

MINUTES OF REGULAR MEETING
DANIA BEACH CITY COMMISSION
TUESDAY, APRIL 14, 2009 – 7:00 P.M.

1. Call to Order/Roll Call

Vice-Mayor McElyea called the meeting to order at 7:00 p.m.

Present:

Mayor:	Anne Castro
Vice-Mayor:	C.K. "Mac" McElyea
Commissioners:	Bob Anton
	Walter Duke
	Albert C. Jones
City Manager:	Robert Baldwin
City Attorney:	Thomas Ansbro
City Clerk:	Louise Stilson

2. Invocation and Pledge of Allegiance

Reverend Gregory Pope, Bethel Missionary Baptist Church, gave the invocation followed by the Pledge of Allegiance to the United States Flag.

3. Presentations and Special Event Approvals

There were no presentations on this agenda.

4. Proclamations

4.1 Poppy Days

City Attorney Ansbro read the Poppy Days proclamation and Mayor Castro presented it to several representatives of the American Legion Auxiliary Unit 304.

Mayor Castro arrived at 7:07 p.m.

4.2 Volunteer Appreciation Week

City Attorney Ansbro read the Volunteer Appreciation Week proclamation.

5. Citizen Comments

Jessie Bell Warren, 33 SW 8th Avenue, commented on her neighbor's dog and a tree behind her house. She presented photographs which are attached to and incorporated into these minutes.

Dick Sokol, 609 NW 10th Street, noted the Broward Sheriff's Office will conduct the Special Olympics on Saturday, April 18, from 12:00 p.m.-5:00 p.m., at the American Legion Hall, to benefit the children in our community.

Bobbie H. Grace, 110 NW 8th Avenue, advised that C.W. Thomas Park is filthy after events on Saturdays, and she has to clean it on Sunday mornings. She suggested that the City ask for a deposit when events are held at the park, and if they clean up, the fee would be returned. Ms. Grace noted the "Relay for Life" will be held at Frost Park on May 1-2, 2009 and thanked the City for their generous contribution. She noted that a person is planning on opening a manual memorial and she is his spokesperson. Ms. Grace commented on the pit bulls near Ms. Warren's house.

David Optekar, 840 W. Dania Beach Boulevard, commented on the crime activity in his community and asked for support for increased patrols in the area. He also requested consideration to extend the route of the free community shuttle bus to his complex.

Mayor Castro advised Mr. Optekar to contact BSO Chief Peterson on the crime issue. She also suggested he contact the City Manager or the Parks and Recreation Director on the shuttle bus matter.

John Williamson, 4000 SW 76th Avenue, Davie, advised of the Dania Beach Fire Department Open House on Saturday, April 18, at Fire Station #1, from 10:00 a.m. to 1:00 p.m. He noted the proceeds will go to "Relay for Life". Mr. Williamson further requested a donation of \$500-\$1,000 for the event.

Rose Lizana, 214 SE 2nd Street, noted the Kiwanis Club will have their annual fundraiser on April 25th at the Hollywood Golf and Country Club on Johnson Street, Hollywood, starting at 8:00 a.m.

Teddy Bohanan, 312 SW 15th Street, commented on the pain clinics that are opening in South Florida. She suggested that people in Dania Beach take a drug test.

6. Public Safety Reports

BSO Chief Donn Peterson commented on the perception of violent crime in Dania Beach. He assured the Commission that they are investigating the incident mentioned earlier, and noted he could not comment on it this evening.

Fire Chief Jack McCartt invited the Commission to participate in the Dunk Tank at the Fire Department Open House on April 18, 2009.

