

MINUTES OF REGULAR MEETING  
DANIA BEACH CITY COMMISSION  
TUESDAY, OCTOBER 27, 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

Mayor Castro gave the invocation followed by the Pledge of Allegiance to the United States Flag.

3. Presentations and Special Event Approvals

- 3.1 Request from the School Board of Broward County Florida, for Beach Clean-up on Saturday, November 21, 2009

**Commissioner Jones motioned to approve the Beach Clean-up; seconded by Vice-Mayor McElyea. The motion carried unanimously.**

Mayor Castro noted that we received a late Special Event Request.

Jason Wenig noted the Wolfsonian Florida International University Fundraiser is scheduled to be held on Friday, November 13, 2009 from 7:00 p.m. – 11:00 p.m. The event is a fundraiser/cocktail reception that will be held at the Creative Workshop, 118 Hill Street, sponsored by Jason and Kim Wenig, owners of the property. The Creative Workshop will display rare and exotic cars in all phases of reconstruction ranging from the one of a kind Ghia-bodied Abarth, the Pebble Beach Award winning Stanguellini Bialbero, and the workshop's most famous car, the Sport Speciale, shipped in especially for the event.

Mayor Castro noted she first heard of this event when we provided some City of Dania Beach pins and maps for the bags that would be given to guests in attendance. She said this would be a great opportunity to showcase our City.

**Vice-Mayor McElyea motioned to approve the Special Event request for the Wolfsonian Florida International University Fundraiser to be held at the Creative Workshop, subject to BSO, Fire Department and staff approvals; seconded by Commissioner Duke. The motion carried unanimously.**

### 3.2 Presentation by Brenda Chalifour on the Noise Mitigation Symposium

Brenda Chalifour, Environmental Consultant for the City of Dania Beach, noted she attended the 9<sup>th</sup> Annual Noise Mitigation Symposium in Delray Beach on October 5-6, 2009. She advised that the purpose of the symposium was to bring together the Federal Aviation Administration (FAA), airports, community groups, consultants and manufacturers to share their collective experiences and ideas on maximizing the benefits of noise mitigation. Ms. Chalifour remarked that there is a phenomenal amount of information that we need to know that we will not receive from Broward County. She further advised that the Broward County Commission requested \$300M from the Federal Government to move forward with the south runway; the vote was 7-1, with Commissioner Rodstrom opposing the proposal. Lastly, Ms. Chalifour indicated that the Airport Advisory Board made recommendations based on information she provided them from the symposium.

Commissioner Anton asked Ms. Chalifour to provide the information to the City Clerk to post to the Website. He also asked staff to send the information to Attorney Neal McAliley at White and Case.

Discussion followed between Commissioner Jones and Ms. Chalifour regarding one of the recommendations made by the Airport Advisory Board which refers to the lender/mortgage company approval to add Avigation Easements to homeowner's property.

Mayor Castro pointed out that Broward County has not addressed how the restriction on a property deed would impact the value of a home. She added that we all need to educate ourselves on the right sequence of events in order to protect everyone in our community.

Jay Field, Chairman of the Airport Advisory Board, requested the Commission direct staff to continue to attend their meetings and transcribe their minutes, although their by-laws state that their secretary will do them.

*Citizen Comments were heard after Item #3.2*

*Proclamations were heard after Citizen Comments*

## 4. Proclamations

### 4.1 350.org Day

Commissioner Jones read the proclamation for 350.org Day.

***Public Safety Reports were heard after Proclamations***

***Citizen Comments were heard after Item #3.2***

5. Citizen Comments

Clive Taylor, 642 NE 3<sup>rd</sup> Street; Craig McAdams, 320 NE 2<sup>nd</sup> Court; Gary Rowe, 5310 SW 22<sup>nd</sup> Avenue; and Mike Grady, 4501 SW 42<sup>nd</sup> Avenue, members of the Marine Advisory Board, noted the Assistant City Manager attended their meeting and indicated the City may have the management of the marina outsourced. The Board members want to preserve the beauty of our community and turn the marina into a boaters' park. Mr. Rowe noted they want to save money for the City, and a park is open to thousands of people, whereas a marina is only open to marina customers. They want a sign installed so boaters will know there is free beach access. He indicated funding could come from the County. Mr. McAdams noted he is opposed to taking public land and turning it over to private industry. He said there are other types of activities that the City needs to pursue. This would be a positive attraction for Dania Beach. Mr. Grady noted this should be a place that people look forward to visiting; a multi-purpose place that includes kayaking, canoeing, fishing, boating, picnicking, etc.

Jimmy Crimminger, 237 SW 15<sup>th</sup> Street, noted the Dania Lions Club will have a "pasta" dinner night on November 10. He also advised that last Saturday, October 24, IGFA had an event attended by dignitaries who were all very impressed with our City.

Lisa Duke, 2860 Marina Mile #109, presented pictures from the Saturday, October 24 Linear Park plantings. She advised that 11,000 square feet of park around the cemetery was built with grant funds. Ms. Duke thanked everyone involved for their support to this project.

