

MINUTES OF REGULAR MEETING  
DANIA BEACH CITY COMMISSION  
TUESDAY, AUGUST 24, 2004 - 7:00 P.M.

1. Call to Order

Mayor McElyea called the meeting to order at 7:10 p.m.

2. Invocation and Pledge of Allegiance

Pastor Mario Cinelli, Lighthouse Community Church, gave the invocation and all remained standing for the Pledge of Allegiance to the United States Flag.

3. Roll Call

Present:

Mayor:	C.K. McElyea
Vice-Mayor:	Bob Mikes
Commissioners:	Bob Anton
	Robert Chunn
	Pat Flury
City Manager:	Ivan Pato
City Attorney:	Tom Ansbro
City Clerk:	Louise Stilson

4. Presentations and Special Event Approvals

4.1 Request by Kurt Ely, Chairman, I. T. Parker Community Advisory Board, to charge a flat rental fee of \$160.00 for the use of the I.T. Parker Center by the Dania Beach Improvement Committee for their Fund Raiser on October 30, 2004.

Kurt Ely, Chairman of the I.T. Parker Community Advisory Board, advised a substitute motion was made to charge the Dania Improvement Committee a rental fee of \$160. He indicated the Committee spends every dime they receive in the City of Dania Beach.

**Mayor McElyea passed the gavel to Vice-Mayor Mikes and motioned to waive the entire fee; seconded by Commissioner Chunn. The motion carried on the following 5-0 roll call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor Mikes</b>	<b>Yes</b>
<b>Commissioner Chunn</b>	<b>Yes</b>	<b>Mayor McElyea</b>	<b>Yes</b>
<b>Commissioner Flury</b>	<b>Yes</b>		

#### 4.2 Employee Recognition Program “General Employee of the Month” Award for July 2004.

Fernando Vazquez, Director of Public Services presented the Employee of the Month award to Stanley Johnson for his outstanding work and enthusiastic personality.

#### 5. Proclamations

There were no proclamations at this meeting.

#### 6. Citizens’ Comments

Anne Castro, 838 NW 10<sup>th</sup> Avenue, stated that she attended the workshop on the Pier Restaurant. She remarked she feels more comfortable after listening to the discussion between the City and the restaurateurs. She indicated the building would be an asset for the City and that she is in favor of the project. She remarked it is critical that we honor our lease agreement and stick to our word. She hoped it would be on the agenda for a vote tonight, and that the Commission would unanimously agree to honor the lease agreement because it is critical for our reputation.

Ruby Ferguson, 765 Nature’s Cove Road, stated she was in favor of the Pier Restaurant going forward. She feels the company is reputable and a contract has been signed. She does not know what stipulations could be placed on the restaurant to give them a trial basis, at least to go forward. If we are doing this for the good of the City then we should go forward with the contract.

George Jason, 4549 SW 37<sup>th</sup> Avenue, stated he spoke at the workshop last night. He reiterated that he is in favor of the restaurant; it is one thing that led him to believe the City was on the move and would help to improve the City. The restaurant would be in a unique location. He remarked we do not need a hot dog or hamburger joint because we already have one. He commented it should be an upscale operation to attract people in the evening. He feels strongly that we have a signed contract and we have an obligation to fulfill the contract. He remarked that if the City did not follow through on the contract, the litigation would be more costly than hiring a couple of deputies for the beach.

Pat Rafacz, 610 Trafalgar Court, commented on the Pier Restaurant. She has been hearing about the restaurant for 10 years; it was a promise to the citizens. She remarked that we tout our City as a marine industry City and as a waterfront City, yet we have nothing on our beach. She remarked that she tries to socialize in Dania Beach, but has to go to neighboring cities for more upscale restaurants and entertainment. She asked the Commission to revisit the Pier Restaurant and remember the promise made to the residents of Dania Beach.

Commissioner Flury commented that we owe the people a response. She remarked that she thought this would be an addendum on the agenda today. She asked the City Attorney who could bring the item up for reconsideration.

City Attorney Ansbro responded it must be someone on the prevailing side.

Commissioner Flury clarified that she and Commissioner Anton could not bring it up; only Mayor McElyea, Commissioner Chunn, or Vice-Mayor Mikes.

Mayor McElyea remarked that he did not want to talk about this because he got a short answer when he asked a question at the last meeting. He campaigned on the Pier Restaurant and worked quite hard to get it going. He stated he did not like the answer he received from the City Manager when he asked what we got for \$250,000. He remarked, if it had been up to him, we would have been nailing boards a long time ago, but he did not have the support. He remarked this should have been done nine years ago. He is aggravated that we only have a picture to show for our \$250,000.

