

MINUTES OF REGULAR MEETING
DANIA BEACH CITY COMMISSION
TUESDAY, MAY 13, 2008 – 7:00 P.M.

1. Call to Order

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

2. Invocation and Pledge of Allegiance

Pastor Ernestine Henry, Mt. Sinai United Methodist Church, gave the invocation followed by the Pledge of Allegiance to the United States Flag.

3. Roll Call

Present:

Mayor:	Albert Jones
Vice-Mayor:	Anne Castro
Commissioners:	Bob Anton
	John Bertino
	Patricia Flury
City Manager:	Ivan Pato
City Attorney:	Thomas Ansbro
City Clerk:	Louise Stilson

4. Presentations and Special Event Approvals

Item #4.1 was heard after Item #11.1

- 4.1 Broward County Commissioner John Rodstrom - Presentation of a check for the County's contribution to building the Dania Beach Library

Commissioner Rodstrom arrived at 7:20 p.m. and apologized for not bringing the check with him tonight. He noted the City Commission has been diligent on the Library project and the County finally appropriated the funds to build the Library in Dania Beach. Commissioner Rodstrom said that today the County Commission agreed to write a letter to the Federal Aviation Authority (FAA) asking for another hearing regarding the south runway airport expansion, due to improper notice given for the previous meeting. He thought that a letter from the City Commission would also be beneficial. Commissioner Rodstrom advised that they expect the EIS to arrive at the end of June. He also noted that the County Commission deferred any action on the Airline Incentive Program.

Vice-Mayor Castro stated Commissioner Rodstrom has done a great job lobbying the County Commission for the Library. She thanked him for his service on behalf of the City and its residents.

Commissioner Rodstrom noted he will be happy to present the check for the Library funding to the City Commission at the May 27, 2008 Commission Meeting.

Citizen Comments resumed after Item #4.1

5. Proclamations

Item #5.1 was heard after the Roll Call

5.1 Chickie Brandimarte Seniors Day

Mayor Jones presented a proclamation to Chickie Brandimarte for her community involvement.

Commissioner Anton thanked Chickie Brandimarte for her courage and continued dedication to our City.

Vice-Mayor Castro commended Chickie Brandimarte and the Seniors organization for doing an excellent job. She encouraged seniors in Dania Beach to become a part of this wonderful group.

6. Citizen Comments

Marco Salvino, 713 NW 7th Avenue, said his house smells like iron because of the water. He asked the Commission to find money to clean the water in his neighborhood.

Commissioner Anton requested we discuss Item #11.1 at this time.

George Jason, 4549 SW 37th Avenue, noted it is time to prepare for hurricane season. The Broward County Hurricane Preparedness Expo will be held at the Broward County Emergency Operations Center in Plantation, on Saturday, May 31st, from 10:00 a.m. - 2:00 p.m. He encouraged everyone to attend this informative event. Mr. Jason mentioned the CERT group is organized and working with the Fire Department. He invited people who are interested in participating to attend their next meeting on Monday, May 19 at 7:00 p.m., in the Training Room at Fire Station #1.

Deputy Fire Chief Mike Cassano noted the Comprehensive Emergency Management Plan will be presented at the next City Commission meeting with updated information. He advised the new Fire Station #93 will be a redundant EOC in the western portion of the City. Deputy Chief Cassano clarified that hurricane shelters are designated through the Red Cross and the Broward County School Board.

Kurt Ely, 245 SW 1st Avenue, noted that “Good Morning America” is selecting the top four finalists for Ice Cream Parlor in the United States. He noted that Jaxson’s was nominated by one of their customers and last night they had a 2-hour filming at their establishment. Mr. Ely noted that everyone who is interested in obtaining the information on how to vote for their favorite place should watch “Good Morning America” on Saturday, May 17, between 7:00-9:00 a.m. He thought this was great publicity for Dania Beach.

Judy Davis, 113 SE 2nd Court, is concerned with the traffic calming in the southeast area. She does not understand why we are shutting down Stirling Road and diverting the traffic to SE 1st Street. Ms. Davis advised she discussed the matter with Oscar Bello, Senior Engineer with Chen and Associates, who told her that if traffic gets too bad they could close SE 1st Street. She questioned if we could reevaluate the situation or put the project on hold since Boyd Gaming is currently not moving forward with their plans.

Dominic Orlando, Director of Public Services, noted the diverter proposed for SE 1st Street was a modification. The only thing the Commission approved is the diverter on SE 2nd Street. He stated the improvements are needed to address the current traffic problems and a new study should be done when Boyd Gaming begins development.