7. Consent Agenda

Items added to Consent Agenda: Item #7.4, Revised Resolution #2009-061

Items removed from Consent Agenda: #7.3, #7.4, #7.5, #7.10, #7.11

7.1 Minutes:

Approve minutes from March 17, 2009 Organizational Meeting

Approve minutes from March 19, 2009 Abatement Hearing

Approve minutes from March 24, 2009 City Commission Meeting

7.2 Travel Requests:

Request from Louise Stilson, City Clerk, to attend the Florida Association of City Clerks Annual Conference in Sanibel, Florida from June 28-July 1, 2009 for certification purposes. (Estimated cost \$782.00; remaining budget \$584.00)

Request from Michael Cassano, Deputy Fire Chief, Benjamin Rudbeck, Division Chief, John Williamson, Fire Captain, and Joe Husosky, IS Technical Support, to attend the Telestaff Software Implementation training in Irvine, California from May 3-9, 2009 (Estimated cost \$3,775.00; remaining budget \$4,394.00)

Resolutions

7.3 RESOLUTION #2009-056

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, WAIVING COMPETITIVE BIDDING AND ENGAGING ONLINE UTILITY EXCHANGE AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH THE COMPANY FOR CREDIT CHECK SERVICES IN COMPLIANCE WITH THE "RED FLAG" RULE; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-056.

Patty Varney, Director of Finance, explained the purpose of the Red Flag Rule at the request of Commissioner Jones. She further noted that beginning May 1, 2009, municipalities that provide their citizens with utility services will be required to perform a credit check at the time of the application in order to comply with the Rule.

Commissioner Jones motioned to adopt Resolution #2009-056; seconded by Vice-Mayor McElyea. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA RELATING TO THE AWARD OF A CONTRACT TO MOLLOY BROS. INC., A FLORIDA CORPORATION, FOR DRAINAGE SYSTEM REPAIRS ASSOCIATED WITH THE MEADOWBROOK CONDOMINIUM, PHASES IV AND V, WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS, FOR A SUM NOT TO EXCEED \$54,115.27; PROVIDING FOR FUNDING; FURTHER, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO FUNDING AGREEMENTS WITH THE TWO ASSOCIATIONS FOR PHASES IV AND V, PERTAINING TO THE REPAIR WORK, **WHICH AGREEMENTS OBLIGATE THE TWO ASSOCIATIONS TO JOINTLY PAY ONE HALF OF THE CONTRACT COST**; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of revised Resolution #2009-061.

Commissioner Jones requested clarification that the two Meadowbrook Associations would pay half the cost of the \$54,115.27.

City Attorney Ansbro responded that Ralph Viviano, President of Meadowbrook Lakes Association, Phase IV, has declined for his association to pay their share of the cost.

Steven Sawyer, President of Meadowbrook Lakes Association, Phase V, noted that there is nothing in the easement that obligates the association to pay for the repairs to the stormwater system. He stated that their attorney advised that they should not pay.

City Attorney Ansbro confirmed that an easement was granted in 1981, however, the City never adopted a resolution accepting the easement. Therefore, there is no responsibility for the City to do the work. He felt the cost should be shared by the two associations and the City, since it benefits directly the City and the associations. City Attorney Ansbro explained that the City would pay 50%, and the other 50% would be shared by the two associations.

Mr. Sawyer asked how the easement was recorded and not accepted by the City.

City Attorney Ansbro noted this issue will not be resolved tonight since this matter will need to be discussed in detail with their respective attorneys. He recommended to the Commission that they should not pay for the repairs until the issue is resolved.

Vice-Mayor McElyea questioned if Winn Dixie was involved in this drainage issue. He suggested there may be another party involved.

Dominic Orlando, Director of Public Services, indicated that any rainwater would flow to 3rd Avenue.

Mr. Sawyer noted that four phases of Meadowbrook Lakes Condominium are affected. He further stated that the pipes are all on private property.

Chickie Brandimarte, 101 SE 3rd Avenue, asked the Commission to table this request in order to review the matter thoroughly. She questioned why it was never presented to their insurance

company by the associations. Ms. Brandimarte also noted the hole is quite large, and if anyone is hurt, their association would be sued.

Director Orlando noted this matter has been on his desk for years, and this is a safety issue. He stressed the fact that the City benefits from the drainage. Director Orlando suggested the funding could be addressed at a later date but something should be done as soon as possible. He said the road could collapse any day and it should be shut down without delay.

