Land Use designation of Low-Medium (LM). Finally, since the first reading, as per the City Attorney, they added certain language to the ordinance, which has been inserted into Section 1 of the rezoning ordinance, as mentioned in Memorandum No. 16-033.

Names of Comms.	M	S	Y	V	V

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS - CONTINUED

Robin M. Bird, Development Services Director, stated that the rezoning request is from a RS-4 (Single Family Residence) and a B-2 (Community Business) to a B-3 (General Business). The site is located at the southwest corner of I-95 northbound Copans Road at the exit ramp. Also, the site is currently vacant and the land use designation for the parcel is C (Commercial). Therefore, the request, upon approval, would bring the zoning district of the entire parcel into conformance with the Land Use designation.

Additionally, Mr. Bird indicated that the applicant desired to construct a showroom building on the subject property and held four (4) meetings with the residents. The Planning and Zoning Board recommended approval of the request with three (3) conditions and five (5) decisions. All three conditions have been met. Finally, the applicant will address the Covenants that they desire to put on the property.

Lisa Lewis, 200 East Broward Boulevard, Fort Lauderdale, FL, represented the applicant. She indicated that they included the three (3) conditions in the drafted Declaration of Restrictive Covenants they provided to the City Attorney. The conditions included ensuring three (3) uses to be utilized on the site, which would be for the showroom. There will be no additional parking required for the showroom, which will be for twelve (12) cars. Therefore, the parking will be incorporated within the existing site and they will not have any non-natural lights included within the development, which would be focused away from the residential development located south of the site.

Comr. Hardin indicated that he met with the applicant who showed him what the development would be like.

Comr. Dockswell also indicated that he had similar disclosure as Comr. Hardin. In fact, all the commissioners met individually with the applicant for the same purpose.

Mayor Fisher indicated that he did not meet with them but spoke with Mr. Mele on the phone concerning the matter.

Vice Mayor Burrie indicated that she did not get a call.

Names of Commrs.	M	S	Y	V	V

CITY COMMISSION MEETING MINUTES

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REGULAR ITEMS - CONTINUED

Comr. Phillips stated that residents in Liberty Park expressed concerns that Mercedes was interested in purchasing all the houses around the area.

Ms. Lewis responded that is incorrect information. She indicated that their goal is to keep the remaining portion of the site, so the west side of that area will remain untouched.

Additionally, Comr. Phillips indicated that concerns were expressed regarding the upkeep of the buffer zone.

Ms. Lewis stated that after the first meeting with the residents they had mentioned the area that is vacant and had not been maintained to the level to which they would desire. Thereafter, the applicant engaged the services of landscapers to work on the area, and they plan to continue to maintain it as they proceed to construct the showroom.

With regard to the buffer zone, Comr. Hardin inquired if a wall was placed on the property line would the person who built it be able to maintain the backside of the wall.

Mr. Bird responded that when a buffer is done and a wall is installed, a gate must be installed to allow accessibility to the property.

RES. NO. 2016-96: TIME 00:44:32 ITEM 10

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO AMENDMENT OF NOTATION ON THE CROATIAN AMERICAN SOCIAL CLUB PLAT; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

Names of Commrs.	M	S	Y	V	V
CITY COMMISSION MEETING MINUTES					
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<u>REGULAR ITEMS - CONTINUED</u>					
The Resolution was read by title only.					
MOTION: To adopt Resolution No. 2016-97 upon reading.					
<u>ROLL CALL</u>					
Dockswell				X	
Hardin	X			X	
Moss				X	
Phillips				X	
Burrie		X		X	
Fisher				X	

Mark E. Berman, City Attorney, advised this item is quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation, followed by the applicant or any other person(s) wishing to speak, closing argument, and the Commission's discussion.

Asceleta Hammond, City Clerk, placed under oath all individuals, including staff, addressing the City Commission in this matter.

Robin M. Bird, Development Services Director, stated that this request is to amend the square foot limitation of a previous note on the amendment for Parcel F-2 of the Center Port Plat. The existing note limits the Rooms To Go building to 75,500 square feet. Therefore, the proposed amendment will allow up to 76,385 square feet enabling the applicant to correct an error of actual building size and allow for a small addition to the building. Furthermore, during the site plan review of Rooms To Go a minor addition was discovered that the "As Built" did not match the original Center Port plat square foot allowances. Therefore, the amendment is necessary.

Names of Commrs.	M	S	Y	N
ROLL CALL				
Dockswell				X
Hardin	X			X
Moss				X
Phillips				X
Burrie		X		X
Fisher				X

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REGULAR ITEMS - CONTINUED

P.H. 2016-35; ORD. NO. 2016-...: TIME 00:50:38 ITEM 15

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND LIBERTY PROPERTY LIMITED PARTNERSHIP FOR PROPERTY AT POMPANO BUSINESS PARK, 1651 SW 5TH COURT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$22,650)

The Ordinance was read by title only.