City Manager Pato clarified that he told Ms. Davis that the traffic issues are of concern to many people in the community, which is why the Commission approved the project.

Commissioner Bertino noted we had charettes with people in the neighborhood because the traffic on SE 2nd Street was un-tolerable. He suggested we wait for the reaction to this phase of the project once it is completed.

Ms. Davis noted her neighborhood floods and asked staff to address this issue before the rainy season begins.

Commissioner Anton noted the traffic problems affecting the Meadowbrook area are mainly caused by cut-through vehicles going to the beach. He assured Ms. Davis that the City would work with residents to make this situation acceptable for everybody.

Bob Mikes, 835 NW 13th Avenue, addressed a problem concerning trees on Old Griffin Road. He said we have lost the history of the City with the current Commission and staff. Mr. Mikes felt that we are stepping away from the community and losing transparency because we are not giving the people the opportunity to speak at public hearings. He was concerned that we now have Administrative Variances and the Planning & Zoning Board makes decisions without having enough background information. Mr. Mikes was hoping the City Commission would be the one to deal with each individual project for the benefit of the citizens of Dania Beach.

Vice-Mayor Castro noted that the City did have records and knew what they were doing. She pointed out that Administrative Variances came about after the hurricanes in order to make it easier and less expensive for citizens to fix their homes. Vice-Mayor Castro further indicated that there are mechanisms in place to make sure there is no corruption. She thought we had to

give credit to our staff and added that the members on the Planning and Zoning Board were probably more qualified than the City Commission to make decisions on some issues.

Further discussion followed between Mr. Mikes and the Commission regarding the setback requirements currently in place.

Vice-Mayor Castro pointed out that the setback requirements were only changed in the TOD/TOC Corridor.

Commissioner Anton clarified for the record that he did not authorize anyone to cut trees in the Griffin Road area. He noted we should try to keep our neighborhoods united and avoid this type of negative comment, and if in doubt, always come to the source and find out exactly what happened.

Bernardo Yepes, 38 S. Federal Highway #6, noted he owns a private investigation company that is new to Dania Beach. He referred to Item #9.8 and advised that he signed a one-year lease for a virtual office at this address and hopes that good things will come out of this location.

Jimmy Crimminger, 237 SW 15th Street, thanked the Commission for the new sidewalks. He commented the solar lighting is awesome. Mr. Crimminger complimented the Parks and Recreation staff for the constant improvements to our parks. He was in support of moving forward with Item #7.6 and Item #9.2. Regarding Item #9.3, Mr. Crimminger fully agreed that we hold our City to the same conditions as we do developers. He thought that under Item #9.7, whatever Clare Vickery is requesting would be a positive thing for that area. On Item #9.9, Mr. Crimminger asked that the question be re-worded to say “sell and/or swap”, so we have another viable way to handle the sale of the Boisey Waiters property. He hoped everyone would join him in reviewing the pros and cons of the changes proposed under Item #9.10, for the benefit of our City. Mr. Crimminger referred to a recent Commission meeting when the firefighters requested some documents to be filed with PERC. He pointed out that an angry presentation of a citizen issue causes the loss of the focus on the issue.

Mayor Jones clarified for the record that we could consider other alternatives regarding the Boisey Waiters property and that the sale is not the only option available.

Teddy Bohanan, SW 15th Street, commented we have an active and honest Commission who include the citizens in every decision they make.

7. Consent Agenda

Items added to Consent Agenda: Item #7.9

Items removed from Consent Agenda: #7.8 and #7.9

7.1 Minutes

Approve minutes from the April 22, 2008 City Commission Meeting

Resolutions

7.2 RESOLUTION #2008-067

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE 2008 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF DANIA BEACH; PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.3 RESOLUTION #2008-068

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE 2008 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF DANIA BEACH; PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.4 RESOLUTION #2008-069

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE 2008 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF DANIA BEACH; PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX (THREE CENTS) IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

7.5 RESOLUTION #2008-075

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA AUTHORIZING AN AMENDMENT TO THE CITY BUDGET FOR THE AWARD OF THE URBAN AND COMMUNITY FORESTRY GRANT IN THE AMOUNT OF \$11,500.00 IN THE GRANT FUND AND TO ALLOW AN ADDITIONAL \$9,500.00 FROM THE TREE PRESERVATION FUND TO BE USED AS A MATCHING SUM TO OBTAIN AN URBAN AND COMMUNITY FOREST GRANT FROM THE STATE OF FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.6 RESOLUTION #2008-076

