

MINUTES OF REGULAR MEETING  
DANIA BEACH CITY COMMISSION  
TUESDAY, JULY 28, 2009 – 7:00 P.M.

1. Call to Order/Roll Call

Mayor Castro 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

Pastor Juan Cuevas, Maranatha Ministries, gave the invocation followed by the Pledge of Allegiance to the United States Flag.

3. Presentations and Special Event Approvals

3.1 Presentation by Kristen Jones: Update of Frost Park Skate Park

Kristen Jones, Director of Parks and Recreation, advised that Remy Komocsin approached the Commission at the June 9, 2009 meeting regarding the possibility of turning the roller hockey rink at Frost Park into a Skate Park. She noted that all we need to proceed with this project is a Letter of Intent from the contractor showing the “not to exceed” amount which she hopes will be approved during the Budget process.

Remy Komocsin, 514 NE 3<sup>rd</sup> Street, presented photos of where the proposed skate park would be located. He indicated that there were areas that would need to be repaired in order to reduce liability to the City. Remy recommended that the City construct the concrete ramps which would be more durable.

3.2 Westrec Marinas Ribbon Cutting Ceremony and BBQ to be held August 8, 2009 from 11:00 a.m. – 3:00 p.m.

3.3 Westrec Marinas Customer Appreciation BBQ to be held September 7, 2009 from 11:00 a.m. – 2:00 p.m.

**Commissioner Anton motioned to approve both of the Westrec Marinas Special Events; seconded by Commissioner Jones. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

3.4 Back to school backpack giveaway to be held August 8, 2009 from 8:00 a.m. – 3:00 p.m.

**Vice-Mayor McElyea motioned to approve the Back to School Backpack Giveaway; seconded by Commissioner Jones. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

3.5 Presentation by Chen and Associates regarding UAZ 307 & 315 Project

James Barton, Senior Engineer, Chen & Associates, presented a PowerPoint overview of the project which is included in the agenda backup. Also present were Pat McGregor, Broward County Utilities Department and Jennifer Smith, Associate Engineer, Chen & Associates.

Mr. Barton advised that this project which includes installing watermain, sanitary sewer, lift station rehabilitation and forcemain in certain areas within the City of Dania Beach, would take approximately 20 months. He indicated that this is a Broward County project, therefore Broward County will be responsible for all concerns. Mr. Barton stated that the construction procedure and restoration plan will try to accommodate the residents in the area.

Mr. McGregor confirmed that projects UAZ 307 and 315 will move forward, however, due to budget constraints, some other projects may be put on hold until there is some improvement in the current economic situation.

Mayor Castro clarified with Public Services Director Orlando that he has been working with the County and Chen and Associates on this project.

Commissioner Anton confirmed with Mr. Barton that they would not be installing new sidewalks, only repairing the existing ones if they are damaged due to construction.

Mr. Barton noted that if the City receives any complaints, they should call him in order to try to solve the problem with the County.

Commissioner Anton hoped the County would not be using the same contractor who worked on the 40<sup>th</sup> Avenue project because that road is still not in good condition.

Mayor Castro recommended placing the information on the website including a system to track complaints.

Mr. Barton advised that they will be sending flyers to residents two weeks before construction and during construction, for them to verify the location of their septic tanks. He noted that residents do not have to pay to hookup to the system, with the exception of multi-family buildings.

Commissioner Duke thought the County should notify commercial property owners of the approximate hookup costs involved.

Mayor Castro reiterated that we should use all possible means, such as the City website and the Dania Press, to make property owners aware of the cost to hookup to the system.

Mr. Barton requested the assistance of City staff to create a coordination system which would benefit everyone.

### 3.6 Presentation by The Mellgren Planning Group regarding the Westside Master Plan

Michelle Mellgren, the Mellgren Planning Group, provided an update on the Westside Master Plan, which is attached to and incorporated into these minutes. Swati Meshram, Associate Planner, was also present at this meeting. She noted that they are currently preparing opportunities, concept plans and an economic impact analysis. Ms. Mellgren advised that they plan to hold three more public meetings in the early fall, with the intention to have the project completed by the end of this year. She stated that the Westside Master Plan is available on the City Website.

