

MINUTES OF REGULAR MEETING
DANIA BEACH CITY COMMISSION
TUESDAY, APRIL 23, 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 Special Event request from Fireworks Lady & Co., LLC for a “4th of July State Approved Sparkler Sale”, to be held at 1301 South Federal Highway from June 26 – July 4, 2013 *Withdrawn*
- 3.2 Special Event request from the Marine Industries Association of South Florida for the “17th Annual Plywood Regatta”, to be held on May 4-5, 2013, on the North end of Dania Beach from 7:00 a.m. – 7:00 p.m. The applicant is requesting a permit fee waiver of \$150.00, and for the City to pay the Building, Structural, Tent and Plumbing Permit Fees (estimated cost \$635.00). All volunteers and mentors will park in the FAU/Sea Tech parking lot.

Commissioner Grace motioned to approve the Special Event request for the Marine Industries Association of South Florida, including all requested fee waivers; 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		

4. Proclamations

4.1 Relay for Life Days

Commissioner Grace presented the Relay for Life Days proclamation to Rose Lizana, Honorary Chairman of the Dania Beach Relay for Life.

5. Citizen Comments

Teddy Bohanan, SW 15th Street, asked why the Nuisance Abatement Board does not meet.

Pat Wright, 4391 SW 34th Lane, spoke against the request by the Quarterdeck Restaurant to allow alcohol on the beach.

John Bertino, 211 SE 2nd Terrace, presented tickets for the Viva Florida 500 Celebration.

Fay Bartelmes, 214 SW 2nd Terrace, noted the death of Gus Fields.

Rae Sandler, 1433 Argonaut Isle, Melaleuca Gardens, addressed the rust on the Melaleuca Wall caused by the sprinkler system and asked the City to look into it. Additionally, she noted the gate is being left open and questioned whether a spring to keep it closed could be installed or perhaps closing the opening permanently.

Ann Page, 38 SW 5th Street, President, Friends of the Library, presented a brief overview of the Historical Interview with former Dania Beach Mayor C. K. "Mac" McElyea. She noted the complete interview will be presented at the Paul DeMaio Library during the month of May.

Patricia Taime, 546 Wood Gate Circle, Weston, owner of Fireworks Lady & Co., commented she hopes to do business in the City.

6. Public Safety Reports

Bruce Caruso, Division Chief, BSO Fire Rescue, noted BSO Fire Rescue received 72 Carbon Monoxide alarms from Janelle's Wishing Well Foundation on Saturday night. A program for the distribution of the alarms will be developed.

7. Consent Agenda

Items removed from Consent Agenda: #7.3

7.1 Minutes:

Approve Minutes of April 9, 2013 City Commission Meeting

7.2 Travel Requests:

Request of Louise Stilson, City Clerk, to attend the 2013 Florida Association of City Clerks (FACC) Summer Conference & Academy on June 9-12, 2013, in Orlando, Florida, for educational purposes (Estimated cost \$1,058.40)

Commissioner Grace motioned to adopt the Consent Agenda, with the exception of Item #7.3; 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		

7.3 RESOLUTION #2013-046

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

City Attorney Ansbro read the title of Resolution #2013-046.

Vice-Mayor Jones questioned which intersections would be planted and why \$10,000.00 was needed to establish a nursery.

Dominic Orlando, Director of Public Services, responded that initial plantings are planned for Dania Beach Boulevard and US-1, and Stirling Road and US-1. He noted the nursery was removed during construction of the new Public Services facility and needs to be reestablished.

Vice-Mayor Jones suggested trees that have foliage and a canopy to provide shade should be planted at C.W. Thomas Park. Commissioner Grace concurred.

Commissioner Grace motioned to adopt Resolution #2013-046; 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		

8. Bids and Requests for Proposals

There were no proposals on this agenda.

9. Public Hearings and Site Plans

9.1 ORDINANCE #2013-003

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, CONSENTING TO BE INCLUDED IN A MUNICIPAL SERVICES TAXING UNIT ("MSTU") FOR A CONSOLIDATED REGIONAL E-911 COMMUNICATIONS SYSTEM CREATED BY BROWARD COUNTY ORDINANCE, FOR A PERIOD OF TIME NOT TO EXCEED FIVE (5) YEARS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

RESOLUTION NO. 2013- *Withdrawn*

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A STANDARD INTERLOCAL AGREEMENT WITH BROWARD COUNTY, RELATING TO THE ESTABLISHMENT OF A CONSOLIDATED REGIONAL E-911 COMMUNICATIONS SYSTEM; PROVIDING FOR CONFLICTS, FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Ordinance #2013-003 and the accompanying Resolution. He requested that the Ordinance be denied and the Resolution be withdrawn from the agenda.