Mayor Castro questioned if it was our responsibility, and if Meadowbrook should be taking responsibility for their property. She thought we should not be putting barricades on the road because this is not City property. Mayor Castro does not want to set a precedent, since there could be other properties in the City that may face the same problem. She would like to table this item until the next Commission meeting to allow some time for the attorneys to discuss the issue.

Director Orlando responded for Mayor Castro that funding would be derived from the storm fund, and this would not be a problem.

Commissioner Anton agreed to the 50/50 payment arrangement, but thought all interested parties should assume responsibility. He suggested postponing this matter until the next Commission meeting. Commissioner Anton would like all parties involved in the discussion, including Winn Dixie.

Director Orlando noted these two pipes benefit Phases IV, Phase V, and the City; however, Winn Dixie should do their own line.

City Attorney Ansbro noted Meadowbrook should take care of the safety of their residents. He asked Mr. Sawyer to advise Mr. Viviano to have their attorneys contact him on this matter.

Commissioner Anton motioned to continue revised Resolution #2009-061 until the April 28, 2009 City Commission meeting at 7:00 p.m.; seconded by Commissioner Jones. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

7.5 RESOLUTION #2009-053

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, GRANTING AN ACCESS EASEMENT TO STIRLING DESIGN LIMITED PARTNERSHIP FOR PROPERTY LOCATED ON STIRLING ROAD, ADJACENT TO THE CITY PUBLIC SERVICES COMPOUND TO ACCOMMODATE REDEVELOPMENT BY STIRLING DESIGN LIMITED PARTNERSHIP; PROVIDING FOR CONFLICTS, FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-053. He explained the request was received from an attorney.

Dominic Orlando, Director of Public Services, noted this is not adjacent to the Public Services facility. He clarified it is on the west side of the warehouses that are being constructed and the property would be used for parking. Director Orlando indicated that they asked for the use of the existing easement to meet their site plan approval.

Commissioner Duke asked if there was any discussion prior to considering the granting of an “access easement” to the property owner. He noted that we should charge them for the use of City property, since we are enhancing the value of their property.

Director Orlando noted they have been using the area for parking. He clarified we are not giving away our property we are only allowing them to use it for parking.

City Attorney Ansbro advised that they would be liable if anyone was injured.

Commissioner Duke suggested that in the future, when we grant this type of request, we should consider being paid for the use of City property.

City Attorney Ansbro noted he could contact the attorney to discuss possible compensation to the City before a decision is made on this matter.

Commissioner Jones motioned to continue Resolution #2009-053 until the April 28, 2009 City Commission meeting at 7:00 p.m.; seconded by Commissioner Anton. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

7.6 RESOLUTION #2009-057

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING PARTICIPATION IN AN ASSISTANCE TO FIREFIGHTERS MATCHING GRANT PROGRAM FUNDED THROUGH THE US DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY; AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO PARTICIPATE IN THE GRANT; PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.7 RESOLUTION #2009-058

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, DECLARING A 1995 FREIGHTLINER RESCUE VEHICLE TO BE OBSOLETE, SURPLUS, AND OF NO FURTHER USE TO THE CITY OF DANIA BEACH; DECLARING THE INTENT OF THE CITY TO DISPOSE OF SAME AT THE DIRECTION OF THE CITY MANAGER; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.8 RESOLUTION #2009-059

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA AUTHORIZING THE APPROPRIATION OF FUNDS IN CONNECTION WITH THE SW 1st AVENUE WATER MAIN REPLACEMENT PROJECT; APPROVING THE PURCHASE FROM HD SUPPLY WATERWORKS, LTD. IN AN AMOUNT NOT TO EXCEED \$32,000.00; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.9 RESOLUTION #2009-052

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH THE MELLGREN PLANNING GROUP, INC. TO PROVIDE CONSULTING SERVICES TO THE CITY IN CONNECTION WITH THE PREPARATION OF THE GRIFFIN ROAD CORRIDOR STUDY (ALSO KNOWN AS THE "WESTSIDE MASTER PLAN"), FOR AN AMOUNT NOT TO EXCEED \$137,284.00; PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.10 RESOLUTION #2009-055

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, ACCEPTING A CONVEYANCE OF LAND BY DEED FROM RECONOR MIAMI, LLC, SUCH LAND BEING IDENTIFIED IN EXHIBIT "A" ATTACHED TO THIS RESOLUTION; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-055.