Mayor Castro requested a recommendation from staff on increasing the density of properties located near the Airport.

### 3.7 United Churches of Liberia “Progress in the Park” Back to School Parade and Rally

Kim Ford, 22 SW 5<sup>th</sup> Avenue and Richard Walker, noted this is the 9<sup>th</sup> year for this event to provide backpacks and school supplies for the children in the community. They serve 8 schools, and have given away over 6,500 backpacks. She advised that the City of Hollywood offers financial support and requested that Dania Beach partner in the event. Ms. Ford asked the Dania Beach elected officials to participate in the parade which will be held on Saturday, August 1<sup>st</sup>, from 9:00 a.m.-4:00 p.m. at the Dr. Martin Luther King, Jr. Center in Hollywood. They requested that this event be included in the City’s annual budget.

Commissioner Jones suggested that the City Manager meet with Ms. Ford and Mr. Walker regarding the funding request.

Commissioner Duke said it would be a travesty not to partner with this event.

Ms. Ford noted they are asking for \$3,100.00 this year.

**Commissioner Jones motioned to approve \$3,100.00 from reserves for the Progress in the Park Back to School Parade and Rally; seconded by Commissioner Duke. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

#### 4. Proclamations

##### 4.1 “Progress in the Park” Annual Back to School Parade and Rally

Mayor Castro presented the “Progress in the Park” proclamation to Kim Ford and Richard Walker.

#### 5. Citizen Comments

Fay Allen & Vilma McKay, 2340 Griffin Road, requested funding for a healthcare event that will be held on August 22, 2009. They have not yet applied for the special event request and asked the Commission to expedite the permit. Ms. McKay noted they are not requesting funding tonight, but would do so at a later date. They asked if the City logo could be applied to their flyer.

Mayor Castro suggested the Commission review the flyer at the next meeting, prior to distribution within the community.

Janet Komocsin, on behalf of Norman Langley, 514 NE 3<sup>rd</sup> Street, noted that when the Seniors Group activities end during the summer months, there is nothing for them to do. She requested that other appropriate activities for seniors, such as card games, be added to the Frost Park Recreational Center.

Mayor Castro noted that Kristen Jones, Parks and Recreation Director, would look into it.

Bobbie Grace, 110 NW 8<sup>th</sup> Avenue, thanked the City for their support in the Relay for Life event. She requested that the City include funding for the event in the upcoming budget.

Jimmy Crimminger, 237 SW 15<sup>th</sup> Street, expressed his appreciation to BSO officers Schultz and Jackson, who have both been assigned to his neighborhood. He further thanked the City for their support in trying to reduce crime in the community.

Annette Hibbitts, 26 SW 11<sup>th</sup> Street, addressed the issue of crime and blight, specifically in the Dania Beach Heights area. She requested information on the date and time of the meeting to discuss the street closure near IHOP.

Teddy Bohanan, 312 SW 15<sup>th</sup> Street, commended BSO and City staff for the progress on cleaning the crime in her neighborhood.

Patrick Phipps, 266 SW 5<sup>th</sup> Street, concurred with previous comments made about the outstanding job done by BSO and Code officers. He expressed his concern on the privatization of the Code Compliance Unit. Mr. Phipps urged the Commission to keep Nick Lupo and the unit.

Victoria Payne, Director of the Dania Beach Chamber of Commerce, provided an update on upcoming Chamber events.

Thomas Bordowsky, 400 S. Federal Highway, commended the Chamber of Commerce for their support to the business community in our City. He requested that the Commission include funding for the Green Advisory Board. Mr. Bordowsky read a letter of support from Representative Evan Jenne for the Green Advisory Board.

Commissioner Duke thanked BSO, City staff and our residents for working together to improve the quality of life in our community.

## 6. Public Safety Reports

Jack McCartt, Fire Chief, presented a certificate of appreciation from the American Cancer Society for the Relay for Life to the City Commission.

Kevin Granville, BSO Lieutenant, thanked the citizens for their acknowledgment of the police patrols.