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

City Manager Baldwin noted the Broward County Commission voted down the MSTU and ILA by a 5-3 vote today. Broward County Commissioners Gunzburger and Ritter changed their position and now support the funding of county-wide dispatch through county-wide Ad Valorem taxes.

Vice-Mayor Jones motioned to deny Ordinance #2013-003, on second reading; seconded by Commissioner Grace. 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		

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.

9.2 RESOLUTION #2013-043

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST FOR MODIFICATIONS TO SITE PLAN SP-05-99, APPROVED BY THE CITY COMMISSION ON MARCH 23, 1999, SUBMITTED BY KEITH AND SCHNARS, P.A., REPRESENTING THE PROPERTY OWNER, DESIGN CENTER OF THE AMERICAS, LLC ("DCOTA") FOR PROPERTY LOCATED AT 1855

GRIFFIN ROAD IN DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2013-043.

Corinne Lajoie, Principal City Planner, provided an overview of the request and noted the additional parking is needed due to the increase in office space.

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

Commissioner Flury motioned to adopt Resolution #2013-043; seconded by Commissioner Grace. 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		

9.3 RESOLUTION #2013-044

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST FOR A SPECIAL EXCEPTION (SE-42-12) SUBMITTED BY BROWARD COUNTY WATER AND WASTEWATER SERVICES, FROM THE DANIA BEACH LAND DEVELOPMENT CODE, SECTION 835, "TELECOMMUNICATION TOWERS AND ANTENNAS", FOR PROPERTY LOCATED AT 4890 SW 40TH AVENUE, DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2013-044.

Corinne Lajoie, Principal City Planner, addressed the changes made since the initial request.

Commissioner Flury questioned how the tower communicates with the equipment and how we can confirm this is the only use.

Ms. Lajoie noted cellular antennas are different and would require permitting in order to be attached to the tower. Any submission for such permitting would be rejected for non-compliance.

Greg Balicki, P.E., Director, Broward County Water and Wastewater Services, explained how the lift station equipment communicates to the tower, which then communicates to staff during emergency situations.

Mayor Duke opened the Public Hearing.

Pat Wright, 4391 SW 34th Lane, spoke in favor of the request.

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

Commissioner Flury motioned to adopt Resolution #2013-044; 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		

9.4 RESOLUTION #2013-045

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE SITE PLAN REQUEST (SP-55-12) AND VARIANCE (VA-56-12) SUBMITTED BY SCOTT BACKMAN, ON BEHALF OF TANJALI INVESTMENT, LLC, FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF STIRLING ROAD AND SW 19 COURT IN THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2013-045.

Corinne Lajoie, Principal City Planner, provided an overview of the site plan and variance requests.

Commissioner Grace questioned if Dania Beach residents would be employed.

Scott Backman, attorney representing the applicant, responded the hotel is family-owned and operated, and if the time comes to seek outside employment, they will advertise for Dania Beach residents.

Commissioner Flury expressed concerns with the landscaping.

Attorney Backman spoke about the proposed landscape plan and City code requirements.

Ms. Lajoie clarified the buffer along Stirling Road exceeds code requirements.

Tom White, Ft. Lauderdale, Landscape Architect, noted as much existing landscape as possible would be preserved.

Vice-Mayor Jones questioned why there is no shared parking agreement and the kind of trees along the side street adjacent to the project.

Ms. Lajoie responded that based on the applicant's traffic engineering study, parking would not be an issue and noted a hotel overlay district may be used in this area in the future, which would provide for shared access and parking.

Mr. White noted royal palms, and flowering and other deciduous trees would be planted along SW 19th Court.

Mayor Duke suggested we look at our code if the ULI study indicates that reduced parking is sufficient. He felt the City should consider an extension to the City bus service to include the hotels; although there will be a cost involved, the hotel general managers have indicated they would help underwrite it.

Mayor Duke opened the Public Hearing.

Rae Sandler, 1433 Argonaut Isle, Melaleuca Gardens, spoke against reducing the number of parking spaces.

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

Commissioner Grace motioned to adopt Resolution #2013-045; 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		

10. Discussion and Possible Action

- 10.1 Request by Paul Flanigan of the Quarterdeck Restaurant to serve alcohol on the beach
– City Manager Baldwin

City Manager Baldwin noted Mr. Flanigan approached staff to consider amending his lease to allow the service of alcohol on the north side of the pier.

