

MINUTES OF REGULAR MEETING
DANIA BEACH CITY COMMISSION
TUESDAY, OCTOBER 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 Bobbie H. Grace
City Manager:	Robert Baldwin
City Attorney:	Thomas Ansbro
City Clerk:	Louise Stilson

2. Invocation and Pledge of Allegiance

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

3. Presentations and Special Event Approvals

- 3.1 Approve the Parks, Recreation and Community Affairs Advisory Board recommendation for a \$636.00 rental fee waiver for use of the I. T. Parker Community Center by Bethel Baptist Church on October 19, 2013
- 3.2 Special Event request from Commissioner Bobbie Grace to host a "Making Strides in Breast Cancer" fundraiser in the City Hall Atrium on Thursday, October 24, 2013, from 5:30 p.m. - 7:30 p.m. The applicant is also requesting a Special Event fee waiver in the amount of \$150.00, and use of City tables, chairs and Atrium at no cost.
- 3.3 Special Event request from Oil Spill Response USA. Inc. for an "Oil Spill Training" to be held at Whiskey Creek on Thursday, November 7, 2013, from 8:00 a.m. - 4:30 p.m.

Vice-Mayor Jones motioned to approve Items #3.1, #3.2, and #3.3; seconded by Commissioner Grace. The motion carried on the following 4-0 Roll Call vote:

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

Mayor Duke announced that Airport Special Counsel Neal McAliley was present to update the Commission and the residents on the status of the airport settlement.

Neal McAliley, Airport Special Counsel, noted the proposed settlement is substantially the same as the one rejected by the FAA in 2011. He provided an overview of the settlement agreement and recommended the Commission approve it.

- A Voluntary Night Closure of the Expanded South Runway from 10:00 p.m. - 5:00 a.m.
- Sound insulation of ~1700 residences in the area approved by the FAA for sound insulation. This will be paid for by the County, at the option of the affected residents.
- Sales assistance for the ~857 residences in the 65 DNL contour (the area approved by FAA for sales assistance). Participation is voluntary for affected residents.
- Monetary payments to the owners of the ~857 residences in the 65 DNL contour (the maximum area approvable by the FAA), that range from 14.4% to 21.9% of Fair Market Value. Participation is voluntary for affected residents who would have to enter into a Conveyance and Release Agreement with the County. Fair Market Value would be determined on a house-by-house basis, applying federal appraisal standards. If the FAA does not approve this program within 10 calendar days after the City and County approve the agreement (if it is approved), the settlement will be automatically void.
- The County will sell ~50 properties located within City limits and return them to the tax rolls.
- The County would contribute up to \$450,000 of in-kind services to address stormwater management issues near Taylor Lane in Northeast Dania.
- The County will seek FAA approval to pay \$278,000 in damages to the City as a compromise of the City's claim for back taxes on Plats 7 and 8.
- The County will relocate trees and landscaping to the Griffin Road corridor at its expense, take over responsibility for certain activities in the Griffin Road corridor, the unincorporated area in the east Griffin Road corridor (details to be determined in further discussions), and allow the City to install a new "welcome" sign at the Hilton property as well as have the County install a new "welcome" sign at U.S. 1 and Griffin Road at County cost.
- In a separate action, the County would agree to extend the interest-free periods, repayment dates, and maturity dates for the four CRA loans by three years. The four CRA loans total approximately \$5.3 million. This would save the City ~\$1.1 million in cash flow during the three year extension, and if the City were to hit the redevelopment benchmarks, the loans would convert to a grant to the City.
- In exchange for those actions, the City would dismiss all pending litigation, agree not to challenge the South Runway expansion and elements of the 2010 Airport Master Plan related to the terminals, and issue certain permits needed by the County to complete the South Runway expansion program.

Attorney McAliley said the settlement is not everything we asked for or want, but it is a good settlement for the City and residents. He thanked the Commission for their unwavering support.

