



# City of Pompano Beach, Florida

## Regular City Commission Meeting Minutes

Agenda No. 2016-09

Date: February 9, 2016

Subject	Page
<b><u>SPECIAL RECOGNITION</u></b>	
Student of Distinction	1
<b><u>APPROVAL OF MINUTES</u></b>	
Regular City Commission Meeting January 26, 2016	1
<b><u>APPROVAL OF AGENDA</u></b>	
City Commission Meeting Agenda February 9, 2016	1
<b><u>PROCLAMATION</u></b>	
Black History Month 2016	2-3
<b><u>AUDIENCE TO BE HEARD</u></b>	
<b><u>Cultural Arts Foundation Issue</u></b> – Sarahca Peterson, 2051 Northwest 1 <sup>st</sup> Avenue, Pompano Beach, FL 33060	3-8
<b><u>African-American Memories</u></b> – Hazel Armbrister, 1808 Northwest 6 <sup>th</sup> Avenue, Pompano Beach, FL	8
<b><u>Intent to Run for Commissioner</u></b> – Tom Terwilliger, 3160 Northwest 1 <sup>st</sup> Avenue, Pompano Beach, FL	8-9
<b><u>Update on the Pompano Beach Heritage Music Arts Festival</u></b> – Dexter Carswell, Red Eye Entertainment, 611 Northwest 31 <sup>st</sup> Avenue, Pompano Beach, FL 33069	9
<b><u>Update on the Concession Stands</u></b> – Vicente Thrower, 1890 Northwest 6 <sup>th</sup> Avenue, Pompano Beach, FL	9
<b><u>Pompano Beach Schools</u></b> – Patrick Jovanov, 411 Northeast 18 <sup>th</sup> Avenue, Pompano Beach, FL 33060	9
<b><u>Joint School Board and City of Pompano Beach Meeting Minutes</u></b> – Mr. Jovanov	10
<b><u>Change of Code for Health Care Uses</u></b> – Rod Feiner, Esq., Coker and Feiner, P.A., 1404 South Andrews Avenue, Fort Lauderdale, FL	10



# City of Pompano Beach, Florida

## Regular City Commission Meeting Minutes

Agenda No. 2016-09

Date: February 9, 2016

Subject	Page
<b><u>CONSENT ITEMS</u></b>	
<p>Approval to purchase Electrical MRO Supplies as needed from World Electric Supply, Inc. and Meyer Electric Supply Company, Inc. in the estimated amount of \$150,000 from budgeted funds in the Building Maintenance Repair and Maintenance account per Broward County Contract &amp;Y1104912B1. (Fiscal impact: purchase as needed)</p>	10
<p><b>RES. NO. 2016-103:</b> 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 GEOSYNTEC CONSULTANTS, INC. TO INSTALL, OPERATE AND MAINTAIN A GROUNDWATER MONITORING WELL LOCATED ON THE NORTHERN EDGE OF SW 8TH STREET ADJACENT TO PROPERTY AT 1407 SW 8TH STREET; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$1.00 per annum paid to the City)</p>	11
<p><b>RES. NO. 2016-104:</b> 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 NE 10TH STREET IRRIGATION BETWEEN THE CITY OF POMPANO BEACH AND SHIFF CONSTRUCTION &amp; DEVELOPMENT, INC.; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$145,236.56 from budgeted funds in account 302-7302-530.65-12, Capital Project/Construction) (CIP 07-924)</p>	11
<p><b>RES. NO. 2016-105:</b> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN EXTENSION AND AMENDMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND EMERALD TRANSPORTATION CORPORATION FOR TOWING AND WRECKER SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: Franchise Fee: \$178,180.00 per annum)</p>	12
<p><b>RES. NO. 2016-106:</b> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PERPETUAL ACCESS EASEMENT BETWEEN THE CITY OF POMPANO BEACH AND TODD DUNLAP AND V. DENNIS WYNNE; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)</p>	12



# City of Pompano Beach, Florida

## Regular City Commission Meeting Minutes

Agenda No. 2016-09

Date: February 9, 2016

Subject	Page
<b><u>CONSENT ITEMS - CONTINUED</u></b>	
<p><b>RES. NO. 2016-107:</b> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A UTILITY EASEMENT BETWEEN THE CITY OF POMPANO BEACH AND TODD DUNLAP AND DENNIS WYNNE, ACCEPTING A GRANT OF A PERPETUAL NON-EXCLUSIVE UTILITY EASEMENT; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)</p>	12
<p><b>RES. NO. 2016-108:</b> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDED CHDO AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND CHOICES NETWORK SYSTEMS, INC., PROVIDING FOR THE FUNDING AND ADMINISTRATION OF HOME INVESTMENT PARTNERSHIPS PROGRAM PROJECTS; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: HOME Funds - \$11,513.00)</p>	13
<p><b>RES. NO. 2016-109:</b> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND LANDSHORE ENTERPRISES, LLC TO PROVIDE DOG PARK LAKE BANKS EROSION CONTROL SERVICES; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$73,800 – Account 482-7573-576-65.12 (Project 15295 – Golf Dune Repairs) (\$8,276.00 added to account through budget adjustment will be set aside for contingency use)</p>	13-16
<p><b>RES. NO. 2016-110:</b> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SHIFF CONSTRUCTION &amp; DEVELOPMENT, INC. FOR LOBBY RENOVATIONS AT THE PUBLIC SAFETY COMPLEX; PROVIDING AN EFFECTIVE DATE.</p>	16
<p><b>RES. NO. 2016-111:</b> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 1 IN THE AMOUNT OF \$30,390.00 PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CARTAYA AND ASSOCIATES, ARCHITECTS, P.A. FOR ARCHITECTURAL AND STRUCTURAL SERVICES; PROVIDING AN EFFECTIVE DATE.</p>	17



# City of Pompano Beach, Florida

## Regular City Commission Meeting Minutes

Agenda No. 2016-09

Date: February 9, 2016

Subject	Page
<b><u>CONSENT ITEMS - CONTINUED</u></b>	
<p><b>RES. NO. 2016-112:</b> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 2 IN THE AMOUNT OF \$42,650.00 PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CARTAYA AND ASSOCIATES, ARCHITECTS, P.A. FOR ARCHITECTURAL AND STRUCTURAL ENGINEERING SERVICES; PROVIDING AN EFFECTIVE DATE.</p>	18
<p><b>RES. NO. 2016-113:</b> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 3 IN THE AMOUNT \$42,450.00 PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CARTAYA AND ASSOCIATES, ARCHITECTS, P.A. FOR ARCHITECTURAL AND STRUCTURAL ENGINEERING SERVICES; PROVIDING AN EFFECTIVE DATE.</p>	18
<p><b>RES. NO. 2016-114:</b> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 4 IN THE AMOUNT OF \$84,450.00 PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CARTAYA AND ASSOCIATES, ARCHITECTS, P.A. FOR ARCHITECTURAL AND STRUCTURAL ENGINEERING SERVICES; PROVIDING AN EFFECTIVE DATE.</p>	18
<p><b>RES. NO. 2016-115:</b> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 1 IN THE AMOUNT OF \$51,900.00 PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND SONG &amp; ASSOCIATES, INC. FOR ARCHITECTURAL AND STRUCTURAL ENGINEERING SERVICES; PROVIDING AN EFFECTIVE DATE.</p>	19-20
<p><b>RES. NO. 2016-116:</b> A RESOLUTION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND CALVIN, GIORDANO &amp; ASSOCIATES, INC., TO PROVIDE PROFESSIONAL CONSTRUCTION ENGINEERING INSPECTION SERVICES; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$259,371.89)</p>	20-21



# City of Pompano Beach, Florida

## Regular City Commission Meeting Minutes

Agenda No. 2016-09

Date: February 9, 2016

Subject	Page
<b><u>CONSENT ITEMS - CONTINUED</u></b>	
<p><b>RES. NO. 2016-117:</b> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND COLONIAL PRESS INTERNATIONAL INC. PROVIDING FOR PRINTING AND MAILING OF TRADEWINDS MAGAZINE; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$43,327.98) (Staff Contact: Sandra King)</p>	21
<p>Approval of a budget adjustment appropriating funds from the budgetary retained earnings to the service connection reuse account in the amount of \$200,000.</p>	22
<b><u>REGULAR ITEMS</u></b>	
<p>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.</p>	22
<p><b>RES. NO. 2016-118:</b> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ALLOCATING A MAXIMUM OF SIX FLEX UNITS FOR A PROPOSED RESIDENTIAL DEVELOPMENT LOCATED AT THE NORTHEAST CORNER OF NORTHWEST 1ST STREET AND NORTHWEST 28TH AVENUE; PROVIDING AN EFFECTIVE DATE.</p>	23-24
<p><b>RES. NO. 2016-119:</b> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING CITY STAFF'S LETTER OF NO OBJECTION TO THE AMENDMENT OF THE DEVELOPMENT REVIEW REPORT DELETING NO. 7 REQUIRING A LEFT TURN LANE ON NW 15TH STREET; PROVIDING AN EFFECTIVE DATE.</p>	24-25
<p>AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A CERTAIN PORTION OF RIGHT-OF-WAY FOR SW 13TH STREET LYING EAST OF I-95 AND WEST OF SW 9TH AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p>	26-27



# City of Pompano Beach, Florida

## Regular City Commission Meeting Minutes

Agenda No. 2016-09

Date: February 9, 2016

Subject	Page
<b><u>REGULAR ITEMS - CONTINUED</u></b>	
<p><b>ORD. NO. 2016-41:</b> 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)</p>	27
<p><b>RES. NO. 2016-120:</b> 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.</p>	28-29
<p>AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND MWH AMERICAS, INC. FOR CONTINUING CONTRACT FOR ENGINEERING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p>	29
<p>AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4222, "COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES," TO MODIFY THE DEFINITION OF A CONSIGNMENT SHOP AND A THRIFT SHOP, AND TO PROVIDE ADDITIONAL STANDARDS FOR THRIFT SHOPS: BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING," TO AMEND THE CHART TO REFLECT SAID CHANGES; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING TERMS USED OR REFERENCED IN THIS ORDINANCE; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REVISE TABLE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p>	29-32



# City of Pompano Beach, Florida

## Regular City Commission Meeting Minutes

Agenda No. 2016-09

Date: February 9, 2016

Subject	Page
<p style="text-align: center;"><b><u>REGULAR ITEMS - CONTINUED</u></b></p> <p>AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4221, "COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES," TO AMEND THE DEFINITION OF BANK OR FINANCIAL INSTITUTION AND CREATE A NEW DEFINITION AND APPLICABLE STANDARDS FOR A CHECK CASHING OR PAYDAY LOAN STORES; BY AMENDING SECTION 155.4222, "COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES" TO PROVIDE DISTANCE SEPARATION REQUIREMENTS BETWEEN CHECK CASHING OR PAYDAY LOAN STORES AND PAWN SHOPS; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING," TO AMEND CHART TO MODIFY PARKING SPACE REQUIREMENTS FOR CHECK CASHING OR PAYDAY LOAN STORES; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY MODIFYING TERMS USED OR REFERENCED IN THIS ORDINANCE; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REVISE TABLE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)</p>	32-36
<p>AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4222, "COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES," TO PROVIDE STANDARDS FOR GROCERY AND CONVENIENCE STORES; TO MODIFY THE PERMITTED LOCATIONS FOR, THE DEFINITION OF, AND STANDARDS FOR LOCAL LIQUOR OR PACKAGE STORES, REGIONAL LIQUOR OR PACKAGE STORES AND BEER OR WINE STORES; BY AMENDING SECTION 155.4227, "INDUSTRIAL: MANUFACTURING AND PRODUCTION USES" TO AMEND THE DEFINITION OF FOOD AND OR BEVERAGE PRODUCTS MANUFACTURING; BY AMENDING SECTION 155.4303, "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO AMEND THE DEFINITION OF ALCOHOLIC BEVERAGE SALES AS AN ACCESSORY USE TO A BREWERY, WINERY OR DISTILLERY AND PROVIDE FOR DISTRICTS WHERE PERMITTED; AMENDING THE DEFINITION OF PACKAGE SALES AS AN ACCESSORY USE TO A BAR OR LOUNGE AND PROVIDING FOR DISTRICTS WHERE PERMITTED; BY AMENDING SECTION 155.4501, "SEPARATION REQUIREMENTS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS," TO AMEND THE USES THAT ARE EXEMPT FROM SEPARATION REQUIREMENTS; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING" TO AMEND THE MINIMUM NUMBER OF OFF-STREET PARKING SPACES FOR VARIOUS ALCOHOL BEVERAGE ESTABLISHMENTS; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING TERMS USED OR</p>	36-40