Paul Flanigan, Owner, Quarterdeck Restaurant, said the restaurant cannot handle parties of 14 or more people and therefore, they propose to serve alcohol on the north side of the beach where provision of food service is currently allowed.

Vice-Mayor Jones voiced concern with serving alcohol on the beach and asked if they would be willing to provide a lifeguard.

Mr. Flanigan noted what is being proposed is in response to requests for large parties; he would not be able to get a lifeguard to work for only two hours.

Vice-Mayor Jones asked if the City would be indemnified and Mr. Flanigan responded in the affirmative, noting they do not over-serve anyone, so customers will not be intoxicated. He added that they currently have insurance that covers the City and the beach.

Vice-Mayor Jones suggested that if the Commission agrees to this request, it would be on a trial basis for six months; his concern is to always ensure the residents are safe.

Commissioner Brandimarte expressed concerns about alcohol on the beach and no lifeguard. She noted protection for the City would be needed and further, protection of sea turtles will need to be dealt with irrespective of alcohol being served. She felt this would be too hard to control and would not project the message that the beach is family-friendly; therefore, she does not support selling alcohol on our beach.

Mr. Flanigan said he is family-oriented, and emphasized there would be no fraternity parties and only family parties.

Mayor Duke noted there is alcohol use on the beach already. He felt Mr. Flanigan has earned our trust, this is a family restaurant, and we should trust our partner on a trial basis to see how it goes.

Commissioner Flury commented that while she sympathizes with the inability to serve large parties and understands that the east side cannot be utilized for these parties, she does not want our beach to be the only one in Broward County where alcohol can be served. She added that if we know there is a problem now with drinking on the beach, we should do something about it.

Mr. Flanigan noted that Ft. Lauderdale just approved alcohol on the beach and he believes Hollywood allows it, as well.

11. Commission Comments

11.1 Commissioner Brandimarte

- Enjoyed video interview with “Mac” McElyea and asked if it could replace the current video playing in the atrium for the summer

11.2 Commissioner Flury

Commissioner Flury had no comments.

11.3 Commissioner Grace

- Thanked County Commissioner Gunzburger for her vote today
- Earth Day observance at the Community Garden was well attended
- Reminded everyone that the Relay for Life is this weekend at Frost Park

11.4 Vice-Mayor Jones

- Going on Washington, D.C. trip tomorrow to meet with our federal lobbyists; he addressed numerous items up for discussion
- Attended FEC Industries meeting with CRA Director Earle; they are willing to discuss a bridge for the train tracks at the Dania Cut Off Canal
- Commissioner Flury suggested prioritizing the issues for the federal lobbyists so hopefully we can come out with something

- Vice-Mayor Jones – the policy for lighting in the City is either not being followed or needs to be changed as the current practice is not working; he asked the City Manager for a list of all solar lighting and found that other areas deserve some of the solar lighting

11.5 Mayor Duke

- Thanked everyone in the audience for their attendance at this meeting
- Encouraged participation in the Relay for Life event
- Thanked staff for their efforts on the MSTU

12. Appointments

Airport Advisory Board

Commissioner Grace – John Whitten

City Clerk Stilson noted that the staff liaison, as well as members of the Green Advisory Board, has asked if the Commission would consider modifying the membership of the board to include two Alternate positions. If the Commission supports the request, a resolution will be brought forward to amend the structure of the board.

The Commission agreed to the proposed change in membership to the Green Advisory Board.

Commissioner Grace motioned to approve the appointment; seconded by Vice-Mayor Jones. The motion carried unanimously.

13. Administrative Reports

13.1 City Manager

City Manager Baldwin noted the Sheriff's Office has advised that the Fire Department will receive a 7% salary increase in the upcoming budget.

13.2 City Attorney

City Attorney Ansbro had no additional comments.

13.3 City Clerk - Reminders

Wednesday, May 1, 2013 - 6:00 p.m.
 Tuesday, May 14, 2013 - 7:00 p.m.
 Thursday, May 16, 2013 - 6:00 p.m.
 Tuesday, May 28, 2013 - 7:00 p.m.