Robert Keller, 2460 SR 84, hotel owner, noted the Commission approved an event at the Rodeway Inn last week which turned out to be disastrous. He indicated he owns a 300-room hotel and for nine hours nobody could sleep. Mr. Keller advised that he had to pay for a special detail to keep people outside his property. He pointed out that this has happened before, where BSO had to shut down the place. Mr. Keller asked the Commission to consider the neighbors when approving future events.

Moses Padro, 1200 S. Federal Highway, owner of Moe Moe's Brooklyn Hot Dogs, has been a resident of Dania Beach for three years. He thanked everyone at the City for giving him the opportunity to open the restaurant. Mr. Padro invited everyone to visit the restaurant and noted that he would gladly provide food for fundraisers.

Patrick Phipps, PO Box 897, noted the volunteers did an exceptional job on Saturday at the Linear Park on SW 4<sup>th</sup> Avenue next to the cemetery. He thanked the City employees that participated. Mr. Phipps also welcomed Moe Moe's Hot Dogs restaurant to the City of Dania Beach.

*Proclamations were heard after Citizen Comments*

*Public Safety Reports were heard after Proclamations*

6. Public Safety Reports

6.1 H1N1 Update – Jack McCartt, Fire Chief

Jack McCartt, Fire Chief, reminded everyone it is Fire Prevention Month, and fire detectors were available through the Fire Department.

Chief McCartt provided an overview of the information that was included in the agenda packet. He advised that funding is not available from the US Government, and the vaccine is not widely available at this time. Chief McCartt noted that there are several plans to open local “Points of Distribution” (PODs). He indicated that health care providers would be the first to receive the vaccination so that they do not infect others they are in contact with. This would be a “Closed” POD and the Fire Department has executed the required documents to operate one. Chief McCartt further said that the estimated cost to operate an “Open” POD would be approximately \$250-\$300 per hour and it would need to be funded by the City. He advised that Broward County Emergency Management is considering opening three PODs throughout the County; the one closest to us is located in the City of Miramar. They asked us to assist at a cost to the City of \$4,000 per week. Chief McCartt noted that most cities are not participating because they consider this to be the Health Department’s responsibility, not a city problem. He also said that the cities of Hallandale Beach and Hollywood are interested in operating a POD with other cities. Chief McCartt remarked that operating an open POD is a costly and labored endeavor that we have not budgeted for, in addition to other issues such as traffic, security, etc. He recommended that we set aside a small contingency fund to operate a POD if needed. Lastly, Chief McCartt noted that they do not have a real recommendation as to which POD to operate at this time.

Commissioner Jones noted the cost of each shot would be \$5.00. He suggested we operate the “closed” POD for our police and firefighters. Secondly, he recommended we wait and see, since this is only a request from the Health Department to participate, not a directive. Commissioner Jones pointed out that if we have an “open” POD, residents from other cities could come for the vaccine. He believes we have funds to cover the \$15,000 expenditure, in case of an emergency.

7. Consent Agenda

*Items removed from Consent Agenda: #7.3*

7.1 Minutes: None

7.2 Travel Requests: None

**Resolutions**

7.3 RESOLUTION #2009-204

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING A LOAN AMENDMENT FOR \$108,228.00 FOR CONSTRUCTION ACTIVITIES ASSOCIATED WITH THE NEW GROUND STORAGE WATER TANK AND REMOVAL OF EXISTING ELEVATED TANK; AUTHORIZING THE CITY MANAGER TO EXECUTE THE LOAN AMENDMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-204.

Commissioner Jones requested clarification.

Dominic Orlando, Director of Public Services, noted this is a housekeeping item. He indicated that the execution of the loan amendment would make more money available to us, although we are not necessarily using it all. Director Orlando further clarified that initially staff was not going to add the water tank to the SRF program, but use our regular Water Fund to cover these costs. However, because of the other projects in progress, we decided to add it in order to have those funds available in case we need them.

Mayor Castro confirmed that the Director of Finance supports the increased debt from the State Revolving Fund.

**Commissioner Jones motioned to adopt Resolution #2009-204; 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>		

7.4 RESOLUTION #2009-205

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA AUTHORIZING THE CITY MANAGER TO PURCHASE REPLACEMENT AND INSTALLATION OF SIDEWALK SERVICES IN AN AMOUNT NOT TO EXCEED \$60,000.00 IN FISCAL YEAR 2009-2010, FROM TRAN CONSTRUCTION, INC. UNDER SOUTHEAST FLORIDA GOVERNMENTAL COOPERATIVE GROUP BID #08-09-036; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.5 RESOLUTION #2009-206