# City of Pompano Beach, Florida

## Regular City Commission Meeting Minutes

Agenda No. 2016-09

Date: February 9, 2016

Subject	Page
<b><u>REGULAR ITEMS - CONTINUED</u></b>	
<p>REFERENCED IN THIS ORDINANCE; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REVISE TABLE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)</p>	
<p>AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4209, "INSTITUTIONAL: HEALTH CARE USES" TO ADD AND DELETE CERTAIN DEFINITIONS, TO MODIFY DISTRICTS WHERE PERMITTED AND APPLICABLE STANDARDS; BY AMENDING SECTION 155.4221, "COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES" TO MODIFY THE DEFINITION OF PERSONAL SERVICES ESTABLISHMENT; BY AMENDING SECTION 155.4303, "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES" TO MODIFY DEFINITION OF LIMITED MENTAL HEALTH TREATMENT FACILITY, RETAIL CLINICS AND DISTRICTS WHERE PERMITTED; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING" TO AMEND CHART TO REFLECT SAID CHANGES AND MODIFY PARKING REQUIREMENTS; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING TERMS USED OR REFERENCED IN THIS ORDINANCE; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REVISE TABLE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)</p>	40-44
<p>AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.3703, "ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)," TO MODIFY THE PERMITTED PRINCIPAL USES, PROHIBITED USES, STANDARDS SPECIFIC TO COMMERCIAL/RESIDENTIAL MIXED-USE DEVELOPMENTS AND SEPARATION REQUIREMENT FOR SALES OF ALCOHOLIC BEVERAGES AND EXEMPTIONS; BY AMENDING SECTION 155.3708, "DOWNTOWN POMPANO BEACH OVERLAY DISTRICT (DP)," TO AMEND CHART TO REFLECT SAID CHANGES AND AMEND THE MODIFIED USE STANDARDS FOR THE DPOD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p>	44-47
<p>AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.2406, "SPECIAL EXCEPTION," TO MODIFY REVIEW STANDARDS FOR APPLICATIONS FOR SPECIAL EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.</p>	47-48



# City of Pompano Beach, Florida

## Regular City Commission Meeting Minutes

Agenda No. 2016-09

Date: February 9, 2016

Subject	Page
<b><u>REGULAR ITEMS - CONTINUED</u></b>	
AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.01, "DEFINITIONS," TO MODIFY DEFINITIONS FOR SOLID WASTE, RECOVERABLE MATERIALS AND FOR OTHER GARBAGE-RELATED ITEMS; BY AMENDING SECTION 96.11, "COLLECTION TIMES," TO MODIFY DAYS AND TIMES FOR RESIDENTIAL AND COMMERCIAL COLLECTION OF GARBAGE; BY AMENDING SECTION 96.12, "COLLECTION REGULATIONS," TO MODIFY REQUIREMENTS FOR COLLECTION OF TRASH, BULK TRASH AND RECOVERABLE MATERIALS FROM RESIDENTIAL AND COMMERCIAL PROPERTIES IN THE CITY; BY AMENDING SECTION 96.13, "SERVICE CHARGES," TO MODIFY RATES AND SERVICE CHARGES FOR COLLECTION OF RESIDENTIAL AND COMMERCIAL GARBAGE AND BULK WASTE IN THE CITY; BY AMENDING SECTION 96.14, "INSPECTION AND CONDITION OF RECEPTACLES," TO MODIFY REQUIREMENTS FOR GARBAGE RECEPTACLES UTILIZED FOR DISPOSAL OF GARBAGE; BY AMENDING SECTION 96.15, "PREPARATION OF REFUSE," TO MODIFY REQUIREMENTS FOR DISPOSAL OF REFUSE; BY AMENDING SECTION 96.17, "BUSINESS TAX RECEIPT FOR HAULING TRASH," TO RETITLE THE SECTION AND MODIFY TERMS TO REFER TO SOLID WASTE AND RECOVERABLE MATERIALS; BY AMENDING SECTION 96.20, "SINGLE-FAMILY RECYCLABLE WASTE," TO RETITLE THE SECTION AND MODIFY REQUIREMENTS FOR APPLICABILITY FOR ALL RESIDENTIAL RECYCLABLE WASTE; BY DELETING SECTION 96.21, "MULTI-FAMILY RECYCLABLE WASTE," IN ITS ENTIRETY; BY CREATING A NEW SECTION 96.22, "REQUIREMENTS FOR RECOVERED MATERIALS HAULERS," TO PROVIDE REQUIREMENTS FOR REGISTRATION AND LICENSE AGREEMENT FOR HAULERS OF RECOVERED MATERIALS OPERATING IN THE CITY; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.	49-52
<b>RES. NO. 2016-121:</b> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING <b><u>JAMES B. MOREHEAD</u></b> 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.	52-53
<b><u>REPORTS</u></b>	
<b><u>City Manager</u></b> – Special Appreciation to City Staff	53
<b><u>City Attorney</u></b> – Special Thanks to Carrie L. Sarver	54
<b><u>City Clerk</u></b> – No report.	54



# City of Pompano Beach, Florida

## Regular City Commission Meeting Minutes

Agenda No. 2016-09

Date: February 9, 2016

Subject	Page
<b><u>REPORTS-CONTINUED</u></b>	
<b><u>Commissioner Barry J. Dockswell</u></b> – Front and Rear Vehicle License Plates	54-55
<b><u>Commissioner Rex Hardin</u></b> – City Entryways Beautification	55-56
<b><u>Commissioner Barry Moss</u></b> – Boards and Commission	56
Teaching at Pompano Beach Elementary	56
District 5 Meet and Greet Event	57
<b><u>Commissioner Ed Phillips</u></b> – Attendance to Commission Meetings	57
Surveying in Kendall Lakes	57
Community Entryway Signs	57
Register to Vote	58
<b><u>Vice Mayor Charlotte Burrie</u></b> – Special Thanks to Staff	58
Advisory Boards/Committee Issue	58
<b><u>Mayor Lamar P. Fisher</u></b> – Pompano Atlantis Condominium Accolades	58-59
Resignation of Budget Manager	59-60
<b><u>ADJOURNMENT</u></b>	60

# ***CITY OF POMPANO BEACH, FLORIDA***

## **REGULAR CITY COMMISSION MINUTES**

Agenda No. 2016-09

Date: February 9, 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:**

*Rev. James Smith*  
*New Jerusalem Missionary Baptist*  
*Church*

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

Names of Comms.	M	S	Y	V	V
				N	N
<b>CITY COMMISSION MEETING MINUTES</b>					
<b>February 9, 2016</b>					
<b>PAGE 1</b>					
<b><u>SPECIAL RECOGNITION</u></b>					
<p>Mayor Fisher invited Principal Stephen Larson of the Pompano Beach Elementary School to introduce one of his incredible students to lead the Pledge of Allegiance.</p> <p>Principal Stephen Larson introduced Natalie Burrows, a fifth grade student, who was selected as student of distinction for her academic excellence, her role model for other students, her participation as a safety patrol member and she is an overall wonderful student. He mentioned Ms. Burrows is accompanied by her father, Mitchel Burrows.</p>					
<b><u>APPROVAL OF MINUTES</u></b>					
<b>MOTION:</b> To approve the Regular City Commission Meeting Minutes of January 26, 2016, as submitted.					
<b><u>VOICE VOTE</u></b>					
Dockswell					
Hardin	x			x	
Moss				x	
Phillips		x		x	
Burrie				x	
Fisher				x	
<p>There were no revisions to the minutes.</p>					
<b><u>APPROVAL OF THE AGENDA</u></b>					
<b>MOTION:</b> To approve the City Commission Meeting Agenda of February 9, 2016, as amended.					
<b><u>VOICE VOTE</u></b>					
Dockswell					x
Hardin	x				x
Moss					x
Phillips					x
Burrie		x			x
Fisher					x
<p>Mayor Fisher indicated that Item 1 would be stricken from the Agenda and Item 18 would be tabled to the March 8, 2016 City Commission Meeting.</p>					

Names of Comms.	M	S	Y	V N

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 2**

**CONSENT AGENDA DISCUSSION**

Mayor Fisher stated the Commission would pull Items 8, 10, 14 and 15 from the Consent Agenda for discussion. However, a person may speak on the remaining items on the Consent Agenda during Audience to be Heard.

**PROCLAMATION**

*Black History Month 2016*

Mayor Fisher indicated that Hazel Armbrister is the President and Founder of the Rock Road Restoration Historical Group and that she will be in the new Ali facility on the second floor providing information on black history, as well as tourism visitations. Afterward, he invited Ms. Armbrister, Commissioner Ed Phillips and other members from the community to join him at the podium during the presentation of the proclamation.

Mayor Lamar Fisher, on behalf of the City Commission, especially Commissioner Ed Phillips, and residents of the City of Pompano Beach, read and presented to Hazel Armbrister, President/Founder, Rock Road Restoration Historical Group, a proclamation proclaiming February 2016, as Black History Month, which will be observed and celebrated in the community. This observation increases our awareness and knowledge of Black History and honors the many leaders and their contributions to our nation.

Additionally, since 1976, this month-long celebration provides us with an opportunity to promote a spirit of unity and embrace the diversity that has strengthened our nation. The National Theme for the celebration of Black History Month in the year 2016 is "Hollowed Grounds: Sites of African-American Memories" recounting the history of African-Americans as it is unfolded across the canvas of America.

Therefore, on the 87<sup>th</sup> anniversary of Dr. Martin Luther King, Jr.'s birth, Mayor Fisher encouraged everyone to reflect on his words and vision, and consider what each one of us can do today to help keep the dream of Dr. Martin Luther King, Jr. alive.

Names of Comms.	M	S	Y	N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>February 9, 2016</b></p> <p><b>PAGE 3</b></p> <p><b><u>PROCLAMATIONS - CONTINUED</u></b></p> <p>Hazel Armbrister, President/Founder of Rock Road Restoration Historical Group mentioned that each time she accepts this type of proclamation she is reminded of the first time she came to Pompano Beach when there was no proclamation presented for Black History month. Nevertheless, she stated, “we have come a long way”. She expressed appreciation to the City of Pompano Beach for what it has meant in the Black community and hope it will continue to move forward in the years to come. Finally, Ms. Armbrister thanked the Commission for the proclamation on behalf of those who came before her and the ones that are coming after.</p> <p><b><u>AUDIENCE TO BE HEARD</u></b></p> <p>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.</p> <p><b><u>Cultural Arts Foundation Issue</u></b> – Sarahca Peterson, 2051 Northwest 1<sup>st</sup> Avenue, Pompano Beach, FL 33060, stated that she wanted to bring back the subject of the Foundation to the attention of the Commission. She mentioned that City Manager Beach had indicated to her that the Foundation’s intent was to defray the cost of the Cultural Center being built. However, within the contract with Creative City Collaborative (CCC), it states, “The purpose for the Foundation shall be for the sole purpose of soliciting donations, sponsorship, and grants to further cultural arts within the City of Pompano Beach exclusively.”</p> <p>Ms. Peterson requested clarification for the purpose of the Foundation. In addition, she indicated that the Foundation is set up by the CCC, the company that the City entered into contract with for \$825,505. Besides, the person responsible for the Foundation is Alyona Ushe of CCC, who is also the Director/President/Secretary holding three positions in the Foundation.</p>				

