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:	Present:
Mayor	*Lamar Fisher*
Vice Mayor	*Charlotte Burrie*
Commissioner	*Barry Dockswell*
Commissioner	*Rex Hardin*
Commissioner	*Barry Moss*
Commissioner	*Edward Phillips*

and

City Manager	*Dennis Beach*
City Attorney	*Mark Berman*
City Clerk	*Asceleta Hammond*

INVOCATION BY:	*Elder Robert Kintchen, Jr.* *Christ Fellowship Church of God in Christ*
PLEDGE OF ALLEGIANCE LED BY:	*Asceleta Hammond, City Clerk*

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.

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

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.

VOICE VOTE				
Dockswell			x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie		x	x	
Fisher			x	

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.

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.

AUDIENCE TO BE HEARD

Mayor Fisher announced that it was time for "Audience To Be Heard" and offered the following guidelines: Once your name is called, please come forward to the podium in front of the commission, state your name and address for the record. Speakers will be limited to three minutes to speak on any item of concern or interest, including those items pulled from the Consent Agenda. In addition, he asked speakers not to speak on any items on tonight's agenda, as they will have that opportunity to do so when that item comes forward. Lastly, he requested that speakers refrain from any emotional outbursts in either support or non-support of the speaker's comments.

Election Dates – Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, reminded everyone that as citizens of the community they would receive three (3) opportunities to vote. He said on March 15, there is a Presidential Election Preference Primary. On August 30, there will be a Primary Election for the various parties. Finally, he indicated that there will be a General Election on November 8, and the City Commission, nonpartisan positions, will be running along with the President, as well as other political positions. Therefore, November 8, will be a big day. Mr. Terwilliger urged the citizens of the community to go out and vote.

Pompano Beach Heritage Music Arts Festival – Dexter Carswell, Red Eye Entertainment, 611 Northwest 31st Avenue, Pompano Beach, FL 33069, provided the City Commission with an update on the Pompano Beach Heritage Festival scheduled for February 20, 2016 at 4:00 p.m. to 10:00 p.m. at the McNair Community Park. Additionally, he solicited in-kind services from the City Commission to assist with the policing, and the facility to make this a great event.

Mayor Fisher suggested that Mr. Carswell meet with the City administration to determine the type of assistance the City could provide to this event.

Names of Commrs.	M	S	V Y	V N

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.

AUDIENCE TO BE HEARD – CONTINUED

Community Input Into Atlantic Boulevard Plan – Bruce Voelkel, 2700 Southeast 2nd Street, Pompano Beach, FL, 33062, stated that there was an article in the Pelican newspaper regarding "Lauderdale-By-The-Sea residents weigh in on the Strategic Plan for the Future." Therefore, he suggested that the City of Pompano Beach could develop a similar plan for the "Atlantic Avenue" in Pompano Beach, and perhaps, some more community input is necessary. He said the Lauderdale-By-The-Sea residents asked some questions and they seemed to be facing some of the same issues the City of Pompano Beach is having. He provided the City Clerk a copy of the article for information purposes only.

Parked Buses from Norcrest Elementary – Victor Centofanti, 4011 Northeast 17th Terrace, Pompano Beach, FL 33064, stated that several years ago, Norcrest Elementary school cut through the fence and connected the street he resides on into their bus link. At the time, they had indicated that it would only be for a few buses. However, there has been an ongoing problem with buses parked on the residents' lawns daily. They reported the problem to the Police and the School Board, who instructed that they call the bus depot, which has not done anything to resolve the problem.

In sum, Mr. Centofanti complained that the bus drivers have no regard for his and the neighboring properties and are doing whatever they want to do, including taking fruits from their yard, parking in front of their driveways and literally sitting on neighbors' porches having their own conversations. He indicated these activities have been an ongoing problem and was getting worse, therefore, he is seeking some resolution.

Mayor Fisher stated that this is a School Board issue and recommended that Mr. Centofanti speak with Nora Rupert, his School Board member representative to apprise her of the problems they are experiencing.

