

MINUTES OF REGULAR MEETING
DANIA BEACH CITY COMMISSION
TUESDAY, JANUARY 8, 2013 – 7:00 P.M.

1. Call to Order/Roll Call

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

Present:

| | |
|----------------|---------------------|
| Mayor: | Walter B. Duke III |
| Vice-Mayor: | Albert C. Jones |
| Commissioners: | Chickie Brandimarte |
| | Patricia A. Flury |
| | Bobbie H. Grace |
| City Manager: | Robert Baldwin |
| City Attorney: | Thomas Ansbro |
| City Clerk: | Louise Stilson |

2. Invocation and Pledge of Allegiance

Vice-Mayor Jones gave the invocation followed by the Pledge of Allegiance to the United States Flag.

3. Presentations and Special Event Approvals

3.1 Dania Beach Improvement Committee request to rename entryway to City Hall as “Mac Way” – Tim Ryan

Bo Donly, on behalf of Tim Ryan, Dania Beach Improvement Committee, requested consideration of naming the future street that will come from US-1 as “Mac’s Way” and in the meantime, a sign being placed on the circle to City Hall.

Commissioner Grace spoke in support of the request.

Commissioner Flury thought this was not the appropriate way to honor Mr. McElyea and would like to see something more significant. She noted it is not known at this point if there will be a street from US-1 and suggested C.K. McElyea City Hall be given consideration, as she wholeheartedly supports doing something, but would rather it be something nicer.

Vice-Mayor Jones would also like to see something more substantial.

Tim Ryan, Broward County Commissioner, Dania Beach Improvement Committee, commented on C.K. “Mac” McElyea and all the contributions he has made to the City. As a tribute to him,

the committee is requesting a sign be installed, designating the entryway to the Library/City Hall complex as "Mac's Way".

Commissioner Brandimarte commented that Mr. McElyea would like Old Griffin Road to be named after him.

- 3.2 Special Event request from the Martin Luther King Committee for the annual "Martin Luther King Parade and Banquet" to be held on Monday, January 21, 2013 from 7:30 a.m. to 5:00 p.m. The parade will start at C.W. Thomas Park and will end at Trinity Missionary Baptist Church. The applicant is requesting road closures for Federal Highway, Stirling Road and Phippen Road, as well as BSO Police escort detail.

Carolyn Jones, 722 SW 3rd Street, spoke about the banquet scheduled for January 18th and asked the Commissioners to purchase a table for \$120.00, or buy a ticket for \$15.00.

Commissioner Flury motioned to approve the Special Event request for the Martin Luther King Parade and Banquet; seconded by Vice-Mayor Jones. The motion carried unanimously.

4. Proclamations

- 4.1 Human Trafficking Awareness Day – requested by Broward League of Cities President, Commissioner Bobby Dubose

5. Citizen Comments

Ann Page, President of the Friends of the Library, introduced Amy Eaton, 9th Grade student at Hollywood Hills High School, who is the 1st Place Winner in the T-shirt art contest for the 2nd Annual Walk for the Library.

Clare Vickery, 75 N Federal Highway, thanked the Commission for supporting the arts.

George Jason, 4549 SW 37th Avenue, suggested that a park be located at the old Pirates Inn property and named after Commissioner McElyea. He noted Mt. Sinai United Methodist Church is celebrating 107 years but may close due to poor attendance. Supporters are needed and are invited to services every Sunday at 10:00 a.m.

6. Public Safety Reports

Lieutenant Will Jackson, BSO, recognized Deputy Herrera as Deputy of the Month for November for his resolution of a stalking case.

Bruce Caruso, Division Chief, BSO Fire Rescue, commented about the new Fire Chief, who was sworn-in today. He noted vaccinations for the flu, which is on the upswing in the southeastern U.S., are still available.

7. Consent Agenda

Items removed from Consent Agenda: #7.3, #7.7, #7.10, #7.11 Withdrawn

- 7.1 Minutes:
Approve minutes of December 11, 2012 City Commission Meeting
- 7.2 Travel Requests: None

Resolutions

7.4 RESOLUTION #2013-002

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, SUPPORTING THE RE-DESIGNATION OF STATE ROAD A1A IN BROWARD COUNTY AS A FLORIDA SCENIC HIGHWAY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.5 RESOLUTION #2013-003

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO AN AGREEMENT EXISTING BETWEEN THE CITY OF DANIA BEACH AND THE SCHOOL BOARD OF BROWARD COUNTY RELATING TO THE RECIPROCAL USE AGREEMENT; PROVIDING FOR CONFLICTS; FURTHER PROVIDING FOR AN EFFECTIVE DATE.

