

MINUTES OF REGULAR MEETING
DANIA BEACH CITY COMMISSION
TUESDAY, AUGUST 9, 2011 – 7:00 P.M.

1. Call to Order/Roll Call

Mayor Flury called the meeting to order at 7:00 p.m.

Present:

Mayor:	Patricia A. Flury
Vice-Mayor:	Bobbie Grace
Commissioners:	Anne Castro
	Walter Duke
Assistant City Manager:	Colin Donnelly
City Attorney:	Thomas Ansbro
City Clerk:	Louise Stilson

Absent:

Commissioner:	C. K. "Mac" McElyea
City Manager:	Robert Baldwin

Commissioner Castro motioned to excuse the absence of Commissioner McElyea; seconded by Vice-Mayor Grace. The motion carried unanimously.

2. Invocation and Pledge of Allegiance

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

Mayor Flury presented a Certificate of Completion to Commissioner Duke for attending the 2011 Institute for Elected Municipal Officials (IEMO) held on June 10-12, 2011 in Fort Lauderdale.

3. Presentations and Special Event Approvals

3.1 Presentation – Chamber in Review – Greater Dania Beach Chamber of Commerce

Victoria Payne, Executive Director, Chamber of Commerce, 102 W Dania Beach Boulevard, introduced the Chamber of Commerce Board of Directors. She presented an overview of the presentation that was included in the agenda packet.

3.2 Abatement request for Freddy Barnett LLC (f.k.a. Anna L. Darling) for property located at 703 SW 6th Street, Case #07-1546 (Folio #1203-34-0790)

Tim Ryan, Special Counsel for Code Compliance, advised the property was obtained through foreclosure, and the Special Magistrate recommended reducing the lien to \$10,000.00.

Commissioner Castro motioned to abate the lien to \$7,500.00, to be paid in 60 days; seconded by Commissioner Duke. The motion carried on the following 4-0 Roll Call vote:

Commissioner Castro	Yes	Vice-Mayor Grace	Yes
Commissioner Duke	Yes	Mayor Flury	Yes

3.3 Abatement request for Olympus Management for property located at 250 S. Federal Highway, Case #09-0981 (Folio #1203-02-0100)

Attorney Ryan noted the recommendation of the Special Magistrate is for an abatement of \$7,500.00.

Commissioner Duke motioned to abate the lien to \$7,500.00, to be paid in 60 days; seconded by Vice-Mayor Grace. The motion carried on the following 4-0 Roll Call vote:

Commissioner Castro	Yes	Vice-Mayor Grace	Yes
Commissioner Duke	Yes	Mayor Flury	Yes

3.4 Special Event request from the Chamber of Commerce for Concert on the Green, to be held the first Saturday of each month from October 1, 2011 – April 7, 2012

Commissioner Castro motioned to approve the Special Event request for the Chamber of Commerce Concert on the Green; seconded by Vice-Mayor Grace. The motion carried on the following 4-0 Roll Call vote:

Commissioner Castro	Yes	Vice-Mayor Grace	Yes
Commissioner Duke	Yes	Mayor Flury	Yes

3.5 Special Event request from the Chamber of Commerce for “Under the Big Top” Family Festival honoring Military Veterans on November 5, 2011, from 11:00 a.m. – 3:00 p.m., at the Dania Beach Design and Marine Center located at 1200 Stirling Road

Commissioner Castro motioned to approve the Special Event request for the Chamber of Commerce “Under the Big Top” Family Festival, subject to FDOT approval for the lane closure on Stirling Road; seconded by Commissioner Duke. The motion carried on the following 4-0 Roll Call vote:

Commissioner Castro	Yes	Vice-Mayor Grace	Yes
Commissioner Duke	Yes	Mayor Flury	Yes

3.6 Special Event request from Bass Pro Shops for a Fall Hunting Classic, to be held Saturday & Sunday, August 13-14, 2011, from 10:00 a.m. – 4:00 p.m.

Commissioner Castro motioned to approve the Special Event request for Bass Pro Shops Fall Hunting Classic; seconded by Vice-Mayor Grace. The motion carried on the following 4-0 Roll Call vote:

Commissioner Castro	Yes	Vice-Mayor Grace	Yes
Commissioner Duke	Yes	Mayor Flury	Yes

4. Proclamations

There were no proclamations at this meeting.

5. Citizen Comments

Anne Page, 38 SW 5th Street, spoke of the historical designation of her house, and noted that her neighborhood is the oldest in Broward County. She said she had presented a petition to former City Manager Pato requesting a street closure for SW 5th Street beginning at Kentucky Fried Chicken on Federal Highway. Ms. Page requested that the Commission consider the street closure, and also consider appointing a committee to investigate the historical significance of the 8 houses on her street.