Commissioner Duke asked for clarification.

City Attorney Ansbro noted this property is currently vacant and has code violations amounting to \$52,250.00. The applicant is willing to transfer ownership of the parcel to the City if in exchange we release the liens on the property. He advised that the property is not developable, but could possibly be used as a park. City Attorney Ansbro added that the owners are in Argentina and it is very difficult to communicate with them.

Dominic Orlando, Director of Public Services, noted we could build a Linear Park in the future and he could relocate the water line.

Corinne Lajoie, AICP, Principal City Planner, noted the zoning is RD 8000, and is not developable without variances.

Director Orlando advised the only future costs would be lot mowing.

Commissioner Jones suggested the CRA Director look into the property to see if we could build townhomes.

Commissioner Anton confirmed that the City would receive the property whether it is taken in foreclosure or at tonight's meeting.

Commissioner Jones motioned to adopt Resolution #2009-055; seconded by Commissioner Anton.

Mayor Castro noted this could be a good community garden park which would improve the value of the entire neighborhood.

The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

7.11 RESOLUTION #2009-060

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA AUTHORIZING THE CITY MANAGER TO OBTAIN SECURITY SERVICES FOR THE DANIA BEACH MARINA FROM STATEWIDE ENTERPRISES, WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS FOR A SUM NOT TO EXCEED \$31,537.00 FOR A SIX MONTH PERIOD; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-060.

Colin Donnelly, Assistant City Manager, explained that we are extending the existing security services contract with Statewide Enterprises because they are a local, reliable, solid company. He noted that FAU approached us to share security services which represents significant savings for the City, and we are now in the process of coordinating the details. Assistant City Manager Donnelly recommended continuing with Statewide Enterprises for security services for the Marina.

Commissioner Anton motioned to adopt Resolution #2009-060; seconded by Commissioner Duke. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

Commissioner Anton motioned to adopt the Consent Agenda, with the exception of Items #7.3, #7.4, #7.5, #7.10, and #7.11; seconded by Commissioner Duke. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

8. Bids and Requests for Proposals

There were no proposals on this agenda.

9. Public Hearings and Site Plans

9.1 ORDINANCE #2009-006

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES; AMENDING CHAPTER 28, "ZONING," BY CREATING SECTION 21.22 ENTITLED "DESIGN VARIATIONS" TO ENCOURAGE DEVELOPMENT THAT IS CONSISTENT WITH THE RECOMMENDATIONS OF THE ADOPTED COMMUNITY REDEVELOPMENT AREA PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

City Attorney Ansbro read the title of Ordinance #2009-006. He noted that the Consultant, Mellgren Planning Group, requested a continuance until the May 12, 2009 City Commission meeting.

Mayor Castro opened the Public Hearing. Seeing as there was no one to speak in favor or opposition, she closed the Public Hearing.

Commissioner Anton motioned to continue Ordinance #2009-006 until the May 12, 2009 City Commission meeting at 7:00 p.m.; seconded by Commissioner Jones. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

9.2 RESOLUTION #2009-050

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE SITE PLAN REQUEST (SP-04-09) SUBMITTED BY THE CITY OF DANIA BEACH, FOR PROPERTY LOCATED AT 324 WEST DIXIE HIGHWAY (GENERALLY LOCATED ON THE EAST SIDE OF SW 4TH AVENUE, NORTH OF WEST DIXIE HIGHWAY), IN THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-050 and Resolution #2009-051 because they are companion resolutions.

Kristin Dion, City Planner, advised the requests are for the City of Dania Beach to construct a mausoleum in both City cemeteries. She explained the location of the cemeteries and added that solar lighting is being provided by the consultant at no additional cost to the City. Ms. Dion noted that the Planning and Zoning Board, as well as staff, recommended approval of the requests.