## 7. Consent Agenda

***Items removed from Consent Agenda: #7.8, #7.9, #7.11***

### 7.1 Minutes:

- Approve minutes from June 9, 2009 City Commission meeting
- Approve minutes from June 23, 2009 Site Plan Review Workshop
- Approve minutes from June 23, 2009 City Commission meeting

### 7.2 Travel Requests:

Request from Commissioner Albert Jones to attend the Florida League of Cities Annual Conference in Orlando, Florida on August 13-15, 2009 (Estimated cost \$1,036.50; remaining balance \$1,961.16)

Request from Corinne Lajoie, Senior Planner, to attend the APA Florida 2009 Conference in Jacksonville, Florida on September 15-18, 2009, for certification purposes (Estimated cost \$997.20; remaining balance \$3,379.71)

## **Resolutions**

### 7.3 RESOLUTION #2009-127

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, RECOGNIZING THE "BUILDING CITIZENSHIP IN THE COMMUNITY: BACK TO BASICS" INITIATIVE OF THE FLORIDA LEAGUE OF CITIES, INC.; PLEDGING SUPPORT FOR THIS STATEWIDE EFFORT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

### 7.4 RESOLUTION #2009-128

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXTEND THE CURRENT AGREEMENT WITH STAFFING CONNECTION/ACTION LABOR MANAGEMENT, LLC, FOR A PERIOD OF TWO YEARS, FOR AN AMOUNT NOT TO EXCEED \$74,000.00 PER YEAR TO PROVIDE SCHOOL CROSSING GUARD STAFFING SERVICES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

### 7.5 RESOLUTION #2009-129

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING PAYMENT TO ROBERT McDONALD AND ASSOCIATES, P.A., IN AN AMOUNT NOT TO EXCEED \$51,012.51 REPRESENTING EXTENDED SERVICES DUE TO THE ARCHITECT FOR THE FIRE STATION 93 PROJECT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

### 7.6 RESOLUTION #2009-130

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING PAYMENT TO BRADANNA, INC., IN AN AMOUNT NOT TO EXCEED \$159,876.58 FOR CHANGE ORDERS FOR THE STATION 93 PROJECT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

### 7.7 RESOLUTION #2009-131

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO ACCEPT MISCELLANEOUS TRAFFIC CONTROL DEVICES TO BE DISTRIBUTED TO THE CITY OF DANIA BEACH, AS A PARTICIPATING AGENCY, THROUGH THE CITY OF SUNRISE, FLORIDA, AS LEAD AGENCY FOR A STATE EMS GRANT, AT NO COST TO PARTICIPATING AGENCIES; AUTHORIZING THE EXECUTION OF ANY DOCUMENTS NECESSARY TO RECEIVE THE DEVICES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

### 7.8 RESOLUTION #2009-132

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A "THIRD AMENDMENT TO RESIDENTIAL SOLID WASTE AND RECYCLING COLLECTION SERVICES CONTRACT" WITH WASTE MANAGEMENT, INC., OF FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-132.

Mark Larocca, 4511 SW 34<sup>th</sup> Avenue, noted he objects to the exclusivity of the proposal mentioned by staff in the Agenda Request form for this item.

Luciano Isla, 1790 W 49<sup>th</sup> Street, Hialeah, Attorney representing the Dade Waste Haulers Council, Inc., indicated this was a hidden request by staff to study how they can operate a solid waste monopoly in the City. He asked for the request to be stricken from the record. Attorney Isla also indicated that it is a violation of the City code. He pledged to work with the City to improve the system, but urged the Commission to continue the open marketplace so that everyone can choose who they want to contract with.

Commissioner Duke noted there is no intent to create a monopoly. He stated this is just a request for some breathing room to let us negotiate the best deal for the City.

Vice-Mayor McElyea agreed with Attorney Isla. He thought it was not right to increase the monthly collection rate for garbage during these difficult economic conditions. Vice-Mayor McElyea noted he would vote against this request.

Commissioner Jones clarified that there was nothing done secretly; this should have been done long ago, but it was not. He noted that we are acting prudently to save dollars for our citizens.

Mayor Castro confirmed with the City Manager that we would not exclude other vendors.

**Commissioner Duke motioned to adopt Resolution #2009-132; seconded by Commissioner Anton. The motion carried on the following 4-1 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>No</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

7.9 RESOLUTION #2009-133

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE SERVICES FROM CALVIN, GIORDANO AND ASSOCIATES RELATING TO ENGINEERING SERVICES FOR LINEAR PARK DRAINAGE REVISIONS, SUCH SERVICES NOT TO EXCEED FOURTEEN THOUSAND FOUR HUNDRED FIFTY DOLLARS (\$14,450.00); PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-133.