7.6 RESOLUTION #2013-004

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR AN AMENDMENT OF A NOTATION ON A PLAT, FOR THE HARBOUR TOWNE MARINA PLAT (PLAT 056-MP-82); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.8 RESOLUTION #2013-006

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, PROVIDING FOR APPROPRIATION OF FUNDS FOR FISCAL YEAR 2012-2013; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.9 RESOLUTION #2013-007

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, REQUESTING TRANSFER OF AVAILABLE FUNDING AND ADVANCE APPROVAL FROM THE CITY COMMISSION OF THE CITY OF DANIA BEACH FOR ADVERTISEMENT FOR NEIGHBORHOOD IMPROVEMENT PROJECTS KNOWN AS OASIS III AND IV, WHERE BIDDING IS EXPECTED TO BE SOUGHT BY THE

PUBLIC SERVICES DEPARTMENT; PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.12 RESOLUTION #2013-008

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE ADDITIONAL ENGINEERING SERVICES FROM CALVIN, GIORDANO AND ASSOCIATES, INC. RELATING TO EXPANSION OF THE SOUTHEAST STORMWATER IMPROVEMENT PHASE I PROJECT FOR REDESIGN AND CONSTRUCTION OVERSIGHT IN AN AMOUNT NOT TO EXCEED NINETY-SIX THOUSAND FOUR HUNDRED AND TWENTY DOLLARS (\$96,420.00); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Vice-Mayor Jones motioned to adopt the Consent Agenda, with the exception of Items #7.3, #7.7, #7.10, and #7.11, which was withdrawn; seconded by Commissioner Flury. The motion carried on the following 5-0 Roll Call vote:

| | | | |
|---------------------------------|------------|-------------------------|------------|
| Commissioner Brandimarte | Yes | Vice-Mayor Jones | Yes |
| Commissioner Flury | Yes | Mayor Duke | Yes |
| Commissioner Grace | Yes | | |

7.3 RESOLUTION #2013-001

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY FINANCE DEPARTMENT TO WRITE-OFF AND PERMANENTLY DELETE FROM THE CITY'S ACCOUNTS RECEIVABLES RECORDS, THE BALANCE OF \$125,000.00 DUE FROM A TO X VIDEO, AS A RESULT OF A LITIGATION AND CODE SETTLEMENT AGREEMENT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2013-001. Responding to Commissioner Flury, he explained we are unable to contact anyone who ran the operation; therefore, we cannot recoup the money. He noted a judgment has been recorded against the principals for possible collection if any property in the state ever shows up in their names.

Commissioner Flury motioned to adopt Resolution #2013-001; seconded by Vice-Mayor Jones. The motion carried on the following 5-0 Roll Call vote:

| | | | |
|---------------------------------|------------|-------------------------|------------|
| Commissioner Brandimarte | Yes | Vice-Mayor Jones | Yes |
| Commissioner Flury | Yes | Mayor Duke | Yes |
| Commissioner Grace | Yes | | |

7.7 RESOLUTION #2013-005

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE AGREEMENT FOR POLICE SERVICES EXISTING BETWEEN THE CITY OF DANIA BEACH AND THE BROWARD SHERIFF'S OFFICE, RELATING TO THE ADDITION OF A PARK RANGER IN AN ANNUAL AMOUNT NOT TO EXCEED \$76,273.00; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2013-005.

Vice-Mayor Jones requested clarification of the position's duties and responsibilities, and of the reporting cycle.

City Manager Baldwin responded the primary purpose is for security around City facilities throughout the City, monitoring trash and landscape issues, and surveying lighting in parking lots and street lighting. Initially, the ranger will report to the City Manager's office and he outlined the operational process that will be followed.

Vice-Mayor Jones motioned to adopt Resolution #2013-005; seconded by Commissioner Flury. The motion carried on the following 5-0 Roll Call vote:

| | | | |
|---------------------------------|------------|-------------------------|------------|
| Commissioner Brandimarte | Yes | Vice-Mayor Jones | Yes |
| Commissioner Flury | Yes | Mayor Duke | Yes |
| Commissioner Grace | Yes | | |

7.10 RESOLUTION #2012-170

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE CHANGE ORDER NUMBER 3, AND TO PROVIDE ADDITIONAL FUNDING FOR CAPITAL PROJECT SERVICES TO CENTURY BUILDING RESTORATION USA INC. FOR THE I.T. PARKER DOCK REPLACEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$7,607.64; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Continued from December 11, 2012)*

City Attorney Ansbro read the title of Resolution #2012-170.