Names of Comms.	M	S	Y	N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>February 9, 2016</b></p> <p><b>PAGE 4</b></p> <p><b><u>AUDIENCE TO BE HEARD – CONTINUED</u></b></p> <p>Additionally, Ms. Peterson indicated the contract also states, “Fifty one percent (51%) of the members on the board must be Pompano Beach residents or business owners. Currently, it does not meet the criteria in the contract.</p> <p>Ms. Peterson indicated that the City has given a significant amount of money to CCC to put on cultural arts programs, so it appears the City is “pushing money through a pipe, and getting nothing out of it.” She said there are programs being put on at the amphitheater; however, BaCa is the running facility for cultural arts and the only facility that has the longest running program, Lyrics Lab, where she participates, is operating in the spirit of inclusion. It is running on a \$50,000 budget but \$42,000 goes specifically to Lyrics Lab. Therefore, it is difficult to create any other programs when all the funding is pushed over to the amphitheater, which is not conducting any programming. The concerts hosted do not reach the marketing stage, which absorbs approximately \$300,000, with hardly anyone showing up for the events.</p> <p>Ms. Peterson stated that everyone needed to be accountable to include the citizens of Pompano Beach who need to be more supportive of the events that are happening. On the other hand, they need to be informed about them.</p> <p>Mayor Fisher thanked Ms. Peterson for her comments made at the last meeting as it has stirred up some questions from the Commission and staff is working diligently on those issues.</p> <p>Dennis W. Beach, City Manager clarified the actual purpose, intent and design of the Foundation, which is to create resources that will eventually get the City out of subsidizing the arts in Pompano Beach. Furthermore, he sent out a memorandum today prepared by the City Attorney’s office that refers to the facts of the Foundation and the way it was set up. First, it was required to be set up by contract with CCC by the end of December 2015. Second, the 501(c) status has been applied for and there are five (5) members on the Board of Directors. However, they intend to get ten (10) to fifteen (15) members on the Board to get appointed within the next sixty (60) days. The current thought in terms of the resources being generated by the Foundation is that it stays in place until it reaches a minimum of \$500,000, (half a million dollars) before commencing to make any decision about the disbursement.</p>				

Names of Commrs.	M	S	Y	V N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>February 9, 2016</b></p> <p><b>PAGE 5</b></p> <p><b><u>AUDIENCE TO BE HEARD – CONTINUED</u></b></p> <p>Additionally, Mr. Beach stated that the disbursement of those resources will be decided by the Board of Directors of the Foundation. As indicated earlier, it does require fifty one percent (51%) participation of people that live in Pompano Beach. Finally, Mr. Beach indicated that it is important to recognize that the Foundation is in the infant stage, it is just starting and there will be a number of adjustments that will take place as time evolve.</p> <p>Mayor Fisher requested that City Manager Beach make available to Ms. Peterson a copy of the City Attorney’s Memo.</p> <p>Comr. Phillips expressed concern regarding the Foundation itself as it relates to its composition and the idea that it should have 51% of Pompano Beach residents. Therefore, the Foundation should start out correctly instead of trying to figure it out during its transition period, because the funding for this is significant.</p> <p>Comr. Phillips asked the City Attorney to update him on his prior requests for information on the Foundation.</p> <p>Mark E. Berman, City Attorney indicated that he distributed a memo clarifying the purpose of the Foundation. He said City Manager Beach summarized the memo, which mentioned the Foundation was founded by the organization that the City has contracted. Currently, it is at its infant stage, it is developing and expanding, and someone had to start it, whereby Ms. Ushe was charged with the legal obligation to do so. He understands they have applied for the 501(c), which could take months for them to receive it from the IRS. During that time, they cannot solicit funds, and any funds solicited would not be tax deductible so they have this on hold. In addition, they are looking to increase their membership; they are submitting reports to show where the revenues are coming from ticket sales, which is \$3 surcharge on every ticket sold over \$25. All this information is to be documented in the reports provided to the Parks and Recreation staff, which will be submitted to the City’s auditing staff to check so the funds will “sit tight.”</p>				

Names of Commrs.	M	S	Y	N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>February 9, 2016</b></p> <p><b>PAGE 6</b></p> <p><b><u>AUDIENCE TO BE HEARD – CONTINUED</u></b></p> <p>Mr. Berman further noted that he has reviewed the Bylaws and Articles of Incorporation and they are consistent in stating that the monies can only be spent to further the goals as determined by the Board. The goals in the Bylaws are very clear, which states, <i>“Corporation is organized for general charitable purposes and the objective of aiding public communities by raising cultural awareness to support art and cultural activities in institutions within such communities. Supporting educational programs directed to raise artistic and cultural awareness within such communities. Providing grants and other assistance to facilitate access to the arts for people within such communities of all ages, ethnicities and physical abilities, and encouraging and advocating for public and private funding support for cultural growth within its communities.”</i></p> <p>Finally, Mr. Berman indicated that the City’s responsibility is:</p> <ul style="list-style-type: none"> <li>➤ To ensure the Foundation is being advanced to get it to where it needs to be</li> <li>➤ The Foundation to provide the reports accounting for the funds going into its operations</li> <li>➤ To eventually ensure that all the membership and monies are spent in a method through an established policy; and</li> <li>➤ To determine application procedures</li> </ul> <p>Comr. Phillips indicated that the Company has been established for over one year; therefore, to find that 51% for cultural and arts should not be too difficult. Notwithstanding, the issues on the horizon should be resolved as quickly as possible.</p> <p>Comr. Dockswell opined that perhaps part of the problem could be when the City went forward with a plan to form a Foundation and CCC to be centrally positioned in that Foundation. He recalled that the City anticipated that CCC would continue to manage all four venues. Not only the Cultural Arts building and the Amphitheater, but also the Ali and Bailey Buildings. So, they would be managing and programming for all of them. Therefore, he mentioned now that the City seemed to have focused CCC strictly on the Amphitheater and the Cultural Arts building, could this mean that the City is now experiencing a dying out of focus and enthusiasm or money in BaCa and Ali.</p>				

Names of Commrs.	M	S	Y	N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>February 9, 2016</b></p> <p><b>PAGE 7</b></p> <p><b><u>AUDIENCE TO BE HEARD – CONTINUED</u></b></p> <p>Mayor Fisher indicated that it has been known that BaCa and Ali were actually taken away from CCC now that the Community Redevelopment Agency (CRA) is managing that program, so it is now separate and apart from CCC.</p> <p>Comr. Dockswell wondered if that would be one of the unintended consequences of CCC managing the Foundation, which is currently focused on just the two that they are responsible for.</p> <p>Mr. Berman replied no. He said they are not disbursing any funds at this point; therefore, the focus has not changed. The Foundation is for all arts, whether it is managed by the CCC programs or other programs. It is not supposed to be distributed to just CCC type of events; it is for all cultural arts within the City.</p> <p>Ms. Peterson clarified that BaCa is currently running through CRA on a budget of approximately \$50,000 that was cut from their initial budget when CCC was managing it. So, of that amount, \$48,000 is geared towards the Lyrics Lab, which is the only successful program running and inclusive. So, she wanted to know with the remaining \$8,000 what other programs would be hosted in the facility.</p> <p>Comr. Hardin suggested that Ms. Peterson meet with Mark Beaudreau, Parks &amp; Recreation Programs Administrator to get more information on the funding and the programs. Nevertheless, he understood with regard to the Foundation issue, the City would be underwriting the arts with tax dollars. In fact, the City was going to build it up as an endowment fund. So, eventually it could be paying the freight on the arts instead of the taxpayers paying it. In other words, the City puts some funding into the Foundation; the interest is thrown off and then gets used. Notwithstanding, the City would raise \$500,000 and spend the same, which he never understood the Foundation to be like that.</p> <p>Finally, Comr. Hardin stated there will be “a pot of money” sitting out there and the proceeds from that money is what will best be utilized. So, it will take a long time, unless something has changed, which it does not sound like it has. There will not be an immediate “pot of money” out there to be used currently for arts funding.</p>				

Names of Comms.	M	S	Y	N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>February 9, 2016</b></p> <p><b>PAGE 8</b></p> <p><b><u>AUDIENCE TO BE HEARD – CONTINUED</u></b></p> <p>Mayor Fisher responded that is correct and that it would be a one-time fund for residual monies.</p> <p>Comr. Phillips indicated that Ms. Peterson could become a part of the 51% of residents to be involved in this program.</p> <p><b><u>African-American Memories</u></b> – Hazel Armbrister, 1808 Northwest 6<sup>th</sup> Avenue, Pompano Beach, FL, President of the Rock Road Restoration Historical Group spoke on African-American memories that were produced in Pompano Beach. She mentioned that the early black settlers who came to Pompano Beach had to find a way to identify themselves. So, wherever they found themselves they named it accordingly, whether it was a proper name or not. They would name a street after their most comfortable/known places, such as a place where the houses of worship would be located; therefore, they named the area Church Street. Although Church Street is not on the map, it is on the minds of those who settled here. The other name is Rock Road an area where there was a lot of movement. Both areas intersect; however, when the City became a part of Broward County and streets had to be designated, then Church Street became Northwest 3<sup>rd</sup> Street, and Rock Road became Hammondville Road.</p> <p>Ms. Armbrister stated later both roads have been renamed, so Northwest 3<sup>rd</sup> Street is currently named Esther Rolle Boulevard and Hammondville Road is currently named Martin Luther King, Jr. Boulevard (MLK). Both intersect at the corner where Ms. Marbly and Mrs. Mauldin had their stores.</p> <p>Ms. Armbrister indicated that she had requested that the area be designated to reflect that there was once a Church Street and a Rock Road, where currently, pavers have been put in place to commemorate those two roads.</p> <p><b><u>Intent to Run for Commissioner</u></b> – Tom Terwilliger, 3160 Northwest 1<sup>st</sup> Avenue, Pompano Beach, FL, announced that he would be filing his paperwork to become a candidate on the November 8<sup>th</sup> ballot to serve the City of Pompano Beach. However, prior to commencing his campaigning, he indicated that although he often disagrees with many of the Commission’s decisions, he really does not think the public realizes how much time and effort all of the Commission spends serving the City. In fact, they are not serving</p>				

Names of Commrs.	M	S	Y	V N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>February 9, 2016</b></p> <p><b>PAGE 9</b></p> <p><b><u>AUDIENCE TO BE HEARD – CONTINUED</u></b></p> <p>for the money. Rather, he stated that the service they have been giving to the community for the most part is thankless and underappreciated. However, he personally wanted to say thank you to all the members of the Commission for the time and effort they have spent with everyone within the community.</p> <p><b><u>Update on the Pompano Beach Heritage Music Arts Festival</u></b> – Dexter Carswell, Red Eye Entertainment, 611 Northwest 31<sup>st</sup> Avenue, Pompano Beach, FL 33069, indicated he wanted to update the Commission and to thank Comr. Phillips, Mayor Fisher, Comr. Moss, Captain Adkins and Fire Chief Jurgle for providing him assistance and insight. which has caused everything to be under control at this time; therefore, he has submitted all the required paper work. He then invited them to attend the opening of the event scheduled for February 20, 2016, at 4:00 p.m. at the McNair Park.</p> <p><b><u>Update on the Concession Stands</u></b> – Vicente Thrower, 1890 Northwest 6<sup>th</sup> Avenue, Pompano Beach, FL, asked if Item 14 on the Agenda was related to the concession stand at Mitchell Moore Park.</p> <p>Mayor Fisher advised that when that item comes up for discussion it could be addressed at that time.</p> <p>Mr. Thrower indicated that in 2014, either the Commission gave directive, or it was on the Parks and Recreation budget to build two new concession stands. One would be located at Mitchell Moore and one at McNair Park. At that time, Comr. Hardin also had an item to renovate Kester Park. However, currently, nothing is happening at either Mitchell Moore or McNair Parks.</p> <p>Therefore, he wanted to know how long it would take to build a 500 square foot building. So, he requested that perhaps the City Manager could provide an update on getting these concession stands completed.</p> <p><b><u>Pompano Beach Schools</u></b> – Patrick Jovanov, 411 Northeast 18<sup>th</sup> Avenue, Pompano Beach, FL 33060, complained about the children and Pompano Beach High School. He indicated that less than 10% of the students at Pompano High are from the City of Pompano Beach. He alleged that the students from Pompano Beach who attend are being discriminated against, which he said is wrong. He opined that the City resources are provided for non-resident children.</p>				

Names of Commrs.	M	S	Y	N

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 10**

**AUDIENCE TO BE HEARD – CONTINUED**

**Joint School Board and City of Pompano Beach Meeting Minutes** – Mr. Jovanov indicated that the minutes from the October meeting are still not available.