Vice-Mayor Mikes remarked it is not as simple as who wants a restaurant. He thinks they all want a restaurant. His objection is because of the way it developed; we made a commitment several years ago; but a previous City Manager wanted to duplicate Martha's; other Commissioners wanted a family restaurant more suitable for the people. He wants a restaurant the people in our community could feel comfortable with; it should be useable by the people of Dania Beach. He remarked that he has spent a lot of time straightening out mixed up leases that the City has entered into over the years. He remarked that we gave away control of extensive areas of our City for long periods of time. He commented we may be stuck now. The problem is we thought we would entertain a short-term lease, but we have a 20 year lease. The taxpayers are putting up most of the money and this is not a Las Olas type location. He commented the restaurant business is very difficult, and the operators have never operated anything like this. His objection was entering into a twenty year lease, and at the same time, the Special Event language gives them control of the entire beach. In his opinion, we are giving away the use of this restaurant, and we are not getting that much for putting up \$1M. The other problem is that people on the Commission wanted 200 seats, which turns out that structurally, the facility is not capable of supporting. He commented that 200 seats triggers a liquor license and makes it easier for someone to operate. Basically, this has been manipulated into something that is not going to pay us much revenue and is meant to be a destination for people other than Dania Beach residents. Their current operation does not open until 5:00 p.m. He envisioned a family type operation, but it has to be a real high class facility that attracts people from outside the community, but uses \$1M of City residents' tax dollars. He, personally, thinks it needs more legal research before he will make any kind of motion. He managed to get control of the alcohol sales along the beach; but they want a liquor license in order to be open until 4:00 a.m. He remarked they did not want to open in the morning and we had to fight to get them to agree to this. He commented that we are in a difficult situation and we will not resolve this tonight.

Commissioner Flury commented that she does not want anyone to go away with the wrong impression because the income from the Pier Restaurant is a minimum of \$96,000 per year, or 8% of the gross revenues. She stated the operators were here last night and they said they would serve a casual lunch and then become more upscale in the evening. She remarked this City deserves an upscale restaurant and anybody in the City could frequent the restaurant. She does not think any of these things are issues; it's just that some people don't want the restaurant. She would like to see the issue come back for discussion and the only people who can bring it back are Commissioner Chunn, or the Mayor.

Vice-Mayor Mikes responded he did not want to get into an argument; but he would entertain a motion when the time is appropriate. He commented it does not need to be a reconsideration of a vote and asked the City Attorney if this was correct. He asked the City Attorney to deal with contract specialists to review the lease and provide opinions to the Commission.

Mayor McElyea remarked he was at San Francisco Pier 39 several years ago and they had a restaurant on the pier. He commented that everything was first class, and this is what he wanted to see in Dania Beach. It was rustic and not a concrete block building; but we are building a concrete block building. What we are trying to build is unreal. He remarked we missed the boat years ago with Benjamin Wall when he was going to build it for nothing.

Commissioner Flury remarked we missed the boat and we will be missing the boat for the next 10 years.

Commissioner Chunn commented that everyone would love to have a restaurant. He tried to explain his position. He remarked the commitment he made was not to the restaurant that is presently being considered. If he would have known from the beginning that the Pier not was structurally sound; he may have considered some other things. He remarked some things he found out on his own through consultants. He remarked that Commissioner Mikes was not the first person to realize that this structure was not sound. He commented that he left it to the professionals to resolve these issues. He has lost confidence in whoever's ability to get this done. He remarked Commissioner Mikes has some sound issues, but he agrees with Commissioner Flury also. He would like to see a better lease agreement, and would love to have a Pier Restaurant. He stated he would like to see the City in a stronger position than the people who own the restaurant.

Commissioner Anton remarked that the Mayor is right in what he said about the campaign. It was very clear that the vast majority of the people in the City wanted the Pier Restaurant. He commented that a previous Commission committed to borrow funds to build a restaurant; and this Commission approved a contract. He remarked it becomes a matter of commitments that are made. We are in a process of trying to revitalize this City and our word needs to be good with the community and developers. He still supports the idea of moving forward with this project. He thinks there is a significant credibility issue for this City, and this Commission, and it is something we have dealt with many times in the past. It is time we live up to this agreement and move forward with it. Yes, it is a risk, but it will be a risk whichever way we go. He remarked the attorneys can only advise us what they think may happen; but it will be up to a Judge and Jury to decide what this will cost us in the long run.

Vice-Mayor Mikes commented our problem has been in long-term leases where we got surprised and got stuck. Look at Seafair or Harbour Towne; these have cost the City millions of dollars because of the way they were written. He remarked the Beach Grill once had control of the beach, now this lease with the restaurant will do the same. He commented that he got us control of alcohol sales on the beach. He indicated the other significant problem is that FAU still has a proposal to relocate the bridge.