Vice-Mayor Jones questioned the derivation, control, and determination of the dollar amount, of contingency funds for projects.

City Manager Baldwin responded the contingency is conditional on the particular project.

Dominic Orlando, Director of Public Services, explained how contingency works and noted all change orders come to the Commission for approval.

Vice-Mayor Jones motioned to adopt Resolution #2012-170; seconded by Commissioner Flury. The motion carried on the following 5-0 Roll Call vote:

| | | | |
|---------------------------------|------------|-------------------------|------------|
| Commissioner Brandimarte | Yes | Vice-Mayor Jones | Yes |
| Commissioner Flury | Yes | Mayor Duke | Yes |
| Commissioner Grace | Yes | | |

7.11 RESOLUTION #2012-102 *Withdrawn*

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AND ACCEPT AN AMENDED EASEMENT

FROM MEADOWBROOK LAKES VIEW CONDOMINIUM ASSOCIATION, INC., A FLORIDA CORPORATION, AND MEADOWBROOK LAKES VIEW CONDOMINIUM ASSOCIATION "A", INC., A FLORIDA CORPORATION, (EACH INDIVIDUALLY AND COLLECTIVELY, THE "GRANTOR"), FOR PURPOSES OF DRAINAGE, WATERMAIN, STORMWATER AND OTHER SIMILAR FUNCTIONS, FOR THE BENEFIT OF THE GRANTOR AND THE REAL PROPERTY DESCRIBED ON THE ATTACHED EXHIBIT "A"; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Continued from November 27, 2012)*

8. Bids and Requests for Proposals

There were no proposals on this agenda.

9. Public Hearings and Site Plans

9.1 ORDINANCE #2012-033

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST MADE BY BATIA DAYAN ON BEHALF OF 4760 LLC, FOR A REZONING AND FLEX ALLOCATION FOR PROPERTY LOCATED AT 4760 SW 42 TERRACE IN THE CITY OF DANIA BEACH, FLORIDA, FOR PROPERTY LEGALLY DESCRIBED IN EXHIBIT "A"; CHANGING THE CURRENT ZONING CLASSIFICATION OF THE PROPERTY FROM RESIDENTIAL (RS-6000) TO COMMERCIAL (C-2) AND ASSIGNING A COMMERCIAL LAND USE DESIGNATION, SUBJECT TO CERTAIN RESTRICTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)**

City Attorney Ansbro read the title of Ordinance #2012-033. He reminded the Commission that they did not take any action on this item at the December 11, 2012 meeting and noted they must either approve or deny the request. He advised this was a quasi-judicial hearing and swore-in those who would speak, and asked the Commission to disclose any communication they had on this matter.

Vice-Mayor Jones noted the petitioner had contacted him before the last meeting.

Corinne Lajoie, Principal City Planner, provided an overview of the property and the request.

Mayor Duke opened the Public Hearing.

Batia Dayan, property owner, noted the property is the only residential property on the block; if the zoning is changed, the entire block would be commercial property. She advised that she is willing to restrict some permitted uses on the property in order to avoid disturbance of the neighborhood and asked the commission to approve the request.

Commissioner Flury asked Ms. Dayan what her intent is with the property.

Ms. Dayan responded that she is considering a consulting office or using it for tutoring students. Although she is unsure of the exact use at this time, she definitely wants to utilize it as part of her profession.

In response to Commissioner Flury's question about a more limiting zoning designation, Ms. Lajoie explained the C-1 zoning is more restrictive than the C-2 zoning being requested; however, it would not allow the daycare center that currently exists on the property.

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

Vice-Mayor Jones motioned to approve Ordinance #2012-033, on second reading. The motion died for lack of a second.

