

MINUTES OF REGULAR MEETING  
DANIA BEACH CITY COMMISSION  
TUESDAY, SEPTEMBER 22, 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 Mario Cinelli, Lighthouse Community Church, gave the invocation followed by the Pledge of Allegiance to the United States Flag.

3. Presentations and Special Event Approvals

3.1 Presentation concerning the future of the City's Group Health Plan, Lloyd Rhodes, Rhodes Insurance Group

Mary McDonald, Director of Human Resources and Risk Management, noted that we have seen a big spike in our premiums during this fiscal year. She indicated that in order to keep the premiums equivalence at an affordable rate, we borrowed money from our surplus funds. Director McDonald advised that Mr. Rhodes will explain the options available to us in the future.

Lloyd Rhodes, Rhodes Insurance Group, noted that they specialize in group insurance, particularly for the public sector, and they have been in business for over 22 years. He provided a PowerPoint overview of the City's Self-Funded Group Health Plan, which is attached to and incorporated into these minutes. Mr. Rhodes advised this is the time to take the necessary steps before the surplus is exhausted.

3.2 Special Event Request for Cut for the Cure - Partners in Pink, to be held on Sunday, October 18, 2009 from 10:00 a.m. to 5:00 p.m.

Coleen Evans, President of Salon Enchanted, 3416 Griffin Road, explained they will be cutting hair inside and outside their shop, to raise funds for the Susan G. Komen Foundation.

**Commissioner Jones motioned to approve the Special Event Request for Cut for the Cure; seconded by Vice-Mayor McElyea. The motion carried unanimously.**

- 3.3 Special Event Request for the American Legion Post 304 60<sup>th</sup> Anniversary Dinner & Dance, to be held at I.T. Parker Community Center on October 10, 2009 from 6:00 p.m. - 11:00 p.m.

**Commissioner Anton motioned to approve the Special Event Request for the American Legion Post 304 60<sup>th</sup> Anniversary Dinner and Dance, seconded by Commissioner Jones. The motion carried unanimously.**

- 3.4 Special Event Request for the American Legion Symphonic Band Concert to be held at I.T. Parker Community Center on October 3, 2009 at 7:00 p.m.

**Commissioner Anton motioned to approve the Special Event Request for the American Legion Symphonic Band Concert, seconded by Commissioner Jones. The motion carried unanimously.**

John P. Vazquez, Commander, Post 304, noted that they are offering a free concert to the community to celebrate the 60<sup>th</sup> Anniversary of Post 304.

- 3.5 Fee waiver request for the American Legion Post 304 to use the I.T. Parker Community Center on October 3, 2009 and October 10, 2009. (Approved by the Parks, Recreation and Community Affairs Advisory Board)

**Vice-Mayor McElyea motioned to approve the fee waiver request for the American Legion Post 304 to use the I.T. Parker Community Center; seconded by Commissioner Jones. The motion carried unanimously.**

#### 4. Proclamations

- 4.1 Marshall LaBree American Legion Post 304 Week

Vice-Mayor McElyea and Commissioner Anton presented the proclamation to John P. Vazquez, Commander, Marshall LaBree American Legion Post 304.

#### 5. Citizen Comments

Jimmy Crimminger, 237 SW 15<sup>th</sup> Street, noted the Dania Lions Club will hold their make-up date for the fundraiser auction on Sunday, October 4, 2009 at 1:00 p.m. at Dania Jai Alai.

Elizabeth DelSapio, 417 SE 4<sup>th</sup> Terrace, discussed the Linear Park and Traffic Calming Project on NE 5<sup>th</sup> Avenue. She noted that her 24-year old tree was cut down in the swale without prior notice. Ms. DelSapio advised that she has hired an attorney to represent her in the roundabout construction. She provided for the record, a petition signed by neighbors in the area requesting the closure of SE 4<sup>th</sup> Terrace at the intersection of SE 5<sup>th</sup> Avenue. (Attached)

## 6. Public Safety Reports

Donn Peterson, BSO Chief of Police, was present to answer questions.

City Manager Baldwin noted the Mayor received a letter from the Florida Department of Transportation (FDOT) regarding Griffin Road and forwarded it to Chief Peterson.

Ben Rudbeck, Fire Department, noted they are monitoring the effects that the H1N1 virus will have on the Fire Department and the City. He indicated that they will switch to their new EMS reporting system in October which will increase the efficiency and accuracy of this process.