Mayor Castro opened the Public Hearings. Seeing as there was no one to speak in favor or opposition, she closed the Public Hearings.

Commissioner Jones clarified with Director Orlando that we would soon stop selling plots to make sure we have enough space for the mausoleums.

Commissioner Jones motioned to adopt Resolution #2009-050; seconded by Commissioner Anton. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

9.3 RESOLUTION #2009-051

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE SITE PLAN REQUEST (SP-03-09) SUBMITTED BY THE CITY OF DANIA BEACH, FOR PROPERTY LOCATED AT 1251 SW 12TH AVENUE (GENERALLY LOCATED ON THE WEST SIDE OF PHIPPEN-WAITERS ROAD), IN THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Anton motioned to adopt Resolution #2009-051; seconded by Commissioner Jones. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

City Attorney Ansbro advised the following item was a quasi-judicial matter and swore-in those who would speak. He asked the Commission to disclose any communication they had on this matter.

9.4 RESOLUTION #2009-049

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING VARIANCE REQUESTS SUBMITTED BY MARK ENGEL, ARCHITECT, REPRESENTING THE BROWARD CHILDREN'S CENTER SUPPORTING FOUNDATION, INC., FROM CHAPTER 28, "ZONING" AND CHAPTER 26, "VEGETATION", FOR PROPERTY LOCATED AT 3891 STIRLING ROAD, IN THE CITY OF DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-049.

Corinne Lajoie, AICP, Principal City Planner, explained the location of the property. She noted that the applicant is requesting variances to convert a commercial property into a children's daycare center. They would be providing bus transportation hence reducing the need for parking. Ms. Lajoie indicated a playground would be added at the rear of the building and they are also providing shade trees as opposed to palm trees. The Planning and Zoning Board recommended approval of the variance requests. She noted that staff is also recommending approval provided staff comments are addressed.

Mark Engel, Engel and Associates, representing the applicant, noted they have been looking for a location in this area for about two years, in order to bring their services further south in Broward County.

Jackie Mogavero, Operations Officer for the Broward Children’s Center, noted they specialize in helping infants, children, and young adults with special health care needs.

Mayor Castro opened the Public Hearing.

Patty Hart, 517 NE 2nd Place, Dania Beach, spoke in favor of the request.

Seeing as there was no one else to speak in favor or opposition, Mayor Castro closed the Public Hearing.

Commissioner Duke motioned to adopt Resolution #2009-049; seconded by Commissioner Anton. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

10. Discussion and Possible Action

- 10.1 Appointment of Director, Alternate, and Second Alternate to attend and vote at any Board of Director or General Membership meeting for the Broward League of Cities – Mayor Castro

Commissioner Anton motioned to appoint Commissioner Jones as the Director; seconded by Vice-Mayor McElyea. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	Yes
Commissioner Duke	Yes	Mayor Castro	Yes
Commissioner Jones	Yes		

- 10.2 Beach Watch Restaurant sale of alcoholic beverages for Cancun Sunset Festival –City Attorney Ansbro

City Attorney Ansbro noted that the Beach Watch tenants have requested permission to allow the sale of alcoholic beverages at the beach. He advised that the current lease allows 12 special events per year and this is their first request. City Attorney Ansbro indicated that the Commission is not obligated to approve the request. He further advised that parking arrangements can be made with Dania Jai Alai.

Elizabeth Stork, on behalf of the Beach Watch restaurant, noted that people would carpool, but they have made arrangements with FAU for parking as well. She indicated that the event would be held on a Sunday afternoon.

Commissioner Duke confirmed with City Attorney Ansbro that the Beach Watch tenants are in compliance with the lease requirements.

Aubrey Shirley, event coordinator, noted they originally wanted to have the event on Memorial weekend but City staff did not agree to this date. He advised they would provide insurance, hire BSO deputies and a lifeguard. Mr. Shirley confirmed for City Attorney Ansbro that they would only sell a maximum of 350 tickets for the event.

Vice-Mayor McElyea motioned to deny the request. The motion failed for lack of a second.