## 7. Consent Agenda

### 7.1 Minutes:

Approval of minutes for Compensation Workshop of July 20, 2004

Approval of minutes for Special Budget Meeting of July 26, 2004

Approval of minutes for Regular Meeting of July 27, 2004

Approval of minutes for Regular Meeting of August 10, 2004

### 7.2 Travel Expenditures:

Request by Laurence Leeds, Community Development Director, to attend CLE International-Eminent Domain Super Conference in Tampa, Florida, October 6-8, 2004, for certification purposes. (Estimated total cost: \$1,123.50)

7.3 Bills: There were no bills presented at this meeting.

## Resolutions

7.4 A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPLY TO THE U.S. DEPARTMENT OF JUSTICE, UNDER THE BUREAU OF JUSTICE ASSISTANCE (BJA) 2003 LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) PROGRAM IN THE AMOUNT OF \$18,606.00, WITH MATCHING FUNDS TO BE ALLOCATED BY THE CITY FROM THE CITY LAW ENFORCEMENT TRUST FUND IN THE AMOUNT OF \$2,067.00; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE APPLICATION AND TO ADHERE TO ALL OF ITS REQUIREMENTS PRIOR TO FUNDING; AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT AGREEMENT BY THE PROPER CITY OFFICIALS IF AND WHEN IT IS AWARDED; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.5 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO PURCHASE FROM RISK MANAGEMENT ASSOCIATES, INC. D/B/A PUBLIC RISK INSURANCE AGENCY, INC., WORKERS' COMPENSATION, PROPERTY AND GENERAL LIABILITY INSURANCE IN AN AMOUNT NOT TO EXCEED \$987,173.00 FOR THE PERIOD OF OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2005; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.6 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO PURCHASE FLOOD INSURANCE FROM AMERICAN BANKERS INSURANCE COMPANY OF FLORIDA IN AN AMOUNT NOT TO EXCEED \$32,000.00 FOR THE PERIOD OF OCTOBER 1, 2004 THROUGH SEPTEMBER 30, 2005; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

## Ordinances – (Title to be read by City Attorney)

7.7 AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING SECTION 18-29.1 OF THE CITY CODE OF ORDINANCES TO PROVIDE THAT PARTICIPATION IN THE GENERAL EMPLOYEES PENSION PLAN BY THE CITY ATTORNEY SHALL BE OPTIONAL; FURTHER, TO PROVIDE THAT THE CITY MANAGER AND CITY ATTORNEY MAY ELECT TO HAVE THE PAYMENT EQUIVALENT TO THE CITY'S PENSION PLAN CONTRIBUTION PAYABLE AS

ADDITIONAL COMPENSATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)**

7.8 AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING SECTIONS 13-21 AND 13-22 OF ARTICLE II (“SANITARY NUISANCES”) OF CHAPTER 13 (“HEALTH AND SANITATION”) OF THE CITY CODE OF ORDINANCES; REPEALING SECTIONS 13-23, 13-25, 13-26 AND 13-28 OF ARTICLE II OF CHAPTER 13 AND CREATING SECTION 13-34 OF ARTICLE II OF CHAPTER 13; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)**

**Addendum**

7.9 Request by Vice-Mayor Mikes to attend Florida Ethics Law Conference in Tampa, Florida, September 8-10, 2004. (Estimated cost \$602)

City Attorney Ansbro read the title of both Ordinances.

**Commissioner Chunn motioned to approve the Consent Agenda; seconded by Commissioner Anton. The motion carried on the following 5-0 roll call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor Mikes</b>	<b>Yes</b>
<b>Commissioner Chunn</b>	<b>Yes</b>	<b>Mayor Mikes</b>	<b>Yes</b>
<b>Commissioner Flury</b>	<b>Yes</b>		

8. **Bids and Requests for Proposals**

8.1 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AWARDING THE EXECUTION OF A CONTINUING PROFESSIONAL PROGRAM MANAGEMENT SERVICES CONTRACT TO PUBLIC UTILITY MANAGEMENT AND PLANNING SERVICES, INC. FOR THE CITY OF DANIA BEACH INTEGRATED WATERWORKS CAPITAL IMPROVEMENT PROGRAM; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE THE AGREEMENT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of the Resolution. He advised of a correction to page 1 of the agreement: instead of the wording “services to be provided by the professional engineer,” it would say: *professional management services to assist the City Public Services Director in the overall program coordination sustainability, specifically permitting, and securing of ongoing funding for all integrated waterworks capital improvement projects.*

**Commissioner Chunn motioned to approve the request with the amended exhibit; seconded by Vice-Mayor Mikes. The motion carried on the following 5-0 roll call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor Mikes</b>	<b>Yes</b>
<b>Commissioner Chunn</b>	<b>Yes</b>	<b>Mayor Mikes</b>	<b>Yes</b>
<b>Commissioner Flury</b>	<b>Yes</b>		

*Items 9.7, 11.1, and 11.2 were brought forward at this time.*

9. Public Hearings and Site Plans

9.1 AA-35-04 – Request by Howard E. Nelson, Bilzin, Sumberg, Baena, Price & Axelrod LLP, on behalf of NW 79<sup>th</sup> Station, Inc./Stirling Station, Inc., appealing the Community Development Director’s decision regarding the expiration of a previously approved site plan for the property located at 5813 SW 40<sup>th</sup> Avenue. *(Continued from August 10, 2004)*

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE ZONING APPEAL REQUEST SUBMITTED BY HOWARD E. NELSON, ON BEHALF OF NW 79<sup>TH</sup> STATION, INC./STIRLING STATION, INC., PROPERTY OWNER, FOR THE LOCATION AT 5813 SW 40<sup>TH</sup> AVENUE, DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

*Heard after Items 9.7, 11.1, and 11.2.*

City Attorney Ansbro read the title of the Resolution. He advised new information was received today and requested a continuance until September 14, 2004, at 7:00 p.m.