Mayor Flury suggested Ms Page contact Assistant City Manager Donnelly, and requested that staff look for the petition. She noted that a new petition may need to be circulated to the residents due to the length of time since the first submittal.

Al Jones, 722 SW 3rd Street, invited everyone to attend St. Ruth Missionary Baptist Church's 103rd anniversary celebration on August 14-28, 2011. Mr. Jones commented to the Chamber of Commerce that we need to incorporate our schools and children into the Chamber.

6. Public Safety Reports

Charles Raiken, BSO Deputy Fire Chief of Administration, noted that they were prepared for the possibility of Tropical Storm Emily developing into a major storm. He confirmed that BSO will now receive all incoming calls during an emergency.

Commander Michael Grimm, Broward Sheriff's Office, noted property crimes have spiked in the last 30-60 days, with daytime burglaries that are targeting jewelry, due to the high price of gold. He encouraged the residents to call BSO if they see unfamiliar people in their neighborhoods. Commander Grimm noted there were 2 burglary arrests made this morning, and indicated that criminals are coming from out of the area. Lastly, Commander Grimm noted that underage

alcohol sales are continuing in the city, therefore, BSO will begin working with Florida Department of Alcohol and Tobacco.

Mayor Flury commented that we should revoke the license of the businesses that sell alcoholic beverages to underage individuals.

7. Consent Agenda

Items added to Consent Agenda: #7.12

Items removed from Consent Agenda: #7.5, #7.8

- 7.1 Minutes:
Approve Minutes of July 12, 2011 City Commission Meeting
Approve Minutes of July 14, 2011 Special Budget Meeting

- 7.2 Travel Requests: None

Resolutions

7.3 RESOLUTION #2011-079

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH ASHBRIIT, INC., A FLORIDA CORPORATION, FOR DISASTER RECOVERY SERVICES, WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS; PROVIDING FOR CONFLICTS, FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.4 RESOLUTION #2011-080

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA AUTHORIZING APPROPRIATION OF WATER FUND RESOURCES FOR CONSTRUCTION OF A MARINA WATER MAIN EXTENSION PROJECT IN AN AMOUNT NOT TO EXCEED \$15,000.00; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.6 RESOLUTION #2011-082

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A LOAN AGREEMENT RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION FOR \$840,000.00 FOR CONSTRUCTION ACTIVITIES ASSOCIATED WITH CONSTRUCTION OF INFILTRATION AND INFLOW IMPROVEMENTS; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

7.7 RESOLUTION #2011-083

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING THE STORMWATER APPROVED BUDGET FOR CAPITAL PROJECTS, APPROVING AN AMENDED BUDGET FOR THE COMPLETE SOUTHEAST STORMWATER IMPROVEMENT PROJECT, AND

APPROVING SUBMISSION OF A STATE REVOLVING FUND LOAN APPLICATION FOR THE SOUTHEAST PROJECT IN AN AMOUNT NOT TO EXCEED \$7,376,382.00 FOR THE COMPLETION OF THE SOUTHEAST STORMWATER DRAINAGE IMPROVEMENTS; MAKING FINDINGS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.9 RESOLUTION #2011-085

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT EXTENSION OFFERED BY STAFFING CONNECTION/ACTION LABOR MANAGEMENT, LLC, FOR AN AMOUNT NOT TO EXCEED \$78,000.00 PER YEAR TO PROVIDE SCHOOL CROSSING GUARD STAFFING SERVICES; WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.10 RESOLUTION #2011-086

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT AMONG THE CITY OF DANIA BEACH, FLORIDA, BROWARD SHERIFF'S OFFICE AND BROWARD COUNTY, FLORIDA, RELATING TO THE DELIVERY OF FIRE PROTECTION SERVICES WITHIN THE FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Ordinances (Titles read by City Attorney)

7.11 ORDINANCE #2011-028

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING SECTION 18-40, "DEFINITIONS" AND SECTION 18-46 "ADMINISTRATION" OF CHAPTER 18, "PENSIONS AND RETIREMENT" OF THE CITY CODE OF ORDINANCES RELATING TO THE POLICE AND FIREFIGHTERS RETIREMENT SYSTEM TO PROVIDE FOR THE IMPACT OF BECOMING A CLOSED PLAN FOR FIREFIGHTER PARTICIPANTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (FIRST READING)