Asceleta Hammond, City Clerk reported the City Clerk’s office provided Mr. Jovanov a drafted copy of the minutes.

Mr. Jovanov said he received the drafted copy but was hoping to get the formal copy.

Mayor Fisher responded that the body would have to reconvene to get those minutes formally adopted by both the School Board and the City of Pompano Beach.

**Change of Code for Health Care Uses** – Rod Feiner, Esq., Coker and Feiner, P.A., 1404 South Andrews Avenue, Fort Lauderdale, FL, stated that he is aware not to speak on Item 28 on the Agenda, which relates to the change of code for the health care uses. However, he is presuming that the moratorium will not be continuing after the end of this month. Therefore, he encouraged the Commission to move forward with that and not continue with the moratorium. Mr. Feiner indicated that he represents several medical providers who are precluded from doing business in the City due to the moratorium, but they desire to open businesses in the City of Pompano Beach. Therefore, he requested that if the moratorium should extend, then the City Commission should further refine the scope of it.

**CONSENT ITEMS**

**TIME 00:03:13**

**ITEM 1**

Approval to purchase Electrical MRO Supplies as needed from World Electric Supply, Inc. and Meyer Electric Supply Company, Inc. in the estimated amount of \$150,000 from budgeted funds in the Building Maintenance Repair and Maintenance account per Broward County Contract & Y1104912B1. (Fiscal impact: purchase as needed)

Names of Commrs.	M	S	Y	V	V
<b>VOICE VOTE</b>					
Dockswell		x		x	
Hardin	x			x	
Moss				x	
Phillips				x	
Burrie				x	
Fisher				x	

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 11**

**CONSENT ITEMS - CONTINUED**

**MOTION:** To strike the item from the agenda.

**RES. NO. 2016-103:**

**TIME 00:36:41**

**ITEM 2**

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 GEOSYNTEC CONSULTANTS, INC. TO INSTALL, OPERATE AND MAINTAIN A GROUNDWATER MONITORING WELL LOCATED ON THE NORTHERN EDGE OF SW 8<sup>TH</sup> STREET ADJACENT TO PROPERTY AT 1407 SW 8<sup>TH</sup> STREET; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$1.00 per annum paid to the City)

**RES. NO. 2016-104:**

**TIME 00:36:41**

**ITEM 3**

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 NE 10<sup>TH</sup> STREET IRRIGATION BETWEEN THE CITY OF POMPANO BEACH AND SHIFF CONSTRUCTION & DEVELOPMENT, INC.; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$145,236.56 from budgeted funds in account 302-7302-530.65-12, Capital Project/Construction) (CIP 07-924)

Names of Comms.	M	S	Y	V N

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 12**

**CONSENT ITEMS - CONTINUED**

**RES. NO. 2016-105:                      TIME 00:36:41                      ITEM 4**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN EXTENSION AND AMENDMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND EMERALD TRANSPORTATION CORPORATION FOR TOWING AND WRECKER SERVICE WITHIN THE CORPORATE LIMITS OF THE CITY; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: Franchise Fee: \$178,180.00 per annum)

**RES. NO. 2016-106:                      TIME 00:36:41                      ITEM 5**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A PERPETUAL ACCESS EASEMENT BETWEEN THE CITY OF POMPANO BEACH AND TODD DUNLAP AND V. DENNIS WYNNE; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

**RES. NO. 2016-107:                      TIME 00:36:41                      ITEM 6**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A UTILITY EASEMENT BETWEEN THE CITY OF POMPANO BEACH AND TODD DUNLAP AND DENNIS WYNNE, ACCEPTING A GRANT OF A PERPETUAL NON-EXCLUSIVE UTILITY EASEMENT; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)



Names of Commrs.	M	S	Y	N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>February 9, 2016</b></p> <p><b>PAGE 14</b></p> <p><b><u>CONSENT ITEMS - CONTINUED</u></b></p> <p>Horacio Danovich, CIP Manager, responded yes. He explained that when the assessment was done the last time around, the goal was to identify what was an emergency. The immediate repairs were targeted and not those that could be addressed later, so this item came after the fact. The others were all emergencies and have been stabilized.</p> <p>Comr. Moss asked if there is anticipation of needs on other lakes in the Community Park on the golf course.</p> <p>Mr. Danovich replied not in that area. He said he cannot speak for other lakes in the City but at least those now are all stabilized and this one will be also as soon as work is started.</p> <p>Comr. Hardin inquired why Esquire Lake does not have the same problem.</p> <p>Mr. Danovich explained in details how lakes are built to include the type of materials used to build it. Therefore, the current standards allowed by Broward County to build a lake for water storage purposes only is to have an angle of repose that exceeds a four to one slope, which is flat. However, with a golf course, it is not the same, and walls that are more perpendicular are required.</p> <p>Comr. Dockswell stated that when the Commission has its periodic review of the golf course funding, or if it is running a deficit, or being subsidized, inquired if this work would effect that calculation. In other words, will this be coming out of the golf course resources or will it indicate whether the golf course is self-sustaining or not.</p> <p>Dennis W. Beach, City Manager, responded that all the capital that is spent at the golf course becomes part of the golf course budget and it will be reflected as part of that operation for the year of that capital year. In essence, the projects related to the golf course will show that expense as an experience of this fiscal year.</p>				

Names of Commrs.	M	S	Y	N

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 15**

**CONSENT ITEMS - CONTINUED**

Comr. Dockswell indicated that it adds credibility to the point that some members of the Golf Advisory Committee stated that when the City Commission looks at the periodic report to see how much is needed to subsidize the golf operation that unfair and irrelevant expenses are being laid on that operation.

Mr. Beach explained that the expenses for this item would not be reflected in the golf course expenses.

Comr. Dockswell noted that the golf fund is involved in the transfers.

Mr. Beach clarified it should not confuse the issue.

Comr. Dockswell asked if someone could clarify the backup information.

Mr. Beach replied that staff would correct the information, if necessary.

Vice Mayor Burrie asked if the current contracts the City has with them are guaranteeing the work for two years, and if they will last longer than two years. In addition, she asked if there is any historical information on how long this process would last.

Mr. Danovich replied that the cells are life guaranteed. He explained the way they are designed and the process involved will stabilize the banks forever. Therefore, the organization is guaranteeing the workmanship for two years, which he explained in details.

Vice Mayor Burrie wanted to know if the City will need to budget for this every two years, which Mr. Danovich replied he hopes not.

Comr. Phillips asked if this is the same company, the City had expended \$600,000 previously.

Mr. Danovich replied yes it is. He indicated that they were provided a professional services extension to be able to perform this work as they were the sole company available to fix the cells.

Names of Commrs.	M	S	Y	V	V

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 16**

**CONSENT ITEMS - CONTINUED**

Comr. Phillips expressed concern that the City is being blindsided and felt it should have been included in the original scope of the golf lakes that were originally done. He asked if a survey was done on the lakes at that time.

Mr. Danovich responded that staff asked the company to conduct a survey of the site and they returned with a prioritizing of the seven lakes being an emergency. However, they were not aware that this particular area was in the same emergency need as the others.

Mr. Beach explained that the problems being experienced within the golf course operation were severe in that the erosion was getting into the golf course fairways and into the greens, which was the emergency nature of those repairs. However, this one was scheduled to take some time to get it completed.

In response to Comr. Phillips question whether a discount was given by the company, Mr. Danovich responded that the City did not get a discount.

Comr. Moss asked about the sand bags that can be seen from Federal Highway whether they will be permanently located.

Mr. Danovich replied no. He explained those bags are used to stabilize and then the cells go on those banks

**RES. NO. 2016-110:                      TIME 00:36:41                      ITEM 9**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND SHIFF CONSTRUCTION & DEVELOPMENT, INC. FOR LOBBY RENOVATIONS AT THE PUBLIC SAFETY COMPLEX; PROVIDING AN EFFECTIVE DATE.  
(Fiscal impact: \$45,242.34)



Names of Commrs.	M	S	Y	V	V

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 18**

**CONSENT ITEMS - CONTINUED**

**RES. NO. 2016-112:                      TIME 00:36:41                      ITEM 11**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 2 IN THE AMOUNT OF \$42,650.00 PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CARTAYA AND ASSOCIATES, ARCHITECTS, P.A. FOR ARCHITECTURAL AND STRUCTURAL ENGINEERING SERVICES; PROVIDING AN EFFECTIVE DATE.

**RES. NO. 2016-113:                      TIME 00:36:41                      ITEM 12**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 3 IN THE AMOUNT \$42,450.00 PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CARTAYA AND ASSOCIATES, ARCHITECTS, P.A. FOR ARCHITECTURAL AND STRUCTURAL ENGINEERING SERVICES; PROVIDING AN EFFECTIVE DATE.

**RES. NO. 2016-114:                      TIME 00:36:41                      ITEM 13**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 4 IN THE AMOUNT OF \$84,450.00 PURSUANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CARTAYA AND ASSOCIATES, ARCHITECTS, P.A. FOR ARCHITECTURAL AND STRUCTURAL ENGINEERING SERVICES; PROVIDING AN EFFECTIVE DATE.



Names of Commrs.	M	S	Y	N
<b>ROLL CALL</b>				
Dockswell		x		x
Hardin	x			x
Moss				x
Phillips				x
Burrie				x
Fisher				x

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 20**

**CONSENT ITEMS - CONTINUED**

Comr. Phillips stated he is aware this is a remodeling and asked if they are still on schedule with building the concession stand.

Mr. Danovich explained this item is for the design of a new restroom and concession building. He indicated that the buildings are compliant but needed more restrooms. The existing ones will remain and as part of the new building, restrooms will be added. In other words, there will be new concession stands and new bathrooms that will be expanding the building.

Comr. Hardin asked if this is in the Parks Master Plan, and if someone desired to get more information on this item, where could a person go to find it.

Mr. Danovich responded no it is not in the Parks Master Plan; however, the CIP Manager will be available to provide information on any projects currently being undertaken.

**RES. NO. 2016-116:**

**TIME 00:51:54**

**ITEM 15**

A RESOLUTION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND CALVIN, GIORDANO & ASSOCIATES, INC., TO PROVIDE PROFESSIONAL CONSTRUCTION ENGINEERING INSPECTION SERVICES; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$259,371.89)

The Resolution was read by title only.

**MOTION:** To adopt Resolution No. 2016-115 upon reading.

Names of Commrs.	M	S	Y	V
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>February 9, 2016</b></p> <p><b>PAGE 21</b></p> <p><b><u>CONSENT ITEMS - CONTINUED</u></b></p> <p>Comr. Phillips indicated that he is pleased that this is being done. However, in designing the area, there are a number of challenges and one is Blount Road. He explained the challenge, and requested that something be done creatively in the form of perhaps putting a traffic light in that location. In addition, he stated that the design will increase traffic flow so something will be needed for people to enter and exit the area safely.</p> <p>Horacio Danovich, CIP Manager, stated that the project has been designed and staff has gone through a painstaking process in getting everyone on the table to make sure that the safety issue is addressed. It was one of the primary targets to correct one of the City's worst intersections, Blount Road and MLK Boulevard. Mr. Danovich indicated that they involved the Broward County, and Broward Sheriff's Office (BSO), staff who manages the correctional facility in the area, the design teams, and the City of Coconut Creek that is on the other side. In fact, everybody at the table was "in tune" on trying to correct the major problems. One activity that will take place is that they will close the intersection of Blount Road, so traffic will not be able to go north exiting the MLK Boulevard or to go east. Finally, he stated a traffic signal is being designed whether approval is received from the County now or later.</p> <p>Vice Mayor Burrie thanked Captain Adkins who after nine years has been working with her in trying to get a left hand turn arrow on Sample Road and Northeast 15<sup>th</sup> Avenue, which three weeks ago has finally been put into place. Therefore, she advised them to get an early start.</p> <p><b>RES. NO. 2016-117:                      TIME 00:36:41                      ITEM 16</b></p> <p>A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND COLONIAL PRESS INTERNATIONAL INC. PROVIDING FOR PRINTING AND MAILING OF TRADEWINDS MAGAZINE; PROVIDING AN EFFECTIVE DATE. (Fiscal impact: \$43,327.98)</p>				