Commissioner Duke requested clarification.

Dominic Orlando, Director of Public Services, explained there were additional costs incurred for the project due to the realignment of the sidewalk and installation of stormwater drainage piping.

**Commissioner Duke motioned to adopt Resolution #2009-133; seconded by Commissioner Anton. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

7.10 RESOLUTION #2009-134

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA AUTHORIZING THE CITY MANAGER TO PURCHASE THREE PARKING METERS FROM PARKEON, INC., A SOLE SOURCE CONTRACTOR, FOR AN AMOUNT NOT TO EXCEED \$32,774.00 IN FISCAL YEAR 2008-2009; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.11 RESOLUTION #2009-136

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE ELECTRICAL SERVICES FOR VARIOUS CITY FACILITIES AND NECESSARY SERVICES FROM R & R ELECTRIC OF BROWARD, INC., IN AN AMOUNT NOT TO EXCEED THIRTY THOUSAND DOLLARS \$30,000.00 FOR THE FISCAL YEAR 2008-2009, WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-136.

Commissioner Duke asked for clarification.

City Attorney Ansbro explained that the emergency services were required because the power panel at the Pier Restaurant was struck by lightning. He clarified that it is the City's responsibility to pay for the repairs.

**Commissioner Anton motioned to adopt Resolution #2009-136; seconded by Commissioner Duke. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

7.12 RESOLUTION #2009-137

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPROPRIATE FUNDS FOR BUILDING PERMIT FEES RELATING TO THE MAUSOLEUM PROJECT, SUCH FEES NOT TO EXCEED THE AMOUNT OF TEN THOUSAND NINE HUNDRED EIGHTY DOLLARS (\$10,980.00); PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.13 RESOLUTION #2009-138

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 \$ \$15,500.00 FOR A TWO MONTH PERIOD; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.14 RESOLUTION #2009-139

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, RENEWING THE CITY'S COMPREHENSIVE INSURANCE PACKAGE THROUGH PUBLIC RISK INSURANCE AGENCY, SUCH PACKAGE TO INCLUDE COVERAGE FOR PROPERTY AND CASUALTY, CRIME, EMPLOYEE DISHONESTY, GENERAL LIABILITY, AUTOMOTIVE LIABILITY AND PHYSICAL DAMAGE, PUBLIC OFFICIALS' LIABILITY, AND EMPLOYMENT PRACTICES LIABILITY, IN A COMBINED TOTAL NOT TO EXCEED SIX HUNDRED NINETY TWO THOUSAND, EIGHT HUNDRED SEVENTY SEVEN DOLLARS (\$692,877.00) PER YEAR FOR COVERAGE BEGINNING OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010, WITH A TWO (2) YEAR RATE GUARANTEE UPON ACCEPTANCE; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.15 RESOLUTION #2009-140

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, RENEWING THE CITY'S WORKERS' COMPENSATION POLICY THROUGH PUBLIC RISK INSURANCE AGENCY IN AN AMOUNT NOT TO EXCEED TWO HUNDRED SIXTY THREE THOUSAND, TWO HUNDRED NINETY ONE DOLLARS (\$263,291.00) FOR COVERAGE BEGINNING OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

**Ordinances (Titles read by City Attorney)**

7.16 ORDINANCE #2009-012

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES RELATING TO THE POLICE AND FIREFIGHTERS' RETIREMENT SYSTEM; AMENDING SECTION 18-46, PROVIDING FOR FOUR YEAR TERM LIMITS; AMENDING SECTIONS 18-43, 18-47 AND 18-48 IN COMPLIANCE WITH CHAPTER 2009-97, LAWS OF FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)**

7.17 ORDINANCE #2009-014

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING SECTION 23-11 OF THE CITY CODE OF ORDINANCES, WHICH SECTION PERTAINS TO THE CITY UTILITY TAX LEVIED UPON THE PURCHASE IN THE CITY OF ELECTRICITY, METERED OR BOTTLED GAS AND WATER, TO CLARIFY THAT EACH SELLER OF THE COMMODITIES SHALL ACT AS THE COLLECTION MEDIUM AND AGENCY FOR THE COLLECTION OF THE TAX FROM THE PURCHASERS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)**

**Commissioner Anton motioned to adopt the Consent Agenda, with the exception of Items #7.8, #7.9 and #7.11; seconded by Commissioner Jones. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
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<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

8. Bids and Requests for Proposals

There were no proposals on this agenda.