Cultural Arts in Pompano Beach – Sarahca Peterson, 2051 Northwest 1st Avenue, Pompano Beach, FL 33060, indicated that she grew up in the City of Pompano Beach and attended Blanche Ely High School. Although she was exposed to Cultural Arts outside of the City for two years, she was pleased to represent the City in the NAACP Axel competition in the poetry division. Notwithstanding, she is excited to see the development of the Cultural Arts program in the City and she inquired about the CCC Foundation contract with

AUDIENCE TO BE HEARD – CONTINUED

the City. She discovered that there is a $3 surcharge for each ticket over $25 at the Amphitheater, which is supposed to go to a Foundation operated by the President of Creative City Collaborative (CCC). However, the Foundation has not been doing anything. In fact, the State has not approved it. Therefore, the Cultural Arts program that can now assist kids to be seen in that arena is not being implemented.

Ms. Peterson inquired what the community could do to get the Foundation, which is in place for people to acquire funding or if those programs already exist. The Community wants those programs to happen for the kids as well as adults. She wanted to know if the City is holding CCC accountable to reach out to the community, since their contract will be coming up for renewal in April 2016. Ms. Peterson indicated that she understands that for three (3) years the company has had the contract with the City; however, the Foundation has not done anything in the Community. Therefore, she would like to know what the future plans are for those funding to be utilized to assist people within the community.

Dennis W. Beach, City Manager, explained the purpose and reason the Foundation was created, which is to build a source of revenue to offset the costs that taxpayers have with supporting the arts. For example, the Cultural Arts Center that the City has engaged in building to be opened next year will have an operating deficit of approximately half a million dollars per year that staff anticipates. Therefore, the intent of the Foundation is to offset that expense. It was never intended to fund art programs and things of that nature, but simply to offset the public costs associated with putting on the arts. Also, he is unaware of the exact status of who is currently managing the Foundation. Finally, he indicated that the staff person responsible is Mark Beaudreau, Recreation Programs Administrator.

Ms. Peterson indicated that she spoke with Mr. Beaudreau and he could not provide her with any answers as to how much is in the fund and promised to get back to her on Thursday. Nevertheless, she received a copy of the Article of Incorporation from Ms. Alexandra, the Director/President and Secretary of the Foundation. It has outlined that the Foundation is put together for qualified people to go to acquire funding.

AUDIENCE TO BE HEARD – CONTINUED

Mr. Beach indicated that he would provide an update as to the status of the creation of the Foundation, because it was one of the criteria included in the CCC contract with the City. He stated that the creation of the Foundation is for the community and not for CCC.

Comr. Phillips commended Ms. Peterson for paying attention and the courage to bring this issue to the Commission. He opined that CCC has enough money, which is not necessarily just for putting on programs at the amphitheater. In fact, some of those monies could be used to augment and enhance some of the programs that Ms. Peterson mentioned. Therefore, she needs to present it to CCC or the Commission who could help to facilitate it. While he supports the direction she is taking in the spirit of inclusion, he indicated the City is now trying to work out how to get it done. However, he is concerned about the money that they already have on hand.

Cultural Arts Activities – Debresia LeSane, 124 Northwest 8th Street, Pompano Beach, FL, stated that a number of cultural arts programs are increasing even at the amphitheater, but they are not promoted in the northwest community. She stated that she is a poet and has been with BaCa for more than a year but has been "exploited". She noted that she was unable to use the facility to do what it was meant to do, which is to expand the cultural arts to the community.

Community Issues and Complaints on Certain City Activities – Ms. LeSane indicated that since the City spent $7 million on the pier, she wondered if it the City would do anything to ensure the residents that they would not be the victims of Water Supply contamination, similar to what has happened in Flint, Michigan. As well as to know the last time, the water supply was inspected.

Additionally, Ms. LeSane complained that the police shut down just about every celebration that they try to have in the northwest area. For example, the people in the City were sent off the streets at 6:00 p.m. on MLK Day. However, in other cities, such as Fort Lauderdale, everything is normally shut down to allow the citizens to celebrate events like New Year's or Cinco de Mayo.