A RESOLUTION OF THE CITY COMMISSION OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE LAND PLANNING CONSULTANT SERVICES FROM LEIGH ROBINSON KERR & ASSOCIATES, INC. TO ASSIST THE CITY IN ONGOING SERVICES INVOLVING THE TRANSPORTATION, CAPITAL IMPROVEMENTS AND PUBLIC SCHOOL FACILITY ELEMENTS OF THE CITY COMPREHENSIVE PLAN, THE WATER SUPPLY PLAN, THE UPCOMING EVALUATION AND APPRAISAL REPORT ("EAR") AND GENERAL PLANNING SERVICES, FOR AN AMOUNT NOT TO EXCEED THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00), SUCH PURCHASE TO BE MADE WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.7 RESOLUTION #2008-077 *Revised Resolution*

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, DECLARING CERTAIN PERSONAL PROPERTY TO BE OBSOLETE, SURPLUS, AND OF NO FURTHER USE TO THE CITY OF DANIA BEACH;

DECLARING THE INTENT OF THE CITY TO DISPOSE OF SUCH PROPERTY AT THE DIRECTION OF THE CITY MANAGER; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.8 RESOLUTION #2008-078

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

City Attorney Ansbro read the title of Resolution #2008-078.

Vice-Mayor Castro motioned to adopt Resolution #2008-078; seconded by Commissioner Bertino. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Bertino	Yes	Mayor Jones	Yes
Commissioner Flury	Yes		

Addendum

7.9 RESOLUTION #2008-082

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA GRANTING A DRAINAGE EASEMENT TO BROWARD COUNTY FOR PROPERTY LOCATED AT 5440 RAVENSWOOD ROAD TO ACCOMMODATE AN OUTFLOW PIPE CONNECTED TO A COUNTY STORMWATER MANAGEMENT SYSTEM; PROVIDING FOR CONFLICTS, FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2008-082.

Commissioner Bertino confirmed with City Attorney Ansbro that we are only granting the County a drainage easement.

Commissioner Bertino motioned to adopt Resolution #2008-082; seconded by Vice-Mayor Castro. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Bertino	Yes	Mayor Jones	Yes
Commissioner Flury	Yes		

Commissioner Anton motioned to adopt the Consent Agenda, with revised Resolution #2008-077, the addition of Item #7.9, and the exception of Item #7.8 and Item #7.9; seconded by Vice-Mayor Castro. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
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Commissioner Bertino
Commissioner Flury

Yes
Yes

Mayor Jones

Yes

Mayor Jones moved to Item #9.8 of the Agenda

8. Bids and Requests for Proposals

There were no proposals at this meeting.

9. Public Hearings and Site Plans

Item #9.1 was heard after Item #9.8

9.1 ORDINANCE #2006-022

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING THE FUTURE LAND USE PLAN ELEMENT OF THE LOCAL COMPREHENSIVE PLAN TO ACCOMMODATE A REQUEST MADE BY LEIGH ROBINSON KERR AND ASSOCIATES, INC., TO REDESIGNATE FROM "COMMUNITY FACILITIES" TO "MEDIUM DENSITY RESIDENTIAL" (12-13.5 DWELLING UNITS/ACRE) FOR PROPERTY LOCATED AT 4200 SW 54TH COURT, DANIA BEACH AND LEGALLY DESCRIBED IN EXHIBIT "A", A COPY OF WHICH IS ATTACHED TO THIS ORDINANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)** *(Continued from April 8, 2008 and April 22, 2008)*

City Attorney Ansbro read the title of Ordinance #2006-022.

Corinne Lajoie, AICP, Principal City Planner, explained the location of the property and advised that the property is currently a residential care facility. Ms. Lajoie noted that staff would not support an apartment building at this location, but would support townhouses with conditions. She further indicated that the applicant would be required to dedicate park land and rezone the property to PRD-1. Staff also recommended that the townhouses should be sold as condominiums or fee simple (HOA) with rentals limited to once per year, and that the building height be determined by the City Commission.

Commissioner Anton suggested continuing this item until we know what the neighborhood wants to do regarding the traffic.

Mayor Jones opened the Public Hearing.

Hope Calhoun, of the law firm Ruden McClosky, Attorney for the applicant, noted she spoke with the neighbors and they were in full support of the application.