CRA Board Meeting
 City Commission Meeting
 Abatement Hearing
 City Commission Meeting

14. Adjournment

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

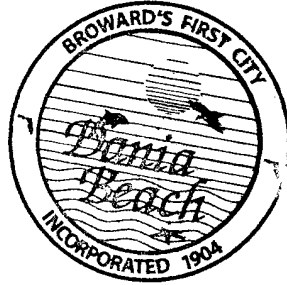
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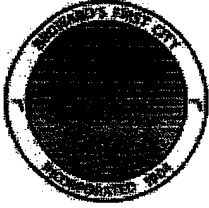
CITY OF DANIA BEACH


LOUISE STILSON, CMC
CITY CLERK


WALTER B. DUKE, III
MAYOR

Approved: May 14, 2013





REQUEST TO ADDRESS CITY COMMISSION AT REGULAR OR SPECIAL MEETINGS

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DATE OF COMMISSION MEETING: _____, 20__

PRINT NAME: Teddy Bohanan

ADDRESS: Or

PHONE NO. (optional): _____

PLEASE CHECK ONE OR BOTH OF THE BOXES BELOW:

1) CITIZEN COMMENTS:

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PLEASE BRIEFLY DESCRIBE THE SUBJECT MATTER OF YOUR COMMENT:

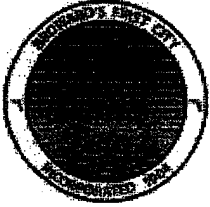
Mustassa Albetemur

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.

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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.



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DATE OF COMMISSION MEETING: 4-23, 2013

PRINT NAME: PAT WRIGHT

ADDRESS: 4391 SW 34 LANE

PHONE NO. (optional): _____

PLEASE CHECK ONE OR BOTH OF THE BOXES BELOW:

1) **CITIZEN COMMENTS:**

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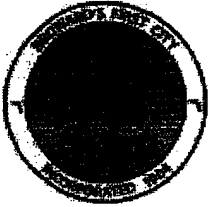
#10 Flagstones - do not want alcohol on beach

2) 10 PUBLIC HEARINGS - ITEM # 10 (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.

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DATE OF COMMISSION MEETING: 4/23, 2013
PRINT NAME: John Berkino
ADDRESS: 211 SE 2nd
PHONE NO. (optional): 954-336-6190

PLEASE CHECK ONE OR BOTH OF THE BOXES BELOW:

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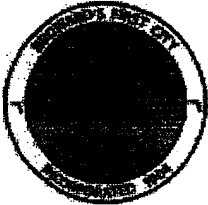
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DATE OF COMMISSION MEETING: _____, 20 23

PRINT NAME: Jay Carlisle

ADDRESS: 214 LW 2nd Trm

PHONE NO. (optional): _____

PLEASE CHECK ONE OR BOTH OF THE BOXES BELOW:

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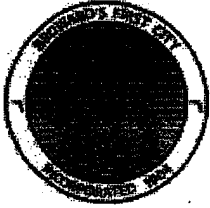
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**REQUEST TO ADDRESS
CITY COMMISSION AT REGULAR
OR SPECIAL MEETINGS**

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DATE OF COMMISSION MEETING: 4/23, 2013

PRINT NAME: Rae Sandler

ADDRESS: Melaleuca Gardens

PHONE NO. (optional): _____

PLEASE CHECK ONE OR BOTH OF THE BOXES BELOW:

1) CITIZEN COMMENTS:

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PLEASE BRIEFLY DESCRIBE THE SUBJECT MATTER OF YOUR COMMENT:

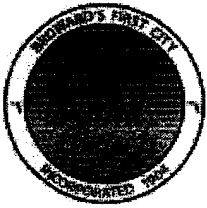
MG wall

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.

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DATE OF COMMISSION MEETING: 04.23, 202013
PRINT NAME: Ann Papp
ADDRESS: 38 SW 5th St
PHONE NO. (optional): 954/9233645

PLEASE CHECK ONE OR BOTH OF THE BOXES BELOW:

1) CITIZEN COMMENTS:

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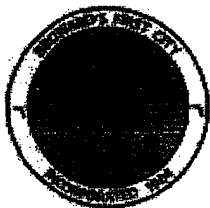
Friends of Library -
Historic Interview

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DATE OF COMMISSION MEETING: _____, 20____
 PRINT NAME: Patricia Taine Taynie
 ADDRESS: 546 Wood Gate Cir. NW
 PHONE NO. (optional): 754 422-2861

PLEASE CHECK ONE OR BOTH OF THE BOXES BELOW:

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PLEASE BRIEFLY DESCRIBE THE SUBJECT MATTER OF YOUR COMMENT:

Special Events on agenda
Sparkler Event 4th of July

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

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