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA AUTHORIZING THE CITY MANAGER TO PURCHASE BULK HIGH-CALCIUM QUICKLIME FROM CARMEUSE LIME, INC., IN AN AMOUNT NOT TO EXCEED \$120,000.00 IN FISCAL YEAR 2009/2010, UNDER THE CARMEUSE PROPOSAL OF CITY OF TAMARAC RESOLUTION NO. R-2009-130; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.6 RESOLUTION #2009-207

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE SERVICES FROM CALVIN, GIORDANO AND ASSOCIATES FOR ENGINEERING SERVICES RELATING TO THE SEWER FORCE MAIN OF THE CITY WITHOUT COMPETITIVE BIDDING; PROVIDING THAT THE COST FOR SUCH SERVICES SHALL NOT EXCEED SIXTY TWO THOUSAND SIX HUNDRED TWENTY DOLLARS (\$62,620.00) PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.7 RESOLUTION #2009-208

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE SERVICES FROM KEITH AND SCHNARS, P.A. RELATING TO PROFESSIONAL SERVICES FOR THE CITY OF DANIA BEACH WATER DISTRIBUTION MODELING PROJECT, SUCH SERVICES NOT TO EXCEED TWENTY FOUR THOUSAND DOLLARS (\$24,000.00); PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.8 RESOLUTION #2009-209

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ANNUAL SERVICE AGREEMENT FOR FISCAL YEAR 2009-2010 WITH UNIFIRST, A SOUTHEAST FLORIDA COOPERATIVE PROVIDER, FOR THE SUPPLY AND MAINTENANCE OF UNIFORMS, IN AN AMOUNT NOT TO EXCEED \$18,000.00 CUMULATIVELY FOR FISCAL YEAR 2009-2010 AND FISCAL YEAR 2010-2011, FROM UNIFIRST UNDER SOUTHEAST FLORIDA GOVERNMENTAL COOPERATIVE GROUP BID #F-3939-05-RD; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.9 RESOLUTION #2009-210

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE SERVICES FROM CALVIN, GIORDANO AND ASSOCIATES FOR DRAINAGE IMPROVEMENTS RELATING TO THE SOUTHEAST SECTION OF THE CITY; PROVIDING THAT THE COST FOR SUCH SERVICES SHALL NOT EXCEED SEVENTY NINE THOUSAND SIX HUNDRED NINETY FOUR DOLLARS AND NINETY SIX CENTS (\$79,694.96); PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.10 RESOLUTION #2009-211

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE SERVICES FROM CALVIN, GIORDANO AND ASSOCIATES FOR PERMITTING RELATED TO DRAINAGE IMPROVEMENTS TO THE SOUTHEAST SECTION OF THE CITY; PROVIDING THAT THE COST FOR SUCH SERVICES SHALL NOT EXCEED FORTY SIX THOUSAND ONE HUNDRED NINETY DOLLARS (\$46,190.00); PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.11 RESOLUTION #2009-212

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 THE BROWARD SHERIFF'S OFFICE, DEPARTMENT OF FIRE-RESCUE, IN AN AMOUNT NOT TO EXCEED \$33,000.00 FOR FISCAL YEAR 2009-2010, FOR THE PURCHASE OF MEDICAL SUPPLIES AND

PHARMACEUTICALS, WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.12 RESOLUTION #2009-213

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 MEMORIAL REGIONAL HOSPITAL IN AN AMOUNT NOT TO EXCEED \$28,000.00 FOR FISCAL YEAR 2009/2010, FOR THE PURCHASE OF MEDICAL SUPPLIES AND PHARMACEUTICALS, WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

**Commissioner Anton motioned to adopt the Consent Agenda, with the exception of Item #7.3; seconded by Vice-Mayor McElyea. 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>		

8. Bids and Requests for Proposals

There were no proposals on this agenda.

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.

9.1 RESOLUTION #2009-201

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA APPROVING THE VARIANCE REQUEST SUBMITTED BY KEITH M. POLIAKOFF, ESQ., REPRESENTING FRONTIER DANIA LLC, FOR PROPERTY LOCATED AT 1780 STIRLING ROAD, IN THE CITY OF DANIA BEACH, FLORIDA, IN CONNECTION WITH THE PROVISIONS OF CHAPTER 28, "ZONING"; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-201.

The Commission noted they spoke with representatives in the past.

Mayor Castro congratulated the applicant on a very nice project.

Kristin Dion, City Planner, presented an overview of the project. She noted the applicant is requesting signage variances for a five-tenant retail plaza, because the code permitted sign area does not provide adequate visibility for the businesses. Ms. Dion advised that the Planning and

Zoning Board recommended approval of the request. Staff also recommended approval, provided the signs be limited to individually illuminated and attached channel letters.

Mayor Castro opened the Public Hearing.