Commissioner Grace motioned to deny Ordinance #2012-033, on second reading; seconded by Commissioner Brandimarte. The motion failed on the following 2-3 Roll Call vote:

| | | | |
|---------------------------------|------------|-------------------------|-----------|
| Commissioner Brandimarte | Yes | Vice-Mayor Jones | No |
| Commissioner Flury | No | Mayor Duke | No |
| Commissioner Grace | Yes | | |

Commissioner Flury motioned to adopt Ordinance #2012-033, on second reading; seconded by Vice-Mayor Jones. The motion carried on the following 4-1 Roll Call vote:

| | | | |
|---------------------------------|------------|-------------------------|------------|
| Commissioner Brandimarte | No | Vice-Mayor Jones | Yes |
| Commissioner Flury | Yes | Mayor Duke | Yes |
| Commissioner Grace | Yes | | |

9.2 ORDINANCE #2013-001

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE BY 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" TO AMEND CONDITIONS OF USE; AMENDING ARTICLE 220 "SUPPLEMENTAL BUILDING AND STRUCTURE HEIGHT REGULATIONS (INCLUDING LOWEST FINISHED FLOOR); ROOFTOP REGULATIONS" CONCERNING AIRSPACE RESTRICTIONS ON ALLOWABLE HEIGHT FOR STRUCTURES NEAR FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT; AMENDING ARTICLE 315 "HOTEL OVERLAY DISTRICT" CONCERNING REQUIREMENTS FOR INCLUSION OF PROPERTIES WITHIN THE HOTEL OVERLAY ZONING DISTRICT; AMENDING ARTICLE 620 "ADMINISTRATIVE VARIANCES" CONCERNING REQUIREMENTS RELATED TO ADMINISTRATIVE VARIANCE APPROVAL; AMENDING ARTICLE 625 "VARIANCES" CONCERNING REQUIREMENTS RELATED TO VARIANCE APPROVAL; AMENDING ARTICLE 630 "SPECIAL EXCEPTION USES" CONCERNING REQUIREMENTS RELATED TO SPECIAL EXCEPTION APPROVAL; AMENDING ARTICLE 635 "SITE PLANS" CONCERNING REQUIREMENTS RELATED TO SITE PLAN APPROVAL AND COMPLIANCE WITH APPROVED SITE PLAN REQUIREMENTS; AMENDING ARTICLE 675 "TEMPORARY USE AND SPECIAL EVENT PERMITS" REGARDING REQUIREMENTS FOR TEMPORARY USES AND SPECIAL EVENTS; AMENDING ARTICLE 710 "NONCONFORMING USES, STRUCTURES AND LOTS" CONCERNING ALLOWABLE IMPROVEMENTS TO NONCONFORMING STRUCTURES; 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. (FIRST READING)

City Attorney Ansbro read the title of Ordinance #2013-001.

Corinne Lajoie, Principal City Planner, provided an overview of the proposed changes to the One Code.

Commissioner Flury recommended changing the approval period for variances, special exceptions and site plans to 18 months, as opposed to the recommended 24 months, because of the concern about tying up flex units.

Discussion ensued regarding shortening the recommended approval period, and the impact on flex units and developers. The consensus of the Commission was to move forward with an 18-month approval period.

Mayor Duke opened the Public Hearing.

Annette Hibbetts, 26 SW 11th Street, requested clarification on nonconforming duplex as she owns a duplex situated behind her homesteaded home and on the same property.

City Attorney Ansbro suggested amending the text to allow for the few special circumstances like Ms. Hibbetts' that exist in the City.

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

Commissioner Flury motioned to adopt Ordinance #2013-001, on first reading, as amended; seconded by Vice-Mayor Jones. The motion carried on the following 4-1 Roll Call vote:

| | | | |
|---------------------------------|------------|-------------------------|------------|
| Commissioner Brandimarte | Yes | Vice-Mayor Jones | Yes |
| Commissioner Flury | Yes | Mayor Duke | Yes |
| Commissioner Grace | No | | |

10. Discussion and Possible Action

10.1 Appoint Vice-Mayor Al Jones as Airport "point" person – Commissioner Flury

Mayor Duke advised he was deferring this item until after the Commission has a shade meeting on the airport litigation. He asked the City Attorney if a unanimous vote is needed on this item when it is brought back to the Commission.

Commissioner Flury said it would be reckless not to appoint a point person, as the new Commissioners have been brought up-to-date by the airport attorney and a lot of things are going on, which the Commission is not a part of. She recommended that she be made the point person and, with an agreement in place, engage the services of Anne Castro, who is willing to serve in this capacity. She noted she would not make decisions without the commission.

Commissioner Grace said that Commissioner Duke was Commissioner Castro's back-up person for airport matters and now Mayor Duke should be the point person.

Vice-Mayor Jones expressed displeasure with the Mayor's action to delay this matter and explained why he has decided to decline taking the lead as the point person. He noted he is in agreement with Commissioner Flury and Anne Castro being the lead on airport matters, and felt this would bring a concerted and unified effort to move forward.