Mayor Castro asked Ms. Stork if the business was for sale.

Ms. Stork responded no.

Commissioner Jones noted they have not been cooperative in the past and remarked that he would like something more concrete.

Commissioner Jones motioned to allow the sale of alcoholic beverages for the Cancun Sunset Festival to be held on a Sunday from 1:00 p.m. - 9:00 p.m., provided the applicants provide the required audit documents; seconded by Commissioner Duke.

City Attorney Ansbro asked Ms. Stork to make arrangements to meet with him, Finance Director Varney and a CPA, during the week beginning April 20, to discuss the audit for the past lease year.

BSO Chief Peterson was concerned with the 350 people attending the event. He asked if this was a promoted event, which could draw more people.

Mr. Shirley confirmed they are promoters for the company Top Shelf Events.

The motion carried on the following 3-2 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor McElyea	No
Commissioner Duke	No	Mayor Castro	Yes
Commissioner Jones	Yes		

10.3 Creation of new Charter Review Board - Commissioner Duke

Commissioner Duke thought it was time to establish a new committee.

Mayor Castro noted she looked at the draft resolution and said that she would like a different concept this time. She asked the City Attorney for alternatives to the appointments to the Board, such as ICMA or the John Daley School of Government, to provide direction and support for the members. Mayor Castro suggested stronger language than what is in the proposed resolution. She favored the creation of a Charter Review Board.

Commissioner Jones noted he was a member of the last Charter Review Board and their recommendations fell on deaf ears. He suggested contacting FAU or FIU for advice. Commissioner Jones supported a Charter Review Board.

City Manager Baldwin noted there are experts that can help the City with this matter.

Commissioner Duke will bring a proposal forward for consideration.

10.4 Discussion and approval of deposit requirements and policy in compliance with the Red Flag Rule, effective May 1, 2009 – Finance Director Varney

Patty Varney, Director of Finance, noted that under Item #7.3 the Commission approved the contract with On-Line Utility Exchange for credit check services. She further explained that if the policy is approved, a resolution will be brought forward at the next Commission meeting setting deposit requirements and application fees for water and sewer services. She provided an overview of the policy which was provided in the back-up material.

Commissioner Duke clarified with Director Varney that implementing these deposit requirements would not generate any additional revenue but would allow a better way to keep collection records.

It was the consensus of the Commission to adopt the Red Flag Rule Policy.

10.5 Discussion of charging for transient vessels at the Marina - Assistant City Manager Donnelly

Colin Donnelly, Assistant City Manager, noted with the downturn in the economy, we have seen a decrease in revenue at the Marina. He advised that the Finance Department is predicting a \$70,000 loss in revenue for the Marina Fund. Assistant City Manager Donnelly suggested charging transient vessels a rate of \$50 per day.

Commissioner Duke noted that Harbour Towne Marina is almost at full capacity. He commented that if a marina is run correctly we can get a full occupancy.

Assistant City Manager Donnelly noted that for transient vessels they plan to implement the same policies and procedures that are currently in place, including an agreement, insurance, etc.

The Commission generally agreed that we need to upgrade the Marina and its services.

Commissioner Duke requested the Marine Advisory Board get involved in this process.

City Manager Baldwin noted we need to look at ways to raise revenues other than the Marina. He commented staff will be bringing forward some recommendations for the upcoming Budget year.

Mayor Castro suggested including the amenities in the advertisement for transient vessels, which would encourage people to come and keep their boats at the Dania Beach Marina for a few days.

It was the consensus of the Commission to charge \$50 per day for transient vessels at the Marina.

11. Commission Comments

11.1 Commissioner Anton

Commissioner Anton asked for an update on the SW 40th Avenue issue.

Dominic Orlando, Public Services Director, advised that SW 40th Avenue has serious problems. He indicated they are awaiting a response from Broward County on this matter.

City Attorney Ansbro noted he will contact the County Attorney and report back to the Commission.

11.2 Commissioner Duke

Commissioner Duke noted he met with Airport Counsel Neal McAliley, and feels confident that he is the right person for the job.

