

MINUTES OF REGULAR MEETING
DANIA BEACH CITY COMMISSION
WEDNESDAY, FEBRUARY 11, 2009 – 7:00 P.M.

1. Call to Order/Roll Call

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

Present:

Vice-Mayor:	Anne Castro
Commissioners:	Bob Anton John Bertino Patricia Flury
Interim City Manager:	Colin Donnelly
City Attorney:	Thomas Ansbro
City Clerk:	Louise Stilson

Absent:

Mayor:	Albert Jones
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Vice-Mayor Castro advised that Mayor Jones was in Tallahassee presenting testimony to the Sub-Committee on Gaming.

Commissioner Bertino motioned to excuse the absence of Mayor Jones, seconded by Commissioner Anton. The motion carried unanimously.

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 Special Event request for the Dania Marine Flea Market to be held in the Dania Jai Alai Parking Lot, located at 301 E. Dania Beach Boulevard, on March 19-22, 2009

Commissioner Anton motioned to approve the Special Event request for the Dania Marine Flea Market; seconded by Commissioner Bertino. The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton	Yes	Commissioner Flury	Yes
Commissioner Bertino	Yes	Vice-Mayor Castro	Yes

4. Proclamations

4.1 Greater Mt. Zion AME Church 100th Anniversary

Vice-Mayor Castro presented a proclamation in honor of the Greater Mt. Zion AME Church's 100th Anniversary to Arlene Collins.

5. Citizen Comments

Ralph Eddy, 150 SE 3rd Avenue, questioned the Primary Election. He thought the cost of a Primary for such a small turnout was ridiculous and should be corrected. Mr. Eddy noted that he saw City employees servicing Meadowbrook, and questioned if the City was being reimbursed for this service. He asked if Meadowbrook Condominium Association paid a storm drain fee.

Kurt Ely, 245 SW 1st Avenue, commented that Congressman Klein acknowledged Dania Beach resident Colonel Leo R. Gray, of the Tuskegee Airmen, on CNN.

Jimmy Crimminger, 237 SW 15th Street, extended his appreciation to the Mayor and Commission of the City of Hollywood for addressing the Airport issue.

Victoria Payne, Dania Beach Chamber of Commerce, 102 W. Dania Beach Boulevard, provided an update of their upcoming events.

Carmela Inglese, 5201 SW 40th Avenue, asked about the road paving issues on SW 40th Avenue.

Interim City Manager Donnelly advised that SW 40th Avenue is a County road and added that they are in the midst of a suit with the contractor to make the repairs. He noted staff will follow up with County Administrator Bertha Henry to try to expedite this issue and keep Ms. Inglese informed.

Commissioner Anton noted he also asked County Commissioner Rodstrom to assist in trying to move this matter forward.

Ms. Inglese noted that someone who lives in her complex turns the water off. She asked if the City could help.

BSO Chief Donn Peterson advised he would look into the issue.

Jay Field, 4501 SW 30th Way, Ravenswood, commented on the removal of campaign signs and asked everyone to leave the signs alone. He further questioned if there was an ordinance addressing this issue.

City Attorney Ansbro noted there is no ordinance that addresses the issue.

Teddy Bohanan, 312 SW 15th Street, noted she has a license tag number of someone who removed her political signs. She indicated that she would pursue this matter with BSO.

Tom Bordovsky, 400 S. Federal Highway, Dania Beach Water Gardens and Gifts, commented that they have been welcomed by the community, and noted they have had good communication with the City. Mr. Bordovsky stated he is against the adoption of Ordinance #2009-004 being presented on first reading tonight.

6. Public Safety Reports

Jack McCartt, Fire Chief, advised of the Grand Opening of Fire Station #93 on Saturday, February 21, at 10:00 a.m. He invited everyone to attend this community event.

Donn Peterson, BSO Chief, noted we received the Law Enforcement Trust Fund (LETF) funds for the purchase and installation of video surveillance equipment at the parks, and presented the check for \$103,624.00 to Vice-Mayor Castro.