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 Commrs.	M	S	V Y	V N

CONSENT ITEMS

RES. NO. 2016-90: TIME 00:35:51 ITEM 1

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REVOCABLE LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND CORAL MORPHOLOGIC, LLC, FOR PARTICIPATION IN THE UTILITY WRAP CALL TO ARTIST PROJECT; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

RES. NO. 2016-91: TIME 00:35:51 ITEM 2

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR PALM AIRE GRAVITY SEWER REPAIRS BETWEEN THE CITY OF POMPANO BEACH AND MADSEN/BARR CORPORATION; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: $29,092 from CIP)

RES. NO. 2016-92: TIME 00:35:51 ITEM 3

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **GHULAM "JOE" USMAN** TO THE POMPANO BEACH ECONOMIC DEVELOPMENT COUNCIL, INC. OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER REX HARDIN FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON JANUARY 26, 2019; PROVIDING AN EFFECTIVE DATE.

RES. NO. 2016-93: TIME 00:35:51 ITEM 4

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **JEROLD A. MILLS** TO THE PLANNING AND ZONING BOARD/LOCAL PLANNING AGENCY OF THE CITY OF POMPANO BEACH, AS APPOINTEE OF COMMISSIONER BARRY MOSS, WHICH TERM SHALL RUN CONCURRENTLY WITH THE TERM OF THE MEMBER OF THE CITY COMMISSION; PROVIDING AN EFFECTIVE DATE.

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

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CONSENT ITEMS - CONTINUED

RES. NO. 2016-94: **TIME 00:35:51** **ITEM 5**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, URGING ALL MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT SENATE BILL NO. 904, AMENDING FLORIDA STATUTES CHAPTER 335, SECTION 65, TO REQUIRE INSTALLATION OF SOLAR-POWERED, IN-ROAD LIGHTS IN ALL BICYCLE WAYS THAT ARE ESTABLISHED ON OR AFTER JULY 1, 2016, IN, OR WITHIN A ONE MILE RADIUS OF, AN URBAN AREA IN CONJUNCTION WITH THE CONSTRUCTION, RECONSTRUCTION OR OTHER CHANGE OF ANY STATE TRANSPORTATION FACILITY; DIRECTING THE CLERK TO TRANSMIT COPIES; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

RES. NO. 2016-...: **TIME 00:01:55** **ITEM 6**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, EXPRESSING THE CITY'S SUPPORT FOR A BROWARD COUNTY CHARTER AMENDMENT TO IMPLEMENT AN OFFICE OF THE DIRECTOR OF PUBLIC SAFETY COMMUNICATIONS AND A PUBLIC SAFETY COMMUNICATIONS ADVISORY COUNSEL; REQUESTING THE BROWARD COUNTY CHARTER REVIEW COMMISSION AND/OR THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS TO CONSIDER SUCH A CHARTER AMENDMENT AND THEN WORK EXPEDITIOUSLY TO PLACE THE MATTER ON THE NOVEMBER 2016 BALLOT FOR BROWARD COUNTY VOTERS; PROVIDING FOR DISTRIBUTION; AND PROVIDING AN EFFECTIVE DATE.

MOTION: To strike the item from the agenda.

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

CONSENT ITEMS - CONTINUED

RES. NO. 2016-95: TIME 00:35:51 ITEM 7

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A DISTRICT FOUR (4) AMENDMENT NUMBER ELEVEN (11) TO LANDSCAPE INCLUSIVE MAINTENANCE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR ADDITIONAL LANDSCAPE IMPROVEMENTS ON STATE ROAD A1A (OCEAN BOULEVARD); FROM MILE POST 10.01 TO MILE POST 10.175; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

MOTION: To adopt Consent Items 1-5, and 7.

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

There was no discussion on Consent Items 1-5, and 7.

REGULAR ITEMS

P.H. 2016-33; ORD. NO. 2016-38: TIME 00:37:02 ITEM 8

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING NORTH OF NW 1ST STREET AND EAST OF NW 28TH AVENUE FROM B-3 (GENERAL BUSINESS) TO RS-4 (SINGLE FAMILY RESIDENTIAL); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

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REGULAR ITEMS - CONTINUED

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

Names of Commrs.	M	S	V Y	V N
ROLL CALL				
Dockswell		x		
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie			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 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.