ADDENDUM

7.12 RESOLUTION #2011-087

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A REVOCABLE LICENSE AGREEMENT WITH B-CYCLE, LLC, PERTAINING TO TWO (2) B-CYCLE STATIONS TO BE LOCATED IN THE CITY OF DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Vice-Mayor Grace motioned to adopt the Consent Agenda, with the addition of Item #7.12, and the exception of Items #7.5 and #7.8; seconded by Commissioner Castro. The motion carried on the following 4-0 Roll Call vote:

Commissioner Castro	Yes	Vice-Mayor Grace	Yes
Commissioner Duke	Yes	Mayor Flury	Yes

7.5 RESOLUTION #2011-081

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING CREATION OF A BEACH PIER ENTERPRISE FUND; LOAN OF INITIAL OPERATING CAPITAL FUNDS FROM THE GENERAL FUND, AND APPROVAL OF PIER ENTERPRISE BUDGET APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2011; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2011-081.

Commissioner Castro noted this is the beginning of developing an Enterprise Fund for the beach operations. She said the pier is a valuable asset for the City, and we need to maintain control of it.

Commissioner Castro motioned to adopt Resolution #2011-081; seconded by Vice-Mayor Grace.

Commissioner Duke concurred the Beach Enterprise Zone is a great idea. He requested the Assistant City Manager meet with the Finance Director to discuss the matter, which would include the total beach, parking, pier, restaurant, and marina.

The motion carried on the following 4-0 Roll Call vote:

Commissioner Castro	Yes	Vice-Mayor Grace	Yes
Commissioner Duke	Yes	Mayor Flury	Yes

7.8 RESOLUTION #2011-084

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA AUTHORIZING THE APPROPRIATION OF FUNDS IN CONNECTION WITH THE MELALEUCA GARDENS WALL PROJECT IN AN AMOUNT NOT TO EXCEED \$50,000.00; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2011-084.

Commissioner Castro commented that the cost is elusive, and the residents are questioning the color of the wall and plantings. She requested tabling the item until the next meeting so that staff can provide more information to the residents.

Commissioner Duke questioned if it would be more cost effective to bid the project as opposed to staff doing the work.

Bob Daniels, Director of Community Development, noted we are trying to determine who owns the wall; it is on County Right-of-Way.

Commissioner Castro motioned to continue Resolution #2011-084 until the August 23, 2011 City Commission meeting at 7:00 p.m.; seconded by Commissioner Duke. The motion carried on the following 4-0 Roll Call vote:

Commissioner Castro	Yes	Vice-Mayor Grace	Yes
Commissioner Duke	Yes	Mayor Flury	Yes

8. Bids and Requests for Proposals

There were no proposals on this agenda.