9. Public Hearings and Site Plans

9.1 ORDINANCE #2009-010

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, PROVIDING FOR THE ESTABLISHMENT OF AN OTHER POST-EMPLOYMENT BENEFIT TRUST FOR CITY EMPLOYEES; AUTHORIZING THE CITY TO JOIN AS A PARTY THE FLORIDA MUNICIPAL PENSION TRUST FUND MASTER TRUST AGREEMENT AND THE PARTICIPATION OF THAT TRUST IN THE OTHER POST-EMPLOYMENT BENEFIT PLAN TRUST UNDER THE FLORIDA MUNICIPAL PENSION TRUST FUND; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING AN EFFECTIVE DATE. (SECOND READING)

City Attorney Ansbro read the title of Ordinance #2009-010.

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 adopt Ordinance #2009-010, on second reading; seconded by Commissioner Jones. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

9.2 ORDINANCE #2009-009

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING ITS LAND DEVELOPMENT REGULATIONS TO PROHIBIT ON-SITE DISPENSING OF CONTROLLED SUBSTANCES BY PAIN MANAGEMENT CLINICS, TO THE EXTENT PERMITTED BY LAW; PROVIDING DEFINITIONS; PROVIDING SUPPLEMENTAL REGULATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

City Attorney Ansbro read the title of Ordinance #2009-009.

Corinne Lajoie, Principal City Planner, explained that the proposed text amendment will address zoning regulations regarding medical offices which dispense controlled substances on-site. It will also limit future medical office locations to commercial zoning districts. She noted that we were unaware of the issue until it was brought to our attention by BSO. The Planning and Zoning Board, as well as staff, recommend approval.

Mayor Castro opened the Public Hearing.

Tom Murphy, 5201 SW 31<sup>st</sup> Avenue, #148, thanked the Commission for recognizing there is a problem with these pain clinics. He indicated that the vehicles in the parking lots are from out of state, and are used primarily for drug dealing. The only way to shut down the existing clinics is by active enforcement and BSO should monitor the activity of these clinics. Mr. Murphy recommended the ordinance be passed as provided, unless there is a way to include language to close the existing clinics.

Carol Sims, 1418 S. Federal Highway, Dania Beach and 535 NE 128 Street, Miami, noted she is the manager for the pain clinic in Dania Beach. She advised they are similar to a wellness center, which takes care of pain and general family medicine. They do not accept out of state patients and they do not dispense oxycodone. Ms. Sims supported closing the bad clinics and keeping the good ones.

Teddy Bohanan, 312 SW 15<sup>th</sup> Street, noted this is one of the highest drug areas in the City. She remarked that we want a drug-free City and we will keep our eyes on it.

Jimmy Crimminger, 237 SW 15<sup>th</sup> Street, noted the City will be at the forefront of no more crime and no more drugs in Dania Beach. He noted we do not want to hurt private enterprise, but questioned why they chose this particular area for their business.

Patrick Phipps, 266 SW 5<sup>th</sup> Street, opposed pain clinics particularly in his area.

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

Commissioner Jones commended the Chief for bringing this matter to our attention. He spoke about the way these clinics operate and the amount of pills per person they are allowed to dispense. Commissioner Jones indicated we may amend this ordinance if we can find a way to shut down the clinics that are in existence.

Commissioner Anton concurred with Commissioner Jones. He clarified with the City Attorney that we cannot shut down the existing clinics without enforcement.

Commissioner Duke noted the parking lots of the pain clinics on Griffin Road are always full. He requested the City Manager and City Attorney contact Martin Outdoor Media to eliminate the advertising for the pain clinics on the bus benches in our City.

Mayor Castro noted that Scott Martin, Martin Outdoor Media, contacted her regarding this matter and she referred him to the City Attorney.