Keith Poliakoff, Attorney for the applicant, presented a Powerpoint overview of the project, which is attached to and incorporated into these minutes. He noted the signage will conform to staff's 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 #2009-201; 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>		

#### 9.2 RESOLUTION #2009-200

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST MADE BY JOSE I. JUNCADELLA, P.A., MANAGER FOR AIRPORT COMMERCE PARK (ACP PARTNERS, LLC), FOR AN EXTENSION TO THE APPROVED SITE PLAN (SP-85-07) BY RESOLUTION 2008-187 AND VARIANCE (VA-55-08) BY RESOLUTION 2008-186, ON OCTOBER 14, 2008 FOR PROPERTY LOCATED AT 4101 RAVENSWOOD 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 #2009-200.

Corinne Lajoie, Principal City Planner, noted this is an extension of a previously approved request. She indicated that some work has been done on the project, but they have not broke ground on the 5<sup>th</sup> building due to the current economic conditions. They are requesting a 2-year extension, until October 14, 2011. Staff recommends approval with the same conditions placed on the site plan as originally identified.

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

**Commissioner Duke motioned to adopt Resolution #2009-200; seconded by Vice-Mayor McElyea. 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 #2009-199

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST MADE BY JOAN LETO, TRUSTEE FOR THE PROPERTY OWNER JOAN LETO TRUST, FOR AN EXTENSION TO THE APPROVED SITE PLAN (SP-41-08) BY RESOLUTION 2008-190; VARIANCE (VA-43-08) BY RESOLUTION 2008-189 AND FLEX ALLOCATION (LUF-42-08) BY RESOLUTION 2008-188 ON OCTOBER 14, 2008, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF STIRLING ROAD APPROXIMATELY ¼ MILE NORTHWEST OF THE I-95/STIRLING ROAD EXIT ON SW 19<sup>TH</sup> COURT, IN THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-199.

Corinne Lajoie, Principal City Planner, noted this is a request for an extension of a previously approved hotel site plan, variance, and flex allocation. The applicant stated that the project has been delayed due to current economic conditions. Staff recommends approval for one year, with the same conditions placed on the site plan as originally identified.

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

Commissioner Duke confirmed with Ms. Lajoie that the City still has acreage available in that zone.

**Vice-Mayor McElyea motioned to adopt Resolution #2009-199; 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>		

9.4 RESOLUTION #2009-202

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE VARIANCE REQUEST SUBMITTED BY JON M. GRANT, GRANT VENTURES DANIA CONDOS LLC, FROM CHAPTER 28, "ZONING", ARTICLE 6.21 "SCHEDULE OF OFF-STREET PARKING REQUIREMENTS" AND BROWARD COUNTY ZONING CODE ARTICLE XLVII. "LOW-DENSITY MULTIPLE R-3 DISTRICT", FOR PROPERTY LOCATED AT 4638 AND 4648 SW 32<sup>ND</sup> AVENUE, IN THE CITY OF DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-202 and Resolution #2009-203 because they relate to the same property.

Kristin Dion, City Planner, provided an overview of the proposed project which is located within the Westside Master Plan study area. The applicant is requesting flex allocation, variances and site plan approval for the construction of a 20-unit apartment building. She noted that the Planning and Zoning Board recommended approval of the site plan and variance requests with conditions. Staff recommends approval of the flex units for one year, during which time if development has not occurred, the units will be returned to the City's flex zone. Ms. Dion stated that staff also recommends approval of the variances and site plan requests, with staff conditions.

Ms. Dion indicated that staff received a letter of concern today from an adjacent owner to the south. She advised that staff addressed their concerns and will contact them to let them know the outcome of the public hearing.

Mayor Castro opened the Public Hearings.

Pat Tyra, 2912 SW 54<sup>th</sup> Street, indicated there was not enough parking for visitors on this project.

Jay Field, 4501 SW 30<sup>th</sup> Way, expressed his concerns regarding the parking situation. He pointed out that variances are supposed to be given for hardships. Mr. Field indicated the letter from the Federal Aviation Administration should be for the actual height of the structure. He remarked the City should review the ordinances to note that the buildings that would be impacted by the Airport Expansion should be sound reduced.

Corinne Lajoie, AICP, Principal Planner, noted that the City does not currently have sound requirements.

Jon Grant, attorney for the applicant, noted the roof is being constructed according to soundproofing requirements, as well as the windows and doors. It will be sound mitigated and soundproof.

Mayor Castro noted we need to hold a workshop to address Airport concerns.

Jimmy Crimminger, 237 SW 15<sup>th</sup> Street, supported the project and added that the project fits with the desires of the community.