## 7. Consent Agenda

***Items added to Consent Agenda: #7.12***

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

- 7.1 Minutes:  
Approve minutes from September 8, 2009 City Commission meeting
- 7.2 Travel Requests: None

## **Resolutions**

### 7.3 RESOLUTION #2009-184

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO PURCHASE FLOOD INSURANCE FROM AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA IN AN AMOUNT NOT TO EXCEED \$23,619.00 FOR THE PERIOD EXTENDING FROM OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

### 7.4 RESOLUTION #2009-186

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH OPTUM SPECIALTY BENEFITS TO PROVIDE SPECIFIC AND AGGREGATE REINSURANCE COVERAGE IN CONNECTION WITH THE CITY'S SELF-FUNDED GROUP HEALTH PLAN; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.5 RESOLUTION #2009-183

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIVE YEAR EXTENSION FOR AN INTERLOCAL AGREEMENT EXISTING BETWEEN THE CITY AND BROWARD COUNTY PERTAINING TO LANDSCAPE AND IRRIGATION SYSTEM EVALUATIONS CONDUCTED BY BROWARD COUNTY NATURESCAPE IRRIGATION SERVICE; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.6 RESOLUTION #2009-182

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA AUTHORIZING THE CITY MANAGER TO CONTRACT FOR THE PURCHASE OF SUPPLIES, SERVICES, EQUIPMENT AND MATERIALS FROM ENVIRONMENTAL REAGENT SERVICE, INC., IN AN AMOUNT NOT TO EXCEED \$10,000.00 IN FISCAL YEAR 2008/2009; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.7 RESOLUTION #2009-181

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA AUTHORIZING THE CITY MANAGER TO CONTRACT FOR THE PURCHASE OF SUPPLIES, SERVICES, EQUIPMENT AND MATERIALS FROM HD SUPPLY WATERWORKS, LTD., IN AN AMOUNT NOT TO EXCEED \$5,000.00 IN FISCAL YEAR 2008/2009; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.8 RESOLUTION #2009-180

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA AUTHORIZING THE APPROPRIATION OF FUNDS IN CONNECTION WITH THE LINEAR PARK PROJECT IN AN AMOUNT NOT TO EXCEED \$75,000.00; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-180.

Commissioner Duke provided an overview of the Linear Park project which was approved several years ago. He questioned if this was a good use of taxpayer money. Commissioner Duke noted that the fear of a six-lane highway is inappropriate and added that it could still be built if needed. He shared the concerns of the residents in the area and noted this is a problem we need to fix.

Commissioner Anton noted the residents should have been notified before the trees were cut. He stated that transportation cannot take away a park, and this is the reason the park was installed. Commissioner Anton indicated that several meetings were held regarding the landscaping to address the needs of the residents. The roundabout is a problem issue; it is on City property and does encroach on private property. He would support a cul-de-sac in the area which would take away a large part of the impact. Commissioner Anton stated that the funding for the work described on this item is derived from the Tree Preservation Fund. He thought this project would increase the property values in that neighborhood.

Colin Donnelly, Assistant City Manager, noted the funds for the Linear Park project come from the GO Bond. He further advised that \$50,000 was a donation from Florida Power and Light.

Commissioner Jones noted that a meeting was held at Frost Park while he was the Mayor. He said we need to do a better job with communication in the City. Commissioner Jones provided the history of how this project developed. He thought the Linear Park was a good idea until the residents started to complain. Commissioner Jones stated that we now have to move forward with the project. He would like us to look at opportunities for local nurseries to provide the trees for the Linear Park.

Mayor Castro clarified for the record that the contractor decided to remove the trees, as opposed to relocating them, because she did not think they would survive. They will be replaced with trees of the same caliper or larger, at no cost to the City.

Dominic Orlando, Director of Public Services, noted that additional costs have occurred in the project. He indicated that some additional stormwater drainage work had to be added, which was not originally included in the contract. Furthermore, we need to present some changes in the design as well as additional construction costs. Director Orlando confirmed that the proposed drainage work should address the flooding problems in the area. He advised that the Linear Park project is almost complete, except for the walkway which is part of the traffic calming project.

Vice-Mayor McElyea noted the Linear Park was the idea of former Commissioner Bob Mikes. He said the roundabout will cause more accidents.

Commissioner Duke noted he is the only Commissioner that is a certified appraiser in the state, and remarked that the Linear Park will not increase property values. He noted it is not a park, it is open space. Commissioner Duke once again questioned if we need to spend \$500,000 at this time for this park.