Vice-Mayor McElyea supported the ordinance.

**Commissioner Anton motioned to adopt Ordinance #2009-009, on second reading; seconded by Commissioner McElyea.**

Mayor Castro expressed her appreciation to BSO Chief Peterson and staff who worked so hard to create this ordinance. She noted that doctors do not dispense controlled narcotics from their offices; they write a prescription and monitor your health. Mayor Castro referred to the recent public events in the Anna Nicole Smith and Michael Jackson cases. She agreed with Mr. Murphy regarding the need for BSO to watch the existing clinics very closely. Lastly, Mayor Castro indicated that the Legislature needs to address this issue without further delay.

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

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

### 9.3 ORDINANCE #2009-011

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, ADOPTING AN AMENDMENT TO CHAPTER 28, "ZONING," OF THE CODE OF ORDINANCES, RELATING TO ARTICLE 18 ENTITLED "INDUSTRIAL RESEARCH OFFICE MARINE (IROM) DISTRICT" TO PROVIDE FOR RECREATIONAL VEHICLE (RV) SALES AS A SPECIAL EXCEPTION USE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)**

City Attorney Ansbro read the title of Ordinance #2009-011.

Corinne Lajoie, Principal City Planner, explained the location of the property and noted that additional requests will be included during the second reading of the ordinance. Ms. Lajoie advised that the property is currently vacant, and the applicant is proposing to use the existing structure as a Recreational Vehicle sales office and RV repair facility. The text amendment would allow the use as a special exception in the district. The Planning and Zoning Board recommended approval and staff is also recommending approval on first reading.

Commissioner Duke recused himself because his wife represents the applicant.

Linda Socolow, Shutts and Bowen, LLC, attorney for the applicant, noted the proposed business would provide job opportunities in the City. It would also fit well in the area where IGFA and Outdoor World are located. She requested Commission approval of the request.

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 noted he would prefer a marine business, but will support the recreational vehicle use. He cautioned that this should not look like a large storage lot.

Commissioner Jones confirmed that the availability of jobs would be an opportunity for Dania Beach residents.

Attorney Socolow confirmed that the site would have new gravel and new pavement. She added that more details would be provided when the site plan request is presented for consideration.

Vice-Mayor McElyea was in favor of this type of business in that location.

Mayor Castro thought this use would be suitable for the area. She clarified that the vehicles would be placed for display and that the repair shop would comply with Code regulations regarding gas, oil disposal, etc.

**Commissioner Anton motioned to adopt Ordinance #2009-011, on first reading; seconded by Commissioner Jones. The motion carried on the following 4-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Recused</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

#### 9.4 ORDINANCE #2009-013

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES, TO CREATE SECTION 22.70 TO DESIGNATE THE “GRIFFIN ROAD PARTNERS HOTEL OVERLAY DISTRICT”; PROVIDING FOR APPROVAL OF A SHARED DISTRICT MONUMENT SIGN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)**

City Attorney Ansbro read the title of Ordinance #2009-013.

Corinne Lajoie, Principal City Planner, advised that the property has been divided into three parcels and is currently owned by three entities; it is also currently under construction with two hotels. The third parcel is a proposed office building, which should begin construction after the hotels are in operation. Ms. Lajoie advised that the applicant has met the criteria to qualify for the Hotel Overlay District designation. The Planning and Zoning Board and staff both recommend approval of the request.

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

**Commissioner Jones motioned to adopt Ordinance #2009-013, on first reading; seconded by Commissioner Anton. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

Mayor Castro was very pleased with the project and noted that it is a good addition to the City.

9.5 RESOLUTION #2009-135

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN UPDATE TO THE EXISTING DANIA BEACH FACILITIES PLAN TO UPDATE THE PROJECT WORK; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-135.

Dominic Orlando, Director of Public Services, provided an overview of the major improvements to the Water, Wastewater and Stormwater Facilities Plan, as follows:

- Water Treatment Plant upgrades
- Nanofiltration Plant
- Automatic Meter Reader (AMR) System
- Infiltration and Inflow improvements
- Telemetry and Pump Station rehabilitation
- Drainage improvements in southeast Dania Beach
- Drainage improvements West of Ravenswood Road

Director Orlando explained that some of the noted improvements are still under construction while others have been completed. He advised that this Plan is intended to support the City's efforts to secure SRF loans and grants for the period 2009-2015. He noted that this Plan is in conformance with the City's Comprehensive Plan.