Commissioner Duke thanked Dominic Orlando, Leo Williams and the Public Services staff for taking care of a resident's problem recently.

Commissioner Duke noted he spoke with Joe Husosky, Information Systems, regarding webcasting our meetings, and tonight we started a one week free trial period. He indicated that we will be broadcasting on a permanent basis.

11.3 Commissioner Jones

Commissioner Jones asked for the progress on the Free Prescription Drug Program offered by the National League of Cities.

Commissioner Jones questioned the status of the Library bid award.

Dominic Orlando noted the Bid Committee conducted interviews today and selected Walker Design Construction/Kenneth Carlson Architects.

Commissioner Jones commented on the recent killings. He asked if we could have a dialogue session with citizens for discussion on what can be done. Commissioner Jones noted that BSO would be included in the discussions. He suggested Wednesday, April 22 or Monday, April 27 at 7:00 p.m. at C.W. Thomas Park, as possible dates.

Mayor Castro suggested two meetings, one at City Hall and one at P.J. Meli Park, and suggested that both meetings should be publicly noticed.

Commissioner Jones will take the lead on this issue.

Commissioner Jones requested a report for all contracts which are over three years old.

Commissioner Jones asked about obtaining grants/funding through the Neighborhood Stabilization Program (NSP).

Colin Donnelly, Assistant City Manager, noted we are lumped in with Broward County, and they are currently reviewing their RFP's. He indicated that we gave the County a preliminary list of 9-11 properties to review. Assistant City Manager Donnelly advised that he is working with Nick Lupo, Code Compliance Manager, on foreclosure properties. He stated he would bring a recommendation at the next meeting.

Assistant City Manager Donnelly responded to the Prescription Drug Program previously mentioned by Commissioner Jones. He said it was a good program and requested permission to move forward.

It was the consensus of the Commission to move forward with the Program.

City Manager Baldwin advised that his office is trying to obtain support from Representative Debbie Wasserman-Schultz as well as Senator Bill Nelson, regarding federal budget appropriations.

Commissioner Jones noted he would like the Linear Park on 5th Avenue designed in such a way that there is no flooding. He commented that to accomplish that we need to look at 7th and 10th Streets as well.

Dominic Orlando, Director of Public Services, noted that the suggested design will be a sidewalk with curb and gutter adjacent to 5th Avenue. He advised that the trees have been cut and will be replaced with equal trees. Director Orlando indicated that the storm drainage project is being designed and will be presented to the Commission when it is ready. Director Orlando further explained the possible solutions to avoid flooding in the area.

11.4 Vice-Mayor McElyea

Vice-Mayor McElyea complimented Director Orlando on taking care of the water pressure issue at his property.

Vice-Mayor McElyea invited City Manager Baldwin to walk around town with him.

11.5 Mayor Castro

Mayor Castro noted that residents in the Ocean Waterway Mobile Home Park are complaining about the dust from nearby construction. She indicated that Principal City Planner Corinne Lajoie would contact Broward Commerce to find a temporary solution to eliminate the dirt flow into the Park.

Mayor Castro noted we must try to enhance Federal Highway to make it look better. She thought we could work with the School Board and other government agencies to improve their appearance.

Mayor Castro noted the Marina Mile Association had asked some of the cities in the area around State Road 84 to remove Sea Grapes from the median because they do not enhance the business community. She noted we need to work with the other cities in this area so that people can see businesses on both sides of the street.

Mayor Castro talked about the recent pedestrian vehicle accidents on Griffin Road. She spoke with BSO Chief Peterson about a plan to try to slow traffic down, such as a crossing light in that area. Mayor Castro remarked we need to revisit the red light camera issue in this area. She requested consensus for the City Attorney to track down the red light ordinances, working in conjunction with the City Manager, and provide a report to the Commission. Mayor Castro noted we must find a way to safeguard our residents.

Kristen Jones, Director of Parks and Recreation, clarified for the record that the windows at Frost Park are high impact and they are already tinted. She further explained that a lady who attends the Jazzercise classes asked for a dark tint. Director Jones noted that this would create a security issue and did not support the idea.