Anne Castro, 838 NW 10th Avenue, former Commissioner and Mayor, agreed with Attorney McAliley's assessment of the settlement agreement. She offered to attend any civic or community meetings to discuss the agreement if needed.

City Attorney Ansbro reviewed the procedure for citizen comments on agenda items.

Mayor Duke invited the public to comment on this issue.

Vice-Mayor Jones questioned aviation easements, Part 150 study, and signage.

Attorney McAliley responded in exchange for money from the County, the residents would sign the aviation easements and would be agreeing not to sue. He noted that in the settlement agreement, the aviation easement is called a Conveyance and Release Agreement. He explained the Part 150 procedure for studying noise impacts and proposing measures to mitigate those impacts. Attorney McAliley noted we were unsuccessful in getting the City's name on the airport.

Mayor Duke felt the \$25-40 million value to residents is a good settlement and the appraisal process is very fair. He noted people are asking him what the other residents will get; what the settlement agreement does to alleviate health hazards; and what do you say to the neighbors who are outside the DNL contour. He implored all residents to weigh-in at the two public hearings to be held on this matter on October 22 and November 12.

4. Proclamations

There were no proclamations at this meeting.

5. Citizen Comments

Ruth White, 143 NW 7th Avenue, thanked BSO for their quick response to the burglar alarm at St. Ruth Missionary Baptist Church.

Pat Rafacz, 610 Trafalgar Court, continued her comments from the last meeting regarding the Charter Review Board. She clarified the board made recommendations that were unanimously approved by the Commission.

Ann Page, 38 SW 5th Street, President of the Friends of the Library, announced that the external speakers have been installed at the library and classical music is being streamed.

6. Public Safety Reports

Captain Kevin Granville, BSO Chief of Police, noted burglaries continue at the beach, but overall, crime is down. He also noted there has been a rise in traffic crashes, especially along

Federal Highway, and reminded everyone of Operation Medicine Cabinet and Shred-a-Thon to be held at Bass Pro Shops on October 26.

Sean Brown, Battalion Chief, BSO Fire Rescue, was present to answer questions.

7. Consent Agenda

Items removed from Consent Agenda: #7.5

- 7.1 Minutes:
Approve Minutes of September 24, 2013 Attorney Client Session - FLL Airport
Approve Minutes of September 24, 2013 City Commission Meeting
Approve Minutes of September 25, 2013 Second Budget Public Hearing
- 7.2 Travel Requests: None
- 7.3 Cancel the December 24, 2013 City Commission Meeting

Resolutions

7.4 RESOLUTION #2013-120

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE CHANGE ORDER NO. 2 WITH INSITUFORM, INC. AT NO ADDITIONAL COST TO THE CONTRACT PRICE FOR PHASE III OF THE CITY'S INFILTRATION AND INFLOW PROJECT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

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

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

7.5 RESOLUTION #2013-121

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE CHANGE ORDER NO. 1 WITH INTERCOUNTY ENGINEERING, INC. AT AN ADDITIONAL COST TO THE CONTRACT PRICE FOR THE WATER AND FORCE MAIN SUBAQUEOUS CROSSINGS PROJECT, IN AN AMOUNT NOT TO EXCEED \$47,531.62; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2013-121.

Vice-Mayor Jones noted he will always pull change orders and requested an explanation.

Dominic Orlando, Director of Public Services, provided an overview of the project and the change order.

Vice-Mayor Jones motioned to adopt Resolution #2013-121; seconded by Commissioner Grace. The motion carried on the following 4-0 Roll Call vote:

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

8. Bids and Requests for Proposals

8.1 RESOLUTION #2013-122

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, RELATING TO AWARD OF THE WRICE CENTER/COMMUNITY GARDEN IMPROVEMENT PROJECT BID TO MBR CONSTRUCTION, INC. IN THE AMOUNT OF \$308,910.00 WITH APPROVAL OF AN ACCOMPANYING CHANGE ORDER NO. 1 TO REDUCE THE PROJECT AMOUNT TO \$242,000.00; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2013-122.