9. Public Hearings and Site Plans

9.1 ORDINANCE #2011-024

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, TO AMEND THE CODE OF ORDINANCES AND LAND DEVELOPMENT CODE BY AMENDING ARTICLE IX "HISTORIC PRESERVATION" OF CHAPTER 8 "BUILDINGS" OF THE CODE OF ORDINANCES CONCERNING THE CITY'S HISTORIC MARKER AND PLAQUE PROGRAM; AMENDING ARTICLE 105 "USE REGULATIONS FOR RESIDENTIAL AND OPEN SPACE ZONING DISTRICTS" REGARDING PERMITTED ACCESSORY USES AND STRUCTURES; AMENDING ARTICLE 110 "USE REGULATIONS FOR COMMERCIAL AND MIXED-USE DISTRICTS" CONCERNING PERMITTED USES IN ZONING DISTRICTS AND PROVIDING FOR SUPPLEMENTAL USE REGULATIONS; AMENDING ARTICLE 115 "INDUSTRIAL DISTRICTS: PERMITTED, PROHIBITED, SPECIAL EXCEPTION USES, AND CONDITIONS OF USE" CONCERNING PERMITTED USES IN ZONING DISTRICTS AND CONDITIONS OF USE; AMENDING ARTICLE 205 "TABULAR SUMMARY OF SITE DEVELOPMENT STANDARDS FOR ALL ZONING DISTRICTS" TO AMEND DEVELOPMENT STANDARDS FOR ZONING DISTRICTS; AMENDING ARTICLE 215 "SUPPLEMENTAL REGULATIONS FOR YARDS, LOT COVERAGE, IMPERVIOUS AREA AND OPEN SPACE" TO AMEND YARD AND IMPERVIOUS AREA REGULATIONS; CREATING ARTICLE 221 "NOISE MITIGATION" TO PROVIDE FOR NOISE MITIGATION REQUIREMENTS FOR RESIDENTIAL PROPERTIES WITHIN ACCEPTED FEDERAL AVIATION ADMINISTRATION LONG-RANGE NOISE EXPOSURE AREAS; AMENDING ARTICLE 265 "OFF-STREET PARKING REQUIREMENTS" TO AMEND PARKING REQUIREMENTS FOR PROPERTIES WITHIN THE DESIGN DISTRICT OVERLAY; CREATING ARTICLE 295 "VOLUNTARY MOBILITY PROGRAM" IN ORDER TO PROVIDE FOR A MOBILITY PROGRAM TO MANAGE VEHICULAR TRAFFIC DEMAND AND SUPPORT MULTIMODAL TRANSIT; AMENDING ARTICLE 303 "DISTRICT DEVELOPMENT STANDARDS" TO AMEND DENSITY AND DEVELOPMENT STANDARDS FOR THE CITY CENTER ZONING DISTRICT; CREATING ARTICLE 330 "COMMUNITY FACILITIES (CF) DISTRICT" TO ESTABLISH THE COMMUNITY FACILITIES ZONING DISTRICT; AMENDING ARTICLE 505 "SIGN REGULATIONS" CONCERNING REGULATIONS OF TRANSIT-RELATED SIGNAGE; AMENDING ARTICLE 605 "GENERAL APPLICATION REQUIREMENTS" TO IMPLEMENT THE VOLUNTARY MOBILITY PROGRAM; AMENDING ARTICLE 610 "PUBLIC HEARING NOTICES" TO PROVIDE FOR AMENDMENTS TO PUBLIC NOTICE MAILING REQUIREMENTS FOR DEVELOPMENT APPLICATIONS; AMENDING ARTICLE 655 "VACATIONS OF RIGHT-OF-WAY" TO AMEND THE PROCEDURES FOR RIGHT-OF-WAY VACATIONS; AMENDING ARTICLE 725 "DEFINITIONS" TO AMEND DEFINITIONS RELATED TO MOBILITY PROGRAM, DENSITY AND PERMITTED USES; PROVIDING FOR AMENDMENTS THROUGHOUT THE LAND DEVELOPMENT CODE TO CORRECT SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

City Attorney Ansbro read the title of Ordinance #2011-024.

Corinne Lajoie, AICP, Principal City Planner, provided an overview of the Zoning Text Amendments to the One Code. She noted the ordinance clarifies sections of the Code that are unclear; adds definitions; reinstates a zoning designation that was omitted; clarifies processes; and corrects Scrivener's errors.

Commissioner Duke commended staff for this amendment.

Mayor Flury opened the Public Hearing.

Craig Urbine, 1211 Stirling Road, commented that Community Development responded immediately to the stakeholders after the last Commission meeting. He thanked them for their response to the business community.

Bob Adams, 330 SE 3rd Terrace, questioned daycare in residential neighborhoods. He noted approximately 15 years ago, an ordinance was adopted that home businesses could not generate additional traffic. He wondered how this could be accomplished.

Ms. Church noted that home daycare is limited to 5 children.

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

Vice-Mayor Grace motioned to adopt Ordinance #2011-024, on second reading; seconded by Commissioner Castro. The motion carried on the following 4-0 Roll Call vote:

Commissioner Castro	Yes	Vice-Mayor Grace	Yes
Commissioner Duke	Yes	Mayor Flury	Yes

9.2 ORDINANCE #2011-025

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA APPROVING THE REQUEST MADE BY ALEX NICHOLS, PROPERTY OWNER, TO REZONE PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF SW 31ST STREET AND SW 26TH TERRACE (TRAM ROAD), SOUTH OF STATE ROAD 84 IN THE CITY OF DANIA BEACH, FLORIDA, AND LEGALLY DESCRIBED IN EXHIBIT "A", A COPY OF WHICH IS ATTACHED TO THIS ORDINANCE; CHANGING THE CURRENT ZONING CLASSIFICATION OF THE PROPERTY FROM RESIDENTIAL SINGLE FAMILY (RS-6000) TO INDUSTRIAL RESEARCH OFFICE MARINE - AIRPORT APPROACH (IROM-AA), SUBJECT TO CERTAIN RESTRICTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

City Attorney Ansbro read the title of Ordinance #2011-025.

Corinne Lajoie, Principal City Planner, provided an overview of the request. She noted half of the property is zoned Single Family Residential and the other half is zoned IROM-AA. Ms. Church advised the zoning must be compatible before development can occur. She said this change would make the property consistent with uses allowed in the Interlocal Agreement between the City and Broward County for the Ft. Lauderdale-Hollywood International Airport.