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

**Commissioner Duke motioned to adopt Resolution #2009-202; seconded by Vice-Mayor McElyea. 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>		

#### 9.5 RESOLUTION #2009-203

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE SITE PLAN REQUEST (SP-30-09) AND LAND USE FLEX ASSIGNMENT (LUF-33-09) SUBMITTED BY JON M. GRANT, GRANT VENTURES DANIA CONDOS LLC, FOR PROPERTY LOCATED AT 4638 SW 32<sup>ND</sup> AVENUE, IN THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

**Commissioner Duke motioned to adopt Resolution #2009-203; seconded by Vice-Mayor McElyea. 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>		

10. Discussion and Possible Action

10.1 Discussion on whether to cancel the December 22, 2009 City Commission meeting

**The Commission motioned to cancel the December 22, 2009 City Commission meeting. The motion carried unanimously.**

10.2 Southeast Traffic Calming – Commissioner Duke

Commissioner Duke wants to clear the misinformation; follow-up what has occurred since the last meeting so that we are all on the same page; and schedule a workshop with all the residents in the SE area so we get a clear understanding of what they want and how we can help them. He said that Ms. DeSapio cut her vacation short and returned to Florida because she was told that Vice-Mayor McElyea went to her house and told her family that the City is trying to bring the roundabout project back and she needs to attend the meeting. She cut her vacation short because she thought we were putting the roundabout back in play. Commissioner Duke said we have to be careful when we disseminate information to residents who may be impacted. He noted Kurt Ely, Chairman of the Parks and Recreation Board, told another member of the Board to be careful because the City is going to close Dixie at 2<sup>nd</sup> Street and divert all traffic onto 10<sup>th</sup> Street, which is not true. He asked the timeline for the removal of the roundabout and to make repair of the residents' property.

Dominic Orlando, Director of Public Services responded it would take the firm 2 weeks to remobilize.

Commissioner Duke noted he would like to have the project done by the holidays.

Director Orlando confirmed that nothing has been done on the site since the last meeting.

City Manager Baldwin clarified that there has been no contact with the residents since the last Commission meeting.

Commissioner Duke would like to have a City liaison assigned to keep the residents updated on this project. He noted Assistant City Manager Donnelly could be the liaison. Commissioner Duke asked to schedule a public workshop to address the concerns of the community and all of the southeast issues. He indicated that some people are concerned that there will not be any traffic calming installed in that area. Commissioner Duke said we need to hold off on using these funds for other areas of the City and that the southwest traffic calming should be addressed separately from this issue. He advised he met with Kimley-Horn today who assured him that altering the circle on 5<sup>th</sup> Avenue will not compromise the integrity of the traffic calming devices

in the neighborhood. Commissioner Duke asked City Manager Baldwin to advertise the Southeast Traffic Calming workshop. He pointed out that our goal is to seek solutions, communication and transparency.

Mayor Castro noted she has grave concerns because people are upset that we stopped the project. She stated that before we spend more money ripping the circle out and restoring the road the way it was, we should have the workshop to find out what the residents want. Mayor Castro asked Commissioner Duke to change his request.

Director Orlando noted we are dealing with two different issues. The traffic calming was requested by the residents and we should proceed with project, except for the traffic circle at 4<sup>th</sup> Terrace. He indicated that all items on this project were previously agreed and approved.

Mayor Castro remarked that nobody knew the circle would be so large and the impact it would have.

Director Orlando provided an overview of the original project and the expenses involved.

Mayor Castro stated that we need to go back to the neighborhood and see what they want. She said that she does not want to keep going between the two groups; she wants everyone to be happy. Mayor Castro asked the Commission to hold the workshop before we proceed with the work.

Vice-Mayor McElyea noted he owes Ms. DelSapio an apology; he did not mean to shorten her vacation. He indicated that the work should have stopped the next morning, since it is the Commission who dictates, not staff. Vice-Mayor McElyea remarked that he does not like roundabouts and that he will vote again to remove the roundabout.

Commissioner Duke said that we have to remove the circle now. He spoke about the decrease in value of the impacted homes. Commissioner Duke reiterated that the 5-0 motion made at the October 13, 2009 meeting should stay and the traffic circle should be removed immediately.

Commissioner Anton noted the circle is bigger than anyone expected. He indicated that we had workshops and the installation of the circle was the decision of the people. Commissioner Anton further stated that he does not believe that a traffic calming device that negatively impacts a resident should have been built. He does not understand why Broward County is making us have such a large circle. Commissioner Anton said that before we remove it we need to have a workshop with the people. He also noted that if Boyd Gaming moves forward with their project, we will need to address the traffic calming issue. We need to find out what the rest of the people want before we spend more money tearing something out. Commissioner Anton supported the idea of the workshop in order to do things right. He spoke about the meeting held at Frost Park on March 18, where staff said they would follow up with the residents, and nothing was done.

**Commissioner Anton motioned to stop everything until we hold the Southeast Traffic Calming workshop, to be scheduled as soon as possible.**

Mayor Castro agreed that the circle has to go; however, we may still use some of the elements of what has been constructed.

**Commissioner Jones seconded the motion provided we start making the people affected whole, to fix their properties back to normal, and have a workshop to address all capital projects within the City so that Commissioners can be brought up to speed.**

Commissioner Anton agreed with Commissioner Jones but noted that this specific issue needs to be addressed first.

Commissioner Duke noted that everyone knows the roundabout is wrong and should be torn out now. He remarked that it is a mistake and added that we can have the workshop later.

