



**CITY OF DEERFIELD BEACH
REGULAR CITY COMMISSION MEETING MINUTES
Tuesday, July 10, 2012 at 7:00**

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

ROLL CALL

Present: Commissioner Joe Miller
Commissioner Ben Preston
Commissioner Marty Popelsky
Vice Mayor Bill Ganz
Mayor Peggy Noland

Also Present: Burgess Hanson, City Manager
Andrew Maurodis, City Attorney
Ada Graham-Johnson, MMC, City Clerk

Absent: None

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was offered by Pastor Anthony Pelt, Radiant Living Worship Center, followed by the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Regular City Commission Meeting Minutes - June 19, 2012
Special City Commission Meeting Minutes - June 11, 2012 and the Budget Workshops Meeting Minutes - June 12 and June 13, 2012

Motion was made by Commissioner Ben Preston and seconded by Commissioner Joe Miller to approve the Regular City Commission Meeting Minutes of June 19, 2012, Special City Commission Meeting Minutes of June 11, 2012, and the Budget Workshop Meeting Minutes of June 12 and June 13, 2012 as submitted.

Voice Vote: YEAS: Commissioner Joe Miller, Commissioner Marty Popelsky, Commissioner Ben Preston, Vice Mayor Bill Ganz, and Mayor Peggy Noland. NAYS: None.

ACKNOWLEDGEMENT OF BOARD MINUTES

- 1) Deerfield Beach Police Pension Fund Meeting Minutes - March 1, 2012

Motion was made by Commissioner Joe Miller and seconded by Commissioner Ben Preston to acknowledge the Deerfield Beach Police Pension Fund Meeting Minutes of March 1, 2012.

Voice Vote: YEAS: Commissioner Joe Miller, Commissioner Marty Popelsky, Commissioner Ben Preston, Vice Mayor Bill Ganz, and Mayor Peggy Noland. NAYS: None.

APPROVAL OF THE AGENDA

July 10, 2012

Motion was made by Commissioner Joe Miller and seconded by Commissioner Marty Popelsky to approve the agenda as submitted.

Voice Vote: YEAS: Commissioner Joe Miller, Commissioner Marty Popelsky, Commissioner Ben Preston, Vice Mayor Bill Ganz, and Mayor Peggy Noland. NAYS: None.

WRITTEN REQUESTS

- 1) Jim Moyer, representing the Salvation Army, wishes to address the City Commission regarding nonprofit clothing recycling boxes, used clothes and the environment; and municipal partnering.

Jim Moyer, Salvation Army, 1901 West Broward Boulevard, Fort Lauderdale, stated that he is representing the Salvation Army regarding clothing donation boxes that benefit the Community. Mr. Moyer thanked the Commission, the Administration, and others for their assistance thus far on this matter. He asked that the Commission consider moving the draft ordinance for approval. He said that there are benefits that far outweigh the small inconvenience; this is an expansion of the great recycling program in Deerfield Beach at no cost to the taxpayers. Moreover, their program is funded entirely by the generous donations of the people. He said that they have eight (8) boxes throughout the County; he listed the locations. He continued outlining the effects of new clothing to the environment and how recycling clothes can help the environment.

Mayor Noland stated that Andrew Maurodis, City Attorney, and Keven Klopp, Assistant City Manager, is working on the draft ordinance; therefore, it is moving forward.

- 2) Caryl Berner, 3130 Cambridge F, Deerfield Beach, wishes to address the City Commission regarding an anonymous letter.

WRITTEN REQUESTS - CONTINUED

Caryl Berner, 3130 Cambridge F, Deerfield Beach, commented on nepotism and provided a definition. She said that after the June 5th meeting, when she spoke about nepotism, she received an anonymous letter from an applicant who tried out for one (1) of four (4) part-time lifeguard positions with Ocean Rescue. She said that the applicants were to all tryout at the same time; yet two (2) applicants tried out together but on a different date than all the other applicants; both last name is Noland. She said that this appears to be nepotism. Ms. Berner further stated "is four (4) paychecks in the city coffers not enough."

Continuing, Ms. Berner said that Mayor Noland asked Allen West (Congressman) to look into nepotism at the Housing Authority; and in no way would Ms. Davis' family benefit from nepotism as Mayor Noland's does. She continued commenting on the status of the lifeguard positions and comments about Mayor Noland and her family members.

Mayor Noland passed the gavel to Vice Mayor Ganz.

Vice Mayor Ganz commented on personal attacks and asked the City Attorney to clarify the procedure regarding such.

Andrew Maurodis, City Attorney, explained the procedure regarding personal attacks and slanderous remarks; to include that the individual doing so maybe prohibited from further speaking.

Vice Mayor Ganz expressed dissatisfaction of personal attacks and asked for clarification on a motion that can be made to have the speaker avoid further attacks.

Mr. Maurodis clarified the motion.

Motion was made by Commissioner Popelsky and seconded by Commissioner Miller to direct the speaker to avoid the line of personal attacks she has taken.

Voice Vote: YEAS: Commissioner Joe Miller, Commissioner Marty Popelsky, Commissioner Ben Preston, Vice Mayor Bill Ganz, and Mayor Peggy Noland. NAYS: None

Ms. Berner continued speaking and said that she will not say a name. She said that we need to know the name so that we make sure that there is not another family related put on the paycheck.

Vice Mayor Ganz asked if we are talking about an infant that somebody is going to make an attack on; someone that lacks common sense; it is a personal attack and is not relevant to the actual conversation.

WRITTEN REQUESTS - CONTINUED

Mr. Maurodis asked if she was referencing the one year old granddaughter.

Ms. Berner stated that she would like to know the baby's mother's name.

Mayor Noland left the meeting temporarily.

Vice Mayor Ganz asked that Ms. Berner be removed from the Chamber immediately.