**Commissioner Flury motioned to continue Item 9.1 until September 14, 2004, at 7:00 p.m.; seconded by Vice-Mayor Mikes. The motion carried on the following 5-0 roll call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor Mikes</b>	<b>Yes</b>
<b>Commissioner Chunn</b>	<b>Yes</b>	<b>Mayor Mikes</b>	<b>Yes</b>
<b>Commissioner Flury</b>	<b>Yes</b>		

9.2 A) AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 6, “BEACHES, PARKS AND RECREATION”, OF THE CITY CODE OF ORDINANCES BY AMENDING SECTION 6-33, “SCHEDULE OF CHARGES”, TO INCREASE THE FINES FOR PARKING VIOLATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)**

B) AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 25, “TRAFFIC”, OF THE CITY CODE OF ORDINANCES BY AMENDING SECTION 25-79, “FINES”, TO INCREASE THE SUCH FINES FOR VIOLATIONS PURSUANT TO SECTION 25-79; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)**

City Attorney Ansbro read the title of both Ordinances. He advised these changes are due to State Law.

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

**Commissioner Anton motioned to approve Items 9.2 A&B; seconded by Commissioner Chunn. The motion carried on the following 5-0 roll call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor Mikes</b>	<b>Yes</b>
<b>Commissioner Chunn</b>	<b>Yes</b>	<b>Mayor Mikes</b>	<b>Yes</b>
<b>Commissioner Flury</b>	<b>Yes</b>		

9.3 AN ORDINANCE OF THE CITY OF DANIA, FLORIDA, APPROVING THE “RAVENSWOOD ROAD BUSINESS PARK”, PLAT, SUCH PROPERTY BEING GENERALLY LOCATED AT 3013 RAVENSWOOD ROAD, IN THE CITY OF DANIA BEACH AND LEGALLY DESCRIBED IN EXHIBIT “A”, A COPY OF WHICH IS ATTACHED TO THIS ORDINANCE; ACCEPTING THE DEDICATION FOR PUBLIC USE OF ALL STREETS, HIGHWAYS AND ALLEYS AS SHOWN ON SUCH PLAT OF THE “DANIA PLACE PLAT”; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)**

City Attorney Ansbro read the title of the Ordinance. He advised we just discovered an error in the heading of the Ordinance.

Larry Leeds, Director of Community Development, advised the correct name is Ravenswood Road Business Park, located on the undeveloped property on the west side of Ravenswood. The title references the location of another plat.

City Attorney Ansbro remarked we will need to re-do the entire process because it was wrong in the first reading.

Mr. Leeds remarked the two readings would be September 14<sup>th</sup> and September 28<sup>th</sup>.

9.4 AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA AMENDING ORDINANCE NO. 2003-016, ADOPTED ON MARCH 25, 2003, FOR PROPERTY GENERALLY LOCATED NORTH OF SW 45<sup>TH</sup> STREET, EAST OF SW 30<sup>TH</sup> AVENUE, WEST OF SW 28<sup>TH</sup> TERRACE, AND SOUTH OF THE DANIA CUT-OFF CANAL (“CAPE FEAR” PLAT) IN DANIA BEACH, FLORIDA, AND LEGALLY DESCRIBED IN EXHIBIT “A”, A COPY OF WHICH IS ATTACHED TO THIS ORDINANCE; BY MODIFYING THE PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN; SUBJECT TO CERTAIN RESTRICTIONS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)**

City Attorney Ansbro read the title of the Ordinance.

Larry Leeds, Director of Community Development, advised we were in the process of asking the applicant to make additional revisions to the site plan and requested a continuance until September 14, 2004.