Commissioner Jones indicated that he still wants the workshop and a copy of Broward County's criteria regarding roundabouts. He wants an explanation as to why we do not have any control on our roadways. Commissioner Jones would also like to see other alternatives as to what we can argue with the County on this issue.

**Mayor Castro clarified the motion made by Commissioner Anton and seconded by Commissioner Jones, stating that staff will stop all the work until the Southeast Traffic Calming workshop is held within two weeks; the people affected will be made whole, and their properties will be fixed and put back to normal.**

Maggie Fernandez, 415 SE 4<sup>th</sup> Terrace, noted that it is evident and clear that the roundabout is wrong. She said that some members of the Commission intend to go back on their word to the residents. Ms. Fernandez further indicated that the workshop would help and that, although we all know that traffic calming is needed, the decision should not be left to the residents, but to the experts. She thought the City needed to move forward and make the residents in the area whole. Ms. Fernandez spoke about other safety concerns, such as poor lighting, and people circumventing the traffic barricades. She said that delaying the removal of the circle does not benefit anyone and it goes against what was promised to the residents two weeks ago.

Elizabeth DelSapio, 417 SE 4<sup>th</sup> Terrace, thanked the Commission for making the neighbors whole but remarked that she does not want the roundabout.

Commissioner Anton noted the roundabout will go away. However, we want to hear the comments of the residents before we spend any more money.

Ms. DelSapio noted the roundabout is a waste of taxpayer money.

Mayor Castro clarified that the roundabout is not the item for discussion at the workshop. She reiterated the roundabout is going away.

Ms. DelSapio confirmed the circle would be eliminated.

Sue Rybski, 406 SE 4<sup>th</sup> Terrace, questioned how they would be notified of the workshop.

Mayor Castro noted the residents would be notified and the information would be posted to the City Website as well. She encouraged residents to attend and be heard.

Ms. Rybski said she now has a better understanding of the process. She questioned the other traffic calming projects.

Mayor Castro responded they will all be addressed at the workshop.

Commissioner Duke noted that we are all on the same page. He indicated that the solution is to meet and decide what is best for the residents in the area.

Mark Mechanic, 409 SE 4<sup>th</sup> Terrace, said that nobody on his street asked for anything. They do not want any traffic calming on their street.

Commissioner Duke asked how the Commission will make people whole in two weeks.

Mayor Castro noted that was not the motion. The motion was for the workshop to be held in two weeks and to start fixing the affected properties as well.

Vice-Mayor McElyea noted that if this was at another location, these people would not be here. He suggested installing 3-way stop signs at several locations if we want to slow traffic down.

David Clark, 411 SE 5<sup>th</sup> Street, was concerned that the Commission was changing what they said at the last meeting.

Mayor Castro remarked the Commission has not changed their motion, but this is an opportunity for the City to do things right this time. She noted there were several workshops held on this issue, but unfortunately we failed to meet with the residents regarding the roundabout. Mayor Castro added that the City Clerk can provide copies of the sign-in sheets for previous workshops, if requested. Lastly, she noted she would still like to look at funds for the other projects discussed at the last meeting, including 2<sup>nd</sup> and Dixie Highway, and the traffic study on NE 2<sup>nd</sup> Avenue.

Teddy Bohanan, 312 SW 15<sup>th</sup> Street, noted she owns two properties on SE 5<sup>th</sup> Avenue and she does not want anyone telling her that she cannot have her street protected. She stated that there needs to be something to slow down the traffic.

Geri Massaro, 408 SE 4<sup>th</sup> Terrace, remarked that no one is against slowing down traffic. She hopes that the Commission has learned to get the opinions of the property owners that will be directly affected by any future projects.

Mayor Castro confirmed we did not do a good job of contacting the residents.

**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>		

### 10.3 Legal Outsourcing – Commissioner Duke

Commissioner Duke noted that it is prudent to look at how we operate our Legal Department. He noted we outsource almost every issue that the City is involved in which represents approximately \$50,000 a month. In addition to that, we pay \$25,000 for our in-house attorney. Commissioner Duke indicated he did not see any minority representation in our outsourcing or any RFP process for any of the firms that we use. He expressed concerns with Ryan & Ryan and thought they may be overwhelmed with work, since some of the litigation cases which date back to 2008, are still in draft format. Commissioner Duke pointed out that we need a clearer understanding of foreclosure actions and who made the decisions. He further stated that Moskowitz, Mandel, Salim, et al, is being paid every month and we do not know what they do. Commissioner Duke said he wants accountability and transparency. It may be time to look at how we do things, and where we can save some money. Commissioner Duke directed the City Manager to set up a workshop to discuss how we operate our Legal Department in the best interests of the taxpayers.

Commissioner Jones referred to the fact that a law firm was selected and presented at the October 13 meeting, to provide legal counsel for the Charter Review Board. He noted there was no bid process followed and he did not like the way this selection was done. It is the responsibility of all five members of the Commission to determine who will be providing legal services for us.

Mayor Castro would like all the firms we contract with to be present at the workshop.