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

Commissioner Castro motioned to adopt Ordinance #2011-025, on second reading; seconded by Vice-Mayor Grace. The motion carried on the following 4-0 Roll Call vote:

Commissioner Castro	Yes	Vice-Mayor Grace	Yes
Commissioner Duke	Yes	Mayor Flury	Yes

9.3 ORDINANCE #2011-026

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING SECTIONS 13-68 ENTITLED "DEFINITIONS" AND 13-74, ENTITLED "GARBAGE COLLECTION BY PRIVATE HAULERS, PERMITS REQUIRED", BY AMENDING PARAGRAPH 2 ENTITLED "FRANCHISE FEE REQUIRED" AND PARAGRAPH 5, OF ARTICLE IV, ENTITLED "GARBAGE AND TRASH" OF THE CITY CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

City Attorney Ansbro read the title of Ordinance #2011-026. He noted that some adjustments were made to the ordinance at the request of the City Manager's office.

Mayor Flury 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 Ordinance #2011-026, on second reading, with changes recommended by the City Attorney; seconded by Commissioner Castro. The motion carried on the following 4-0 Roll Call vote:

Commissioner Castro	Yes	Vice-Mayor Grace	Yes
Commissioner Duke	Yes	Mayor Flury	Yes

9.4 ORDINANCE #2011-027

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, REPEALING SECTION 2-12 IN ITS ENTIRETY, ENTITLED "ISSUANCE OF PROMISSORY OBLIGATIONS", OF ARTICLE I, ENTITLED "IN GENERAL" OF CHAPTER 2, ENTITLED "ADMINISTRATION" AND CREATING A NEW SECTION 2-12 OF ARTICLE 1 TO BE ENTITLED "DEBT MANAGEMENT POLICY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

City Attorney Ansbro read the title of Ordinance #2011-027.

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

Commissioner Castro motioned to adopt Ordinance #2011-027, on second reading; seconded by Vice-Mayor Grace. The motion carried on the following 4-0 Roll Call vote:

Commissioner Castro	Yes	Vice-Mayor Grace	Yes
Commissioner Duke	Yes	Mayor Flury	Yes

9.5 RESOLUTION #2011-076

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST MADE BY TAMARA PEACOCK, CONSULTANT REPRESENTING ANGELA M. KELSEY OF PORT 5 LTD., FOR AN EXTENSION OF THE SITE PLAN (SP-03-01) GRANTED BY RESOLUTION NO. 2001-061, AND VARIANCE (VA-18-01) GRANTED BY RESOLUTION NO. 2001-060, FOR PROPERTY LOCATED AT 2150 NW 7th AVENUE (SOUTH OF HERTZ RENTAL CAR AND EAST OF THE FT LAUDERDALE INTERNATIONAL AIRPORT) IN THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2011-076.

Commissioner Duke noted he spoke to Mr. Kelsey.

Corinne Lajoie, Principal City Planner, provided an overview of the request. She said Broward County began monitoring the site and requested additional environmental information, which caused a delay in construction. The applicant is requesting an extension in order to apply for new permits and financing for the property.

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

Commissioner Castro motioned to adopt Resolution #2011-076; seconded by Commissioner Duke. The motion carried on the following 4-0 Roll Call vote:

Commissioner Castro	Yes	Vice-Mayor Grace	Yes
Commissioner Duke	Yes	Mayor Flury	Yes

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

9.6 RESOLUTION #2011-077

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST SUBMITTED BY LAZARO MONTEAGUDO ON BEHALF OF HH OAKS LLC, FOR PROPERTY LOCATED AT 2828 HIDDEN HARBOUR COURT IN DANIA BEACH (REQUEST IS FOR A MODIFICATION TO SITE PLAN (SP-05-03) APPROVED BY RESOLUTION 2003-046 ON MARCH 25, 2003, AS PER CONDITION "C-4"); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2011-077.

Kristin Dion, City Planner, noted the request is for an individual pool and patio in the rear yard of a unit on the approved site plan. She said Commission approval is required according to the governing ordinance.

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

Vice-Mayor Grace motioned to adopt Resolution #2011-077; seconded by Commissioner Castro. The motion carried on the following 4-0 Roll Call vote:

Commissioner Castro	Yes	Vice-Mayor Grace	Yes
Commissioner Duke	Yes	Mayor Flury	Yes

9.7 RESOLUTION #2011-078

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST SUBMITTED BY JOHN BARTLEY, REPRESENTING THE PROPERTY OWNER, DAN'S DEALS ON WHEELS AUTO TRANSPORT AND SALE, LLC, FOR A SPECIAL EXCEPTION USE TO ALLOW OUTDOOR VEHICLE STORAGE ON PROPERTY LOCATED AT 4601 SW 44TH AVENUE IN DANIA BEACH, FLORIDA, LOCATED IN AN INDUSTRIAL GENERAL ("I-G") ZONING DISTRICT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2011-078.