Ms. Berner was asked to leave the Chamber.

Vice Mayor Ganz said that when a person cannot make an intelligent argument to a specific point and goes to a personal level such as that, this is not the place for this; as there is a rule for that. He said that people have the right to criticize the Commission and their decision, but when they make derogatory comments and go to such a personal level, this must stop. Although people have freedom of speech, they cannot make slanderous comments as was just done. He also commented on derogatory comments that were made at a previous meeting about a person's sexuality; which type of discrimination should not be tolerated by this Commission.

Mayor Noland returned to the meeting.

Burgess Hanson, City Manager, said that the positions are on hold but has nothing to do with any scandals, but strictly budget. He further explained that he currently has staff reviewing the positions to determine if they shall remain as will call, part-time, or be consolidated into one full time position as part of the budgetary process for the upcoming fiscal year. He further said that he spoke to the former Captain Lee Magnuson, and was advised that this is common practice. As you cannot expect everybody to show up; there were not only two (2) people, but another person as well. He continued outlining the benefits of having multiple tryouts.

Vice Mayor Ganz said that when nepotism occurred, the public has the right to address their concern; but not to the level that just occurred.

Mr. Maurodis explained what occurred and that the action taken by Vice Mayor Ganz was in order according to the rules and procedures to conduct public meetings.

Commissioner Preston said that he respects Vice Mayor Ganz's opinion, but thinks it was overstepped; in addition; we must keep in mind that the public must come first and they must be able to express their feeling as this Country allows you to do so. He agreed that the speaker did overstep her boundaries; nevertheless, the public should be able to come forward and express their opinion. He shared what was done when the President was called a liar during the State of the Union; but it was not addressed in the manner that this body did. Commissioner Preston stated that this Commission must

WRITTEN REQUESTS - CONTINUED

be careful that we do not step on what is rightfully given to every American; the ability to express their opinion even though we do not agree with them.

Discussion pursued regarding the comments that were made by the individual and the action taken to have her removed.

Vice Mayor Ganz said that the line was crossed tonight.

Commissioner Preston said that could be subjective in nature; it is one's opinion.

Vice Mayor Ganz said that we have been very liberal in what we have allowed and not allowed.

Mr. Maurodis explained what would be crossing the line; by commenting about the Mayor's granddaughter was irrelevant. He said that we do need to be careful, but in this case, the speaker made it easy. But there are times when his recommendation would be to give the benefit of doubt to the speaker. The proper move was to ask the speaker to refrain from such remarks; and give the benefit of doubt to the speaker.

Vice Mayor Ganz said that over the past several years, we have more public input and have extended the time for the public to speak; and allowed the public to speak on numerous issues which was not the case in the past. They are given an opportunity to speak and have crossed the line numerous times. He further commented on comments that were made at a previous meeting in which he thought was derogatory, degrading and racist. In closing, Vice Mayor Ganz said that we have gotten to the point that we must stand up and say enough is enough.

CONSENT AGENDA

ITEM: 1

DIGITAL TIME STAMPED: 07:29:03

Resolution 2012/124 - A Resolution of the City Commission of the City of Deerfield Beach, approving an Interlocal Agreement with Broward County for the performance of specific technical activities required by the NPDES MS4 Permit for the amount of \$14,103.00 for 2012. (Funds from Account #108-4050-541-39-29 - Road & Bridge Fund - Government Fees and Permits).

ITEM: 2

DIGITAL TIME STAMPED:

Resolution 2012/125 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving a quit claim deed granting 3.5 feet to Nancy Edelstein.

CONSENT AGENDA - CONTINUED

ITEM: 3

DIGITAL TIME STAMPED:

Resolution 2012/126 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, authorizing the use of \$94,720.00 from the Law Enforcement Trust Fund to fund one school resource deputy. (Funds from Law Enforcement Trust Funds - LETF).

ITEM: 4

DIGITAL TIME STAMPED:

Resolution 2012/127 - A Resolution of the City of Deerfield Beach, Florida, approving the cleanup site located at the chickee hut just north of SE 1st Street for the 2012 Ocean Conservancy International Coastal Cleanup from 8:00 A.M. until 1:00 P.M. on September 15, 2012 and a waiver of parking fees for spaces at the Main Beach Parking Lot for event participants.

ITEM: 5

DIGITAL TIME STAMPED:

Resolution 2012/128 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, authorizing participation in the renewal of Mulch Contract Bid #H44-11 awarded by the City of Pompano Beach, as the lead agency, to multiple companies. (Funds from Account #001-7020-539-35-19 (Mulch) or Account #001-7020-539-35-10 (Agriculture & Horticulture Supplies).

ITEM: 6

DIGITAL TIME STAMPED:

Resolution 2012/129 - A Resolution of the City Commission of the City of Deerfield Beach approving an Interlocal Agreement with Broward County to provide online permitting for residential solar installations and consolidating the reviews and approvals through Broward County. (Funds provided by Sunshot Grant / City provides in-kind services).

ITEM: 7

DIGITAL TIME STAMPED:

Resolution 2012/130 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, rejecting the one response received pursuant to RFP #2011-12/21.

ITEM: 8

DIGITAL TIME STAMPED:

Resolution 2012/131 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the Second Amendment to the Agreement between the City of Deerfield Beach and Townsend Square, LLC to allow the 27 parking space credit to be applied to both Parcel A and Parcel B.

CONSENT AGENDA - CONTINUED

ITEM: 9

DIGITALTIME STAMPED:

Resolution 2012/132 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving Contract Addendum No. 1 for Keith & Associates, Inc. in an amount not to exceed \$4,400.00 for professional services for the SW 15th Street Roadway Improvement Project. (Funds from Community Development Block Grant - CDBG).