REGULAR ITEMS - CONTINUED

P.H. 2016-37; ORD. NO. 2016-...: TIME 00:38:52 ITEM 9

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, REZONING PROPERTY LYING SOUTHEAST OF THE I-95 NORTH-BOUND COPANS ROAD EXIT RAMP AND NORTH OF NW 21ST COURT, ADJACENT TO AND PART OF WHAT IS COMMONLY KNOWN AS 350 WEST COPANS ROAD FROM RS-4 (SINGLE-FAMILY RESIDENCE) AND B-2 (COMMUNITY BUSINESS) TO B-3 (GENERAL BUSINESS); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

MOTION: To approve Ordinance upon first reading.

Names of Commrs.	M	S	V Y	V N
ROLL CALL				
Dockswell		x	x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie			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.

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.

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.

REGULAR ITEMS - CONTINUED

MOTION: To adopt Resolution No. 2016-96 upon reading.

Names of Commrs.	M	S	V Y	V N
ROLL CALL				
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, stated the site is located at 872 East McNab Road. Currently, the property is vacant and the plat restricted to 5,000 square feet of commercial building. Therefore, the applicant wishes to amend the plat note to 6,510 square feet to accommodate a commercial building. Finally, he indicated the Finding of Adequacy needed to be updated to January 26, 2021.

RES. NO. 2016-97: TIME 00:45:50 ITEM 11

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 CENTER PORT PLAT; PROVIDING AN EFFECTIVE DATE.

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REGULAR ITEMS - CONTINUED

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2016-97 upon reading.

Names of Commrs.	M	S	V Y	V N
ROLL CALL				
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	V Y	V N

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

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REGULAR ITEMS - CONTINUED

RES. NO. 2016-98: TIME 00:47:05 ITEM 12

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 RESIDENCES AT PALM AIRE PLAT; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2016-98 upon reading.

ROLL CALL				
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 the request is to amend a Non-Vehicular Access Line located on the north side of West Atlantic Boulevard to provide an emergency access of approximately 2,000 square feet east of the Florida Turnpike. The access will be located at approximately 812 feet west of the main entrance of the Residences at Palm Aire.

REGULAR ITEMS - CONTINUED

Christina Bilenki, 14 Southeast 4th Street, Boca Raton, FL, indicated that she was available to answer any further questions on the item.

P.H. 2016-32; ORD. NO. 2016-39: TIME 00:48:33 ITEM 13

AN ORDINANCE AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY CREATING SECTION 100.42, "TOWING FROM THE PUBLIC RIGHT-OF-WAY," TO PROVIDE RESTRICTIONS FOR TOWING OR IMMOBILIZING VEHICLES ON CITY STREETS; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

MOTION: To adopt Ordinance No. 2016-39 upon second reading.

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

Mark E. Berman, City Attorney, stated this is a second reading of the ordinance to ensure vehicles, which are properly parked on the City's streets, and right-of-ways are not improperly towed or immobilized.

REGULAR ITEMS - CONTINUED

P.H. 2016-34; ORD. NO. 2016-40: TIME 00:49:24 ITEM 14

AN ORDINANCE AMENDING CHAPTER 34, "CITY POLICY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 34.107, "POSITION CLASSIFICATION PLAN," BY CREATING THE POSITIONS OF ENGINEERING INSPECTOR II, ENGINEERING INSPECTOR III, ENGINEERING PROJECTS MANAGER III, ENGINEERING PROJECTS MANAGER II, ENGINEERING PROJECTS MANAGER I AND BY RETITLING THE ENGINEERING INSPECTOR TO ENGINEERING INSPECTOR I; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

MOTION: To adopt Ordinance No. 2016-40 upon second reading.

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

Michael Smith, Human Resources Director, stated that since the appointment of the new City Engineer the Human Resources Department has been working with him to restructure the Engineering Department. The structure will provide clear lines of authority, improve accountability and since they are broad banding the two positions it will incentivize the employees to improve their credentials, which will also add value to the City.

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

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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.