Chief Peterson introduced two new deputies, Paul Schultz and Eric Rodriguez, and provided the following report:

As I do from time to time, I just wanted to share with you some of the outstanding police work being done by the deputies assigned here in Dania Beach. On the evening of Saturday, February 7th Deputies Paul Schultz, Eric Rodriguez, and Matthew Griffith did an exceptional job on a vehicle burglary and a robbery/carjacking case here in Dania Beach. Initially Deputy Schultz responded to a vehicle burglary that just occurred in the 200 block of Southwest 12th Avenue. The victim observed several juveniles attempting to break into her vehicle and provided detailed descriptions of the suspects, who fled the area prior to deputies arriving. Approximately 20 minutes later, a robbery/carjacking occurred, during which several juveniles dragged a male victim from his vehicle and then stole it. The victim's injuries were such that he was transported to Memorial Regional Hospital in Hollywood. Shortly thereafter, Deputy Schultz and Deputy Rodriguez located several juveniles on Southwest 8th Avenue that matched the description given by the victim of the vehicle burglary. She later positively identified two of the suspects. While being detained, a set of keys was found on one of the juveniles. When Deputy Griffith found out about the keys, he took the initiative of taking a picture of them and showing that picture to the victim while he was at the hospital. The victim positively identified his keys. Robbery detectives responded and the juvenile suspects were interviewed. Two of them confessed to the robbery and the burglary. In addition, the vehicle, which was stolen during the robbery, was recovered. Please join me in thanking Deputies Schultz, Rodriguez, and Griffith for their efforts in solving these two crimes. We're all much safer with these criminals off our streets. Their savvy and dedication to this case are commendable and they are a credit to this great City!

7. Consent Agenda

Items added to Consent Agenda: #7.9 and #7.10

Items removed from Consent Agenda: #7.5, #7.6, #7.7, #7.8

7.1 Minutes:

- Approve Minutes from January 15, 2009 Abatement Hearing
- Approve Minutes from January 17, 2009 Workshop City Manager Interviews
- Approve Minutes from January 20, 2009 Special Meeting City Manager Selection
- Approve Minutes from January 22, 2009 Workshop Site Plan Review
- Approve Minutes from January 27, 2009 City Commission meeting

Dominic Orlando, Director of Public Services, requested a correction to the Minutes of January 27, 2009, Item #10.1, paragraph 5. He indicated the Minutes should reflect that he said that FIND/Broward County is no longer willing to pay for relocation of the City water and sewer force main that crosses the Canal. Dania Beach would be responsible for 25% of the cost.

7.2 Travel Requests:

Request of Anthony Johnson to attend the Florida Water & Pollution Control Operators Association Certification for Stormwater C at Hillsboro Community College in Plant City, Florida on March 15-20, 2009 (Estimated cost \$1,000.00; remaining balance \$988.00)

Resolutions

7.3 RESOLUTION #2009-025

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, PROVIDING FOR APPROPRIATION OF FUNDS FOR FISCAL YEAR 2008-2009 FOR ENGINEERING FEES, PERMITS AND LANDSCAPE CONSULTANT SERVICES FOR THE SOUTHWEST COMMUNITY CENTER; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.4 RESOLUTION #2009-026

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, CREATING THE GREEN ADVISORY BOARD; PROVIDING FOR THE APPOINTMENT AND TERMS OF MEMBERS, AS WELL AS DUTIES AND RESPONSIBILITIES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.5 RESOLUTION #2009-027

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT EXISTING BETWEEN THE CITY OF DANIA BEACH, THE COMMUNITY REDEVELOPMENT AGENCY AND BROWARD COUNTY, PERTAINING TO COUNTY FUNDING OF INFRASTRUCTURE IMPROVEMENTS PROPOSED FOR THE DANIA BEACH CRA AREA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-027 and Resolution #2009-028 because they relate to the same matter.

Jeremy Earle, CRA Executive Director, explained these resolutions pertain to the \$6.3M for funding of infrastructure improvements proposed for the Dania Beach Community Redevelopment Agency. He noted these items would be presented to the County Commission at their February 24, 2009 meeting.