## 11. Commission Comments

### 11.1 Commissioner Anton

Commissioner Anton noted he and City Manager Baldwin met with BSO regarding the vacancy credit. He indicated that it was an open conversation, and they agreed to re-look at their figures to make sure they are accurate. Commissioner Anton said that we believe our credit should be more.

Commissioner Anton advised that on November 4, approximately at 6:00 p.m., there would be an exercise at the Airport which will look like a disaster. He provided a News Release to be posted to the City Website and the bulletin board at City Hall.

### 11.2 Commissioner Duke

Commissioner Duke noted that he spoke at the Marine Industries Association of South Florida meeting on behalf of the City.

Commissioner Duke noted that the planting last Saturday to celebrate Volunteer's Day was excellent. He further said that we need to proceed with the community garden.

Commissioner Duke encouraged everyone to support our new local restaurants.

Commissioner Duke noted that Dania Beach Boulevard needs to be cleaned up since we would have people visiting our City for the Living Green Fair/Mayor's Challenge to be held at John U. Lloyd State Park. He asked City Manager Baldwin to contact the Florida Department of Transportation (FDOT) to take care of this issue as soon as possible.

Commissioner Duke recognized BSO for their assistance with a property owner at The Oaks Condominium.

Commissioner Duke noted he met with the City of Hollywood to discuss mutually beneficial items for both cities.

### 11.3 Commissioner Jones

Commissioner Jones asked everyone to support the Hope for the Holidays at St. Ruth's Missionary Baptist Church to be held on December 22.

Commissioner Jones asked the City Manager to look into scheduling a meeting in the western part of the City after the beginning of the year. This would be an opportunity for the residents in that area to attend the meeting.

Mayor Castro suggested holding a Town Hall meeting because a regular Commissioner meeting would not be televised.

Commissioner Jones agreed with Mayor Castro's suggestion.

Commissioner Jones explained that he is still waiting for a call from the Governor regarding his plans to run for Broward County Commissioner. He further noted that to date he is a Dania Beach City Commissioner and he will be doing Dania Beach City business for as long as he is in this seat.

Commissioner Jones noted that when residents tell you something is going on, you need to pay attention and listen to their comments.

### 11.4 Vice-Mayor McElyea

Vice-Mayor McElyea noted that the Dania Beach Improvement Committee will have a "historic homes" bus tour on December 5. The tour will start at the Swanson House and the final stop will be at the Dania Beach Grill around 4:00 p.m. He said that funds received will be used for a future Club.

Vice-Mayor McElyea advised that the Episcopal Church in Hollywood will be celebrating 100 years and they are selling tickets for the event which will be held at the Hilton Hotel. He noted the Church first started in Dania Beach and hoped we could help them.

Vice-Mayor McElyea noted that the street lights near the ATM machine across from Paulo's restaurant are still out. He asked staff to look into the matter.

Vice-Mayor McElyea noted he was surprised to see there was no activity taking place at the traffic circle on SE 5<sup>th</sup> Avenue. He indicated that sometimes people are misled. Vice-Mayor McElyea pointed out that we should have started working on the corrections on the Wednesday after the October 13 meeting.

#### 11.5 Mayor Castro

Mayor Castro noted the street light problem is a big concern. She asked if there was an emergency process to follow after hours.

City Manager Baldwin noted staff keeps trying to contact Florida Power and Light (FPL), but they do not respond.

Dominic Orlando, Director of Public Services, noted that the lights are our responsibility. He advised that we first contact FPL to make sure that the power is available; then we have to fix what is wrong. Director Orlando noted that we do not have the necessary equipment to fix the higher lights. He explained that there is a procedure to follow: FPL takes 2-3 weeks to respond and tell us if there is a problem. Director Orlando said that the Public Services Department needs to be notified of the outages.

Mayor Castro asked Director Orlando to have FDOT clean the corner of Griffin Road and I-95, as well as Dania Beach Boulevard, as requested by Commissioner Duke.

Director Orlando will take care of these matters.

Vice-Mayor McElyea noted that the barricades at 3<sup>rd</sup> Street and 2<sup>nd</sup> Avenue have been laying there for almost two months. He asked staff to pick them up although he is aware that the barricades are not ours.

Commissioner Duke provided the telephone number for Maria Connelly, FDOT project manager for Dania Beach Boulevard, which is 954-958-7633.

Mayor Castro noted she attended the 2009 Florida Gaming Summit on October 19-20 at the Seminole Hard Rock Hotel & Casino in Hollywood. She noted several interesting issues were discussed. Mayor Castro said that most sites recognized they should have had a hotel on their property to retain guests. She noted that there may be a special session next December in Tallahassee.