Mayor Castro noted our Park Impact Fees are tremendously high and we are very limited with their use. She requested a report on other cities' Park Impact Fees, and suggested we consider reducing these fees and put the difference in streetscapes or pocket parks. Lastly, Mayor Castro asked if we could change the verbiage for Park Impact Fees in a way that would enable us to use them to acquire park property and maintain parks.

Corinne Lajoie, AICP, Principal Planner, noted the requirement for public parks is required for development. The formula calculates how fees are determined and is based on the value of the land.

Mayor Castro asked the City Attorney, CRA Director and Ms. Lajoie, to re-evaluate the situation with Park Impact Fees.

Commissioner Duke motioned to donate \$500 for the Fire Department Open House, seconded by Commissioner Jones. The motion carried unanimously.

Commissioner Jones commented on a two and a half acre property that is for sale and is located south of Westlawn Cemetery, north of the College Gardens Apartments. He asked if we would consider purchasing it.

12. Appointments

Airport Advisory Board:

Mayor Castro reappointed Dick Sokol, Betty Sokol and Rae Sandler.

Civil Service Board:

Commissioner Anton suggested we reappoint the same people, provided they are willing to continue serving on the Board.

General Employees Pension Board:

Commissioner Anton appointed Mayor Anne Castro as the Commission Representative. He reappointed Pat Rafacz as one of the residents on the Board.

Green Advisory Board:

Mayor Castro appointed William Walton.

Marine Advisory Board:

Commissioner Duke appointed James Reckert and Timothy Scanlon.
Mayor Castro appointed Chris Arutt.

Nuisance Abatement Board:

Commissioner Anton reappointed Mike Talotta.
Vice-Mayor McElyea appointed Tim McLeod.

Parks, Recreation and Community Affairs Advisory Board:

Commissioner Duke appointed Tim Pelotte.
Vice-Mayor McElyea appointed Debra McElyea.
Mayor Castro reappointed Jimmy Peterman.

Planning & Zoning Board:

Commissioner Duke appointed Tim Pribisco.
Mayor Castro appointed Derrick Hankerson.

Police and Fire Pension Board:

Mayor Castro appointed Commissioner Anton as the Commission Representative.
The three current Commission appointees were reappointed.

Commissioner Anton motioned to approve the Board appointments; seconded by Commissioner Jones. The motion carried unanimously.

13. Administrative Reports

13.1 City Manager

City Manager Baldwin thanked the Commission for the welcome he has received. He noted he would be bringing budget projections for Commission consideration, within the next few weeks.

City Manager Baldwin advised that we have received several good applications for the Community Development Director position. He noted we would try to find the best professional that we can for this position.

City Manager Baldwin noted that Nick Lupo, Code Compliance Manager, has been working on improvements to the Code Compliance Unit and he will soon be bringing his recommendations to the Commission.

City Manager Baldwin advised that the Adopt-A-Street staff has requested permission to perform a beach clean-up on Tuesday, April 21st. He indicated that they would supply all the materials and volunteers and the City would only be responsible for removal of the garbage bags.

Mayor Castro motioned to approve the beach clean-up; seconded by Commissioner Jones. The motion carried unanimously.

13.2 City Attorney

City Attorney Ansbro had no comments.

13.3 City Clerk - Reminders

Tuesday, April 28, 2009 - 7:00 p.m.	City Commission Meeting
Wednesday, May 6, 2009 - 6:00 p.m.	CRA Board Meeting
Tuesday, May 12, 2009 - 7:00 p.m.	City Commission Meeting
Thursday, May 21, 2009 - 6:00 p.m.	Abatement Hearing
Tuesday, May 26, 2009 - 7:00 p.m.	City Commission Meeting

14. Adjournment

Mayor Castro adjourned the meeting at 10:17 p.m.

ATTEST:

CITY OF DANIA BEACH

LOUISE STILSON, CMC
CITY CLERK

ANNE CASTRO
MAYOR-COMMISSIONER

Approved: May 12, 2009