Names of Comms.	M	S	Y	V	V
				N	N
<b>CITY COMMISSION MEETING MINUTES</b>					
<b>February 9, 2016</b>					
<b>PAGE 22</b>					
<b><u>CONSENT ITEMS - CONTINUED</u></b>					
<b>TIME 00:36:41</b>					
<b>ITEM 17</b>					
Approval of a budget adjustment appropriating funds from the budgetary retained earnings to the service connection reuse account in the amount of \$200,000.					
<b>MOTION:</b> To adopt Consent Items 2-7, 9, 11-13, and 15-17.					
<b><u>ROLL CALL</u></b>					
Dockswell		X		X	
Hardin	X			X	
Moss				X	
Phillips				X	
Burrie				X	
Fisher				X	
There was no discussion on Consent Items 2-7, 9, 11-13, and 15-17.					
<b><u>REGULAR ITEMS</u></b>					
<b>P.H. 2016-37; ORD. NO. 2016-...:</b>					
<b>TIME 00:03:14</b>					
<b>ITEM 18</b>					
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 21 <sup>ST</sup> 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.					
There was no discussion on this item					
<b>MOTION:</b> To table the item until March 8, 2016 City Commission meeting.					
<b><u>ROLL CALL</u></b>					
Dockswell		X			
Hardin	X			X	
Moss				X	
Phillips				X	
Burrie				X	
Fisher				X	





Names of Commrs.	M	S	Y	N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>February 9, 2016</b></p> <p><b>PAGE 25</b></p> <p><b><u>REGULAR ITEMS - CONTINUED</u></b></p> <p>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.</p> <p>Asceletta Hammond, City Clerk, placed under oath all individuals, including staff, addressing the City Commission in this matter.</p> <p>Robin M. Bird, Development Services Director, stated this is a request to amend the Manitowac Plat's 1988 Development Review Report that requires construction of a left turn lane on Northwest 15<sup>th</sup> Street. The owner is requesting the deletion of the required turn lane since Broward County Engineering has concluded that it is not necessary now that Northwest 15<sup>th</sup> Street is no longer on the Broward County Trafficways Plan. The subject property is located at the southeast corner of Northwest 15<sup>th</sup> Street and the CSX Railroad tracks.</p> <p>Matthew Barnes, representing the applicant, Akerman LLP, One Southeast Third Avenue, 25<sup>th</sup> Floor, Miami, FL 33131, stated that he is available to answer questions.</p> <p>Comr. Phillips inquired about the original purpose for doing this.</p> <p>Mr. Barnes responded that when the plat was approved in 1988, it was not on the plat nor was it on the plat notes, but, there was an agreement that followed where they had to bond money for a turn lane that was never built. Currently, the property is being sold and the owner is requesting it be released.</p>				





Names of Commrs.	M	S	Y	N
<b>ROLL CALL</b>				
Dockswell		x		x
Hardin	x			x
Moss				x
Phillips				x
Burrie				x
Fisher				x

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 28**

**REGULAR ITEMS - CONTINUED**

**P.N. 2016-36; RES. NO. 2016-120:      TIME 01:03:18      ITEM 23**

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 adopt Resolution No. 2016-120 upon second reading.

Chris Clemens, Economic Development Manager, stated that this is the second phase of the second Brownfield application for the property. Atlántico 210 units, FCI Development Ten, LLC (FCIDT) have submitted a letter of application requesting the Brownfield designation for the property. Therefore, the City has approved and permitted a 210 unit residential complex with a total capital cost estimated at \$34 million. Staff has found that FCIDT has demonstrated that this project and property has met the five (5) statutory requirements and as such recommends approval.





Names of Commrs.	M	S	Y	N

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 31**

- Rename Consignment Shops as Consignment Boutiques. This will clarify the specialized use focusing on one specialized type of merchandise. Therefore, the regulations will reflect accordingly.
- Specific items will be excluded from Consignment Boutiques, for example mattresses, appliances and guns.
- In the AOD Consignment Boutiques would be prohibited if they were fronting on Atlantic Boulevard in the downtown overlay district, as well as in the historic areas.
- Thrift shops would be required to provide a designated donation area, signage, and to comply with regulated standards for the donations – if left over a 24 hour period it would be considered illegal outdoor storage.
- Thrift shops would be prohibited in the AOD and the DPOD.

Patrick Jovanov, 411 Northeast 18th Avenue, Pompano Beach, FL 33060, mentioned Ms. Friedman’s presentation along with the other three made at a previous meeting is excellent social engineering.

Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, asked if the Thrift Shop is attached to a church would this plan violate the Church and State portion of the US Constitution.

Ms. Friedman explained that currently the City regulates any retail component as a separate use. Staff does not believe there are any issues constitutionally with the regulations that are being proposed at this time.

Comr. Moss referred to Page 2 of the proposed ordinance under E. Consignment Boutique – where it states, “...the establishment shall be limited to one type of merchandise, including but not limited to, clothing and related accessories, children’s apparel...” He asked if that meant the consignment boutique can sell clothing and related accessories but not children’s apparel and furniture, etcetera, and asked for some clarification on this.

Ms. Friedman responded that those mentioned are examples of common types of Consignment Boutiques. Typically, a consignment boutique does specialize on one item. In sum, if a boutique will be selling clothing it cannot sell anything else. Therefore, whatever item the boutique specifies, then that is the item the boutique has to sell.

Names of Commrs.	M	S	Y	N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>February 9, 2016</b></p> <p><b>PAGE 32</b></p> <p><b><u>REGULAR ITEMS - CONTINUED</u></b></p> <p>Vice Mayor Burrie mentioned a Consignment Shop on Federal Highway that she knows sells clothing and furniture, and asked if they would be put out of business because of the proposed ordinance.</p> <p>Ms. Friedman responded that if they were not consistent with the new definition then they would be considered a legal non-conforming use. However, the City would not be shutting them down but rather they would be held to the standards for legal non-conforming uses.</p> <p>Mayor Fisher clarified that the current existing stores will remain the same.</p> <p>Robin M. Bird, Development Services Director, indicated that some of the existing Consignment Shops were established via a use variance, so they would be regulated regardless of changes. In sum, they would be protected by those variances granted.</p> <p>Comr. Phillips asked if someone should be non-conforming is there a time period allowed to those persons to come into compliance.</p> <p>Ms. Friedman replied that they will be allowed to continue to operate as they were approved by the zoning certificates or occupational licenses. None of these standards are amortized, so they will continue to operate. However, this proposal will affect new businesses.</p> <p>Comr. Phillips expressed concern with the proposed concept of allowing a Consignment Shop to sell only one specialized item.</p> <p><b>P.H. 2016-40; ORD. NO. 2016-....:                      TIME 01:15:42                      ITEM 26</b></p> <p>AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4221, "COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES," TO AMEND THE DEFINITION OF BANK OR FINANCIAL INSTITUTION AND CREATE A NEW DEFINITION AND APPLICABLE STANDARDS FOR A CHECK CASHING OR PAYDAY LOAN STORES; BY AMENDING</p>				



Names of Commrs.	M	S	Y	V

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 34**

**REGULAR ITEMS – CONTINUED**

- For check cashing and payday loans in order to create a new distinct use called Check Cashing or Payday Loans Store it would be removed from the definition of bank or financial institution.
- It would require special exception approval in the B-1 and B-2 Zoning Districts.
- The City would require a 1,000-foot separation distance, not only between a Check Cashing store and a Payday Loan store, but also between these uses and a Pawn shop. These uses would be prohibited in the Atlantic Overlay District (AOD) and the Downtown Pompano Overlay District (DPOD).
- For the Pawn Shop there was only one change, which was to include the 1,000-foot separation requirement, which would be between a Pawn Shop and a Check Cashing facility or Payday Loan store.

Patrick Jovanov, 411 Northeast 18th Avenue, Pompano Beach, FL 33060, asked for clarification to the comment made earlier regarding military bases and how it fits into the City of Pompano Beach.

Ms. Friedman explained that the study included a variety of studies that were undertaken by not only planning theorists but also the federal government and different state governments looking at these uses, which tend to locate near vulnerable populations. One of such population that is often referenced in the report are military bases. While the City of Pompano Beach may not have a military base, it responds to the fact that there are vulnerable populations and that these uses tend to locate towards them.

Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, stated, “we live in a free society which is governed by business, which tend to cluster together when they have people wanting their particular service.” Therefore, Mr. Terwilliger opined that it appears staff is trying to be discriminatory against a particular industry, and he provided examples of other industries not mentioned, such as a CVS and a Walgreens that are near each other. In sum, he complained that a certain industry is being “picked on,” which is not fair. Therefore, he urged the Commission to allow the free enterprise system to “live.”

Vicente Thrower, 1890 Northwest 6<sup>th</sup> Avenue, Pompano Beach, FL, wants to be assured that the moratorium is set once the proposed plan is adopted.



Names of Comms.	M	S	Y	N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>February 9, 2016</b></p> <p><b>PAGE 36</b></p> <p><b><u>REGULAR ITEMS - CONTINUED</u></b></p> <p>Comr. Hardin stated that on occasions, he has been in convenience stores where they also would cash paychecks, and asked if they would be classified under this regulation.</p> <p>Ms. Friedman replied that this would not impact stores such as Publix, and larger grocery stores, but if it is a small convenience store also operating as an Amscot or similar type business, then they would be impacted by these regulations.</p> <p><b>P.H. 2016-41; ORD. NO. 2016-....:                      TIME 01:25:12                      ITEM 27</b></p> <p>AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4222, "COMMERCIAL: RETAIL SALES AND SERVICE USES – RETAIL SALES," TO PROVIDE STANDARDS FOR GROCERY AND CONVENIENCE STORES; TO MODIFY THE PERMITTED LOCATIONS FOR, THE DEFINITION OF, AND STANDARDS FOR LOCAL LIQUOR OR PACKAGE STORES, REGIONAL LIQUOR OR PACKAGE STORES AND BEER OR WINE STORES; BY AMENDING SECTION 155.4227, "INDUSTRIAL: MANUFACTURING AND PRODUCTION USES" TO AMEND THE DEFINITION OF FOOD AND OR BEVERAGE PRODUCTS MANUFACTURING; BY AMENDING SECTION 155.4303, "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO AMEND THE DEFINITION OF ALCOHOLIC BEVERAGE SALES AS AN ACCESSORY USE TO A BREWERY, WINERY OR DISTILLERY AND PROVIDE FOR DISTRICTS WHERE PERMITTED; AMENDING THE DEFINITION OF PACKAGE SALES AS AN ACCESSORY USE TO A BAR OR LOUNGE AND PROVIDING FOR DISTRICTS WHERE PERMITTED; BY AMENDING SECTION 155.4501, "SEPARATION REQUIREMENTS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS," TO AMEND THE USES THAT ARE EXEMPT FROM SEPARATION REQUIREMENTS; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND</p>				

Names of Commrs.	M	S	Y	N
<b>ROLL CALL</b>				
Dockswell		x		x
Hardin	x			x
Moss				x
Phillips				x
Burrie				x
Fisher				x

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 37**

**REGULAR ITEMS - CONTINUED**

LOADING" TO AMEND THE MINIMUM NUMBER OF OFF-STREET PARKING SPACES FOR VARIOUS ALCOHOL BEVERAGE ESTABLISHMENTS; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING TERMS USED OR REFERENCED IN THIS ORDINANCE; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REVISE TABLE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

The Ordinance was read by title only.

**MOTION:** To approve Ordinance upon first reading.

Karen Friedman, Principal Planner, stated that the report addressed liquor stores, convenience stores and other retail establishments involved with the sales of alcoholic beverages. In this report, they observed the City's existing liquor stores and how it compares to other cities in terms of the number of liquor stores to determine the City's status in that situation. Also, to observe the liquor stores throughout the City. In addition, she indicated that a map was created depicting the City's fifteen existing establishments that are licensed solely as a liquor store. As well as, it reveals that according to the state, licensed bars are also able to function as a liquor store, which is to address that as part of the proposed regulations.

Additionally, Ms. Friedman indicated that the other main component of the report determined uses that are for the sales of beer or wine versus determining convenience stores. Currently, retail establishments selling beer or wine are considered convenience stores, which staff has concluded that is not the intent of a convenience store. Therefore, standards were drafted to address those different distinctions.