Director Orlando thanked the residents for their comments.

Mayor Castro noted she never heard a reference to a six-lane highway, only four. She further said that under the Broward County Land Use Plan, green space and parks represent the same thing. Mayor Castro thought using roundabouts as traffic calming was a good idea. She noted the design slows traffic and allows room for landscape, which also enhances the area. Mayor Castro stated this is a good project that will also take care of flooding in the neighborhood, and the residents will enjoy it once it is finished. Lastly, she noted that we still have work to do and asked the residents to be patient until its completion.

**Commissioner Jones motioned to adopt Resolution #2009-180 with the caveat that we use vendors within the City of Dania Beach, and negotiate a good price; seconded by Commissioner Anton. The motion carried on the following 3-2 Roll Call vote:**

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

7.9 RESOLUTION #2009-178

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA ESTABLISHING BUILDING AND PERMIT AND RELATED FEES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.10 RESOLUTION #2009-185

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING EXPENDITURE OF \$1,900.00 FROM CONTINGENCY FUND TO COVER THE COST OF UNFORESEEN ADDITIONAL REFURBISHMENT EXPENSES FOR THE MEDICAL SUPPLY FACILITY AT FIRE STATION 1; PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.11 RESOLUTION #2009-187

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT FOR PUBLIC TRANSPORTATION SERVICES BETWEEN BROWARD COUNTY AND THE CITY OF DANIA BEACH FOR PUBLIC TRANSPORTATION SERVICES FOR A TERM EXTENDING TO SEPTEMBER 30, 2012; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-187. He clarified this is a 3-year contract. City Attorney Ansbro also noted that Broward County has substantially reduced the funding for the community bus service. He advised that Broward County has the ability to terminate the contract giving us a 60-day notice. City Attorney Ansbro asked the County to allow the City to do the same in the event we do not want to continue with the program, but they did not agree to our request. He recommended approval of the Interlocal Agreement tonight and approach the County Commission at a later date, for an amendment to include the “termination for convenience” clause for the City.

Nicki Satterfield, Acting Finance Director, noted we are fully funding this service in the upcoming budget.

**Commissioner Jones motioned to adopt Resolution #2009-187; 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>		

*Item #9.5 was discussed after Item #7.11*

**Addendum**

7.12 RESOLUTION #2009-188

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT ON BEHALF OF THE CITY WITH THE DANIA BEACH REDEVELOPMENT AGENCY; PROVIDING FOR CONFLICTS, FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

**Commissioner Anton motioned to adopt the Consent Agenda, with the addition of Item #7.12, and the exception of Items #7.8 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>
<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

*Item #8 was discussed after Item #9.5*

8. Bids and Requests for Proposals

8.1 RESOLUTION #2009-179

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, RELATING TO THE AWARD OF A CONTRACT FOR THE INFILTRATION AND INFLOW PHASE 2 IMPROVEMENT PROJECT, USING STATE REVOLVING FUNDS; AUTHORIZING THE AWARD OF BID TO USSI, LLC F/K/A UTILITY SEALING SERVICES, INC. IN THE AMOUNT OF \$112,875.00; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-179.

Dominic Orlando, Director of Public Services, noted that he was involved in the design of the LDL Plug, for which a patent is being sought, however, he has nothing in writing. He clarified that if he makes money from this, he will donate a portion of his proceeds to the City to use for charities.

Commissioner Jones was concerned to see that we only received one bid for this project.

Director Orlando clarified that, although several vendors attended the mandatory meeting, they were interested in Phase 3 of this project. He further noted that this is a very specialized job which is not done by a lot of companies.

**Commissioner Anton motioned to adopt Resolution #2009-179; 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. Public Hearings and Site Plans

City Attorney Ansbro advised the remaining items were quasi-judicial matters and swore-in those who would speak. He asked the Commission to disclose any communication they had on these matters.

Mayor Castro noted she spoke to Mr. Hank Thomas.

9.1 RESOLUTION #2009-173

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST MADE BY RICHARD M. MOGERMAN, P.A., REPRESENTING THE PROPERTY OWNER BRI, LLC, FOR A THIRD EXTENSION (SECOND EXTENSION WAS APPROVED ON AUGUST 12, 2008 AND EXPIRES ON AUGUST 12, 2009) AND ASSOCIATED PERVIOUS AREA WAIVER, RELATING TO THE APPROVAL OF SITE PLAN REQUEST SP-77-06 BY RESOLUTION NO. 2008-128, FOR PROPERTY LOCATED AT 47 NORTH BRYAN ROAD, IN THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-173.