ITEM: 10

DIGITALTIME STAMPED:

Ordinance 2012/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, REZONING A 0.95 ACRE PARCEL FROM B-1A (BUSINESS FLEX DISTRICT) TO RM-10 (RESIDENTIAL, MULTI-FAMILY), SAID PROPERTY LOCATED AT 411 NE 48TH STREET, DEERFIELD BEACH, FLORIDA; PROVIDING FOR IMPLEMENTATION; CONTAINING A SEVERABILITY CLAUSE; CONTAINING AN EFFECTIVE DATE.

There was no discussion on Consent Agenda Items 1-10.

Motion was made by Commissioner Joe Miller and seconded by Commissioner Marty Popelsky to approve the Consent Agenda.

Roll Call: YEAS: Commissioner Joe Miller, Commissioner Marty Popelsky, Commissioner Ben Preston, Vice Mayor Bill Ganz, and Mayor Peggy Noland. NAYS: None.

PUBLIC HEARINGS - 2ND READING

ITEM: 11

DIGITALTIME STAMPED: 07:29:17

Ordinance 2012/025 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, CREATING SECTION 98-127 PLANNING AND ZONING IN PROGRESS, PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

Mayor Noland opened the public hearing. There was none to speak; thus she closed the public hearing.

There was no discussion by the Commission.

Motion was made by Vice Mayor Bill Ganz and seconded by Commissioner Joe Miller to approve Item 11, adopted Ordinance 2012/025.

PUBLIC HEARINGS - 2nd READING - CONTINUED

Roll Call: YEAS: Commissioner Joe Miller, Commissioner Marty Popelsky, Commissioner Ben Preston, Vice Mayor Bill Ganz, and Mayor Peggy Noland. NAYS: None.

ITEM: 12

DIGITALTIME STAMPED: 07:29:51

Ordinance 2012/026 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, APPROVING THE EXTENSION OF THE TIME LIMIT FOR THE CITY TO EXPEND PROCEEDS OF THE LOAN; AUTHORIZING EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO LOAN AGREEMENT; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

The Ordinance was read by title only.

Mayor Noland opened the public hearing. There was none to speak; thus she closed the public hearing.

There was no discussion by the Commission.

Motion was made by Commissioner Joe Miller and seconded by Commissioner Ben Preston to approve Item 12, adopted Ordinance 2012/026.

Roll Call: YEAS: Commissioner Joe Miller, Commissioner Marty Popelsky, Commissioner Ben Preston, Vice Mayor Bill Ganz, and Mayor Peggy Noland. NAYS: None.

ITEM: 13

DIGITALTIME STAMPED: 07:30:22

Ordinance 2012/027 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH AMENDING SECTION 66-78(a) REQUIREMENTS FOR PARKING STICKERS; SETTING FORTH THE REQUIREMENTS FOR THE DOCUMENTS A PERSON MUST PRODUCE IN ORDER TO BE ISSUED A PARKING STICKER; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

The Ordinance was read by title only.

Andrew Maurodis, City Attorney, said that we are proposing the following changes in which he outlined that were included in the proposed ordinance: 1) amend (1) regarding the current State of Florida vehicle registration; deleting (2) proof of ownership of a homestead property...; 3) to include a current State of Florida driver's license, 4) include a current utility bill reflecting a City of Deerfield Beach address or a valid Florida voters registration and the name and address on all four (4) documents must match.

PUBLIC HEARINGS - 2ND READING - CONTINUED

Mayor Noland opened the public hearing.

Bett Willet, 2646 Emerald Way Circle, Deerfield Beach, asked if the ordinance would require the last name on all four (4) documents.

Mr. Maurodis replied yes, the last name must match. Although, if it is the Florida voters registration, that will suffice.

Amie Kay Tanner, 111 SE 5th Avenue, Odas Tanner Way, Deerfield Beach, clarified that the parking stickers include parking for the beach only and not the boats.

Mayor Noland closed the public hearing.

Vice Mayor Ganz asked that the language, Section (d) on page 2 of the proposed ordinance, also be removed. He said that it is an old provision and has not been utilized in many years.

Mr. Maurodis said that they will strike through the language recommended by Vice Mayor Ganz.

Commissioner Miller asked if the sale for stickers will be offered for half price as was done last year.

Burgess Hanson, City Manager, replied no. He said that is something that the CRA Board will have to discuss. He further stated that the proposed ordinance does not address the sale.

Motion was made by Commissioner Joe Miller and seconded by Vice Mayor Bill Ganz to approve Item 13 as amended, adopted Ordinance 2012/027.

Roll Call: YEAS: Commissioner Joe Miller, Commissioner Marty Popelsky, Commissioner Ben Preston, Vice Mayor Bill Ganz, and Mayor Peggy Noland. NAYS: None.

ITEM: 14

DIGITALTIME STAMPED: 07:34:37

Ordinance 2012/028 - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, CREATING A NEW SECTION 46-31 TO REGULATE OPEN FIRES AND BURNING IN THE CITY OF DEERFIELD BEACH, CONTAINING A PROVISION FOR INCLUSION IN THE CITY CODE; CONTAINING A SEVERABILITY CLAUSE; CONTAINING AN EFFECTIVE DATE

The Ordinance was read by title only.

PUBLIC HEARINGS - 2ND READING - CONTINUED

Mayor Noland opened the public hearing. There was none to speak; thus, she closed the public hearing.

There was no discussion by the Commission.

Motion was made by Vice Mayor Bill Ganz and seconded by Commissioner Ben Preston to Approve Item 14, adopted Ordinance 2012/028.

Roll Call: YEAS: Commissioner Joe Miller, Commissioner Marty Popelsky, Commissioner Ben Preston, Vice Mayor Bill Ganz, and Mayor Peggy Noland. NAYS: None.