Commissioner Anton questioned if it was wise to install the automatic meter readers.

Director Orlando noted the costs would come from the Water Fund and would not impact the General Fund Budget. Furthermore, the proposed system would allow us to keep an on-going log of leaks.

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

Commissioner Jones would like to see more opportunities that would benefit our citizens. He spoke about the UNITAR International Water Forum he attended in Atlanta in early July. Commissioner Jones also asked the Water Department to send out information to Dania Beach residents letting them know the good things that the City is doing and how to conserve water.

Patty Varney, Director of Finance, noted we have the funds to pay for the automatic meter readers.

**Commissioner Jones motioned to adopt Resolution #2009-135; seconded by Commissioner Duke. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>

**Commissioner Jones                      Yes**

10. Discussion and Possible Action

10.1    Update on Abatement Program for Code Liens

Nick Lupo, Code Compliance Manager, noted there are approximately 1,200 residential cases eligible for the Code Amnesty Program. The cases are from 1992–2006, and the total amount of code enforcement fines that remain uncollected as of July 1, 2009, is \$19.5M. He indicated that the terms and conditions for the Program rest with the City Commission. Mr. Lupo advised that in order to qualify for the Amnesty Program, applicants must be in compliance. He further clarified that about fifty percent of the cases are in compliance. Mr. Lupo asked for direction from the Commission.

Commissioner Duke requested a recommendation from the City Manager and staff for Commission consideration.

Mr. Lupo noted he would recommend a 90-day period, with a 75% reduction.

Mayor Castro suggested a sliding scale for the reduction of the fines to create an incentive for those affected.

Commission concurrence was that the majority of the cases be approved by staff, with Abatement hearings taking place only if required.

Mayor Castro requested a revenue item for the budget.

Mr. Lupo indicated it cannot be gauged.

City Attorney Ansbro suggested we follow the Ft. Lauderdale model.

Mr. Lupo noted he would like to give people a little more time, in view of the current economic conditions.

It was the consensus of the Commission to ask staff to bring a proposal to the next meeting.

10.2    Discussion of Paddles and Boats at Ocean Park

Colin Donnelly, Assistant City Manager, explained that following the comments made by Mario St. Cyr, Paddles and Boards of Hollywood, at the June 9 Commission meeting, the Commission asked staff to provide direction regarding the use of paddle boards at Ocean Park. He distributed a memo to the Commission on this item, listing staff concerns, which is attached to and incorporated into these minutes. Assistant City Manager Donnelly thought the paddle boarding would benefit tourism and recommended the activity be allowed at Whiskey Creek, but not at the beach/pier area. In addition, any trailer should be removed at the end of the day.

Commissioner Jones asked if we could talk to the City of Hollywood about the possible annexation of the property north of the beach or any other type of negotiation.

City Manager Baldwin noted that staff already discussed the matter.

Vice-Mayor McElyea indicated the property was privately owned, and noted that Whiskey Creek is also in the City of Hollywood.

Assistant City Manager Donnelly indicated that the Recreation Department of the City of Hollywood is also interested and they currently operate a 70-30% split.

Commissioner Anton noted there are jurisdictional issues and we need to be careful and take this into consideration before we move any further.

Commissioner Duke said it seems like a lot of work as well as legal issues, for not much revenue.

Commissioner Jones questioned where our liability would end if someone was injured in the water.

Mayor Castro noted it is only a point to launch. She further asked if the Beach Watch had already signed an agreement with Paddles and Boards of Hollywood.

Assistant City Manager Donnelly explained that the Beach Watch lease allows them to rent certain water sports, however, they are obligated to notify the City of any such arrangements. He confirmed the Beach Watch tenants did not inform the City of their negotiations with this vendor.

Mayor Castro suggested that staff send a letter reminding them of their obligation to abide by the terms of the lease.

Commissioner Duke noted Assistant City Manager Donnelly's time is too valuable to be spent on this issue. He suggested we abandon the idea.