Vice Mayor Jones motioned to move forward with the appointment of Commissioner Flury and retaining Anne Castro; seconded by Commissioner Flury.

Commissioner Brandimarte spoke in support of Commissioner Flury as the point person, with Anne Castro serving as the consultant.

Mayor Duke stated a motion is out of order and he would not allow it.

Vice-Mayor Jones said the Mayor was out of order.

Mayor Duke stated he does not want to appoint a point person until after the Commission has a shade meeting.

Vice-Mayor Jones said the Mayor has the right to his concerns, but the Commission needs to vote on the motion that is on the floor.

City Attorney Ansbro requested an Attorney Client Session to discuss airport litigation on Tuesday, January 22, 2013 at 6:00 p.m. He noted a unanimous vote is not required to appoint a point person.

Mayor Duke commented that he is the duly elected Mayor, was elected by a wide margin, and he represents this City. He said Anne Castro is no longer on the commission and it is time to move on. He described his involvement with the airport issue to date, noting he has a good rapport with the County Commission, and he welcomes Anne Castro to reach out to him. Mayor Duke stated he has expertise that the other commissioners do not have, the Commission needs to meet and strategize, and it is reckless to make a decision without such a meeting. He reiterated that a motion is out of order and he is the Mayor; he will not be boxed out of this issue as people depend on him.

Commissioner Flury motioned that she be appointed the point person, with an agreement created with Anne Castro, at a minimal amount, to serve in a representative capacity for the City; seconded by Vice-Mayor Jones.

Mayor Duke asked Commissioner Flury to defer the motion until after the Commission meets as a team, noting the City Manager is technically the point person.

Commissioner Flury explained why this should move forward.

The motion carried on the following 3-2 Roll Call vote:

| | | | |
|---------------------------------|------------|-------------------------|------------|
| Commissioner Brandimarte | Yes | Vice-Mayor Jones | Yes |
| Commissioner Flury | Yes | Mayor Duke | No |
| Commissioner Grace | No | | |

10.2 Coastal Erosion – Mayor Duke

Mayor Duke withdrew this item from the agenda.

11. Commission Comments

11.1 Commissioner Brandimarte

Commissioner Brandimarte’s comments included the following:

- Congratulated Chief Peterson on his promotion to Major today
- Wants to send a letter to Sheriff Israel regarding his not recognizing the COP program at his swearing-in
- We should look into having a hurricane shelter

11.2 Commissioner Flury

Commissioner Flury had no comments.

11.3 Commissioner Grace

Commissioner Grace’s comments included the following:

- Innuendos do not belong here
- Sees new leadership coming for Dania Beach out of the Sheriff’s Office
- Received a phone call regarding loud music near Chester Byrd Park over the weekend, which could be heard at AMO; a permit had been issued by Hollywood so we should network with Hollywood to determine acceptable noise levels. Mayor Duke noted a meeting has already been set up.
- We should try to get guns out of the hands of people that should not have them
- Instances like the one last November where a resident pulled out a toy gun should never happen again in the City of Dania Beach; such demonstrations or activities should be registered with the City Manager or police. She would file a lawsuit against the City should anything ever happen to her.

11.4 Vice-Mayor Jones

Vice-Mayor Jones said there will be harmony on this Commission and the City will move forward.

11.5 Mayor Duke

Mayor Duke discussed the appearance of the City and noted it will be a priority of this Commission. He has already spoken to the City Manager about this as he wants the City to look nicer.

12. Appointments

Airport Advisory Board

Mayor Duke – Archie J. Ryan IV

Marine Advisory Board

Commissioner Brandimarte – Carol Stokrocki

Commissioner Flury – Shawn DeRosa, Mike Grady

Commissioner Grace – Craig McAdams

Vice-Mayor Jones – James Mitchell

Mayor Duke – Peggy McKenna, Mark LaRocca

Parks, Recreation and Community Affairs Advisory Board

Mayor Duke – Tim Pelott, Judy Jensen

Vice-Mayor Jones motioned to approve the appointments; seconded by Commissioner Flury. The motion carried on the following 5-0 Roll Call vote:

| | | | |
|---------------------------------|------------|-------------------------|------------|
| Commissioner Brandimarte | Yes | Vice-Mayor Jones | Yes |
| Commissioner Flury | Yes | Mayor Duke | Yes |
| Commissioner Grace | Yes | | |

13. Administrative Reports

13.1 City Manager

City Manager Baldwin followed up on items discussed at the last Commission meeting: open positions will be posted on the website, Channel 78, and bulletin board and advertised in the Dania Beach Press; quotes are being solicited for repair of sidewalks around City Hall and for a sidewalk from the west entrance of the parking garage to City Hall; sneakers hanging from overhead wires have been removed; street lights are being worked on; airport signage issues have been discussed with FDOT and Senator Sobel; Broward County has been put on notice regarding road cleanups and the County Administrator is willing to work together on these issues.