ITEM: 15

DIGITALTIME STAMPED: 07:35:12

Ordinance 2012/ - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, CREATING SECTION 74-56 PROVIDING FOR BEACH VENDORS ON PRIVATE BEACH LOTS; CREATING REGULATIONS AND RESTRICTIONS ON SUCH VENDORS, LIMITING ACTIVITIES; REQUIRING PERMITS AND CONDITIONS AND LIMITATIONS OF BEACH VENDING ACTIVITIES CONTAINING A PROVISION FOR INCLUSION IN THE CITY CODE; CONTAINING A SEVERABILITY CLAUSE; CONTAINING AN EFFECTIVE DATE. (Note: Changed to Creating Section 98-104 instead of Section 74-56)

Andrew Maurodis, City Attorney, requested that Item 15 on beach vendors be continued until August 21st.

Motion was made by Commissioner Ben Preston and seconded by Vice Mayor Bill Ganz to table Item 15 until August 21, 2012.

Roll Call: YEAS: Commissioner Joe Miller, Commissioner Marty Popelsky, Commissioner Ben Preston, Vice Mayor Bill Ganz, and Mayor Peggy Noland. NAYS: None.

ITEM: 16

DIGITALTIME STAMPED: 07:35:35

P.H. 2012-130: Ordinance 2012/029 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DEERFIELD BEACH, FLORIDA, AMENDING CHAPTER 98 "LAND DEVELOPMENT REGULATIONS" OF THE CODE OF ORDINANCES, TO AMEND VARIOUS DEFINITIONS RELATED TO SUBSTANCE ABUSE RESIDENTIAL FACILITIES, SPECIAL RESIDENTIAL FACILITIES, ASSISTED LIVING FACILITIES AND OTHER SIMILAR RESIDENTIAL FACILITIES AND DWELLINGS; AMENDING DEVELOPMENT REQUIREMENTS AND USE REGULATIONS RELATED TO THESE USES; CONTAINING A PROVISION FOR INCLUSION IN THE CODE; CONTAINING A SEVERABILITY CLAUSE; CONTAINING AN EFFECTIVE DATE

PUBLIC HEARINGS - 2ND READING - CONTINUED

The Ordinance was read by title only.

Andrew Maurodis, City Attorney, said that the purpose of this is to make sure we are in full accord with recent court decisions with regards to the ADA and Fair Housing Act.

Mayor Noland opened the public hearing. There was none to speak; she closed the public hearing.

Mr. Maurodis said that this is by recommendation of the City Attorney and Staff.

Motion was made by Vice Mayor Bill Ganz and seconded by Commissioner Marty Popelsky to approve Item 16, adopted Ordinance 2012/029.

Roll Call: YEAS: Commissioner Joe Miller, Commissioner Marty Popelsky, Commissioner Ben Preston, Vice Mayor Bill Ganz, and Mayor Peggy Noland. NAYS: None.

QUASI-JUDICIAL PUBLIC HEARING

If any Commissioner has had any oral ex-parte communications regarding a quasi-judicial matter on the agenda, you must state on the record at the beginning of the quasi-judicial proceeding the subject of the communication and the identity of the person, group, or entity with whom the communication took place. If any Commissioner has received a written ex-parte communication regarding a quasi-judicial matter on the agenda, you must state on the record at the beginning of the quasi-judicial proceeding the subject of the written communication and the identity of the person, group, or entity with who sent the written communication and provide a copy of the written communication to the City Clerk for the official record.

Andrew Maurodis, City Attorney, administered the oath of office to all those wishing to speak on Items 17 and 18 to include staff.

ITEM: 17

DIGITALTIME STAMPED:

P.H. 2012-120A: APPLICATION 12-B1-194 Applicant: TOTAL MEDICAL HEALTH SERVICES, by Keith & Associates, Inc. for Total Medical Health Services

Proposal: Site plan modification to renovate an existing 5,691 square-foot vacant commercial building for retail use and to construct associated site improvements.

Location: A 0.86-acre parcel described as a portion of Parcel A of the MACHLER PLAT, more particularly described in the file, located at 1877 W. Hillsboro Boulevard.

QUASI-JUDICIAL PUBLIC HEARING - CONTINUED

Andrew Maurodis, City Attorney, asked the applicant to indicate whether they desire to waive the quasi-judicial hearing.

Traci Scheppske, Keith and Associates, 301 E. Atlantic Boulevard, Pompano Beach, Florida, stated she wishes to waive the quasi-judicial proceedings.

Gerald Ferguson, Director of Planning and Development Services, stated that the subject property in this case is the former Hanky Panky's consignment store site on Hillsboro Boulevard just west of Military Trail. The property is currently vacant and the site is in disrepair due to construction activity that was started and left unfinished by the previous owners. This proposal is to restore the site in accordance with current code requirements and renovate the building for a retail commercial use. Mr. Ferguson stated that the plans have been approved by the Community Appearance Board and recommended for approval by the Planning and Zoning Board. The plans, as submitted to the City Commission, have been revised to comply with all Code and departmental requirements.

Burgess Hanson, City Manager, let the meeting temporarily.

Mr. Maurodis asked if there is anyone who wishes to speak against the application, or any questions by the Commission.

Mr. Hanson returned to the meeting.

Motion was made by Commissioner Marty Popelsky and seconded by Commissioner Joe Miller to approve Item 17, adopted Resolution 2012/133.

Roll Call: YEAS: Commissioner Joe Miller, Commissioner Marty Popelsky, Commissioner Ben Preston, Vice Mayor Bill Ganz, and Mayor Peggy Noland. NAYS: None.

ITEM: 18

DIGITALTIME STAMPED: 07:39:15

P.H. 2012-133: APPLICATION 12-I-2-01 Applicant: SUN RECYCLING, LLC, by Jill Cohen Proposal: Site plan application for a yard waste recycling facility. Location: A 2.3-acre parcel described as Parcel C of the PAVEX PLAT, located at 1811 S. Powerline Road.