**Vice-Mayor Mikes motioned to continue Item 9.4 until September 14, 2004, at 7:00 p.m.; seconded by Commissioner Chunn. Motion carried on the following 5-0 roll call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor Mikes</b>	<b>Yes</b>
<b>Commissioner Chunn</b>	<b>Yes</b>	<b>Mayor Mikes</b>	<b>Yes</b>
<b>Commissioner Flury</b>	<b>Yes</b>		

9.5 AN ORDINANCE AMENDING CHAPTER 28 "ZONING" OF THE CODE OF ORDINANCES OF THE CITY OF DANIA BEACH, FLORIDA, BY AMENDING ARTICLE 28 "SIGNS," SECTION 28.140, “SHOPPING CENTERS, HOTELS, OFFICE COMPLEXES AND INDUSTRIAL COMPLEXES

WITHIN 1,000 FEET OF I-95 OR I-595,” SECTION 28.160, “DOWNTOWN DANIA BEACH REDEVELOPMENT DISTRICT SIGN REGULATIONS,” AND SECTION 28.180 “PRINCIPAL ARTERIAL COMMERCIAL DESIGN STANDARDS OVERLAY” TO REVISE THE LOCATION AND SIZE REQUIREMENTS FOR SPECIFIED TYPES OF SIGNS; AMENDING ARTICLE 28 “SIGNS,” SECTION 28.200 “RELIEF FROM REQUIREMENTS, SIGN ADJUSTMENT, VARIANCES” TO REVISE THE CRITERIA FOR GRANTING A SIGN ADJUSTMENT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

City Attorney Ansbro read the title of the Ordinance.

Larry Leeds, Director of Community Development, advised this is an effort to make the Sign Ordinance customer friendly. It consolidates several sections and addresses wall signs and monument signs on major arterial roadways.

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

**Commissioner Chunn motioned to approve Item 9.5; seconded by Commissioner Flury. The motion carried on the following 5-0 roll call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor Mikes</b>	<b>Yes</b>
<b>Commissioner Chunn</b>	<b>Yes</b>	<b>Mayor Mikes</b>	<b>Yes</b>
<b>Commissioner Flury</b>	<b>Yes</b>		

9.6 DR-48-04 – Request by Benito Irastorza, on behalf of B & JCM Properties, LLC, for approval to change the plat note on the Stirling Suites Plat from 158 hotel rooms to 201 hotel rooms. Property located at the northwest corner of Interstate 95 and Stirling Road.

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE DELEGATION REQUEST SUBMITTED BY BENITO IRASTORZA ON BEHALF OF B & JCM PROPERTIES, LLC. TO CHANGE THE PLAT NOTE ON THE STIRLING SUITES PLAT; PROPERTY LOCATED ON THE NORTHWEST CORNER OF I-95 AND STIRLING ROAD, DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of the Resolution.

Larry Leeds, Director of Community Development, advised the plat has been submitted and they have indicated there will be 158 hotel rooms and two hotels. The zoning requires that each hotel be at least 100 rooms. The City’s approval is necessary to obtain the County Commission’s approval. He pointed out they have not formally submitted a site plan for review, however, they have been working on engineering drawings and they have a construction drawing of the building. He noted that staff recommended approval.

Mayor McElyea opened the Public Hearing.

Dick Koker, representing the applicant, was present to answer questions.

Vice-Mayor Mikes asked about the building schedule.

Mr. Koker responded the owner is very anxious to begin construction. He hopes to begin before the end of the year.

Mr. Leeds stated they have submitted an application for site plan review.

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

**Commissioner Chunn motioned to approve Item 9.6; seconded by Vice-Mayor Mikes. The motion carried on the following 5-0 roll call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor Mikes</b>	<b>Yes</b>
<b>Commissioner Chunn</b>	<b>Yes</b>	<b>Mayor Mikes</b>	<b>Yes</b>
<b>Commissioner Flury</b>	<b>Yes</b>		

9.7 SP-45-04 – Request by Bonnie Miskel, Ruden McClosky, on behalf of Barry N. Morris, C/O Ocean Development LLC., for Site Plan approval to construct a 14 story multifamily residential building located on the north side of Dania Beach Boulevard approximately 300 feet east of the Motel Six.

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE SITE PLAN REQUEST SUBMITTED BY BARRY N. MORRIS C/O OCEAN DEVELOPMENT LLC, FOR PROPERTY LOCATED ON THE NORTH SIDE OF DANIA BEACH BOULEVARD APPROXIMATELY 300 FEET EAST OF THE MOTEL SIX, IN DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro advised this was a quasi-judicial hearing and swore-in those who would speak on the issue. He asked the Commission to disclose if they spoke to anyone regarding this case. The Commission had nothing to disclose.

City Attorney Ansbro read the title of the Resolution.

Corinne Church, Principal City Planner, advised this is currently a vacant site with 4 dry upland acres and 16 acres of seasonal wetlands. The site plan submitted is consistent with the Master Plan which was previously approved by the Commission in April. The setbacks to the south have been increased to 75' providing a greater setback. In addition, significant articulation and architectural detail have been added, as requested by the Commission. She remarked staff has reviewed the plan and has several issues they are asking the applicant to address. These issues are identified in the staff report. Staff recommends approval subject to the applicant's voluntary agreement to the conditions identified in the staff report. The Planning and Zoning Board concurred with staff's recommendation.