City Manager Baldwin noted that although Chief Peterson was promoted to Major, he will continue to be the City's Chief until further notice.

City Manager Baldwin commented we are back to square one with the I-Board and regional communications since the County Commission has indicated it is not interested in raising ad valorem taxes to pay for the service. Instead, they feel the cities should pay for regional communications.

13.2 City Attorney

City Attorney Ansbro had no further comments.

13.3 City Clerk - Reminders

| | |
|---|--|
| Thursday, January 17, 2013 – 6:00 p.m. | Abatement Hearing |
| Tuesday, January 22, 2013 – 6:00 p.m. | Attorney Client Session – Airport Litigation |
| Tuesday, January 22, 2013 – 7:00 p.m. | City Commission Meeting |
| Tuesday, January 29, 2013 – 5:00 p.m. | Workshop Goals and Objectives |
| Wednesday, February 6, 2013 – 6:00 p.m. | CRA Board Meeting |

14. Adjournment

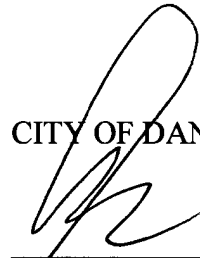
Mayor Duke adjourned the meeting at 9:24 p.m.

ATTEST:

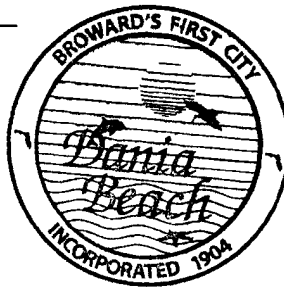


LOUISE STILSON, CMC
CITY CLERK

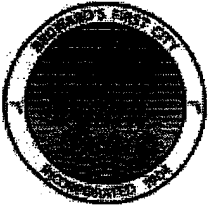
CITY OF DANIA BEACH



WALTER B. DUKE III
MAYOR



Approved: January 22, 2013



**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: 1-08, 2013

PRINT NAME: Ann Page

ADDRESS: 38 SW 5th Street, D.B. 33004

PHONE NO. (optional): 9549233645

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:

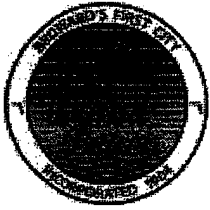
co-winner of the T-shirt Art Contest
for the 2nd Annual Walk for the Library

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

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: 1/8, 2013

PRINT NAME: Clare Vickery

ADDRESS: 75 N. Fed Hwy Dania Beach

PHONE NO. (optional): 954.816.3324

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:

Thank you for supporting the arts

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

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: 1/8, 2013

PRINT NAME: GEORGE JASON

ADDRESS: 4549 SW 37TH AVE

PHONE NO. (optional): (954) 987-4347

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:

MT. SINAI UMC

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.

#9.1

Batia Dayan
4233 Griffin Road
Dania, FL 33314

December 26, 2012

To : City of Dania
From : Batia Dayan
Re : Article 645. Rezoning 4760 SW 42 Terrace, Dania 33314

I, Batia Dayan, on behalf of 4760 LLC requesting a rezoning and flex allocation for the property located on 4760 SW 42nd Terrace, Dania, Florida, from current zoning of residential (RS-6000) to commercial (C-2) subject to restrictions.

I voluntarily willing to revise and restrict the property from the following uses in order to maintain a harmonious environment to the surrounding neighborhood.

The following uses will not be permitted and will be further recorded in the Broward County;

- Liquor, package stores.
- Restaurant, full service without live entertainment.
- Restaurants and bars with live entertainment as an accessory use.
- Fortune tellers, Palmist, Clairvoyants or Astrologists.
- Auto parts retails or wholesale.

As an educational leadership and an advocated for children, young adult students and their families, my goal is to promote education through learning, guiding and counseling. My main objective for the above mentioned property is to utilize the space positively, through education and guidance in order to enhance our community and make a difference in my neighborhood.



Batia Dayan