Kristin Dion, City Planner, advised the request is for overnight parking for passenger vehicles and tractor trailers. A text amendment was approved by the City Commission on January 11, 2011 to allow interim overnight parking as a special exception use. Ms. Dion noted that staff recommends approval, provided a five foot landscape buffer is permitted and installed, with a sunset period of 5 years due to the recommendations within the West Side Master Plan for marine uses in this area.

Mayor Flury 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 #2011-078, subject to all conditions; seconded by Vice-Mayor Grace. The motion carried on the following 4-0 Roll Call vote:

Commissioner Castro	Yes	Vice-Mayor Grace	Yes
Commissioner Duke	Yes	Mayor Flury	Yes

10. Discussion and Possible Action

There were no discussion items on this agenda.

11. Commission Comments

11.1 Commissioner Castro

Commissioner Castro commented on the following items:

- Community Development & the CRA are working together to streamline the permitting process
- Broward County East West Transportation meetings
- Redistricting Hearing on August 16, 2011
- She will be attending the Florida League of Cities Conference in Orlando on August 11-13, 2011
- The City is a finalist for the Community Spirit Award, which will be presented on August 18, 2011 at the Broward League of Cities 2011 Cities of Excellence Awards Presentation - Our submittal was for the Antique Motorcycle Show
- City Travel Policy – She commented that she is not billing the City for meals – The City has a lot of rules, and we need to look at the IRS guidelines to see if we can change our policy
- Griffin Road Corridor looks terrible; median needs to be cut, grass is overgrown, and there is graffiti – She asked Representative Jenne for help with the FDOT property on the corner of I-95 and Griffin Road – She requested staff look at the corridor to see if we can clean it up
- FPL will redo the FPL plant at Port Everglades, however, they will not be burying the overhead wires in Dania Beach
- Large Pipe at Trails End Park under US-1 - She requested staff call Broward County tomorrow and find out they are doing
- Commissioner Castro commended Donna Kirby, in Community Development, as her Employee of the meeting

11.2 Commissioner Duke

Commissioner Duke commented that on August 23rd, the Commission will be voting on Dania Jai Alai. He said he would like to hear from citizens.

11.3 Commissioner McElyea

Commissioner McElyea was not present at this meeting.

11.4 Vice-Mayor Grace

Vice-Mayor Grace commented on the following items:

- Broward Alliance Workshop concerning new jobs will be held in October at the Hard Rock Café – she encouraged the City Manager or Assistant City Manager to attend
- Vision Workshop for grants and initiatives at the Marriot Hotel on August 18 – she provided information for the City Manager or Assistant City Manager to attend
- Delay on College Gardens and Dania Heights Projects

- Progress in the Park was delayed by 1 week due to inclement weather – someone from staff needs to attend
- Mosquito Control is running 2-3 weeks behind
- She and several Community Organizations painted 2 Dismas Houses, which makes a total of 10 houses this year
- New barbershop in Dania Beach will be trimming children's hair for free on August 20th at 790 NW 1st Street
- Long-term BSO employee (Skip Motes) is retiring as a Police Officer for the City
- Suggested that BSO network with Memphis, Tennessee on Smart Policing practices
- Her employee recognition is Lieutenant Brown and Chief Peterson
- She appreciates Commissioners Duke and Castro following through with our Legislators on the grants for the bridge projects

11.5 Mayor Flury

Mayor Flury requested an update on the Ethics Policy at the next meeting.

12. Appointments

There were no appointments at this meeting.

13. Administrative Reports

13.1 City Manager

Assistant City Manager Donnelly asked the Commission if they would be available for a Workshop on Wednesday, August 31, covering the FY 2011-2012 Budget and the Pier Restaurant at 5:00 p.m.

Commissioner Duke noted a General Employees Pension Board meeting might be held that afternoon.

Assistant City Manager Donnelly reported that Craven Thompson will present its plans for the marina to the Marine Advisory Board on August 17, at 6:00 p.m. The final plans will be presented to the City Commission in September.

Assistant City Manager Donnelly noted a Grant Advisory Board Workshop will be held on Saturday, September 10, 2011.

13.2 City Attorney

City Attorney Ansbro requested an Attorney/Client Session, to discuss airport litigation, on Tuesday, August 23, 2011 at 6:00 p.m.