William C. Stalions, Vice-President of Sheridan House Family Ministries, said the zoning recommended by staff would result in a traffic reduction. He advised that the neighbors are not opposed to the development, but to the traffic generated by the Seminole Hard Rock Café and

Casino. Mr. Stalions further indicated that they agreed with staff recommendation to build 12-13.5 units per acre, with two-car garages, on the six acres.

Attorney Calhoun clarified for Vice-Mayor Castro that they agree with staff recommendations and have already submitted a Declaration of Restrictive Covenants incorporating these conditions.

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

Commissioner Bertino noted citizens were concerned with the traffic, and we said we would work with them. He stated that the citizens deserve the right to be heard and speak.

Commissioner Bertino motioned to continue Ordinance #2006-022 until the May 27, 2008 City Commission meeting at 7:00 p.m.; seconded by Commissioner Anton.

Vice-Mayor Castro noted she would vote against the continuance of this item. She asked Chief Peterson to follow up on the traffic issue and make sure the Seminole Hotel and Casino will contribute with funding because it is their parking garage circulation which is impacting this neighborhood.

Commissioner Flury said she was disappointed that no one from the neighborhood attended tonight's meeting.

The Commission directed the City Manager to call the gentleman representing the neighbors and ask him to attend the next meeting.

Mr. Stalions asked for assurance from the Commission that they would move forward on this project at the next meeting regardless of whether or not the neighbors attend.

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

Commissioner Anton	Yes	Vice-Mayor Castro	No
Commissioner Bertino	Yes	Mayor Jones	No
Commissioner Flury	Yes		

9.2 ORDINANCE #2008-014

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA APPROVING THE REQUEST MADE BY THE PROPERTY OWNERS, ARNOLD AND SHARON NEARN, TO REZONE PROPERTY GENERALLY LOCATED SOUTH OF 1496-1502 SOUTH DIXIE HIGHWAY, DANIA BEACH, FLORIDA, AND LEGALLY DESCRIBED IN EXHIBIT "A", A COPY OF WHICH IS ATTACHED TO THIS ORDINANCE; CHANGING THE CURRENT ZONING CLASSIFICATION OF THE PROPERTY FROM RM-2 (MULTI-FAMILY RESIDENTIAL), TO C-3 (COMMERCIAL); SUBJECT TO CERTAIN RESTRICTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

City Attorney Ansbro read the title of Ordinance #2008-014.

Corinne Lajoie, AICP, Principal City Planner, explained the location of the property, located near Sheridan Street, which involves three parcels. She clarified that the land use and the zoning need to match, hence the rezoning request from residential to commercial. Ms. Lajoie noted the applicant purchased the property from the City in 2004.

City Attorney Ansbro noted the City did not misrepresent the zoning of the property when it was sold. He thought this was an oversight on everybody's part and suggested we try to fix this problem for the applicant.

Commissioner Bertino disclosed the property was for sale through the company for which he works, but it was not his listing. He asked if he should recuse himself.

City Attorney Ansbro confirmed that Commissioner Bertino did not need to recuse himself in this case.

Mayor Jones 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 Ordinance #2008-014, on second reading; seconded by Commissioner Anton. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Bertino	Yes	Mayor Jones	Yes
Commissioner Flury	Yes		

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

9.3 RESOLUTION #2008-063

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA APPROVING THE VARIANCE REQUEST SUBMITTED BY THE CITY OF DANIA BEACH PUBLIC SERVICES DEPARTMENT FROM CHAPTER 26, "VEGETATION", SECTION 26-48, "INTERIOR LANDSCAPING FOR ALL VEHICULAR USE AREAS", FOR PROPERTY LOCATED AT 1201 STIRLING ROAD, DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Continued from April 22, 2008)*

City Attorney Ansbro read the title of Resolution #2008-063.

Corinne Lajoie, AICP, Principal City Planner, noted this is for the Public Works facility on Stirling Road. She advised that the applicant has revised the landscape plans and is now able to provide all of the required trees on site. Ms. Lajoie indicated that there is currently only one variance request to reduce interior landscape in the vehicle use area.

Mayor Jones opened the Public Hearing.

Bob Mikes, 835 NW 13th Avenue, commented the City should set the example and meet the standards.

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

Commissioner Anton motioned to adopt Resolution #2008-063; seconded by Vice-Mayor Castro.

Dominic Orlando, Director of Public Services, noted that gravel does not count as pervious in the City Code. However we do meet the South Florida Water Management District pervious code.