Vice-Mayor Jones motioned to adopt Resolution #2013-122; seconded by Commissioner Brandimarte. The motion carried on the following 4-0 Roll Call vote:

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

9. Public Hearings and Site Plans

9.1 ORDINANCE #2013-012

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, TO AMEND THE LAND DEVELOPMENT CODE BY AMENDING ARTICLE 215, "SUPPLEMENTAL REGULATIONS FOR YARDS, LOT COVERAGE, IMPERVIOUS AREA AND OPEN SPACE" AND ARTICLE 620 "ADMINISTRATIVE VARIANCES" REGARDING AIR CONDITIONING UNITS INSTALLED PURSUANT TO THE SOUND INSULATION PROGRAM ADMINISTERED BY BROWARD COUNTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (FIRST READING)

City Attorney Ansbro read the title of Ordinance #2013-012.

Corinne Lajoie, Principal City Planner, gave an overview of the request and noted the Planning & Zoning Board recommended applying this text amendment city-wide, not just to the airport affected properties. If the Commission approves, the changes will be made to the ordinance prior to second reading on October 22.

Corey O’Gorman, The Urban Group, 200 E. Dania Beach Boulevard, noted the intent is to help expedite the process under the sound insulation program while also meeting the scrutiny of variance requirements.

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

Commissioner Grace motioned to adopt Ordinance #2013-012, with the recommendation to make it city-wide, on first reading; seconded by Commissioner Brandimarte.

Principal City Planner Lajoie clarified the approval includes having the text amendment apply city-wide.

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

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

9.2 ORDINANCE #2013-013

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST MADE BY JAMES MCLAUGHLIN, P.E., ON BEHALF OF THE PROPERTY OWNER, CAROL POTVIN FOR THE "POTVIN PLAT", FOR PROPERTY LOCATED ON THE SOUTHWEST CORNER OF SW 30TH AVENUE AND THE DANIA BEACH CUT-OFF CANAL IN THE CITY OF DANIA BEACH; ACCEPTING THE DEDICATION FOR PUBLIC USE OF ALL STREETS, HIGHWAYS, ALLEYS AND EASEMENTS AS SHOWN ON SUCH PLAT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)**

City Attorney Ansbro read the title of Ordinance #2013-013.

Corinne Lajoie, Principal City Planner, provided an overview of the request, and noted the property is directly under the flight path.

Jerry McLaughlin, McLaughlin Engineering, was available to answer questions.

Mayor Duke opened the Public Hearing.

Rae Sandler, Argonaut Isle, noted she was the only no vote on the P&Z Board because this property is in the 68 DNL contour and should not be developed with single family homes.

Commissioner Brandimarte asked if the applicant is aware of what is happening in this area.

Mr. McLaughlin responded any new development within this zone would have to meet the current code regarding sound proofing.

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

Commissioner Grace motioned to adopt Ordinance #2013-013, on first reading; seconded by Vice-Mayor Jones. The motion carried on the following 4-0 Roll Call vote:

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

10. Discussion and Possible Action

10.1 City Commission Vacancy

Mayor Duke commented about residents' frustration with the deadlock, and asked Vice-Mayor Jones and Commissioner Brandimarte if they were willing to compromise. He briefly reviewed the filling of vacancies by three other cities in South Florida and spoke about the current pool of Dania Beach applicants.

Commissioner Grace motioned to take all 18 applicants, put their names in a hat, and let the City Clerk pick one. Motion died for lack of a second.

Commissioner Brandimarte questioned why we only have a tie when the Mayor votes.

Mayor Duke said he would be happy to work with 15 of the applicants and although most would not be in his top three, he is willing to compromise on this issue. He noted that the people are uncomfortable with two Commissioners only picking Paul Fetscher, and there is a question with his residency.