Jill Cohen, JBC Planning and Design, 1412 Majesty Terrace, Weston, Florida, representing, Sun Recycling, stated that she will waive the quasi-judicial proceedings.

Ada Graham-Johnson, City Clerk, announced that pursuant to Section 2-506, the applicant has contributed campaign contributions in the 2009 and 2011 election cycle to the following sitting commissioners: Commissioner Popelsky and Commissioner Miller.

QUASI-JUDICIAL PUBLIC HEARING - CONTINUED

Gerald Ferguson, Director of Planning and Development Services, said that this parcel was recently rezoned from Broward County M-4 under the 1990 regulations to the new Deerfield Beach I-2. The application is to construct a clean yard waste processing center on a vacant industrial parcel; which parcel was previously proposed for a metal shredding facility. The applicant has stated that processing operations will be similar to an adjacent yard waste facility, where clean yard waste is processed and currently transported to the Florida Sugar Mill. Mr. Ferguson further stated that the plans were approved by the Community Appearance Board and recommended for approval by the Planning and Zoning Board subject to compliance with all departmental and Code requirements. The plans have been revised to comply with all such requirements, as indicated in the Staff report.

Ms. Cohen said that they comply with staff and agree with all their findings.

Vice Mayor Ganz said that he understands that we are taking down some of the concrete barriers that were there and was somewhat of a hazard; redoing the fence and adding trees along the lake. He asked if that is correct.

Ms. Cohen replied that they are removing the barriers and a fence will be there. On the other side, there is an existing wall by the lake; which will be repaired.

Vice Mayor Ganz asked if the fence will be seen through into the actual property.

Ms. Cohen said that it will be similar to the one next to it; which has a green mesh.

Thereafter, Ms. Cohen continued entertaining questions by the Commission regarding the landscaping that will screen it from the residents.

Vice Mayor Ganz asked if there will be any type of screening to prevent any of the debris from going up into the air.

Frank Bermudez, 790 Hillbrain Drive, Lantana, Florida, said that there will be screens around the whole facility; about 10 feet high. If they need to go further up that would require a permit to get larger fences; however, they are willing to do whatever is needed to be a good neighbor.

Mr. Bermudez continued entertaining questions by the Commission.

Vice Mayor Ganz said that he would like to set a benchmark; by installing an attractive what would be a facility, that one can be proud of, that we can have recycling in the proximity of a residential neighborhood; but could be state of the art.

QUASI-JUDICIAL PUBLIC HEARING - CONTINUED

Mr. Bermudez showed on the overhead where the operation would be and where the screen and landscaping will be. He reiterated that they are willing to do what is necessary to be a good neighborhood.

Commissioner Miller asked what clean yard waste is.

Mr. Bermudez replied vegetation material.

Commissioner Preston asked about the possible complaint regarding odor.

Mr. Bermudez said that normally, problems with odor occur when there is yard waste that is composting and stays there for a period of time. He said that we need to get it in and out as soon possible. He said that odors are very minimal there, even with the existing operation they have. Notwithstanding, they have not had any complaints on odors. The sugar mill requires the yard waste right away, so it is in and out.

Motion was made by Commissioner Joe Miller and seconded by Commissioner Marty Popelsky to approve Item 18, adopted Resolution 2012/134.

Voice Vote: YEAS: Commissioner Joe Miller, Commissioner Marty Popelsky, Commissioner Ben Preston, Vice Mayor Bill Ganz, and Mayor Peggy Noland. NAYS: None.

GENERAL ITEMS

ITEM: 19

DIGITAL TIME STAMPED: 07:49:48

Resolution 2012/135 - A Resolution of the City Commission of the City of Deerfield Beach, approving the allocation of additional funds for the Neighborhood Stabilization Program (NSP) activity budget to exceed the City's maximum of \$50,000 per unit for specific recipients.

The Resolution was read by title only.

Keven Klopp, Assistant City Manager, said that there is a choice in the resolution because there is an applicant's request contained therein; however, Staff's recommendation is to maintain the existing funding level. Notwithstanding, the homeowner has requested a higher amount. Additionally, there was a numerical scrivener's error to be corrected; as it is a one digit difference.

Vice Mayor Ganz said that this is money that the homeowner will be getting from HUD and is no obligation to them.

Mr. Klopp replied that there is no match required of the homeowner.

GENERAL ITEMS - CONTINUED

Continuing, Vice Mayor Ganz asked why the homeowner does not want to go with the lowest bidder.

Mr. Klopp said that her reason is in the package; but stated that her e-mail indicates that she was aware that the first low bidder did not have subcontractors with them at the time they prepared the estimates. Whereas, the second low bidder did have subcontractors with them to take measurements. Notwithstanding, Staff's response to that is the low bidder will be required to meet the contract requirements just like the second low bidder would.

Mayor Noland said that she seems more comfortable with the knowledge of the second bidder than she did with the first.

Vice Mayor Ganz said that either way they have to meet Code and all building requirements that the City has. He said that he is not comfortable putting out more funds for something; therefore, we need to go with the low bidder. Especially, when it is funding that you are getting free and clear. He recommended not to approve the request.

Mr. Klopp said that there are actually two (2) homes listed; however, Staff is recommending that one is approved and not the other; to approve additional funding for 272 SW 2nd Street, but not to approve additional funds for 252 SW 34th Avenue.

Motion was made by Vice Mayor Ganz to not approve 252 SW 34th Street (Avenue) the early agreed upon amount and to approve the 272 SW 2nd Street for additional funding.