Larry Leeds, Director of Community Development, remarked the project started over a year ago and is currently a totally different building than originally submitted. The improvements to the building are primarily due to the recommendations of Vice-Mayor Mikes, which have made this a much more attractive building. He stated he would like the conditions identified in the staff

report to be the final document as to when certain things must be completed and what the timeframes are. He advised the mix of one-bedroom units has gone down from the original plan, and at least 60% or more of the units will be two and three bedroom units. He asked the applicant to voluntarily agree to the conditions.

Scott Bakos, Architect for the project, remarked they have looked at all the comments and have agreed to comply with all of the items identified in the staff report. They do not feel any of these will hinder or hold up the project and they are ready to move forward efficiently to get this project going.

Mayor McElyea questioned if the Commission gave them 3 months to get the project started.

Mr. Leeds clarified the time was to submit the site plan.

Vice-Mayor Mikes remarked the Commission also asked for progress to continue to occur and asked the City Attorney if they should include that in this request.

City Attorney Ansbro responded the staff report states if certain documents are not delivered to the City by December 1<sup>st</sup>, then the approval will expire. He remarked that he is comfortable with this date.

Vice-Mayor Mikes responded we would like to see this project move at this rate of speed.

Mr. Bakos replied they would make sure they complied by that date and they have no problem with the deadline date. He remarked they will probably excel that deadline for their own reasons. He stated it is in their best interest that this project move forward.

Mr. Leeds suggested the developer come back with a status report in December or January.

Mr. Bakos responded they can comply with that deadline. Their actions will show they are serious with the project.

Vice-Mayor Mikes asked the City Attorney if he was comfortable with the recommendations.

City Attorney Ansbro responded when the variance expires they will have to seek to renew and extend it for a period of time, as determined by the Commission. He cautioned that an approved site plan is good for 18 months, but the variance will need to be revisited.

Mr. Leeds asked the City Attorney if the original timeframe for the variance still existed.

City Attorney Ansbro answered yes. It should expire in 4-5 months, and the applicant will need to come back in advance with the request. He remarked if they lose the variance, the site plan goes away.

Mr. Leeds suggested the applicant come back prior to expiration of the variance to give the Commission a status report.

City Attorney Ansbro responded they need to seek to renew the variance, or it expires automatically.

Bonnie Miskel, Attorney for the project, remarked they are moving ahead of schedule. They understand the variance conditions still stand and they have to comply with them. She reminded the Commission the condition includes a provision that as long as they demonstrate they are moving at an expedited rate, the approval is not subject to denial. They are simply required to report back to the Commission and demonstrate they have acted diligently.

Mayor McElyea opened the Public Hearing.

Teddy Bohannon, SW 15<sup>th</sup> Street, remarked she is excited about this project. We need something like this in Dania, so maybe the Pier Restaurant can go forward. She commented that Dania has let a lot of good restaurants go by the side. She asked the Commission to give us some good things in this City. She commented that \$1M is not a lot of money for a restaurant. She remarked let's open our eyes and get this place cleaned up.

Fay Barthelmes, 214 SW 2<sup>nd</sup> Terrace, thanked the Commission for including that we would get periodic reports. She thanked the architect for designing a beautiful place. She thanked Vice-Mayor Mikes for insisting on the design of the building. She also thanked Mayor McElyea for letting her talk.

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

Commissioner Flury remarked staff has to keep up with this project; it has to be a two-way street in order for this project to succeed.

**Commissioner Flury motioned to approve the request, to include all of the conditions outlined in the staff report; seconded by Vice-Mayor Mikes.**

City Manager Pato commented that staff burnt the midnight oil on this project and brought it before the P&Z in record time. This is the largest single project the City has ever considered. He complemented staff and reassured Commissioner Flury that we have met them halfway every step of the way and we would continue to do so.

**The motion carried on the following 5-0 roll call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor Mikes</b>	<b>Yes</b>
<b>Commissioner Chunn</b>	<b>Yes</b>	<b>Mayor Mikes</b>	<b>Yes</b>
<b>Commissioner Flury</b>	<b>Yes</b>		

Items 11.1 and 11.2 were heard after Item 9.7.

## 10. Commission Comments

### 10.1 Commissioner Anton

Commissioner Anton advised he attended the funeral of Detective Fatta. He mentioned there are times when Public Safety officials pay the ultimate price; in addition, he complemented the way the memorial service was handled.

### 10.2 Commissioner Chunn

Commissioner Chunn remarked he has thought about how these Officers act every day, and it is frightening. These Officers stand between us and things that can harm us. His sympathy goes out to the family and friends of the slain officer. He thanked ABC Thrift for their continued support, and Dismas House. He explained that Dismas came from when Christ was on the cross; one of the thieves next to Christ asked Him to make a place for him in Heaven; it came from the thieves. He thanked Chief Cowart for his generous donations, and he thanked God for being kind to him and his family.

### 10.3 Commissioner Flury

Commissioner Flury had no comments.