Vice-Mayor Jones said he has asked for a process since day one and he resents that the entire Commission was not involved in the decision-making process. He noted the Commission votes 4-0 on every item that comes before it, contrary to claims that the City is in dire need. While he believes the Commission should fulfill its obligation to fill the vacancy, he will not breach his morals or integrity; everything begins with a process derived from a shared decision-making, which has not happened here. He added the Commission will move the City forward and it will fill the vacant seat, but we are first going back to a process where everyone is involved. He is willing to compromise if the process is re-opened.

Commissioner Brandimarte compared this process to the bid process where upon saying no to the bids received, more bids are solicited. She would like to have more applicants and noted she will not vote for any other candidate who has already been voted down.

Commissioner Grace commented she is the only person on the Commission who is up for reelection in 2014. She noted she will do the best of her ability to serve the people while she is on the dais; no one will bully her or tell her how to vote concerning a 5th Commissioner. She said there are 19 applicants, some Commissioners will not vote but for only one of them, and she is done.

Commissioner Brandimarte noted she too will not be bullied.

Mayor Duke pointed out issues that have been impacted by not having a fifth commissioner, and addressed prior comments made during discussions of this matter.

Vice-Mayor Jones reiterated his issue with the process that was followed, and said he is done with this also. He believes we need to open this up to new applicants since there was no consensus on the selected pool, and noted people are tired of this. He suggested voting on the 15 applicants and if it does not work, resolve to wait until the 2014 election.

Vice-Mayor Jones motioned to let this matter lie on the table until the time that the Commission can come back and have some talk and compromising.

Mayor Duke said he would support the motion if it is amended to include no pay for Commissioners until an appointment is made. He addressed Vice-Mayor Jones' comments and noted this item would be continued.

Commissioner Brandimarte motioned for David Clark to fill the vacancy; seconded by Vice-Mayor Jones. The motion failed on the following 2-2 Roll Call vote:

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

10.2 Discussion to re-open the application process for the City Commission vacancy – Vice-Mayor Jones

Vice-Mayor Jones withdrew this item from the agenda.

11. Commission Comments

11.1 Commissioner Brandimarte

Commissioner Brandimarte motioned that all travel approved and all future travel be denied or rescinded for all Commissioners until the Commission vacancy is filled; seconded by Vice-Mayor Jones. The motion carried on the following 4-0 Roll Call vote:

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

Commissioner Brandimarte reported on the recent meeting of the Florida League of Cities Energy, Environment and Natural Resources Committee.

11.2 Commissioner Grace

Commissioner Grace had no comments.

11.4 Vice-Mayor Jones

Vice-Mayor Jones reported on his attendance at a volunteer appreciation breakfast at Olsen Middle School.

Vice-Mayor Jones also reported on the Florida League of Cities Growth Management and Economic Development committee meeting. He read a letter that he intends to mail to the president of the Florida League of Cities Board of Directors regarding the City not paying for Commissioners' travel and as a consequence, he may not be able to fulfill his duties as the City's representative to the League. He noted he will likely go to the League meetings anyway and pay his own way.

Vice-Mayor Jones spoke of the JSW Cancer Ministry, which held a kick-off on October 6, and of events planned during October.

Vice-Mayor Jones said there will be a Town Hall meeting on October 9 at 6:00 p.m. in the NW Conference Room. He noted he has asked staff to attend to answer questions from the community, and the entire Commission is invited to attend.

11.5 Mayor Duke

Mayor Duke had no comments.

12. Appointments

City Clerk Stilson advised the 120-day period for Commissioner Flury's appointees to boards, which began when she left the Commission, expires on Wednesday, October 9.

Mayor Duke suggested waiting until the next meeting to make a decision.

A brief discussion ensued.

Vice-Mayor Jones motioned to reappoint those currently serving on the boards, and the City Clerk can contact them to see if they want to remain on the boards; seconded by Commissioner Brandimarte. The motion failed on the following 2-2 Roll Call vote:

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

The consensus was to wait until October 22 to make the Commission vacancy appointments and the City Clerk will contact those currently serving to see if they wish to remain on the boards.

There were no appointments made at this meeting.