Names of Commrs.	M	S	Y	N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>February 9, 2016</b></p> <p><b>PAGE 38</b></p> <p><b><u>REGULAR ITEMS – CONTINUED</u></b></p> <p>The recommendations are as follows:</p> <ul style="list-style-type: none"> <li>➤ To create two different categories of liquor stores that is a local liquor store and a regional liquor store. This distinction is based on the size of 7,500 square feet.</li> <li>➤ To require special exception approval to be located in any of the business districts for local liquor stores.</li> <li>➤ For the regional liquor stores, which are large ones, they will only need special exception approval if they are going to be located in B-1 or B-2. However, they would be permitted in the B-3 and B-4, by right.</li> <li>➤ Regional liquor stores would be exempted from separation requirements.</li> <li>➤ To create distinct use for the sales of beer or wine, as well as prohibit drive through for the beer or wine stores.</li> <li>➤ To require special exception approval in the B-1, B-2 and B-3 zoning districts, requiring them to be separated from other alcoholic beverage establishments.</li> <li>➤ To create a sub-category to be called “Specialty Store” for stores that focus on the special type of item. For example, special wines from Italy or craft beers, and so forth, which would be regulated in a slightly different manner?</li> <li>➤ The City would still allow grocery stores and convenience stores by right to have accessory sales of beer or wine and make the distinction at twenty percent (20%).</li> <li>➤ To create an accessory use for the packaged sales at bars and to create an accessory use for the sales of beer, wine or liquor at any of the local breweries, wineries or distilleries to allow for an accessory use by right and to exempt that use from separation standards.</li> </ul> <p>Again, Mark E. Berman, requested, for the records, to question Ms. Friedman as follows:</p> <p>Mr. Berman asked Ms. Friedman on whether she relied on any studies before making these recommendations and changes to the City Commission. Also, are her recommendations based on the results of these studies?</p>				

Names of Comms.	M	S	Y	N

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 39**

**REGULAR ITEMS – CONTINUED**

Mr. Friedman replied absolutely.

Mr. Berman asked Ms. Friedman to describe the studies indicated and why it was necessary, as well as whether these documents were included as part of the backup material.

Ms. Friedman replied yes to the backup material, and then provided a brief description regarding the studies. She indicated that they looked at a number of studies for cities both locally and nationally that prohibited these uses. Therefore, part of the research was looking at some of the justifications used in the claims to prohibit these types of uses. Other studies included the incidence of DUI when related to beer, wine and liquor consumption. They examined reports of the impacts that liquor stores have on local neighborhoods, whether it is from property values or prime. In addition, how the impact of these uses affect an entire community.

Comr. Phillips asked for the meaning of the phrase “a convenience store sells beer up to 20%,” and what happens if it goes beyond that number.

Ms. Friedman responded that similar to some of the other uses discussed under the prior agenda items, if it is an existing use it will be able to continue its operation. These regulations will more impact the new uses.

Comr. Phillips expressed concerns regarding those grocery stores/gas station/convenience stores in his neighborhood. Therefore, he inquired if ownership changed hands with these establishments would they be subjected to the new regulations.

Mr. Bird replied that an ownership change would not trigger anything; however, the City would ask for a floor plan at that time, which will indicate the percentage they are allowed for their display. While the City will not be going out to every establishment, as new applications are sought, the City will be asking for the information.

Names of Commrs.	M	S	Y	N

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 40**

**REGULAR ITEMS – CONTINUED**

Mr. Berman advised that change of ownership should not have any effect, but rather, it would be change of uses. To answer the question on business that exists, Mr. Berman replied they could continue operating. However, for new businesses, if they will be wall to wall beer or wine they would not be considered a convenience store, but rather a liquor store to be treated accordingly.

Additionally, Mr. Berman indicated that based on the studies, they are trying to prevent stores that come in and have wall-to-wall coolers of alcohol. Therefore, for new incoming businesses they will be treated differently.

Mr. Bird replied that is correct.

**P.H. 2016-42; ORD. NO. 2016-...:      TIME 01:34:59      ITEM 28**

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4209, "INSTITUTIONAL: HEALTH CARE USES" TO ADD AND DELETE CERTAIN DEFINITIONS, TO MODIFY DISTRICTS WHERE PERMITTED AND APPLICABLE STANDARDS; BY AMENDING SECTION 155.4221, "COMMERCIAL: RETAIL SALES AND SERVICE USES – PERSONAL SERVICES" TO MODIFY THE DEFINITION OF PERSONAL SERVICES ESTABLISHMENT; BY AMENDING SECTION 155.4303, "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES" TO MODIFY DEFINITION OF LIMITED MENTAL HEALTH TREATMENT FACILITY, RETAIL CLINICS AND DISTRICTS WHERE PERMITTED; BY AMENDING SECTION 155.5102, "OFF-STREET PARKING AND LOADING" TO AMEND CHART TO REFLECT SAID CHANGES AND MODIFY PARKING REQUIREMENTS; BY AMENDING PART 5, "TERMS AND USES DEFINED," BY REVISING TERMS USED OR REFERENCED IN THIS ORDINANCE; BY AMENDING APPENDIX A: "CONSOLIDATED USE TABLE," TO REVISE TABLE TO CONFORM TO AMENDMENTS MADE BY THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (No fiscal impact)

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

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 41**

**REGULAR ITEMS - CONTINUED**

The Ordinance was read by title only.

**MOTION:** To approve Ordinance upon first reading.

Karen Friedman, Principal Planner, stated that the last report, which is very lengthy, focused on changes in the health care industry. One of the changes is the intensifying of health care uses. Therefore, the overall recommendation of the report is to regulate the health care uses by intensity, which can mean different things. She then provided examples such as the impact of the uses on the neighboring properties. It is a reflection of a variety of characteristics to include total number of health professionals, the ratio of patients per health care professional, the hours of operation, whether or not there is overnight treatment, the type of services provided, the facility size, noise impacts, etcetera.

Ms. Friedman indicated that all health care uses in the City fall within a certain level of intensity with the least intense health care uses being retail clinics (Walgreens/CVS) to the most intense, which is a General Hospital. She indicated other additional recommendations such as:

- To permit most health care uses in the industrial districts (I-1 and the OIP Districts). It reflects the fact that health care uses have become intense uses. Therefore, the City seeks to have its intense uses located.
- To revise parking standards for the health care uses.
- Certain health care uses will be reclassified as retail uses.

For each health care uses the following is addressed:

- Are they required to be separated from residential districts
- Are there restrictions on overnight treatment
- Are there hours of operation

Names of Commrs.	M	S	Y	V	V

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 42**

**REGULAR ITEMS – CONTINUED**

Ms. Friedman indicated that in general most health care uses will be required to be separated from single-family and two-family districts by 500 feet. However, the two most intense health care uses, Specialty and General Hospitals, will be required to be separated by 500 feet from all residential districts. Within the distance requirement, it will ensure that access is reasonable but that the impacts of the uses are not felt on the residential districts. Therefore, the majority of the health care uses would be prohibited from the B-1 and B-2 districts requiring special exceptions for the B-3 to include the special medical facility, the 24-hour urgent care facility, the specialty and general hospital.

Mark E. Berman, City Attorney asked if Ms. Friedman relied on studies for the recommendations for the item.

Ms. Friedman replied that is correct.

Mr. Berman asked if these are contained in the backup material, as well as to include the one additional study that Mr. Bird will be adding.

Ms. Friedman replied that is correct.

Mr. Berman asked if prior to now, were all health care uses treated the same.

Ms. Friedman replied that is correct. She explained that the City had three (3) categories – medical office, hospital and medical lab – but these were treated the same.

Mr. Berman asked Ms. Friedman if based on the studies included in the backup and based on her testimony, her recommendations are of such that they have reviewed each study to determine the impact on the surrounding communities, and that is what she set the proposed requirements based on the studies to include the distance requirements.

Ms. Friedman replied that is correct.

Names of Commrs.	M	S	Y	N

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 43**

**REGULAR ITEMS – CONTINUED**

Vicente Thrower, 1890 Northwest 6th Avenue, Pompano Beach, FL, wanted to be assured that the proposal would not prohibit urgent care centers in the northwest area of the City.

Ms. Friedman responded that her next presentation will be on the standards specifically for the Downtown Pompano Overlay District and the Atlantic Overlay District. Therefore, she could address the standards for the rest of the City.

Mr. Thrower stated that while he appreciated the work staff has put into the proposal, he would hope they would not preclude permitting an urgent care center into somewhere near the MLK Boulevard area, because these centers are necessary and needed for the neighborhood.

Ms. Friedman indicated that the 24-hour urgent care centers would be regulated under their own category. Also, there are urgent care facilities that would be regulated as part of the specialty medical facility. Nevertheless, both uses would be allowed via special exception approval on the B-3 zoning district. She believes majority of the MLK Boulevard is zoned B-3 with portions zoned B-4. Therefore, they would be permitted by right in B-4, provided they are 500 feet from a single-family property. The distance would ensure that these uses that tend to have things such as medical waste, ambulances or the hours of operation that those impacts do not affect the neighboring single-family property owners.

Tom Terwilliger, 3160 Northwest 1st Avenue, Pompano Beach, FL, asked, according to the definitions, what would happen if a physician/dentist has a patient come to his home for an emergency treatment, would that physician/dentist be in violation of the law.

Ms. Friedman responded the businesses that are operated at an individual's home are subject to the home based business regulations of the zoning code. However, those are not being addressed in the proposed regulation changes.

Names of Comms.	M	S	Y	N
-----------------	---	---	---	---

**CITY COMMISSION MEETING MINUTES                      February 9, 2016**

**PAGE 44**

**REGULAR ITEMS – CONTINUED**

Rod Feiner, Esq., Coker and Feiner, P.A., 1404 South Andrews Avenue, Fort Lauderdale, FL, indicated that they had questions regarding the ordinance and its effect on certain businesses and how certain terms would be interpreted or applied. However, the city staff was very responsive, they replied to his office in a timely and completed fashion and they should be applauded for that.

Mr. Feiner noted that they did not have any objections to the proposed ordinance.

Comr. Moss indicated that in his district there are three facilities for senior services, which are the Court of Palm Aire, Reserve at Palm Aire and John Knox Village, which ranges in services from independent living to end of life facilities. Therefore, he asked if any of the rules regarding separation, parking, and so forth apply to any of those facilities.

Ms. Friedman responded that the report did not address nursing homes, assisted living facilities or continuing care and retirement facilities, which were not identified for the study under the moratorium.

**P.H. 2016-44; ORD. NO. 2016-...:                      TIME 01:46:55                      ITEM 29**

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.3703, "ATLANTIC BOULEVARD OVERLAY DISTRICT (AOD)," TO MODIFY THE PERMITTED PRINCIPAL USES, PROHIBITED USES, STANDARDS SPECIFIC TO COMMERCIAL/RESIDENTIAL MIXED-USE DEVELOPMENTS AND SEPARATION REQUIREMENT FOR SALES OF ALCOHOLIC BEVERAGES AND EXEMPTIONS; BY AMENDING SECTION 155.3708, "DOWNTOWN POMPANO BEACH OVERLAY DISTRICT (DP)," TO AMEND CHART TO REFLECT SAID CHANGES AND AMEND THE MODIFIED USE STANDARDS FOR THE DPOD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Names of Commrs.	M	S	Y	N
<b>ROLL CALL</b>				
Dockswell		x		x
Hardin	x			x
Moss				x
Phillips				x
Burrie				x
Fisher				x

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 45**

**REGULAR ITEMS - CONTINUED**

The Ordinance was read by title only.

**MOTION:** To approve Ordinance upon first reading.

Karen Friedman, Principal Planner, stated that while all the reports can be considered economic development and redevelopment in nature, there was a special focus on the redevelopment efforts within the Atlantic Overlay District (AOD) and the Downtown Pompano Overlay District (DPOD), which are addressed throughout the separate reports. However, since this item is being presented as its own ordinance, she will address the proposed changes for the two districts mentioned above to include the following:

- In the AOD for thrift shops, there are no proposed changes and it will continue to be prohibited.
- Consignment Boutiques the new name for Consignment Shops will be prohibited from fronting Atlantic Boulevard.
- Check Cashing or Payday Loans Stores will be prohibited.
- Pawn Shops there is no change and will continue to be prohibited.
- Beer/Wine Store or Local Liquor Store or Regional Liquor Store will require special exception approval because of the underlying B-3 zoning. Certain uses will continue to be exempt from alcohol beverage separation standards, which include bars and lounges, brewpubs, restaurants and specialty eating and drinking establishments.
- The majority of Health Care uses will be prohibited in the district that includes the Specially Medically facilities, the 24-hours urgent care facility, the special and general hospital, medical or dental lab.