Kristin Dion, City Planner, explained the request is for a 12-month extension of a previously approved site plan to construct an office/warehouse building. She noted that the applicant has had problems with financing. Ms. Dion advised that staff is recommending approval subject to the same conditions included in the original resolution.

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

**Vice-Mayor McElyea motioned to adopt Resolution #2009-173; seconded by Commissioner Anton.**

Richard Mogerma, on behalf of BRI, LLC, responded for Commissioner Jones that the project is not for sale. He noted that due to the current economic conditions, the project has been stalled indefinitely. Mr. Mogerma hoped that within the next year the financing climate would improve so they can move forward with the project.

Commissioner Duke noted that we should not base our approval on whether the project is for sale or not. He remarked that the entitlements run with the land, irrespective of who owns it.

City Attorney Ansbro clarified that about three years ago the City experienced several cases where people were selling their properties after obtaining entitlements from the City, but nothing was being built. As a result of this we adopted an ordinance prohibiting the sale of entitlements without Commission approval.

**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>
Minutes of Regular Meeting			8
Dania Beach City Commission			
Tuesday, September 22, 2009 – 7:00 p.m.			

<b>Commissioner Duke</b>	<b>Yes</b>	<b>Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Jones</b>	<b>Yes</b>		

9.2 RESOLUTION #2009-174

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST SUBMITTED BY STEVEN M. SINGER, MANAGING MEMBER REPRESENTING T J & F – RAVENSWOOD LLC, FOR AN EXTENSION TO VARIANCE VA-14-08 ORIGINALLY APPROVED BY RESOLUTION 2008-136 AND SITE PLAN SP-13-08 ORIGINALLY APPROVED BY RESOLUTION 2008-137 ON AUGUST 26, 2008, FOR PROPERTY LOCATED AT 5481 RAVENSWOOD ROAD IN THE CITY OF DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-174.

Kristin Dion, City Planner, explained the location of the property. She noted the request is for an extension of a previously approved site plan and variance for the construction of an office building. The applicant is asking for a 12-month extension due to the economy and lack of leasing commitments. Ms. Dion advised that staff is recommending approval with conditions.

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

Alan Dezii, one of the owners of the project, noted they are trying to delay construction until the economy improves.

**Commissioner Anton motioned to adopt Resolution #2009-174; 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>		

9.3 RESOLUTION #2009-175

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE SPECIAL EXCEPTION REQUEST SUBMITTED BY HANK THOMAS WITH THE FIRM GREENHILL DEVELOPMENT COMPANY, REPRESENTING THE CITY OF DANIA BEACH, FOR PROPERTY LOCATED AT 100 WEST DANIA BEACH BOULEVARD, DANIA BEACH TO ALLOCATE 180 RESIDENTIAL UNITS; 42,644 SQUARE FEET OF COMMERCIAL, AND 180 HOTEL ROOMS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-175 and Resolution #2009-176 because they relate to the same property.

Corinne Lajoie, Principal City Planner, explained that the applicant is requesting site plan approval to construct a parking garage and office/retail building, and the assignment of residential units, commercial square footage and hotel rooms. She noted that the subject property is the current location of City Hall, associated parking for City Hall, and the vacant land

immediately south of City Hall. Ms. Lajoie further advised that the proposed site plan is divided into two phases: Phase 1 would be the construction of the parking garage; Phase 2 would include the construction of the retail and office space immediately east of the parking garage. She indicated that staff will support the special exception request for three years, to allow time to replat the property and obtain site plan approval. If the proposed development has not occurred within the allotted time, the units, square footage and rooms will return to the LAC or RAC as may be applicable. Staff is recommending approval of the site plan, provided the applicant can address all of staff comments prior to the issuance of a building permit.

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 motioned to adopt Resolution #2009-175, subject to Developers Agreement and CRA Board review; seconded by Commissioner Anton.**

Commissioner Duke was very pleased with the project. However, he would like the façade of the parking garage to look better on both the north and south sides.

Commissioner Anton concurred with Commissioner Duke.

Iraj Shojaie, Architect for the project, noted that he is aware that the elevation for the parking garage has become an issue. He further displayed some renderings of Phase 1 and Phase 2 of the project showing some minor changes.

Hank Thomas, The Greenhill Development Company, advised that he will bring upgraded renderings when the Developers Agreement is presented.