Commissioner Preston said that he agrees with Vice Mayor Ganz in theory that we should go with the lower bidder; however, on the other hand, the higher amount does not indicate better work will be done. Consequently, in this program, there are so many people that have work done and the work is not done well; that is a problem. This results in many people struggling. He further stated that the contractors perform the work and rush to meet Code; knowing that they are going to be paid; people end up finding themselves in a situation that it is enough to release them of the responsibility. Only to find out in a short period of time; the work starts to fall apart; which is where he struggles. He again reiterated that the increased amount requested does not assure that the problem will not exist as well. Commissioner Preston said that we have a problem with the people that are working in these homes; as the work is questionable. There are a lot of issues that need to be dealt with. He said that he has been invited to peoples' homes and the quality of work is their concern.

In closing, Commissioner Preston said that the contractors want to fulfill their responsibility to the City and leave the people on their own; that is wrong and is not fair.

GENERAL ITEMS - CONTINUED

Commissioner Popelsky said that he does not quite understand that because he assumes that the City receives quotes; and there are some people who are given the money to evaluate the quote and the competence of the subcontractors. But yet, what has been stated is that arbitrarily, they come in and perform shabby work and we pay more money. He said that he cannot accept that. If we are not screening these subcontractors then we are doing a terrible job.

Commissioner Preston said that we maybe screening them, but the problem is that we have problems in this program with the work that is done.

Discussion pursued regarding the work performance of the contractors.

Commissioner Preston said that we need to address this matter. He urged the Commission to review to see if there have been any complaints.

Mr. Klopp said that there are four (4) things that they are doing to address this issue. He further agreed with Commissioner Preston; as a result of an inspection that was done on a rehabilitated home several years ago, we had an unbiased inspector inspect the home and he agreed that the work was not done to the standard. Nevertheless, it passed inspection from a building code stand point, but was not properly done from the perspective of good workmanship. He gave an example of problems that have existed due to the work done by a prior contractor and had to be corrected. He further explained what is being done to correct this problem. He said that we have recognized that there are some issues and are working to correct them.

Vice Mayor Ganz said that to hear that in the past, that there has been that type of shoddy work is unacceptable; which has been the bigger problem in that department in the past. Although he understands what the homeowner is requesting; their argument was that a subcontractor was there; this is more of a gut comfort level than an opinion based on any kind of fact to avoid the problems that the person is concerned with. Therefore, at this time, he will put some faith in the new program and would rather not go with the next bidder, because this will open us to potential abuse; and requests to go with another contractor for whatever reason. He said that we need to be responsible to make sure that the quality of work that is being done is done correctly and should not be poor quality and that it meets all codes; and from a moral standpoint; good craftsmanship.

Commissioner Preston said that the higher bidder does not ensure that we are going to get the right work. So many people that find themselves in need and there is a program that is there for them; notwithstanding, we must ensure that the program does all it is meant to. Most of all leave people with a measure of dignity in their home; that we would demand ourselves. This is where the problem is; because they struggle in one way and because people go in and do not perform to the level of expectation, it ends up presenting them with another struggle. Now, they have to come before the Commission

GENERAL ITEMS - CONTINUED

and advise of the situation at hand. Often times; when people are asking for something to be corrected, they have no one to turn to. If we hold people accountable the first time, we can avoid those types of situations.

Mayor Noland said that is why the program has been moved under new management, Donna DeFronzo, Director of Senior Services. She agreed that the work was previously shabby. She said that she went to a resident's house and saw unacceptable work. We are not going to allow that to happen in this community any further. She commented on not approving change orders when not necessary; but understands at times there may be a need. She said that this Commission will be on top of this as we are all aware of it and the contractor needs to know it.

The homeowner asked to be recognized to speak.

Mayor Noland advised that this was not a public hearing but that the Commission has read the minutes of the meeting and reviewed the backup. Moreover, she stated that she understands that work needs to be done with the air conditioning system promptly and correctly.

Commissioner Miller said that now that we have better inspections, more information and more City involvement, we can raise the bar on the work quality, for the people that we hold them accountable to.

Motion was made by Vice Mayor Bill Ganz and seconded by Commissioner Joe Miller to approve 272 SW 2nd Street for additional funding and not approve additional funding for 252 SW 34th Street (Avenue); adopted Resolution 2012/135.

Roll Call: YEAS: Commissioner Joe Miller, Commissioner Marty Popelsky, Commissioner Ben Preston, Vice Mayor Bill Ganz, and Mayor Peggy Noland. NAYS: None.

ITEM: 20

DIGITALTIME STAMPED: 08:07:51

Resolution 2012/136 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, authorizing the City Manager to enter into an agreement with Rehigh Pacific Company to provide RFID recycling and solid waste carts, asset management inventory software, cart assembly, distribution and related services for an initial term of three years with the option of three one year renewals. (Funds from Account #001-0000-248-00-00 - RRB Recycling Grant)

The Resolution was read by title only.

Mayor Noland said that the carts are really nice and there should have been one here to display to the public. She further asked when we will start.

GENERAL ITEMS - CONTINUED

Burgess Hanson, City Manager, replied that we will try to get started in October.

Motion was made by Commissioner Joe Miller and seconded by Commissioner Ben Preston to approve Item 20, adopted Resolution 2012/136.

Roll Call: YEAS: Commissioner Joe Miller, Commissioner Marty Popelsky, Commissioner Ben Preston, Vice Mayor Bill Ganz, and Mayor Peggy Noland. NAYS: None.

ITEM: 21

DIGITALTIME STAMPED: 08:08:30

Resolution 2012/137 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the award of Bid #2011-12/09 to Real Tree Trimming & Landscaping, Inc. in the amount of \$121,407.50 for the Hillsboro Boulevard Landscape Median Improvements Project. (Funds from Account #614-8000-539-32-16 Contractual Service/Landscaping Services & Account #183-8000-539-32-16 Landscape Services).

The Resolution was read by title only.