Vice-Mayor Castro commended Director Orlando and staff for their efforts in locating areas to place all the trees required for this project.

The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Bertino	Yes	Mayor Jones	Yes
Commissioner Flury	Yes		

9.4 RESOLUTION #2008-071

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA APPROVING THE VARIANCE REQUESTS SUBMITTED BY JEFF FALKANGER WITH THE FIRM FALKANGER SNYDER MARTINEAU AND YATES, ARCHITECTS, REPRESENTING DCOTA DEVELOPMENT COMPANY LTD., PARTNER, C/O COHEN BROTHERS REALTY, FROM CHAPTER 28, "ZONING", ARTICLE 28, "SIGNS", FOR PROPERTIES LOCATED AT 1815 - 1825 - 1855 - 1875 GRIFFIN ROAD, DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2008-071.

Commissioners Anton and Bertino disclosed they met with the applicant.

Corinne Lajoie, AICP, Principal City Planner, explained the history and location of the property, and provided the details of each of the variances. She noted the applicant is requesting new wall and monument signs for the DCOTA complex. Ms. Lajoie clarified for the record that in March, 1985, the City Commission granted a variance to allow a pole sign to exceed the fifty square feet maximum sign area allowed at the time. The Planning and Zoning Board recommended approval of the requests.

Larry Martineau, Architect for the project, noted this is a unique property, including multiple buildings, extensive parking and landscaping. He advised that the landscape was not fully grown when the property was initially developed in 1985. Mr. Martineau indicated that these variances are necessary to assist visitors in locating the complex.

Commissioner Flury suggested the mound sign include landscaping.

Vice-Mayor Castro asked if Dania Beach could be included in the mound sign.

Mr. Martineau noted he would bring the request to include Dania Beach on the mound sign to the owner, and indicated they would add landscaping to the mound sign as well.

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

Vice-Mayor Castro motioned to adopt Resolution #2008-071, with landscaping conditions and Dania Beach on the sign; seconded by Commissioner Bertino. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Bertino	Yes	Mayor Jones	Yes
Commissioner Flury	Yes		

9.5 RESOLUTION #2008-072

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE VACATION REQUEST (VC-15-06) SUBMITTED BY RUSSELL HAYSON, REPRESENTING THE PROPERTY OWNER CRAIG LEONARD, TO VACATE AND RELOCATE A DRAINAGE EASEMENT, FOR PROPERTY LOCATED AT 345 NE 3RD AVENUE, AND LEGALLY DESCRIBED IN EXHIBIT "A", A COPY OF WHICH IS ATTACHED TO THIS RESOLUTION; ACCEPTING THE RELOCATED DRAINAGE EASEMENT ON BEHALF OF THE CITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2008-072.

Corinne Lajoie, AICP, Principal City Planner, explained the location of the property and noted that the applicant is requesting to vacate an existing drainage easement on private property and relocate it on-site. The drainage easement currently runs through the property owner's driveway and through a portion of the home. She further advised that the Public Services Director worked with the property owner in relocating the drainage easement which will now be located south of the driveway and house structure. The Planning and Zoning Board recommended approval of the request.

Russell M. Hayson, Palloto & Hayson, P.A., Attorney for the applicant, noted the current easement is not being utilized and is being moved to another location. He asked the Commission to support the request.

Mayor Jones opened the Public Hearing.

John B. Schwartz, 341 NE 3rd Avenue, commented the existing storm drain goes into the side canal. He noted they have a severe flooding problem because of the asphalt in the driveway and the neighbors need the drainage to keep the street dry.

Discussion followed between the Commission and Public Services Director Orlando regarding the relocation of the drainage easement. Director Orlando advised we were only relocating the easement to clear Mr. Leonard's title; however, he did not want to give away any storm drainage right-of-way in case we need to make any changes in the future.

Commissioner Bertino clarified with Director Orlando that the flooding Mr. Schwartz referred to has nothing to do with the relocation of the easement.

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

Commissioner Bertino motioned to adopt Resolution #2008-072; seconded by Vice-Mayor Castro. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Bertino	Yes	Mayor Jones	Yes
Commissioner Flury	Yes		

Vice-Mayor Castro confirmed with Director Orlando that Mr. Schwartz' concerns would be addressed.