Bill Salim, CRA Special Counsel, distributed four new memos to the Commission regarding the Second and Third Amendments to the Interlocal Agreement. He advised some significant changes were made today from the ones approved by the CRA Board on February 4, 2009. Attorney Salim explained that the Second Amendment refers to the Parking Garage structure and the County is proposing to lend us \$3.1M for the construction of no less than 125 additional parking spaces nor more than 175 spaces above the 250 contemplated by the Library Agreement. He clarified that the County will not contribute any money for the first 250 spaces under the Second Amendment. Attorney Salim indicated that assuming timely completion of the Parking Garage, grant conversion occurs one-third on permitting of the private redevelopment projects; one-third on 50% floor completion; and one-third upon issuance of Certificates of Occupancy. He further advised that the Third Amendment relates to the Parcel 109 reimbursement and the amount to be reimbursed by the County would be \$2.4M. Attorney Salim advised that the Parcel 109 reimbursement will be a grant if construction of a new mixed-use development commences within two years of the funds deposit into the Redevelopment Trust Fund. If construction does not commence as stated, the funds advanced will revert to a loan for the next three years (although interest-free for those three years). On the assumption that the Parcel 109 improvements are completed in a timely manner, the grant conversion occurs under the same terms as the Parking Garage. He pointed out that the remaining funds of approximately \$700,000, which are not currently identified, would be available for any future projects.

CRA Director Earle clarified that our Bond money will be spent for the construction of the Library.

City Attorney Ansbro clarified that the County's \$3,016,000.00 check is for a combined project.

Vice-Mayor Castro noted that a private developer needs to bring money to the project for the commercial development.

Further discussion followed between the Commission and CRA Director Earle regarding the cost of building the Parking Garage with approximately 400 parking spaces.

Commissioner Anton motioned to adopt Resolution #2009-027; seconded by Commissioner Flury. The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton	Yes	Commissioner Flury	Yes
Commissioner Bertino	Yes	Vice-Mayor Castro	Yes

7.6 RESOLUTION #2009-028

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A THIRD AMENDMENT TO THE INTERLOCAL AGREEMENT EXISTING BETWEEN THE CITY OF DANIA BEACH, THE COMMUNITY REDEVELOPMENT AGENCY AND

BROWARD COUNTY, PERTAINING TO COUNTY FUNDING OF INFRASTRUCTURE IMPROVEMENTS PROPOSED FOR THE DANIA BEACH CRA AREA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Anton motioned to adopt Resolution #2009-028; seconded by Commissioner Flury. The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton	Yes	Commissioner Flury	Yes
Commissioner Bertino	Yes	Vice-Mayor Castro	Yes

Ordinances (Titles read by City Attorney)

7.7 ORDINANCE #2009-003

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT OF THE CITY OF DANIA BEACH COMPREHENSIVE PLAN; PROVIDING FOR ADOPTION PURSUANT TO SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)**

City Attorney Ansbro read the title of Ordinance #2009-003. He noted that staff is requesting a continuance until the March 11, 2009 City Commission meeting.

Commissioner Flury motioned to continue Ordinance #2009-003, on first reading, until March 11, 2009 at 7:00 p.m.; seconded by Commissioner Anton. The motion carried unanimously.

7.8 ORDINANCE #2009-004

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, CREATING ARTICLE XIV, "OUTDOOR SOLAR LIGHTING" OF CHAPTER 8, "BUILDINGS"; PROVIDING THAT ALL OUTDOOR LIGHTING INSTALLED SUBSEQUENT TO JULY 1, 2009 ON COMMERCIAL ZONED PROPERTIES SHALL BE SOLAR POWERED; PROVIDING FOR IMPLEMENTATION; REQUIRING EXISTING LIGHTING TO COMPLY WITH THE SOLAR LIGHTING REQUIREMENT BY JULY 1, 2012; PROVIDING FOR WAIVERS; PROVIDING FOR CONFLICTS; PROVIDING FOR A SEVERABILITY CLAUSE; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)**

City Attorney Ansbro read the title of Ordinance #2009-004. He noted the Ordinance is derived from the City of Parkland, with the recommendations of Public Services Director Orlando and his staff, the Community Development Department and Chen and Associates. He advised there is a phase-in period for mandatory solar lighting for commercial areas, so that by 2016 all such properties are in full compliance.

Commissioner Anton noted some business owners have expressed their concern regarding the cost. He believes in solar lighting, but he is a realist and knows this will cause a burden on some of our local businesses. Commissioner Anton suggested we find an incentive for business owners and we should not force them to convert to solar lighting during this difficult economy. He indicated this was an issue for the Green Advisory Board to consider.