MOTION: To approve Ordinance upon first reading.

John Jurgle, Fire Chief, stated that the ordinance pertains to signing a lease agreement for five (5) years with Liberty Property Limited Partnership to enable the Fire Department to relocate its current logistics department to a more suitable warehouse in both size and location. In addition, this will allow a partnering with the City Clerk's Office to share the space for storage of the City's official records.

Names of Commrs.	M	S	Y	N
CITY COMMISSION MEETING MINUTES				
January 26, 2016				
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<u>REGULAR ITEMS - CONTINUED</u>				
Comr. Moss indicated that the vacancy was created when Alfred Ritter was retired from the Air Park Advisory Board, who was appointed by the late Vice Mayor Skolnick. In addition, Comr. Moss stated that of the existing members on this Board there are three (3) members from District 3, two (2) members from District 4, two (2) members from District 1 with no member from District 5 or District 2.				
Furthermore, Comr. Moss indicated that Nancy Grant, one of the applicants from District 5, has been attending all the meetings; therefore, he would like to nominate her to serve.				
Comr. Dockswell suggested tabling the item to allow him more time to acquire detailed knowledge on both applicants nominated for the position.				
MOTION: To table the item.				
<u>ROLL CALL</u>				
Dockswell	x		x	
Hardin			x	
Moss			x	
Phillips		x	x	
Burrie			x	
Fisher			x	
RES. NO. 2016-99:				
TIME 00:58:12				
ITEM 18				
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>TOBI AYCOCK</u> TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2018; PROVIDING AN EFFECTIVE DATE.				
The Resolution was read by title only.				

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<u>REGULAR ITEMS - CONTINUED</u>				
MOTION: To adopt Resolution No. 2016-99 upon reading.				
<u>ROLL CALL</u>				
Dockswell		X	X	
Hardin	X		X	
Moss			X	
Phillips			X	
Burrie			X	
Fisher			X	
There was no discussion on the item.				
RES. NO. 2016-100:				
TIME 00:58:44				
ITEM 19				
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <u>TERRENCE DAVIS</u> TO THE PUBLIC ART COMMITTEE OF THE CITY OF POMPANO BEACH FOR A TERM OF TWO (2) YEARS; SAID TERM TO EXPIRE ON FEBRUARY 1, 2018; PROVIDING AN EFFECTIVE DATE.				
The Resolution was read by title only.				
MOTION: To adopt Resolution No. 2016-100 upon reading.				
<u>ROLL CALL</u>				
Dockswell	X		X	
Hardin		X	X	
Moss			X	
Phillips			X	
Burrie			X	
Fisher			X	
There was no discussion on the item.				

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City Manager – No Report.

City Attorney – Litigation Update – Mark E. Berman, City Attorney, reported that Arsh Oil had filed a petition for a writ of certiorari in the Broward Circuit Court seeking to overturn the decision of the Zoning Board of Appeals, which upheld a decision of the Development Services Director under Chapter 155.4222(F) of the City’s Land Use Code. The Broward Circuit Court ruled in the City’s favor, which resulted in the case being dismissed.

City Clerk – No Report.

Commissioner Barry J. Dockswell – Newsletter by Comr. Dockswell – Comr. Dockswell stated that several people have asked about his previous email newsletter he used to send out. He announced that he is no longer sending around an email newsletter, but posting many current City events on his Facebook page, which does not require a person to become a member of Facebook to view it. Therefore, information on District 1 previously published in Comr. Dockswell’s email newsletter can now be accessed via his Facebook page.

Commissioner Rex Hardin – Garbage Boats – Comr. Hardin announced that he had a meeting recently with Public Works Director, Robert McCaughan and other people and there appears to be hope on the horizon to get another crew for the garbage boats.

Commissioner Barry Moss – Deerfield Beach School Board Meeting – Comr. Moss announced that he had also attended the School Board meeting at the Deerfield Beach High School and he did not get any sense of hostility or negative atmosphere in the building. He thought the meeting was well attended and productive.

Commissioner Edward Phillips – Broward County Citations for “Pot” – Comr. Phillips stated that approximately two months ago the County Commission adopted a position to issue citations for people caught smoking “pot” which involves a certain amount of grams. He did not understand the Memorandum from the County, which he thought was asking if the City wanted to opt into that position and to notify the County accordingly.

Names of Comms.	M	S	Y	N

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Notwithstanding, he is excited with the step by the County as it would assist kids who receive citations not to have problems in the future when they apply to colleges or for law enforcement jobs. Therefore, he asked if some type of clarification could be provided to the public whether the City is automatically involved with this type of citation, and if not, what would be the next step.