Names of Commrs.	M	S	V Y	V N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>February 9, 2016</b></p> <p><b>PAGE 46</b></p> <p><b><u>REGULAR ITEMS - CONTINUED</u></b></p> <ul style="list-style-type: none"> <li>➤ Medical offices will be permitted but their hours of operation will be restricted. They will also be restricted when locating on Atlantic Boulevard.</li> <li>➤ There will be specific regulations for massage therapy uses if they are within 1,000 feet of another similar use and will require special exception approval.</li> </ul> <p>Ms. Friedman indicated that many of the recommendations are similar that are being carried over into the DPOD with a couple of changes such as:</p> <ul style="list-style-type: none"> <li>➤ The local liquor store will be specifically prohibited.</li> <li>➤ The Consignment Boutique will be prohibited from the historical areas otherwise, it is similar to what is recommended for the AOD.</li> </ul> <p>Additionally, Ms. Friedman stated that in addition to the study completed by staff, the Community Redevelopment Agency (CRA) provided a wealth of information addressing the impacts of these uses on redevelopment efforts, which was included in the backup.</p> <p>Rod Feiner, Esq., Coker and Feiner, P.A., 1404 South Andrews Avenue, Fort Lauderdale, FL, inquired with regards to the Atlantic Overlay District and with straight medical offices not allowed if the building is fronting on Atlantic Boulevard, and located on the first floor or it is not allowed as a whole. A regular medical office on Atlantic Boulevard should be prohibited as a whole in the AOD. He said Atlantic Boulevard has many various uses with different floors. A regular doctor's office that is smaller than 500 square feet seems to be a use the City may want to encourage on Atlantic Boulevard even if it is located in the AOD. Therefore, the restrictions of that being a medical office facing on Atlantic Boulevard that provision of the AOD should be amended or removed. He reiterated that this would be for the smaller doctor's office.</p> <p>Ms. Freidman responded that the purpose of the AOD is to create a vibrant, pedestrian friendly district; so, the uses permitted do reflect that. Therefore, when the City requires special exception approval or has any use specific standards that use should be in the district, and need to treat it accordingly because it may not speak to the overall purpose of the district. In sum, while these uses are important, they do not specifically promote the pedestrian friendly vibrant area that the City is looking to achieve in this area.</p>				

Names of Commrs.	M	S	Y	V N

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 47**

**REGULAR ITEMS - CONTINUED**

Vice Mayor Burrie stated there are a number of doctors' offices on Atlantic Boulevard but they are not on the ground floor, and asked if this proposal would affect those offices.

Ms. Friedman replied that is correct. In sum, the standards being presented now are addressing new uses and how application for new uses would be treated.

Vice Mayor Burrie clarified that she was referring to those offices to come in the future not necessarily those that are currently in place.

Ms. Friedman replied no, they would not be prohibited, as they are important businesses. In fact, she reiterated that these regulations were made not only to protect the residential districts but also to support the business communities.

Comr. Phillips asked if the regulations for the DPOD would affect a sports bar or proposed entertainment facility.

Ms. Friedman explained that for the two districts, in one of the effort to encourage very active nightlife uses, allow exemptions on distance for separation of alcoholic businesses. However, the exemptions would not apply to nightclubs.

**P.H. 2016-43; ORD. NO. 2016-...:      TIME 01:55:44      ITEM 30**

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.2406, "SPECIAL EXCEPTION," TO MODIFY REVIEW STANDARDS FOR APPLICATIONS FOR SPECIAL EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

Names of Commrs.	M	S	Y	V	V
<b>ROLL CALL</b>					
Dockswell				X	
Hardin	X			X	
Moss				X	
Phillips				X	
Burrie		X		X	
Fisher				X	

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 48**

**REGULAR ITEMS - CONTINUED**

**MOTION:** To approve Ordinance upon first reading.

Karen Friedman, Principal Planner, indicated a number of uses that went through the moratorium are coming out as special exception uses. Staff undertook looking at the City's special exception criteria and with the assistance of the City Attorney's office to consider if it needed to be revised. Therefore, based on the review they determined that there were some revisions that staff is recommending they reflect the long held standards that were utilized by the City starting in 1994, which was made part of the backup.

Mark E. Berman, City Attorney referred to Page 2, Item 11, which states, "*Fulfils a demonstrated need for the public convenience and service of the population of the neighborhood for the special exception use with consideration given to the present availability of such uses.*" He stated that it is commonly found in all municipal ordinances involving special exceptions. In fact, a few years ago this was in the City's zoning code and was a requirement for special exception but was removed when the zoning code changed.

Mayor Fisher thanked Robin Bird, Karen Friedman, the CRA personnel, and the City Attorney Office for their dedicated work on these items.

Names of Commrs.	M	S	Y	V N

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 49**

**REGULAR ITEMS - CONTINUED**

**P.H. 2016-47; ORD. NO. 2016-...:      TIME 01:57:58      ITEM 31**

AN ORDINANCE AMENDING CHAPTER 96, "HEALTH AND SAFETY," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 96.01, "DEFINITIONS," TO MODIFY DEFINITIONS FOR SOLID WASTE, RECOVERABLE MATERIALS AND FOR OTHER GARBAGE-RELATED ITEMS; BY AMENDING SECTION 96.11, "COLLECTION TIMES," TO MODIFY DAYS AND TIMES FOR RESIDENTIAL AND COMMERCIAL COLLECTION OF GARBAGE; BY AMENDING SECTION 96.12, "COLLECTION REGULATIONS," TO MODIFY REQUIREMENTS FOR COLLECTION OF TRASH, BULK TRASH AND RECOVERABLE MATERIALS FROM RESIDENTIAL AND COMMERCIAL PROPERTIES IN THE CITY; BY AMENDING SECTION 96.13, "SERVICE CHARGES," TO MODIFY RATES AND SERVICE CHARGES FOR COLLECTION OF RESIDENTIAL AND COMMERCIAL GARBAGE AND BULK WASTE IN THE CITY; BY AMENDING SECTION 96.14, "INSPECTION AND CONDITION OF RECEPTACLES," TO MODIFY REQUIREMENTS FOR GARBAGE RECEPTACLES UTILIZED FOR DISPOSAL OF GARBAGE; BY AMENDING SECTION 96.15, "PREPARATION OF REFUSE," TO MODIFY REQUIREMENTS FOR DISPOSAL OF REFUSE; BY AMENDING SECTION 96.17, "BUSINESS TAX RECEIPT FOR HAULING TRASH," TO RETITLE THE SECTION AND MODIFY TERMS TO REFER TO SOLID WASTE AND RECOVERABLE MATERIALS; BY AMENDING SECTION 96.20, "SINGLE-FAMILY RECYCLABLE WASTE," TO RETITLE THE SECTION AND MODIFY REQUIREMENTS FOR APPLICABILITY FOR ALL RESIDENTIAL RECYCLABLE WASTE; BY DELETING SECTION 96.21, "MULTI-FAMILY RECYCLABLE WASTE," IN ITS ENTIRETY; BY CREATING A NEW SECTION 96.22, "REQUIREMENTS FOR RECOVERED MATERIALS HAULERS," TO PROVIDE REQUIREMENTS FOR REGISTRATION AND LICENSE AGREEMENT FOR HAULERS OF RECOVERED MATERIALS OPERATING IN THE CITY; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 50**

**REGULAR ITEMS - CONTINUED**

The Ordinance was read by title only.

**MOTION:** To approve Ordinance upon first reading.

Robert A. McCaughan, Public Works Director stated that in October 2015, the City Commission approved the contract the City has with Waste Management to make them the exclusive hauler for the City. Therefore, it is a modification of the Code of Ordinance Chapter 96, to include the new contract, which will commence on March 1, 2016. He noted this contract is for hauling only. The disposal contract is separate and expires in September 2022.

Mr. McCaughan mentioned most sections were impacted but noted that the structure of the ordinance was cleaned up and Section 96.13 reflects the rates. Administratively, the invoice-processing fee for the billing has been pulled out and will appear as a line item on the monthly bill, it is not a new fee.

Additionally, Mr. McCaughan indicated that the language was added to assist staff to control haulage in the City that collect recoverable recyclables, as well as a process was put in place to meet state standards, as well as add recyclable and financial benefits to the City.

Mr. McCaughan reported that the opportunity to receive vacation credits would be eliminated, as well as in select areas across the City the in-ground containers will phase out and no longer serviced. In addition, a commercial special service fee was applied at ninety-five cents per cubic yard, which will be used to fund enhancements projects for the City to improve beautification.

Mr. McCaughan stated that the new contract is scheduled to commence March 1, 2016, and carts are already being rolled out to residents according to their current schedule of garbage pickup dates. In fact, they are approximately 65% complete in distributing the carts. Moreover, with online and mail-in, residents will be able to access/receive a brochure with maps, and a lot of information of how to utilize the cart, where to place the cart and so forth.

Names of Commrs.	M	S	V Y	V N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>February 9, 2016</b></p> <p><b>PAGE 51</b></p> <p><b><u>REGULAR ITEMS - CONTINUED</u></b></p> <p>Finally, Mr. McCaughan reiterated that March 1<sup>st</sup> will be implementation date and Chapter 96 will be bringing the City to match up with the new contract previously approved.</p> <p>Mayor Fisher noted that for those residents who are currently having trash pickup on their regular days would continue until March 1, 2016. However, the new days, for example in his case, the dates are now changing and will begin March 1, 2016. Therefore, he urged everyone to follow the days posted on the new containers to learn when will be their pickup.</p> <p>Comr. Dockswell indicated that the mailer indicated February 29, 2016.</p> <p>Mr. McCaughan explained that all carts will be in place by February 29, 2016 and the next day March 1, 2016, the collection schedule will commence.</p> <p>In response to Comr. Dockswell's comment regarding those residents who already received their carts are utilizing them, Mr. McCaughan responded that it was not intended but they are still being serviced.</p> <p>Vicente Thrower, 1890 Northwest 6th Avenue, Pompano Beach, FL, asked if the public would be educated so they understand the new process involved.</p> <p>Mayor Fisher noted that the old trashcans, if so desired to eliminate them, a person must mark them with an "X" so they will be hauled away.</p> <p>Mr. Thrower asked about the dollars being generated from the new contract, which will provide for beautification and pressure cleaning in the neighborhoods.</p> <p>Mayor Fisher replied those dollars generated would take care of those items that the City desires to assist with beautifying the neighborhoods.</p> <p>Mr. Thrower noted that it was discussed earlier to pressure clean the brick pavers in the vicinity of the E. Pat Larkins Center, so, he hopes this project can get on the list of the beautification schedule.</p>				



Names of Commrs.	M	S	V Y	V N
<b>CITY COMMISSION MEETING MINUTES</b>				
<b>February 9, 2016</b>				
<b>PAGE 53</b>				
<b><u>REGULAR ITEMS - CONTINUED</u></b>				
<b>MOTION:</b> To adopt Resolution No. 2016-121 by inserting the name James B. Morehead.				
<b><u>ROLL CALL</u></b>				
Dockswell			X	
Hardin	X		X	
Moss				X
Phillips		X	X	
Burrie			X	
Fisher			X	
<b><u>ROLL CALL</u></b>				
Dockswell			X	
Hardin			X	
Moss	X		X	
Phillips			X	
Burrie			X	
Fisher			X	

**MOTION:** To adopt Resolution No. 2016-121 by inserting the name James B. Morehead.

**MOTION:** To insert the name Nancy Grant.

The motion died for lack of a second

Vice Mayor Burrie indicated that Daniel Horak was Comr. Hardin's appointment and his previous position is being filled. Nevertheless, Vice Mayor Burrie mentioned that she does not have anyone to appoint to some of these boards, and does not have anyone serving on the Air Park Advisory Board. However, she noted that Comr. Hardin had appointed Mr. Horak to move from alternate to a regular member position and is now appointing someone else to take Mr. Horak's position as alternate.