### 10.4 Vice-Mayor Mikes

Vice-Mayor Mikes remarked we have lost some Public Works employees over the years; they do not get the same publicity as Public Safety, but they also deserve the recognition. He commented we have employees who do not wear seatbelts, and we may want to consider adopting the State's policy. The State policy is if you have an accident, and you are not wearing a seatbelt, they do not pay your medical benefits. He remarked it sounds tough, but it probably saves a lot of lives.

City Manager Pato responded we have formed a Safety Committee to address these issues. He asked Mary McDonald to comment on the program.

Mary McDonald, Director of Human Resources and Risk Management, advised a professional consultant was brought in to develop a program targeted toward Public Works' employees. The program has been accepted favorably by the employees. She remarked we have designed a Safety Committee with representatives from every division to evaluate work areas. The program is just getting started, but she is receiving good comments from the employees.

Vice-Mayor Mikes remarked things are getting better. He is glad to hear we are moving forward with the Safety Program.

Vice-Mayor Mikes advised he received an email that trees were cut down on SE 2<sup>nd</sup> Avenue, just off Sheridan Street. He believes it is the Church project.

Larry Leeds, Director of Community Development, advised all the trees are being removed; they are preserving a Royal Palm, and two Cabbage Palms are being relocated onto the Church site. He advised all existing trees are being replaced with new landscaping.

Vice-Mayor Mikes commented he hoped people would turn out for the Primary Election next week. He thinks there are critical elections for the City of Dania Beach. The people interested in the Airport issue believe they have someone on the County Commission. He commented that Rodstrom signs are in the Melaleuca Gardens area, and he encouraged people to get out and vote, no matter who they are voting for.

#### 10.5 Mayor McElyea

Mayor McElyea commented that Chief Cowart and Sergeant Green had a missing child today at Dania Elementary School, but she was found. He asked Chief Cowart to come to the podium.

Chief Cowart, Broward Sheriff's Office, stated the Resource Officer at Dania Elementary School was advised that a 5 year old child, who was new to the school, did not get on the proper bus. He advised they immediately launched an effort to locate her by working with the School and the School bus drivers. Eventually the child was found at another after school program. She is back with her caregiver and everyone is happy. He complimented the staff at Dania Elementary.

Mayor McElyea commented on his feelings of the person who shot Detective Fatta.

Chief Cowart commented that Detective Fatta was not assigned to the City of Dania Beach, but he was assigned to their Strategic Investigation Division. Detective Fatta had worked in Dania Beach in the week prior to his death. Chief Cowart remarked he was a great individual and will be missed by the BSO. He thanked everyone for their condolences, especially Commissioner Anton for accompanying him to the funeral today.

City Manager Pato advised the City would be sending condolences to New York. He apologized for not attending the service this morning.

### 11. Discussion and Possible Action

- 11.1 Request by Sylvia Sabrina Mitchell, d/b/a Sylvia Sabrina Mitchell for renewal of the Palmistry/Fortuneteller business license for property located at 2511 Stirling Road. (Community Development) (*Continued from August 10, 2004*)

*This item was heard after Item 9.7.*

Sylvia Sabrina Mitchell was present to answer questions.

**Commissioner Flury motioned to approve the request; seconded by Commissioner Chunn. The motion carried on the following 5-0 roll call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor Mikes</b>	<b>Yes</b>
<b>Commissioner Chunn</b>	<b>Yes</b>	<b>Mayor Mikes</b>	<b>Yes</b>
<b>Commissioner Flury</b>	<b>Yes</b>		

11.2 Request by Nancy Rose Williams, d/b/a Rose for renewal of the Palmistry/Fortuneteller business license for property located at 1410 S. Federal Highway. (Community Development) *(Continued from August 10, 2004)*

Nancy Rose Williams was not present at the meeting.

Larry Leeds, Director of Community Development, suggested waiting for the applicant to resubmit. He advised the applicant has been notified on two separate occasions.

11.3 Discussion on Large User issues regarding Hollywood’s sludge processing proposal. (Vice-Mayor Mikes)

Vice-Mayor Mikes reported he receives a lot of information from civic groups on this issue. He asked Fernando Vazquez, Director of Public Services to tell us where we were at.

Fernando Vazquez, Director of Public Services, advised there have been no meetings with the Large Users. His understanding is that the Seminoles have pulled back from the original agreement, which leaves Hollywood with the issue of where to dispose of the biosolids. He has had discussions with a group of private consultants that are interested in establishing a Large User Authority. He thinks this would be a long term benefit.

Vice-Mayor Mikes remarked it probably is time to advocate for it to become a Regional Facility, like Pembroke Pines has been advocating. There have been many controversial issues over the years; from issuing of the bonds, to employment of some of the Commissioners’ campaign workers. The problem is that people who pay a majority of the fees don’t have an elected official to hold accountable. There is no political accountability anymore. He discussed the history of the selection process of the operator. He suggested the Commission send a letter to Pembroke Pines, and the other Large Users, in support of their position, and remarked it is time to move for a Regional Authority.