**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>		

#### 9.4 RESOLUTION #2009-176

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE SITE PLAN REQUEST (SP-29-09) SUBMITTED BY HANK THOMAS WITH THE FIRM GREENHILL DEVELOPMENT COMPANY, REPRESENTING THE CITY OF DANIA BEACH FOR PROPERTY LOCATED AT 100 WEST DANIA BEACH BOULEVARD, IN THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

**Commissioner Anton motioned to adopt Resolution #2009-176, subject to Developers Agreement, and CRA Board review; 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>

**Commissioner Jones                      Yes**

***Item #9.5 was discussed after Item # 7.11***

**9.5        RESOLUTION #2009-177**

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE SITE PLAN REQUEST (SP-31-09) SUBMITTED BY MERRILL ROMANIK WITH THE FIRM CUBELLIS, INC., REPRESENTING THE CITY OF DANIA BEACH FOR PROPERTY LOCATED AT 100 WEST DANIA BEACH BOULEVARD, IN THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-177. He swore in all who would speak on this matter.

Corinne Lajoie, Principal City Planner, noted that the applicant is requesting site plan approval to construct a 10,000 square feet public library. She advised that the subject property is the current location of the parking lot for City Hall. New parking spaces will be added on a temporary basis along the south side of City Hall, to provide as many parking spaces as possible during construction. The Planning and Zoning Board, as well as staff, recommended approval provided staff comments are addressed prior to the issuance of a building permit.

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

**Vice-Mayor McElyea motioned to adopt Resolution #2009-177; 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>		

***Item #8.1 was discussed after Item #9.5***

***Discussion and Possible Action was discussed after Item #9.4***

**10. Discussion and Possible Action**

**10.1    Dania Beach Tourism Council Reimbursements**

Mayor Castro gave an overview of the work performed by the Tourism Council with the participation of several volunteers. She noted that Mr. Joe Van Eron has been covering most of the expenses to keep the Tourism Council active, including the cost of maintaining the website, for which he can provide supporting documentation. Mayor Castro asked the Commission to approve funds for the expenses for the Tourism Council for fiscal years 2007/2008 and 2008/2009, so that Mr. Van Eron/Liberty Suites can be reimbursed.

Nicki Satterfield, Acting Finance Director, noted that to date she has not received the receipts.

Commissioner Duke noted he checked the Tourism Council website and it needs to be updated. It does not reference any future events in the City; it also does not provide links to other hotels, other than the Liberty Suites.

**Commissioner Anton motioned to approve the reimbursement of expenses covering the periods October 1, 2007-September 30, 2008 and October 1, 2008-September 30, 2009, subject to receipts being presented; seconded by Commissioner Jones. The motion carried unanimously.**

## 10.2 Development Review Procedures

Corinne Lajoie, Principal City Planner, noted that at the August 18, 2009 Unified Zoning Code Workshop staff proposed an alternate development review process for consideration by the Commission. Based on the recommendations made by the Commission, staff made some changes which are included in the agenda packet. She requested consensus with tonight's presentation in order to incorporate the multi-level process into the One Code.

Commissioner Duke congratulated the Community Development Department staff for a job well done.

It was the consensus of the Commission to move forward with the implementation of the Development Review Procedures.

## 11. Commission Comments

### 11.1 Commissioner Anton

Commissioner Anton noted the Airport Advisory Board received information from a consultant regarding the 9<sup>th</sup> Annual Airport Noise Mitigation Symposium to be held at the Delray Beach Marriott Hotel, October 4-6, 2009, at a cost of \$450. He recommended that our Environmental Consultant, Brenda Chalifour attend, and asked City staff to make the necessary arrangements. Commissioner Anton said we will ask her to provide comments to the Commission on what she learns at this event.

It was the consensus of the Commission to have Attorney Chalifour attend the Symposium.

Commissioner Anton noted he watched the County Commission meeting today where our Recreational Activity Center (RAC) request was approved. He recognized Mayor Castro, Commissioner Duke, Commissioner Jones, as well as staff and the Chamber of Commerce representatives, for their efforts and support.

## 11.2 Commissioner Duke

Commissioner Duke commented that 40<sup>th</sup> Avenue has been repaired. He thanked those involved in getting the job done.

Commissioner Duke noted that the Dania Beach Heights Neighborhood Association will be doing a planting along 4<sup>th</sup> Avenue, with a \$7,500 grant, to celebrate National Volunteers Day, on October 24, 2009.