Commissioner Bertino advised he sponsored this Ordinance because it makes sense ecologically. The second reason to implement solar lighting is a safety issue during hurricanes. He noted he has no problem with putting off the period for people to comply, however, new construction needs to install solar lighting. Commissioner Bertino further noted he would like to see at least one solar light installed in a high traffic area for the existing businesses, even though compliance is put off for 2-3 years. He realized this is not the best timing but thought we needed to move forward and get started for the benefit of our community.

Commissioner Flury said we should not lay this issue on the back of our business owners. She said the Ordinance is too restrictive and these are difficult times. Commissioner Flury favored solar lighting for new construction or major redevelopment at this time.

Commissioner Bertino suggested the City Attorney redraft the Ordinance for the next meeting.

Commissioner Anton preferred this issue go before the Green Advisory Board once it has been established.

Vice-Mayor Castro agreed it should go before the Green Advisory Board. She indicated that before we start requiring business owners to provide solar lighting, we need to get better educated on the subject.

Tom Bordovsky, 400 S. Federal Highway, Dania Beach Water Gardens, spoke against the Ordinance. He suggested there were alternatives to solar and that the City should lead by example. Mr. Bordovsky offered to participate on the Green Advisory Board.

Steve Casper, 34 S. Federal Highway, Canterbury Square, commented on the cost estimate for him to install solar lighting at his property. He noted it would take him 18 years to recoup this cost. Mr. Casper suggested substituting the word "shall" with "may" on the Ordinance.

Teddy Bohanan, 312 SW 15th Street, commented we need to get on board with the business people.

Jimmy Crimminger, 237 SW 15th Street, noted about a year ago he would have supported this Ordinance, but times have changed. He commented some business owners think the Dumpster Enclosure Ordinance was not necessary.

Commissioner Bertino withdrew Ordinance #2009-004.

City Attorney Ansbro agreed to discuss this matter further with the Green Advisory Board.

Addendum

7.9 RESOLUTION #2009-030

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA AMENDING RESOLUTION NO. 2008-224 RELATING TO THE AWARD OF A CONTRACT TO INFINITY ROOFING & SHEET METAL, INC. FOR ROOFING FOR CITY FACILITIES (CITY HALL AND FIRE DEPARTMENT

BUILDINGS); AMENDING THE NOT TO EXCEED CONTRACT SUM TO \$263,984.16; PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.10 RESOLUTION #2009-031

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A “THIRD AMENDMENT TO AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF DANIA BEACH FOR PUBLIC TRANSPORTATION SERVICES”; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Anton motioned to adopt the Consent Agenda, with the addition of Items #7.9 and #7.10, and the exception of Items #7.5, #7.6, #7.7, and #7.8; seconded by Commissioner Bertino. The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton	Yes	Commissioner Flury	Yes
Commissioner Bertino	Yes	Vice-Mayor Castro	Yes

8. Bids and Requests for Proposals

There were no proposals on this agenda.

9. Public Hearings and Site Plans

9.1 ORDINANCE #2009-002

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, DECLARING THE “DANIA SAFE NEIGHBORHOOD IMPROVEMENT DISTRICT” INACTIVE AND THEREFORE UNNECESSARY; DISSOLVING THE “DANIA SAFE NEIGHBORHOOD IMPROVEMENT DISTRICT” IN ACCORDANCE WITH FLORIDA LAW, BY REPEALING CITY ORDINANCES 40-88 AND 41-88 IN THEIR ENTIRETY. PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)**

City Attorney Ansbro read the title of Ordinance #2009-002.

Corinne Lajoie, AICP, Interim Director of Community Development, noted the district is no longer required.

Vice-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 #2009-002, on second reading; seconded by Commissioner Bertino. The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton	Yes	Commissioner Flury	Yes
Commissioner Bertino	Yes	Vice-Mayor Castro	Yes

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.

9.2 RESOLUTION #2009-022

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING VARIANCE REQUESTS SUBMITTED BY SCOTT BACKMAN, ESQUIRE, REPRESENTING THE PROPERTY OWNER BRYAN ROAD DEVELOPMENT LLC (DP HOTELS, INC.) FROM CHAPTER 28, "ZONING", FOR PROPERTY LOCATED AT 150 BRYAN ROAD, IN THE CITY OF DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

9.3 RESOLUTION #2009-023

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE SITE PLAN REQUEST (SP-63-08), LAND USE FLEX (LUF-64-08) AND WAIVERS SUBMITTED BY SCOTT BACKMAN, ESQUIRE, REPRESENTING THE PROPERTY OWNER, BRYAN ROAD DEVELOPMENT, LLC (DP HOTELS, INC.) LOCATED AT 150 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 #2009-022 and Resolution #2009-023 because they relate to the same property.