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

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	V Y	V N

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

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REGULAR ITEMS - CONTINUED

P.N. 2016-36; RES. NO. 2016-...: TIME 00:51:40 ITEM 16

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, MAKING CERTAIN FINDINGS AND DESIGNATING THE REAL PROPERTY LOCATED AT 100 NW 33 AVENUE, IDENTIFIED BY FOLIO NO. 484232190021, AS A BROWNFIELD AREA PURSUANT TO SECTION 376.80(2)(C), FLORIDA STATUTES, FOR THE PURPOSE OF REHABILITATION, JOB CREATION AND PROMOTING ECONOMIC REDEVELOPMENT; AUTHORIZING THE CITY MANAGER TO NOTIFY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION OF SAID DESIGNATION; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

MOTION: To approve Resolution upon first reading.

ROLL CALL	M	S	V Y	V N
Dockswell			x	
Hardin	x		x	
Moss			x	
Phillips			x	
Burrie		x	x	
Fisher			x	

Chris Clemens, Economic Development Manager, stated that this is Brownfield Phase II of the old Palm Aire north golf course. In addition, FCI Development Ten, LLC (FCIDT) has made an application requesting the designated property as a Brownfield area. Therefore, the City has approved and permitted a 210 unit residential development complex with a capital cost estimated at $34 million. The applicant has demonstrated that the project and property has met the five statutory criteria, which includes: 1) They are the owners of the property; 2) They will create seven (7) jobs; 3) They are consistent with the local Comprehensive Plan; 4) They provided the development order number 151213 as evidence, which includes a Club House, a Tot Lot, a Dog Park and a Bike Path; 5) They had sufficient public notice on

REGULAR ITEMS - CONTINUED

the project, which included two public meetings held at the Jan Moran Collier City Learning Library. Finally, he indicated the Finance Department has reviewed the submitted letter and the City is satisfied with the provided financial assurances and statutory requirements.

Comr. Phillips inquired whether the public meetings were well attended, as well as the outcome of the meeting.

Michael Goldstein, Esq., Goldstein Environmental Law Firm, P.A., on behalf of the applicant responded that there were two public meetings; the first one was well attended with seven persons present and the second meeting, not required, but they held it with not many people attending, and had only one person in attendance.

Comr. Phillips indicated that he has some concerns, which he will reserve expressing until another time.

RES. NO. 2016-...: TIME 00:55:47 ITEM 17

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE AIR PARK ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF DANIEL HORAK, ALTERNATE 1; SAID TERM TO EXPIRE ON JULY 1, 2016; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

MOTION: To insert the name James Morehead/Nancy Grant.

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

REGULAR ITEMS - CONTINUED

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.

Names of Commrs.	M	S	V Y	V N
ROLL CALL				
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 **TOBI AYCOCK** 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.

REGULAR ITEMS - CONTINUED

MOTION: To adopt Resolution No. 2016-99 upon reading.

ROLL CALL	M	S	V Y	V N
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 **TERRENCE DAVIS** 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.

ROLL CALL	M	S	V Y	V N
Dockswell	x		x	
Hardin		x	x	
Moss			x	
Phillips			x	
Burrie			x	
Fisher			x	

There was no discussion on the item.

REGULAR ITEMS - CONTINUED

RES. NO. 2016-101: TIME 00:59:13 ITEM 20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **KELLYANN MAGUIRE** 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. 2016-101 upon reading.

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

There was no discussion on the item.

RES. NO. 2016-102: TIME 00:59:38 ITEM 21

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **TOBI AYCOCK** TO THE ARCHITECTURAL APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF THOMAS DIGIORGIO, SR. SAID TERM TO EXPIRE ON FEBRUARY 8, 2017; PROVIDING AN EFFECTIVE DATE.

The Resolution was read by title only.

MOTION: To adopt Resolution No. 2016-102 upon reading.

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

There was no discussion on the item.

REPORTS

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.

REPORTS - CONTINUED

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.

REPORTS - CONTINUED

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.

REPORTS - CONTINUED

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.

Names of Commrs.	M	S	V Y	V N

ADJOURNMENT

There being no further business, the meeting adjourned at 7:12 p.m.

LAMAR FISHER, MAYOR

ASCELETA HAMMOND, CITY CLERK