**REPORTS**

**City Manager – Special Appreciation to City Staff** – Dennis W. Beach, City Manager, noted the work that the Commission was able to accomplish on the Agenda, and as such, he would like to recognize and express appreciation to Robin Bird and Karen Friedman for the work that was done on those items presented earlier. As well as, he recognized and thanked Rob McCaughan and Russ Ketchem for the work done with the sanitation contract. In fact, he thanked all of the staff's efforts expended all around.

The Commission agreed with the City Manager that City staff displayed a "yeoman's job" in compiling and presenting the subject items.

Names of Comms.	M	S	Y	V	V
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>February 9, 2016</b></p> <p><b>PAGE 54</b></p> <p><b><u>REPORTS - CONTINUED</u></b></p> <p><b><u>City Attorney – Special Thanks to Carrie L. Sarver</u></b> – Mark E. Berman, City Attorney, thanked Carrie L. Sarver, Assistant City Attorney for her efforts in working with him, the Zoning staff, and the Sanitation staff.</p> <p><b><u>City Clerk</u></b> – No Report.</p> <p><b><u>Commissioner Barry J. Dockswell – Front and Rear Vehicle License Plates</u></b> – Comr. Dockswell noted District 1 is where most of the paid parking takes place in the City. He said the City created a Parking Enterprise Fund and have had to deal with much more serious enforcement of the parking regulations. Nonetheless, the City had to prohibit back-in parking in many of the spaces that are metered because the license plate reader technology needs to see the plates. In sum, currently, there are difficulties in making people aware of the requirement, as well as enforcing it.</p> <p>Additionally, Comr. Dockswell opined that over a longer period, he believes it makes sense for Florida to have license plates on both the front and rear of vehicles, as some states are already requiring both front and rear license plates. He suggested that if the City could convince the state legislature to have Florida provide front and rear license tags, it would make the enforcement much better especially for the City.</p> <p>Consequently, Comr. Dockswell requested support from the Commission to ask the City’s lobbyists in Tallahassee to begin working on getting support for Florida requiring and providing front and rear vehicle license plates.</p> <p>Mayor Fisher believes Phyllis Korab, Assistant City Manager is working on this item, and so, perhaps the Commission could direct the creation of a resolution.</p> <p>Comr. Hardin indicated that he had responded to Ms. Korab’s email on the issue. However, he is not in favor of that and provided his reasons for disagreeing with Comr. Dockswell’s suggestion and why it is unnecessary.</p> <p>Comr. Moss indicated that he agrees with Comr. Dockswell’s comments on the reason for wanting two license plates and pointed out that Florida is perhaps one of a small number of states that does not allow two plates.</p>					

Names of Commrs.	M	S	Y	N

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 55**

**REPORTS - CONTINUED**

Vice Mayor Burrie indicated that she received the email but wanted to do a bit more research prior to agreeing or disagreeing with wanting two license plates. Nevertheless, she thought it was against the law to back into a parking space and inquired whether it is indeed state law or City law disallowing this practice.

Mayor Fisher replied that it is not the law, rather it is a policy the City put in place based on the parking scenario for Denison Parking to be able to read the license plates.

Comr. Phillips indicated that he would not support Comr. Dockswell's idea to allow for two license tags and explained his reasons.

Mayor Fisher concluded that it appears that there is not enough support to get this item on the list for the lobbyist in Tallahassee.

Comr. Dockswell asked if the Commission could get some assessment of what the economic impact would be to the City if it discontinued prohibiting back in parking and undertake the extra expense of parking attendants cruising/walking on both sides of the aisle.

Mayor Fisher opined that Denison Parking would not charge the City more to get out of the car and check the license tags.

Vice Mayor Burrie indicated that prior to agreeing on this issue, she would like to get Broward Sherriff's Office (BSO) input on it, the economic impact of persons who will need to purchase two license tags, as well as, which agency will benefit from the revenues.

**Commissioner Rex Hardin – City Entryways Beautification** – Comr. Hardin stated that an item was approved for the irrigation on the south side of Northeast 10<sup>th</sup> Street and soon there will be beautification efforts, which is a step in the right direction of beautifying the City. Notwithstanding, he requested an update on his request made a few months ago to work on beautifying the City's Entryways.

Names of Commrs.	M	S	Y	V N

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 56**

**REPORTS - CONTINUED**

Dennis. W. Beach, City Manager responded that he would provide the Commission with the information that exists today on the subject, as well as the proposals in place.

**Commissioner Barry Moss – Boards and Commission** – Comr. Moss opined that as it relates to the Boards and Commission, the way things have been done in the past is unbalanced and perhaps unfair. He then provided information on a report he received in May as to the percentages involved in appointing members to the various boards/committees. He noted that District 1 has 30%, District 2 has 11%, District 3 has 28%, District 4 has 19%, and District 5 has 13% of members. In addition, he checked on how many people served on multiple boards and three (3) people served on more than four (4) boards, four (4) people served on three (3) boards and four (4) people served on two (2) boards.

Comr. Moss noted that he understands this issue will not be corrected overnight, but he will continue to gently and politely point these inequities out to the Commission, so, perhaps others will pay attention and raise the issue. Furthermore, of the 20 boards/committees, two (2) of them specifically, the Budget Review Committee held only 4 out of 11 meetings and the Community Appearance Committee had only 1 out of the scheduled 12 meetings. He opined that for those committees that are not performing, perhaps consideration should be given to dissolve them.

Additionally, Comr. Moss questioned the excused versus the unexcused absence and recommend that some consideration should be given to this as well.

**Teaching at Pompano Beach Elementary** – Comr. Moss reported that last week he had his first teaching experience at the Pompano Beach Elementary school and it was great for him. He will be repeating this experience on Thursday, which includes teaching First and Third Graders. In addition, he commended Chief Jurgle along with his firefighters who are also participating in this effort.

Names of Commrs.	M	S	Y	V	V

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 57**

**REPORTS - CONTINUED**

**District 5 Meet and Greet Event** – Comr. Moss invited the Commission to attend an event that he is sponsoring with the City on Saturday, February 13, 2016, at the Herb Skolnick Center, from 9:00 a.m. to 12:00 noon. He indicated this would be an opportunity for the citizens of District 5, to get to know their elected and appointed officials and have some facetime with them. He said some of the officials that will be attending are City Mayor Lamar Fisher, Vice Mayor Charlotte Burrie, County Commissioner Mark Bogen, Broward Sheriff Scott Israel, and Major John Hale, City Fire Chief John Jurgle, City Manager Dennis Beach, Assistant City Manager Greg Harrison, and Broward County School Board member Nora Rupert.

**Commissioner Edward Phillips – Attendance to Commission Meetings** – Comr. Phillips thanked the people from District 4 and the community, who have been making special efforts to attend the Commission meetings.

**Surveying in Kendall Lakes** – Comr. Phillips noted that on Northwest 3<sup>rd</sup> Avenue in the Kendall Lakes area there appear to be extensive surveying taking place and desired to know what this meant.

Mayor Fisher indicated that Rob McCaughan, Public Works Director or Dennis Beach, City Manager would provide information to the Commission.

**Community Entryway Signs** – Comr. Phillips indicated that sometime ago there was discussion on signs in various communities and perhaps Assistant City Manager Harrison met with someone in Kendall Green. However, due to a cost affiliated with the sign, Comr. Phillips stated he had discouraged the homeowners from moving forward with the sign. He opined that residents should not have to pay to put up signs in their area. Rather, the City should explore economic signs that could be placed in entryways to identify the communities and the people who live there.

Mayor Fisher informed there is a LEED program that provides funding for community signs similar to what Comr. Phillips is requesting. However, there are specific criteria to be met. Perhaps, staff could get with Comr. Phillips to update him on what are the requirements for the program.

Names of Commrs.	M	S	Y	N
<p><b>CITY COMMISSION MEETING MINUTES</b>                      <b>February 9, 2016</b></p> <p><b>PAGE 58</b></p> <p><b><u>REPORTS - CONTINUED</u></b></p> <p><b><u>Register to Vote</u></b> – Comr. Phillips stated February 16, 2016 will be the last day that anyone can register to vote for the upcoming general elections.</p> <p><b><u>Vice Mayor Charlotte J. Burrie – Special Thanks to Staff</u></b> – Vice Mayor Burrie echoed the City Manager’s accolades to Robin Bird, Karen Friedman, Rob McCaughan and Russ Ketchem for doing a great job with the items presented. She indicated that she had to read all the material provided in the backup that was extensive. However, Ms. Friedman in a very short period explained and presented the items in a very clear and concise manner.</p> <p>Additionally, both Mr. McCaughan and Mr. Ketchem have been extremely helpful in getting the garbage contract executed, and Mr. Ketchem has attended the Civic Association meetings to explain things to the residents.</p> <p><b><u>Advisory Boards/Committee Issue</u></b> – Vice Mayor Burrie indicated that her District has 11% representation on all the advisory boards, so she is the lowest on the “totem pole”. However, that percentage might be slightly skewed, since she does not have people that actually live within her district volunteering for these boards. She indicated that there are a few she had appointed, but they actually reside in another district. In addition, concerning the other two boards, she is unaware why the Community Appearance Committee has not been meeting. However, the Budget Review Committee was created by a watered down resolution in the first place. Perhaps, the Commission may want to look at abandoning that committee.</p> <p>Finally, Vice Mayor Burrie requested that Asceleta Hammond, City Clerk submit an item for approval of the person who wants to serve on the Sand and Spurs Advisory Board, who does not reside in her district.</p> <p><b><u>Mayor Lamar P. Fisher – Pompano Atlantis Condominium Accolades</u></b> – Mayor Fisher stated that it is nice to give accolades to those who work hard in our City. He indicated he received a letter from the Pompano Atlantis Condominium, 1000 South Ocean Boulevard, Pompano Beach, which he read in its entirety.</p>				

Names of Commrs.	M	S	Y	V N

**CITY COMMISSION MEETING MINUTES**

**February 9, 2016**

**PAGE 59**

**REPORTS - CONTINUED**

*“On Tuesday, January 19, 2015, we experienced a wastewater backup into our first floor garage in several areas. The water was backing up in front of the building, as well as in the street. All the plumbing on the first floor was backed up and I knew it was only a matter of time until the rest of the building was affected. I called the City and two men arrived in less than ten minutes. They in turn called in Donald Jackson for assistance. Mr. Jackson assessed the situation and quickly took control. Special equipment and several men arrived in minutes. It was obvious they knew exactly what to do and once we observed..., knowing we were in good hands. The crew located and cleared the problem quickly and even cleaned up afterwards.*

*We cannot thank Supervisor Jackson and his entire crew from the City of Pompano Beach enough for the amazing job they had quickly taken control and resolved in this difficult, potential disastrous situation.*

*Much gratitude,*

*Rex White  
General Manager”*

Mayor Fisher reiterated that it is always nice to get those accolades for those people who work extremely hard out there day to day to take care of things, which is not mentioned often. Therefore, he thanked the Atlantis Condominium Association for sending out the letter.

**Resignation of Budget Manager** – Mayor Fisher announced that Ernesto Reyes, Budget Manager, has had the opportunity to become an Assistant City Manager up north. Therefore, he expressed thanks to Mr. Reyes for what he was able to do in the City’s finance component. In the meantime, he welcomed back Brian Donovan, who sat in that position, left and is now returning. It is hard to let Mr. Reyes go, but it is great to have Mr. Donovan back, who has knowledge of the City’s budget.

Names of Commrs.	M	S	V Y	V N

**CITY COMMISSION MEETING MINUTES**

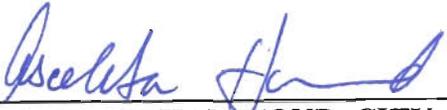
**February 9, 2016**

**PAGE 60**

**ADJOURNMENT**

There being no further business, the meeting adjourned at 8:36 p.m.

  
\_\_\_\_\_  
**LAMAR FISHER, MAYOR**

  
\_\_\_\_\_  
**ASCELETA HAMMOND, CITY CLERK**