Corinne Lajoie, AICP, Interim Director of Community Development, advised the applicant requested a continuance until the February 24, 2009 City Commission meeting.

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

Commissioner Bertino motioned to continue Resolution #2009-022 and Resolution #2009-023 until the February 24, 2009 City Commission meeting at 7:00 p.m.; seconded by Commissioner Flury. The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton	Yes	Commissioner Flury	Yes
Commissioner Bertino	Yes	Vice-Mayor Castro	Yes

9.4 RESOLUTION #2009-024

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST MADE BY L. MICHAEL OSMAN, P.A. REPRESENTING THE PROPERTY OWNER TROY IPPOLITO, PRESIDENT OF T.H.B., INC. FOR AN EXTENSION RELATING TO THE APPROVAL OF A SITE PLAN AND SUBSEQUENT WAIVERS GRANTED BY RESOLUTION NO. 2008-006, FOR PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF SW 25TH AVENUE AND SOUTH OF GRIFFIN 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 #2009-024.

Kristin Dion, City Planner, provided an overview of the project for the construction of 18 two-family villas. The applicant is requesting a 2 year extension to January 22, 2010 because the site plan approval is about to expire. She explained that the applicant indicated that the development was delayed by numerous Broward County approvals for the final plat and also by a lien placed by the Public Services Department. Ms. Dion clarified the lien issue has recently been resolved.

Vice-Mayor Castro opened the Public Hearing.

Troy Ippolito, property owner, noted they are behind schedule and they cannot build right now. He advised he has every ambition to move forward with the project as soon as circumstances allow him to do so.

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

Commissioner Flury motioned to adopt Resolution #2009-024; seconded by Commissioner Bertino. The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton	Yes	Commissioner Flury	Yes
Commissioner Bertino	Yes	Vice-Mayor Castro	Yes

9.5 RESOLUTION #2009-029

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY COMMISSION TO ENTER INTO AN EMPLOYMENT CONTRACT WITH ROBERT R. BALDWIN AS CITY MANAGER; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2009-029. He provided an overview of the terms of the contract.

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

Commissioner Bertino motioned to adopt Resolution #2009-029; seconded by Commissioner Flury. The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton	Yes	Commissioner Flury	Yes
Commissioner Bertino	Yes	Vice-Mayor Castro	Yes

10. Discussion and Possible Action

10.1 Discussion of the Beach Watch Restaurant

Patty Varney, Director of Finance, provided a summary of the audit performed at the Beach Watch Restaurant in January 2009. She indicated the owners were not cooperative with staff. Director Varney noted there was a discrepancy with the revenues and receipts they provided,

therefore she notified the Department of Revenue. She concluded that she cannot confirm whether the revenues they reported to the City are correct or not.

Commissioner Flury suggested an outside auditor audit the Beach Watch Restaurant.

Vice-Mayor Castro concurred with Commissioner Flury and thought it was time for a third party to intervene. If they do not cooperate with the auditors, the City Attorney would have to take necessary action.

Director Varney indicated the City Attorney would have to request that they provide the needed documents for the auditors.

City Attorney Ansbro recommended that they have 45 days to turn in a statement. He noted that within 3 months of receiving the statement, we can ask for an audit.

It was the consensus of the Commission to have the City auditor perform the audit.

Commissioner Bertino noted for the record that he was contacted by a firm who has been in touch with the restaurateurs regarding the possible purchase of the restaurant lease. He stated he asked this firm to discuss the matter with the City Attorney.

11. Commission Comments

11.1 Commissioner Anton

Commissioner Anton was disappointed to see that the turnout for the Primary Election was less than ten percent of the registered voters.

Commissioner Anton advised we are moving forward with the lawsuit against the FAA. He indicated that the City of Hollywood may join in for an approximate sum of \$60,000.00, but it may not be done in time to file the amendment.

11.2 Commissioner Bertino

Commissioner Bertino also commented on the low turnout for the Primary Election.

11.3 Commissioner Flury

Commissioner Flury had no additional comments.