Mayor Fisher invited Chief John Hale, Broward Sherriff's Office (BSO), to take the floor in order to provide further information on this matter. Notwithstanding, Mayor Fisher indicated that the BSO has been fully supportive of this ordinance to include Sherriff Israel. In addition, Mayor Fisher understands that they are working with the legal attorneys to come up with the physical citation.

John Hale, Police Chief Broward Sherriff's Office, replied that the Mayor is correct. He clarified that agency-wide through the BSO they intend to subscribe to the County Commission Ordinance 21-6 that has been put into place. In fact, he stated that the offices of the Majors, to include himself, are currently working with their legal division, as well as the County Attorney in developing the actual citation, which he has a drafted copy in hand. They will use this as an option for adults that are in possession of 20 grams or less of cannabis (pot), where they can issue for first, second, or third violations and the penalties increased with the number of violations.

Mark E. Berman, City Attorney, clarified that the City should opt out not opt in. He explained that the City has the option for opting out. The BSO is in so the City is in unless the Commission indicate they do not want to be in.

Mayor Fisher indicated that the City decided not to opt out so automatically they are included.

Comr. Phillips stated that it is important for the public to be aware of this position and to provide a sense of cautious hope to some young people that may make mistakes but could move on without being penalized for their entire life.

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Mr. Berman indicated that he attended a seminar and spoke with a Broward County Judge in charge of the Drug Court. They spent at least one hour explaining the numerous programs for juveniles in Broward County, where they are trying to ensure that there is no record as it relates to this issue for both juveniles and adults.

Comr. Dockswell stated that he supports the new way of dealing with cannabis; however, he was concerned about the fact that it only applies to adults.

Chief Hale responded that they already have a civil citation program in place for juveniles, however, this program will apply for adults' minor possession cases.

Comr. Hardin stated that people should have a healthy respect for the law and should understand it is still against the law, so discretion should be exercised by the public.

Gun Control on College Campus – Comr. Phillips asked about the City taking a position regarding gun control and its impact on kids. He indicated that there are people trying to implement laws to allow kids to have guns on campus. Therefore, to allow college students to carry guns on campus is not a wise decision. Comr. Phillips stated that he is against allowing young adults the ability to carry guns on campus.

Railroad Tracks at Northwest 15th Street – Comr. Phillips stated that he along with the Mayor have had discussions in getting the County Commissioners to resolve the Northwest 15th Street problem as it pertains to the railroad tracks. He said County Commissioners Chip LaMarca, Mark Bogen and Dale Holness have all indicated that they are doing what they can do within their purview to assist the City in resolving the concerns about the railroad tracks.

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Gatherings in the Community – Comr. Phillips responded to comments made by a speaker under Audience to be Heard who complained about the police stopping the people from gatherings on the evening of the Dr. Martin Luther King, Jr. (MLK) event. He said he attended the event and the police had to disrupt those gatherings. While he believe everyone should be allowed to gather, to gather at night with firecrackers or guns going off where there are three to five hundred people, which is not an area to hang out to have a good time. Things of that nature must be thoroughly looked at. While people should be allowed to gather for recreational activities, they should not be advocating for controlled chaos. In fact, this is how it looked on the night of the MLK event. Therefore, he commended the police and the community for doing a good job at showing restraint in disbursing.

On the other hand, Comr. Phillips indicated that the next time there is a gathering to places like Apollo Park, somehow, the City will need to put out additional garbage cans for spill over trash.

Vice Mayor Charlotte J. Burrie – No Report.

Mayor Lamar P. Fisher – Ground Breaking – Mayor Fisher reported that on January 26th, he along with Comrs. Phillips and Moss attended the ground breaking for the Pompano Beach Housing Authority. It was great to see the infill project happening at this particular time.

Blanche Ely High School Recognition of Super Bowl Players – Mayor Fisher reported that on last Friday, January 22nd, the Blanche Ely High School had a ceremony where the National Football League (NFL) project provided gold footballs to the high school players who actually played in the Super Bowl as they celebrated their 50th Super Bowl. Mayor Fisher stated it was interesting to see the Crockett Brothers, Henri and Zac, Jerome McDougle, Tyrone Carter, and others that actually attended Blanche Ely High School, played at college level and went to the NFL to play. More importantly, they returned to their community to serve. Therefore, he stated it was nice to have Dr. Johnson recognize these individuals.

Finally, Mayor Fisher offered kudos to those players who continue to serve their Pompano Beach community.

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<p>CITY COMMISSION MEETING MINUTES January 26, 2016</p> <p>PAGE 31</p> <p><u>ADJOURNMENT</u></p> <p>There being no further business, the meeting adjourned at 7:12 p.m.</p> <div style="text-align: center;">  <hr/> LAMAR FISHER, MAYOR </div> <div style="text-align: center;">  <hr/> ASCELETA HAMMOND, CITY CLERK </div>				