It was the Commission consensus for the City Manager to bring back a recommendation.

## 11. Commission Comments

### 11.1 Commissioner Anton

Commissioner Anton advised that on Tuesday, August 4<sup>th</sup> we would be having a meeting to solicit input from the citizens on the Noise Mitigation Program proposed by the Broward County Aviation Department. He noted our Airport attorneys and a consultant who specializes in Sound Mitigation will attend the meeting. Commissioner Anton indicated that this meeting has been

properly advertised so our residents are aware of the opportunity they have to be heard. He stated that we will compile the information we need to send to Broward County by September 1, 2009, based on the public comments received on August 4<sup>th</sup>.

#### 11.2 Commissioner Duke

Commissioner Duke had no comments.

#### 11.3 Commissioner Jones

Commissioner Jones noted he was appointed to the Memorial Health Care District by Governor Charlie Crist.

Commissioner Jones noted the coconut palms need to be trimmed along the northwest area of 4<sup>th</sup> Avenue.

Commissioner Jones noted that CW Thomas Park has a lot of garbage on the weekends. He remarked it takes a common effort to keep our parks clean.

#### 11.4 Vice-Mayor McElyea

Vice-Mayor McElyea noted that the American flags at both cemeteries are tattered and torn. He also noted that a light needs to be put on the flag.

Vice-Mayor McElyea noted that two street lights are out near Paolo's Restaurant on Dania Beach Boulevard. He also advised that seven lights are out on US1, between Old Griffin Road and Dania Beach Boulevard. He suggested the COP's program group check the lights and report to Lynn Shatas of Florida Power and Light who will take care of the problem.

#### 11.5 Mayor Castro

Mayor Castro noted a Living Green Fair will be held November 14-15 at John U. Lloyd State Park. She indicated that she is on board for this event and a lot of vendors as well as major sponsors have confirmed their participation.

Mayor Castro noted Governor Crist will be at FAU/SeaTech tomorrow.

Mayor Castro noted that speed on Griffin Road is out of control and we need to do something to slow down traffic.

Mayor Castro referred to a recent incident where some houses lost power in the City. She contacted Lynn Shatas, Florida Power and Light, who immediately moved the work order forward. Mayor Castro commended Ms. Shatas for her usual cooperation and assistance to the citizens of Dania Beach whenever we need her.

Mayor Castro advised that the American Legion Post 304 will be celebrating their 60<sup>th</sup> anniversary gala/fundraiser on October 10<sup>th</sup>. She provided their contact number for anyone who would like to support this event.

## 12. Appointments

### Airport Advisory Board

Vice-Mayor McElyea appointed Chris Johnston.

### Marine Advisory Board

Commissioner Jones appointed Peggy Brusjardin and Clayton Bailey.

**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 noted we would be advertising in the Dania Beach Press, and asked the Commission for any suggestions to be included in future issues.

City Manager Baldwin advised that Assistant City Manager Donnelly will be providing a monthly report on Grants. He distributed a copy of the report for July 2009 and asked the Commission if they would like any changes or additions incorporated in future reports.

Bob Daniels, Community Development Director, noted that at the request of the Port Everglades Authority, he will be sending a letter of no objection regarding the proposed additional right-of-way along Eller Drive.

### 13.2 City Attorney

City Attorney Ansbro had no comments.

### 13.3 City Clerk - Reminders

Wednesday, July 29, 2009 - 9:00 a.m.	Budget Workshop, followed by a Special Meeting
Tuesday, August 4, 2009 - 7:00 p.m.	Discussion of Noise Mitigation Proposals
Wednesday, August 5, 2009 - 6:00 p.m.	CRA Board Meeting
Tuesday, August 11, 2009 - 7:00 p.m.	City Commission Meeting
Tuesday, August 18, 2009 - 6:00 p.m.	Commission Workshop Unified Zoning Code
Tuesday, August 25, 2009 - 7:00 p.m.	City Commission Meeting

14. Adjournment

Mayor Castro adjourned the meeting at 10:41 p.m.

ATTEST:

CITY OF DANIA BEACH

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LOUISE STILSON, CMC  
CITY CLERK

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ANNE CASTRO  
MAYOR-COMMISSIONER

Approved: August 11, 2009