## 11.3 Commissioner Jones

Commissioner Jones inquired on the status of the community garden. He would like the community to get involved in this project.

Dominic Orlando, Director of Public Services, noted that he met with the Dania Beach Garden Club last week and they reviewed the Linear Park landscape plan, as well as the community garden.

Commissioner Jones asked for the status of the lots provided by the County.

Colin Donnelly, Assistant City Manager, noted the last report received from the County stated that they were going before the Broward County Commissioners to resolve the deed issues on these lots. He will follow up with the County and report back to the Commission.

Commissioner Jones thanked BSO for working hard for the community.

Commissioner Jones noted he received information that there was rust in the water on NW 4<sup>th</sup> Avenue. He asked Public Services Director Orlando to check on this matter.

Commissioner Jones thanked the Commission for their participation and support regarding the RAC application approved by the County today.

Commissioner Jones noted people should start looking at the hospital reform and the many options that are being considered. He spoke about the discussions held at the meeting he attended in Phoenix, Arizona, regarding the proposed Healthcare Bill.

## 11.4 Vice-Mayor McElyea

Vice-Mayor McElyea noted we have problems with thievery of vehicles. He suggested lighting be installed in certain alleys throughout the City.

## 11.5 Mayor Castro

Mayor Castro thanked everyone who showed up at the County today for the RAC application. She noted that the City withdrew the CRA boundary expansion request because County staff

included some conditions. Mayor Castro advised we will be working on this issue in the next few weeks.

Mayor Castro noted that we are working with the City of Hollywood on a new funding process approved by the Metropolitan Planning Organization (MPO) called “hubs around the county”. The “hub” is where the money will get centered. She noted that Hollywood has seven “hubs” and Dania Beach has one “hub” at the Tri-Rail Station, although we would like to move a “hub” closer to the center of our City.

Mayor Castro noted she received a call from Susan Smith, County Commissioner Rodstrom’s assistant, regarding the area south of the Broward Morgue. Ms. Smith was aggravated because the foliage had been treated and is now burnt. Mayor Castro advised that a complaint has been filed with the Environmental Protection Agency (EPA), through Commissioner Rodstroms’ office, for Florida Power and Light to identify the chemicals they used, and also to find out if they are planning to re-plant the lost foliage.

## 12. Appointments

Commissioner Duke appointed Pat Chukerman to the Green Advisory Board.

**Commissioner Jones motioned to approve the appointment; seconded by Commissioner Anton. The motion carried unanimously.**

## 13. Administrative Reports

### 13.1 City Manager

City Manager Baldwin noted the Final Budget Hearing will be held tomorrow night at 7:00 p.m. He encouraged residents to attend the meeting.

Bob Daniels, Community Development Director, reminded everyone that the Westside Master Plan Community Meeting will be on Tuesday, September 29 at 6:00 p.m.

Dominic Orlando, Director of Public Services, provided updates on several City projects. He indicated that they are planning to break ground on the Library project in November this year, and construction would take approximately 12 months. Director Orlando further noted that the two mausoleums are currently being built. He advised that the Southwest Community Center should be completed by the end of this year. Lastly, Director Orlando said that the Public Services Complex is expected to be finished by May, 2010.

Mayor Castro would like the Director of Public Services to provide a monthly report of City projects in progress.

### 13.2 City Attorney

City Attorney Ansbro advised that the City sent a Notice of Lease Default to the Beach Watch Restaurant tenants for unlawfully trying to sub-lease the operation without advanced City Commission approval. He noted that they have filed a suit against the City and we filed suit for eviction today. City Attorney Ansbro further stated that from now on, he will not be reporting on this issue while the litigation proceeds, other than to the members of the Commission personally.

### 13.3 City Clerk - Reminders

Wednesday, September 23, 2009 - 7:00 p.m.	Final Public Hearing FY 2009/2010 Budget
Wednesday, October 7, 2009 - 6:00 p.m.	CRA Board Meeting
Tuesday, October 13, 2009 - 7:00 p.m.	City Commission Meeting
Thursday, October 22, 2009 - 6:00 p.m.	Abatement Hearing
Tuesday, October 27, 2009 - 7:00 p.m.	City Commission Meeting

### 14. Adjournment

Mayor Castro adjourned the meeting at 9:36 p.m.

ATTEST:

CITY OF DANIA BEACH

---

LOUISE STILSON, CMC  
CITY CLERK

---

ANNE CASTRO  
MAYOR-COMMISSIONER

Approved: October 13, 2009