Mayor Castro advised that she and City Manager Baldwin recently met with the Regional Vice President of Boyd Gaming. He acknowledged Boyd Gaming had an offer from another gaming company to purchase Dania Jai Alai and they turned it down. He also confirmed that Bill Boyd is vested in this property and they are waiting to see what happens in Tallahassee before moving forward with their project. Mayor Castro indicated that they are revisiting their master plan but would not discuss it right now. She further said that Boyd Gaming has a huge credit line open because they stopped a project in Las Vegas. He advised that Boyd Gaming has not placed an offer on the Resurrection Church property because they are not interested. Mayor Castro also noted that Boyd Gaming is looking for opportunities to use the Dania Jai Alai site as it currently exists while they decide what to do. She said they are excited about the number of development opportunities that are coming to the City. Lastly, she noted that Boyd Gaming is committed to the City and is willing to improve their communication with the City.

Mayor Castro spoke about the Living Green Fair and the Mayor's Challenge. She plans to work with local schools and any other constituencies a week before the Fair, in order to try to raise as many votes as possible. Mayor Castro reminded everyone that the Fair will be held November 14-15 at John U. Lloyd State Park.

Mayor Castro spoke about the request made by the Airport Advisory Board to provide City staff to do their minutes.

Louise Stilson, City Clerk, advised that the Airport Advisory Board is the only City Board that has its own by-laws, where it is clearly stated that a secretary will be appointed by the Board to do their meeting minutes. She further noted that the Board does not want to abide by the rules established by the City Commission for all the other Boards. City Clerk Stilson indicated that she advised them that if they have their own by-laws, they will have to find a secretary to do their minutes.

City Attorney Ansbro responded for Mayor Castro that he reviewed their by-laws and they have a separate resolution establishing their duties. He further noted that all the Airport Advisory Board wants is someone to their minutes.

Mayor Castro asked City Attorney Ansbro for a summary of the difference between the standard by-laws used by all City Boards and the ones for the Airport Advisory Board.

Mayor Castro requested a workshop to discuss Marina issues including the suggestions presented earlier by the members of the Marine Advisory Board. She would like to combine this item with the Legal Outsourcing and Capital Projects issues and address all of these matters in a morning workshop.

Mayor Castro noted that the South Florida Water Management District keeps sending letters regarding the water issue with respect to the Regional Activity Center (RAC). She asked Community Development Director Daniels to provide a synopsis of the situation.

Bob Daniels, Community Development Director, noted that the comment letter received from the South Florida Water Management District added the comments that they have already given us

for the water supply plan. He explained that the Regional Activity Center (RAC) is being handled separately from the Water supply plan. Director Daniels indicated that the Water District and the Department of Community Affairs (DCA) had concerns with our population projection that would be demanding more water capacity. They requested that we provide proof that we have capacity beyond the year 2015. He said that we need to identify what we project as water capacity and bring it before the Commission at a future date. Director Daniels pointed out that we need to send our response for the RAC in early November.

Mayor Castro advised that the ribbon cutting ceremony designating SR A1A as a Florida Scenic Highway will be held at the Bonnet House Museum and Gardens on Wednesday, November 18 at 4:30 p.m. She noted she will not be able to attend and asked the other members of the Commission if they would be available on that date.

Vice-Mayor McElyea noted he will attend.

## 12. Appointments

### Charter Review Board

Mayor Castro appointed Pat Tyra and Joe Van Eron  
Commissioner Duke appointed Patrick Phipps and Lisa Duke  
Commissioner Jones appointed Ruth White and Mimi Donly

### Green Advisory Board

Vice-Mayor McElyea advised that Teddy Bohanan rescinded her resignation and is still a member of the Green Advisory Board.

### Marine Advisory Board

Vice-Mayor McElyea appointed Gary Rowe.

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

## 13. Administrative Reports

### 13.1 City Manager

City Manager Baldwin noted he was impressed with the Linear Park planting on Saturday.

City Manager Baldwin advised the Marina Management RFP has now been advertised and bids are due on December 1, 2009.

City Manager Baldwin noted the importance of holding a Capital Improvement Projects (CIP) workshop which would help us define what those projects are.

City Manager Baldwin announced that Assistant City Manager Donnelly's father passed away tonight.

### 13.2 City Attorney

City Attorney Ansbro noted the Finance Department advised that in closing the Fiscal Year 2009, the Airport Attorney funds have a shortfall. He indicated that we need a motion to appropriate \$32,446.00 to the Airport-Related Designated Fund Balance account.

**Commissioner Anton motioned to appropriate the sum of \$32,446.00 to the Airport-Related Designated Fund Balance account to cover legal fees; seconded by Commissioner Jones. The motion carried unanimously.**

### 13.3 City Clerk - Reminders

Wednesday, November 4, 2009 - 6:00 p.m.	CRA Board Meeting
Tuesday, November 10, 2009 - 7:00 p.m.	City Commission Meeting
Thursday, November 19, 2009 - 6:00 p.m.	Abatement Hearing
Tuesday, November 24, 2009 - 7:00 p.m.	City Commission Meeting

## 14. Adjournment

Mayor Castro adjourned the meeting at 10:09 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: November 10, 2009