11.4 Vice-Mayor Castro

Vice-Mayor Castro noted Sunshine Villa Apartments sent a letter requesting a letter of acknowledgement or proclamation to celebrate their 50th Anniversary. She passed the letter to Interim City Manager Donnelly for the necessary action.

Vice-Mayor Castro also commented on the low turnout for the Primary Election. She encouraged the community to participate and vote at the March 10 General Election.

Vice-Mayor Castro noted that Mayor Jones suggested the Commissioners attend the Advisory Board meetings with a view to communicate more effectively with the community.

11.5 Mayor Jones

Mayor Jones was not present at this meeting.

12. Appointments

Commissioner Anton appointed Rhonda Buckner to the Marine Advisory Board.

Vice-Mayor Castro appointed Will Walton to the Green Advisory Board.

Commissioner Flury appointed Tom Bordovsky to the Green Advisory Board.

Commissioner Anton appointed Mike Talotta to the Green Advisory Board.

Commissioner Bertino motioned to approve the board appointments; seconded by Commissioner Flury. The motion carried on the following 4-0 Roll Call vote:

Commissioner Anton	Yes	Commissioner Flury	Yes
Commissioner Bertino	Yes	Vice-Mayor Castro	Yes

13. Administrative Reports

13.1 City Manager

Interim City Manager Donnelly noted that we have not held a Volunteer Appreciation Day for some time. He clarified that funds have been set aside for this type of recognition event to be held at I.T. Parker Community Center. Interim City Manager Donnelly further suggested that we discuss the City's plans with the new Commission and Board members in late March.

Interim City Manager Donnelly noted that the City recently paid for an advertisement to celebrate St. Ruth Missionary Baptist Church 100th Anniversary. He indicated that Greater Mt. Zion AME Church is now celebrating their Centennial and requested approval from the Commission to pay for a similar advertisement in the amount of \$125.00.

Commissioner Bertino motioned for the City to pay for advertisement for any Church within the City celebrating their 100th Anniversary; seconded by Commissioner Anton. The motion carried unanimously.

Interim City Manager Donnelly noted that he attended a meeting with Mayor Jones and CRA Director Earle sponsored by Congressman Ron Klein regarding stimulus funds. He advised that next Friday the Department of Transportation will be holding a webcast to discuss federal transportation issues.

Commissioner Bertino noted that the stimulus money that the City will receive is for shovel ready projects. He commented that we are hoping to build a Parking Garage for the downtown area so we can sell the parking spaces to developers. Commissioner Bertino indicated that in order to expedite the permitting process for new businesses, the Commission may want to set aside funds, approximately \$20,000 - \$30,000, that the City Manager can move rapidly to pay for overtime in the Community Development Department.

Interim City Manager Donnelly advised that on Tuesday, March 10 we are having a meeting with Congressman Klein and Congresswoman Wasserman-Schultz to discuss the bridge issues.

Interim City Manager Donnelly advised that the amortization period for the enclosure of dumpsters ended December 31, 2008. In July 2008, the Code Compliance Unit started sending out notices to the businesses that are not in compliance. He questioned if the enforcement of the Ordinance should be put off due to the economic situation.

It was the consensus of the Commission to enforce the Dumpster Ordinance.

Interim City Manager Donnelly advised that on Saturday, March 7, the Broward County Housing and Community Development Task Force will hold a seminar for property owners with financial issues. He noted the information will be on the City's Web Site and cable station.

13.2 City Attorney

City Attorney Ansbro had no comments.

13.3 City Clerk

City Clerk Stilson advised the Commission that the February 24, 2009 Agenda would be the first agenda published with the Agenda Maker software. She noted that we will run a concurrent paper agenda as backup, but all future agendas will be published electronically.

Reminders:

Saturday, February 21, 2009 – 10:00 a.m.	Fire Station #93 Dedication
Tuesday February 24, 2009 – 7:00 p.m.	City Commission Meeting
Wednesday, March 4, 2009 – 6:00 p.m.	CRA Board Meeting
Tuesday, March 10, 2009	General Election Day
Wednesday, March 11, 2009 – 7:00 p.m.	City Commission Meeting

14. Adjournment

Vice-Mayor Castro adjourned the meeting at 8:59 p.m.

ATTEST:

CITY OF DANIA BEACH

LOUISE STILSON, CMC
CITY CLERK

ALBERT C. JONES
MAYOR-COMMISSIONER

Approved: February 24, 2009