13.3 City Clerk - Reminders

Tuesday, August 23, 2011 – 6:00 p.m.	Attorney/Client Session
Tuesday, August 23, 2011 – 7:00 p.m.	City Commission Meeting
Wednesday, August 31, 2011 – 5:00 p.m.	City Commission Workshop
Wednesday, September 7, 2011 – 6:00 p.m.	CRA Board Meeting
Tuesday, September 13, 2011 – 7:00 p.m.	City Commission Meeting
Wednesday, September 14, 2011 – 7:00 p.m.	First Public Hearing FY 11/12 Budget
Thursday, September 15, 2011 – 6:00 p.m.	Abatement Hearing
Monday, September 26, 2011 – 7:00 p.m.	Second Public Hearing FY 11/12 Budget
Tuesday, September 27, 2011 – 7:00 p.m.	City Commission Meeting

14. Adjournment

Mayor Flury adjourned the meeting at 8:50 p.m.

ATTEST:



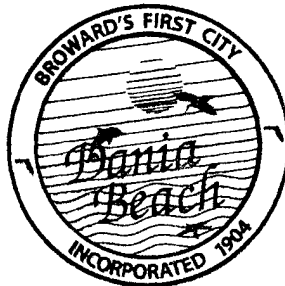
LOUISE STILSON, CMC
CITY CLERK

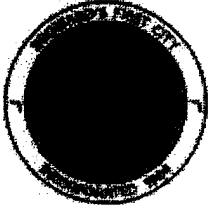
CITY OF DANIA BEACH



PATRICIA A. FLURY
MAYOR

Approved: August 23, 2011





✓
**REQUEST TO ADDRESS
 CITY COMMISSION AT REGULAR
 OR SPECIAL MEETINGS**

The City is required by state law to keep minutes of City Commission meetings. To properly identify persons who address the City Commission in those minutes, the City requests that this form be completed and provided to the City Clerk, before the meeting begins.

DATE OF COMMISSION MEETING: 8.9, 202011

PRINT NAME: Anna Page

ADDRESS: 38 SW 5th Street, Dania Beach

PHONE NO. (optional): 954 923 3645

PLEASE CHECK ONE OR BOTH OF THE BOXES BELOW:

1) **CITIZEN COMMENTS:**

Comments by Dania Beach citizens or interested parties that are not part of the regular printed agenda may be made during each Commission meeting during the period set aside for "Citizen Comments." A thirty (30) minute "Citizen Comments" period shall be designated on the agenda for citizens and interested persons to speak on matters not scheduled on that day's agenda. The citizen comments' period shall begin promptly at 7:30 PM. Each speaker shall be limited to 3 minutes for his or her comments. Persons desiring to speak during the citizen comment period shall inform the City Clerk immediately prior to the beginning of the meeting of their intention to speak. If more than 10 speakers express a desire to speak, the Commission shall determine on a meeting by meeting basis whether to (a) extend the time allotted for citizen comments to accommodate all speakers, or (b) whether to limit the number of speakers or amount of time per speaker. A speaker's time shall not be transferable to another speaker.

PLEASE BRIEFLY DESCRIBE THE SUBJECT MATTER OF YOUR COMMENT:

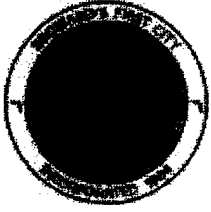
Closing of SW 5th Street &
Federal Hwy by Kentucky Fried Crn

2) **PUBLIC HEARINGS - ITEM # _____ (AS PRINTED ON AGENDA)**

PLEASE NOTE: IF YOU WISH TO SPEAK ON AN ITEM THAT PERTAINS TO A "ZONING" TYPE OF MATTER (FOR EXAMPLE, A SITE PLAN, VARIANCE, SPECIAL EXCEPTION OR SIMILAR TYPE OF ITEM KNOWN AS A "QUASI-JUDICIAL" MATTER, YOU ARE SUBJECT TO BEING ASKED TO SWEAR OR AFFIRM THAT YOU WILL BE TRUTHFUL AS TO YOUR COMMENTS OR TESTIMONY. YOU MAY ALSO BE SUBJECT TO QUESTIONS ASKED OF YOU BY AN APPLICANT OR AN APPLICANT'S REPRESENTATIVE OR ATTORNEY WHICH RELATE TO THE ITEM.