13. Administrative Reports

13.1 City Manager

City Manager Baldwin commented that the nine med unit positions would be moving and we may need to amend the contract with the Sheriff. He noted award of the SAFER Grant may be affected by the government shutdown.

City Manager Baldwin advised the Oasis projects are basically complete and new projects for this year are proposed for SW 4th Terrace, NE 2nd Avenue, NW 11th Avenue, and entryway features in Melaleuca Gardens.

13.2 City Attorney

City Attorney Ansbro reported that Walgreens at Sheridan and SE 5th Avenue has filed a court action to overturn the Commission's decision to deny the sale of beer and wine.

13.3 City Clerk - Reminders

Wednesday, October 9, 2013 - 6:00 p.m.	Town Hall Meeting, Vice-Mayor Jones
Thursday, October 10, 2013 - 6:00 p.m.	Abatement Hearing
Tuesday, October 22, 2013 - 7:00 p.m.	City Commission Meeting
Wednesday, November 6, 2013 - 6:00 p.m.	CRA Board Meeting

14. Adjournment

Mayor Duke adjourned the meeting at 9:38 p.m.

ATTEST:

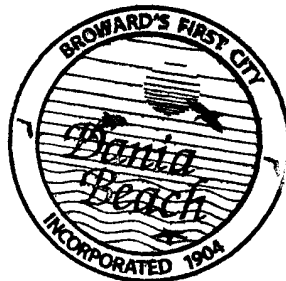


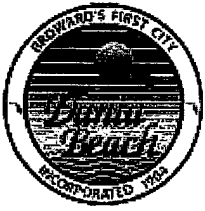
LOUISE STILSON, CMC
CITY CLERK

CITY OF DANIA BEACH


WALTER B. DUKE, III
MAYOR

Approved: October 22, 2013





REQUEST TO ADDRESS CITY COMMISSION AT REGULAR OR SPECIAL MEETINGS

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DATE OF COMMISSION MEETING: October 8, 2013

PRINT NAME: Ruth White

ADDRESS: 143 NW 7th Ave

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:

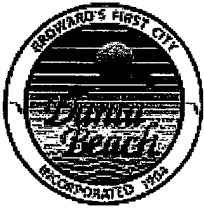
Thank you to BSO -

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

LOBBYIST REGISTRATION IS REQUIRED. PRIOR TO ENGAGING IN ANY LOBBYING ACTIVITIES, WHETHER OR NOT COMPENSATION IS PAID OR RECEIVED IN CONNECTION WITH THOSE ACTIVITIES, EACH LOBBYIST SHALL FILE WITH THE CITY CLERK AN ANNUAL REGISTRATION STATEMENT AND PAY AN ANNUAL ONE HUNDRED DOLLARS (\$100.00) REGISTRATION FEE FOR EACH PRINCIPAL OR EMPLOYER. REGISTRATION FORMS ARE AVAILABLE IN THE CITY CLERK'S OFFICE, OR ON THE CITY WEBSITE: WWW.DANIABEACHFL.GOV. (ORDINANCE #2012-019)



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DATE OF COMMISSION MEETING: _____, 20__

PRINT NAME: PAT RAFAEL

ADDRESS: 610 TRAFALGAR CT,

PHONE NO. (optional): _____

PLEASE CHECK ONE OR BOTH OF THE BOXES BELOW:

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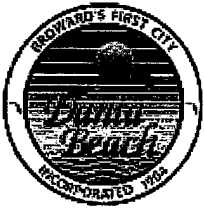
Finish last meeting statement
re: Charter Review Board.

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

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DATE OF COMMISSION MEETING: 10-8, 202013

PRINT NAME: Ann Papp

ADDRESS: 38 SW 5th St

PHONE NO. (optional): _____

PLEASE CHECK ONE OR BOTH OF THE BOXES BELOW:

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PLEASE BRIEFLY DESCRIBE THE SUBJECT MATTER OF YOUR COMMENT:

Books at the Library

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

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