Fernando Vazquez agreed with Vice-Mayor Mikes. He remarked the problem is implementing the process because there is a time factor, as well as getting all the Large Users onboard, in establishing a disposal facility, which would be difficult within the area because of the space. He remarked there has to be one entity to take the lead, whether at the County level which is also one of the Large Users, in moving this forward. In the past, he has suggested that we have some type of exploratory or discovery meeting in order to gather ideas.

Vice-Mayor Mikes suggested this has to be done through Tallahassee because there is a contractual relationship and Tallahassee could work with that situation. He suggested the cities get together with some Legislators and perhaps a Lobbyist, and look at what they could put through Tallahassee. He suggested a letter to Pembroke Pines, and the others, saying that we support the concept that Pembroke Pines is putting forward.

Commissioner Flury asked if we know that it could be operated with Regional oversight. Would there be some return of capital to the city of Hollywood?

Vice-Mayor Mikes responded he did not know.

Commissioner Flury asked Vice-Mayor Mikes what he suggested we do.

Vice-Mayor Mikes suggested since Pembroke Pines has taken a leadership position, that we send a letter of support to them, and copy to the other cities, that we believe it is time to reformulate, or go through Tallahassee and set guidelines for the operation of the facility.

City Manager Pato commented that he spoke to the Assistant City Manager in Hallandale and they are also writing a letter, consistent with Pembroke Pines' letter to Hollywood, to propose or support, as a first step, a Regional look at things. He remarked the support for this approach is building and he believes we need to have a plan. He commented a letter is the appropriate thing to do.

Commissioner Flury agrees with the letter, but thinks we want to go beyond that and talk to our Tallahassee representatives and begin to lay some groundwork.

Fernando Vazquez remarked it would be valuable for the Large Users to form a committee and start exploring the economics of what could happen. He stated we currently do not have a voice on anything.

Vice-Mayor Mikes believes only Tallahassee could override the contract.

Commissioner Anton agrees that we should contact our sources in Tallahassee.

Vice-Mayor Mikes feels it is time to make our position public and to put a letter out.

City Manager Pato responded if it is the wish of the Commission, we will prepare a letter for the Mayor's signature.

## 12. Appointments

There were no appointments at this meeting.

## 13. Administrative Reports

### 13.1 City Manager

City Manager Pato reminded everyone that Friday, September 10<sup>th</sup> would be the City's Centennial dinner at DCOTA. This is the big celebration prior to last event in November, when

our Sister City comes to visit. Invitations have been sent out, but it is open to the public. Please call City Hall for details. Charlie Christ, Florida Attorney General, will be the guest speaker.

City Manager Pato asked the Commission for direction on the Pier Restaurant. He is unclear as to what the Commission expects.

Vice-Mayor Mikes remarked he would like a Contract Specialist to look at the contract; and would like to meet with the Architect to see the drawings. He would like an individual meeting, not a workshop.

Commissioner Chunn would also like a personal meeting.

City Manager Pato responded we would make the arrangements.

### 13.2 City Attorney

City Attorney Ansbro remarked he sent copies of the Charter Review Board recommendations; proposed Ordinance, in ballot form; the current Charter and the proposed Charter to the Commission. He advised the Charter Review Board's term expires on August 29<sup>th</sup>, but sees no need to revive them because there is no reason for them to meet as a Board. We could reconstitute them, if needed. When we conduct a workshop, they can be invited to meet with the Commission and address the issues.

Larry Leeds, Director of Community Development, remarked the Evaluation and Appraisal Report (EAR) and the Comprehensive Plan should be in the Commission mailboxes tonight. A Public Hearing will be held at the September 28<sup>th</sup> Commission meeting.

Mr. Leeds remarked that Vice-Mayor Mikes brought up the problem of pictures of new construction appearing on buildings and the project never materializes. He advised the Commission that two projects which were assigned flex units, the Dania Beach Hotel and the Pirates Inn, have expired. Neither project has any development rights and will need to reapply and submit a site plan and begin the process from the beginning. He remarked that today, at both locations, you cannot build condominiums.

### 13.3 City Clerk – Meeting Reminder:

Monday, September 13, 2004 - 7:00 p.m. – First Public Hearing-Fiscal Year 2005 Budget

Tuesday, September 14, 2004 - 7:00 p.m. – Regular Commission Meeting

Thursday, September 16, 2004 – 6:00 p.m. – Abatement Hearings Meeting

Wednesday, September 22, 2004 - 7:00 p.m. – Final Public Hearing-Fiscal Year 2005 Budget

Tuesday, September 28, 2004 - 7:00 p.m. – Regular Commission Meeting

## 14. Adjournment

Mayor McElyea adjourned the meeting at 9:04 p.m.

CITY OF DANIA BEACH

ATTEST:

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LOUISE STILSON  
CITY CLERK

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C. K. MCELYEA  
MAYOR-COMMISSIONER

APPROVED: September 14, 2004