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH REGARD TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

LOBBYIST REGISTRATION REQUIRED - REGISTRATION AS A LOBBYIST IN THE CITY OF DANIA BEACH IS REQUIRED IF ANY PERSON, FIRM OR CORPORATION IS BEING PAID TO LOBBY ANY CITY COMMISSIONER ON ANY MATTER OR ISSUE PURSUANT TO CITY ORDINANCE NO. 01-93. REGISTRATION FORMS AND COPIES OF THE ORDINANCE ARE AVAILABLE IN THE CITY CLERK'S OFFICE AT CITY HALL.



**REQUEST TO ADDRESS
CITY COMMISSION AT REGULAR
OR SPECIAL MEETINGS**

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DATE OF COMMISSION MEETING: _____, 20__

PRINT NAME: Al Jones

ADDRESS: 722 SW 3rd St

PHONE NO. (optional): _____

PLEASE CHECK ONE OR BOTH OF THE BOXES BELOW:

1) **CITIZEN COMMENTS:**

Comments by Dania Beach citizens or interested parties that are not part of the regular printed agenda may be made during each Commission meeting during the period set aside for "Citizen Comments." A thirty (30) minute "Citizen Comments" period shall be designated on the agenda for citizens and interested persons to speak on matters not scheduled on that day's agenda. The citizen comments' period shall begin promptly at 7:30 PM. Each speaker shall be limited to 3 minutes for his or her comments. Persons desiring to speak during the citizen comment period shall inform the City Clerk immediately prior to the beginning of the meeting of their intention to speak. If more than 10 speakers express a desire to speak, the Commission shall determine on a meeting by meeting basis whether to (a) extend the time allotted for citizen comments to accommodate all speakers, or (b) whether to limit the number of speakers or amount of time per speaker. A speaker's time shall not be transferable to another speaker.

PLEASE BRIEFLY DESCRIBE THE SUBJECT MATTER OF YOUR COMMENT:

Community Announcement

2) **PUBLIC HEARINGS – ITEM # _____ (AS PRINTED ON AGENDA)**

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LOBBYIST REGISTRATION REQUIRED - REGISTRATION AS A LOBBYIST IN THE CITY OF DANIA BEACH IS REQUIRED IF ANY PERSON, FIRM OR CORPORATION IS BEING PAID TO LOBBY ANY CITY COMMISSIONER ON ANY MATTER OR ISSUE PURSUANT TO CITY ORDINANCE NO. 01-93. REGISTRATION FORMS AND COPIES OF THE ORDINANCE ARE AVAILABLE IN THE CITY CLERK'S OFFICE AT CITY HALL.

NOTICE OF HEARING BEFORE CITY COMMISSION OF
THE CITY OF DANIA BEACH, FLORIDA, REGARDING
ADOPTION OF THE FOLLOWING PROPOSED ORDINANCES:

NOTICE IS GIVEN that on August 9, 2011 at 7.00 p.m. or as soon thereafter as the matter may be heard, the City Commission of the City of Dania Beach, Florida, will conduct a public hearing in the Commission Chamber at Dania Beach City Hall, 100 West Dania Beach Boulevard, Dania Beach, Florida, to consider the proposed adoption of the following ordinances:

ORDINANCE NO. 2011-026

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING SECTIONS 13-68 ENTITLED "DEFINITIONS" AND 13-74, ENTITLED "GARBAGE COLLECTION BY PRIVATE HAULERS, PERMITS REQUIRED", BY AMENDING PARAGRAPH 2 ENTITLED "FRANCHISE FEE REQUIRED" AND PARAGRAPH 5, OF ARTICLE IV, ENTITLED "GARBAGE AND TRASH" OF THE CITY CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2011-027

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, REPEALING SECTION 2-12 IN ITS ENTIRETY, ENTITLED "ISSUANCE OF PROMISSORY OBLIGATIONS", OF ARTICLE I, ENTITLED "IN GENERAL" OF CHAPTER 2, ENTITLED "ADMINISTRATION" AND CREATING A NEW SECTION 2-12 OF ARTICLE 1 TO BE ENTITLED "DEBT MANAGEMENT POLICY"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Copies of the proposed ordinances are on file in the Office of the City Clerk, City Hall, 100 West Dania Beach Boulevard, Dania Beach, Florida, and may be inspected by the public during normal business hours.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinances. Any person who decides to appeal any decision made with respect to any matter considered at this hearing will need a record of the proceedings and for such purpose may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the American with Disabilities Act, persons needing assistance to participate in any of the proceedings should contact the City Clerk's Office, 100 West Dania Beach Boulevard, Dania Beach, Florida 33004, (954) 924-6800 Ext. 3624 at least 48 hours prior to the meeting.

/s/ Louise Stilson
City Clerk

Run in Sun Sentinel: Friday, July 28, 2011