There was no discussion on this item.

Motion was made by Commissioner Joe Miller and seconded by Vice Mayor Bill Ganz to approve Item 21, adopted Resolution 2012/137.

Roll Call: YEAS: Commissioner Joe Miller, Commissioner Marty Popelsky, Commissioner Ben Preston, Vice Mayor Bill Ganz, and Mayor Peggy Noland. NAYS: None.

ITEM: 22

DIGITALTIME STAMPED: 08:09:02

Resolution 2012/138 - A Resolution of the City Commission of the City of Deerfield Beach, Florida, approving the award of Bid #2011-12/24 to Southeastern Engineering Contractors, Inc. in an amount not to exceed \$131,360.22 for the SW 15th Street Roadway Improvements Project. (Funds from Account #106-8000-541-60-44 & 107-8000-541-60-44 (SW 15 Street) Community Development Block Grant).

The Resolution was read by title only.

There was no discussion on this item.

Motion was made by Commissioner Ben Preston and seconded by Commissioner Joe Miller to approve Item 22, adopted Resolution 2012/138.

GENERAL ITEMS - CONTINUED

Roll Call: YEAS: Commissioner Joe Miller, Commissioner Ben Preston, Commissioner Marty Popelsky, Vice Mayor Bill Ganz, and Mayor Peggy Noland. NAYS: None.

ADMINISTRATIVE ACTIONS AND CITY MANAGER COMMENTS

City Manager - No Report.

City Attorney - No Report.

City Clerk - No Report.

COMMENTS BY MAYOR AND COMMISSIONERS

Mayor Noland - Slanderous Remarks - Mayor Noland said don't touch her grandchild. No one has the right to go after her grandchild. She said that this is hitting the gutter. She explained that her son got hired as a firefighter when she was not on the Commission. She outlined her son and daughters' qualifications and why she applied for the position that was opened for the City. She further commented on her son applying for a paramedic on the beach. She outlined her daughter's City of Fort Lauderdale as a part-time lifeguard, and currently a school teacher at Zion Lutheran. She said that the City of Deerfield Beach would be blessed to have her kids. She commented on her son saving the Coast Guard on the beach when he was not on duty. She further indicated that she will not jeopardize her job to get her kids hired on with the City. She thanked Vice Mayor Ganz for taking action against slanderous remarks at the Commissioners; as enough is enough. There are times when the Commission needs to get abused; but when they go into the gutter, she will no longer put up with it. When you come after a 2 year old baby that is enough and you have a problem. She commented on this person seeking retaliation because she was removed from the board. She said that she knows that the person is going to try and run for commissioner out west, and one of her associates called the former lifeguard and asked questions; but was told that is how they test. But yet she is running for Mayor.

In closing, Mayor Noland said that she loves her job and her City and represents the people in this community to the best of her ability.

4th of July Celebration - Mayor Noland thanked the City employees, COP's, CERT team, public safety workers, and all the volunteer workers for their assistance at the 4th of July Celebration as there were over 70,000 people in attendance on the beach. There were no incidents and no one got hurt. She said that it was a beautiful night.

Upcoming Events - Mayor Noland listed the upcoming events: ***Beach Concert*** this Friday at the main beach parking lot at 7:00 p.m.; ***Country Music Fest*** on Saturday, August 4, 2012 at 12:00 p.m. to 9:00 p.m. at the main beach parking lot. ***National***

COMMENTS BY MAYOR AND COMMISSIONERS - CONTINUED

Night Out will be held on Tuesday, August 7, 2012 from 6:00 - 9:00 p.m. at Quiet Waters Park, pavilion 10.

New Businesses - Mayor Noland listed the new businesses throughout the City: District 1, six (6); in District 3, two (2), and District 4, two (2).

Shredding Day - Mayor Noland announced that Shredding Day will be held on Saturday, July 14th at the Deerfield Beach City Central Campus.

Burgess Hanson, City Manager, left the meeting temporarily.

Beach Concert Series - Mayor Noland announced that the Beach Concerts start Friday, July 20th at 7:00 p.m. at the main beach parking lot.

NE Focal Point Family Night at Duffy's - Mayor Noland stated that the NE Focal Point is sponsoring their second annual family night on Tuesday, July 31st from 4:00 p.m. to 10:00 p.m. at Duffy's on N. Federal Highway.

Vice Mayor Ganz - District 4 Meeting - Vice Mayor Ganz announced that he will have a District 4 meeting on Monday, July 23rd at Constitution Park. He said that an agenda will be available shortly.

Removal of Individual for Slanderous Remarks - Vice Mayor Ganz said that we received some criticism for removing this person from the Board; however, every comment that has been made by this person thereafter has proven that she should have been removed. It is a clear indication that it was the right move. He said that he is torn because it does not feel right to shut down public comment; because historically, we have not done so. He said that we take shots all the time; but when it gets to that level it had to be done. He said that the Commission has good debate and hopefully, that will continue.

Commissioner Popelsky - Removal of Individual for Slanderous Remarks - Commissioner Popelsky said that he is sorry about what happened to Mayor Noland. He said that he knows a little more about Caryl Berner because she is in his district. He briefly shared what took place when she ran against him in District 3, as City Commissioner. He further stated that she is generally defeated when she runs for most of the clubs and organizations in Century Village. He said that she is terrible in all of those factors. He further stated that she tries to talk to you and get information and goes back to Century Village and advises that the person agrees with her; whether you do or don't.

Vice Mayor Ganz left the meeting temporarily.

Burgess Hanson, City Manager, returned to the meeting.

COMMENTS BY MAYOR AND COMMISSIONERS - CONTINUED

Andy Maurodis, City Attorney, left the meeting temporarily.

Commissioner Popelsky said that a few years ago she used the "ism" word. He said that he knows Mayor Noland has good children; and her grand will grow up to be like her.

Commissioner Miller - 4th of July Celebration - Commissioner Miller commended Staff for an excellent job with regards to the 4th of July Celebration. He said that there were 70,000 people in attendance. The fireworks were good and everybody did a good job. He further stated that he worked for both a local charity and they raised enough funds to grant three (3) \$1,000 scholarships.

Commissioner Preston - Slanderous Remarks - Commissioner Preston said that a lot has been said and that Mayor Noland was unfairly targeted tonight which is unfortunate.

Vice Mayor Ganz returned to the meeting.

Continuing, Commissioner Preston said that he was this City's first African American firefighter and can tell many stories about what happened to him and what he had to endure. Nevertheless, what makes this Country great is that even the haters are allowed to hate. Even if they are unpopular in their belief and their vitriol, this Country allows them to do that; which is what makes this Country great. He said that the day when that is taken away we will all suffer. He further stated that he did not like what was done tonight, but he must also look at another side. Although he may disagree with what happened and what was said, it was personal; and in his opinion it was wrong.

Burgess Hanson, City Manager, left the meeting temporary.

Commissioner Preston said that there are many in this audience that have had to endure some very difficult situations because of what people were allowed to do. He apologized that the Commission had to endure that type of challenge tonight, but this is why we live in the United States. He said that some of the highest leaders in this Country are attacked.

District 2 Meeting - Commissioner Preston announced that he will have a District 2 meeting on August 17th. More details of this meeting will be provided soon.

FDOT Safety Study on Hillsboro Boulevard and MLK Boulevard - Commissioner Preston said that a few months ago a young man was hit by a car and died in his district. He said that there were so many problems as a result; many pertained to FDOT addressing the area. He said that he has been in contact with FDOT and they advised that they would do a safety study, which has been completed. He said that there were a multiplicity of recommendations that came out of that study. In fact, they identified MLK and Hillsboro Boulevard as a high crash location; and they have proposed

COMMENTS BY MAYOR AND COMMISSIONERS - CONTINUED

improvements in lightening, relocation of bus stops; installation of a bike lane; therefore, they will address these areas to make it safe as a result of their own study. As these changes are being implemented, or in the planning stage, it will be shared with all.

Fatal Incident at Mayo Howard Park - Commissioner Preston said a few weeks ago a young man was shot at Mayo Howard Park. Prior thereto, he contacted the City Manager regarding his concerns; and the many little baggies of drugs that were being sold in the public park. He said that this should not only alarm the residents in District 2 but all residents. He suggested creating a Neighborhood Volunteer Program to have residents volunteer to keep watch of the parks throughout the City and call the police of any suspicious activities. He further asked the City Manger to consider installing surveillance cameras at the park to discourage some of the ongoing activities. He said that it does not matter what park; if you are a citizen in Deerfield Beach, you should want to do something about it because we should not have people selling drugs in the parks. He further commented on the meetings that he had with the City Manager and Walt Bratton; who are concerned with what is taking place in our City. In closing, Commissioner Preston asked those that are interested in getting involved to please contact him. As we need to take our parks back from those that are abusing them. He solicited the help of all.

Commissioner Popelsky suggested the Citizen on Patrol, COP, ride through the parks to assist with discouraging bad activities.

PUBLIC TO BE HEARD

Sign to Promote Business - John Warner, 5310 Las Verdes Circle, Delray Beach, Florida, owner of the Little Caboose, said that he had a sign made up to promote his business, the Little Caboose. He had a person outside with the sign to encourage business and Code Enforcement told him that he could not use it. However, he requested to be allowed to use it a few hours a week or a couple hours during the day to get through the hard times during the summer.

Gerald Ferguson, Director of Planning and Development Services, explained that you cannot apply a variance for a prohibited sign; an animated sign is prohibited.

Mayor Noland said that the sign is not posted; the person goes in the sign goes in with them.

Mr. Ferguson said that that will also be standing in the right of way. Therefore, it will be an off premise sign in public right-of-way.

PUBLIC TO BE HEARD - CONTINUED

Mr. Warner asked if he could have the person stand on his property within the easement of his property.

Commissioner Popelsky said that he is not opposed to that as we see this throughout the State.

In reply to Commissioner Popelsky's question, Mr. Warner said that he did see an increase in business the short time the person was out holding the sign.

Vice Mayor Ganz said that he does not think that is something that we can do, but as far as cutting the variance procedure. But we should look into it. He further stated that he was under the impression that type of sign was an animated sign.

Andrew Maurodis, City Attorney, said that the Commission does not have the authority tonight to approve the request or reinstate the temporary sign ordinance.

Vice Mayor Ganz commented on considering the temporary sign ordinance.

A brief discussion pursued regarding this matter to include that the Commission will not meet again until August 21st.

Mr. Ferguson reminded the Commission that they just enacted the zoning in progress.

Mayor Noland asked that Staff meet with Mr. Warner.

Mr. Hanson returned to the meeting.

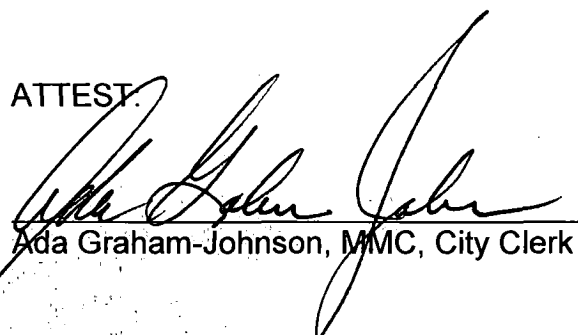
ADJOURNMENT

There being no further business, the meeting adjourned at 8:39 p.m.



PEGGY NOLAND, MAYOR

ATTEST.



Ada Graham-Johnson, MMC, City Clerk