9.6 RESOLUTION #2008-073

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST FOR MODIFICATIONS TO A SITE PLAN AND WAIVER, APPROVED BY RESOLUTION 2007-208 ON OCTOBER 23, 2007, SUBMITTED BY NICK ECONOMOS ON BEHALF OF THE PROPERTY OWNER, GRIFFIN ROAD PARTNERS, LLC, FOR PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF GRIFFIN ROAD AND RAVENSWOOD ROAD, (2081 GRIFFIN ROAD), IN THE CITY OF DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2008-073. He noted that the applicant requested a continuance until the May 27, 2008 City Commission meeting.

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

Commissioner Bertino motioned to continue Resolution #2008-073 until the May 27, 2008 City Commission meeting at 7:00 p.m.; seconded by Vice-Mayor Castro. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Bertino	Yes	Mayor Jones	Yes
Commissioner Flury	Yes		

9.7 RESOLUTION #2008-074

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA APPROVING THE REQUEST SUBMITTED BY PROPERTY OWNER CLARE VICKERY TO REMOVE THE TIME LIMITATION ATTACHED TO

VARIANCE VA-13-05 DATED MAY 10, 2005, APPROVED BY RESOLUTION NO. 2005-074, WHICH IS SET TO EXPIRE ON JANUARY 17, 2009, FOR PROPERTY LOCATED AT 47-49 NORTH FEDERAL HIGHWAY, DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2008-074.

Corinne Lajoie, AICP, Principal City Planner, advised the applicant received a parking variance in May, 2005 allowing 17 parking spaces for an existing commercial building, where 72 spaces are required. The variance was approved for a limited time and is set to expire in January, 2009. She noted the applicant is now requesting an extension of the variance for an indefinite period of time and without conditions. Ms. Lajoie clarified for the Commission that there have not been any parking/traffic issues during this time.

Clare Vickery thanked the Commission for their support through the years. She noted that she asked for an indefinite variance and no conditions for the benefit of her tenants and customers.

Commissioner Anton was concerned with an indefinite variance because we are hoping to redevelop the downtown area. However, he would be amenable for a 3-year variance.

Ms. Vickery stated 2-3 years is constraining and requested a minimum 5-year variance.

Commissioner Bertino noted his office is located next to Ms. Vickery's property and her business causes no problems. He further commented he was also concerned with an indefinite variance, although he would support an extension of the variance.

Commissioner Flury suggested a 10-year variance if the Commission is uncomfortable with "indefinite".

Vice-Mayor Castro concurred with Commissioner Flury and recommended a 10-year variance.

City Attorney Ansbro asked the Commission if they wanted to keep the existing conditions.

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

Mayor Jones recognized Ms. Vickery's efforts to keep our downtown alive. He would support a 5-10 year extension.

Commissioner Anton motioned for a 5-year extension, with a 5-year renewal, with the condition that if a problem develops and/or the business owner changes, the variance would not be transferred to the new owner.

Ms. Vickery preferred a 10-year variance and no restrictions because this would not prevent her from having a business partnership.

Commissioner Bertino seconded the motion.

Commissioner Flury said she would not support the motion. She asked the members of the Commission if they would consider a 5-year extension with an automatic 5-year renewal, in the event there are no problems.

Commissioner Anton agreed to amend his motion, provided there are no issues with that business.

Commissioner Flury pointed out that if Ms. Vickery sells the business, and it is still successful, we would have a parking problem, but it would be great for the City. She thought the 5-year renewal was a built-in safety mechanism for the City.

Commissioner Bertino stated that the City needs to build a downtown parking garage that would benefit everyone in the area.

Commissioner Anton amended his motion to adopt Resolution #2008-074, for a 5-year extension with an automatic 5-year renewal, with no restrictions; seconded by Commissioner Bertino. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Bertino	Yes	Mayor Jones	Yes
Commissioner Flury	Yes		

Item #9.9 was heard after Item #9.7

Item #9.8 was heard after Consent Agenda

9.8 RESOLUTION #2008-079

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA APPROVING THE MAY 7, 2008 REQUEST SUBMITTED BY PROPERTY OWNER STEVEN CASPER, FOR AN APPROVAL OF A WAIVER FROM CHAPTER 28, "ZONING", ARTICLE 6.64, "PRINCIPAL ARTERIAL COMMERCIAL DESIGN (PAD) STANDARDS OVERLAY", FOR PROPERTY LOCATED AT 34-38 SOUTH FEDERAL HIGHWAY, DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2008-079.

Corinne Lajoie, AICP, Principal City Planner, advised that the waiver is for the Principal Arterial Design (PAD) standards for the colors. She noted that the property is located within the City's PAD overlay district which restricts colors of the buildings to nature blending, earth tone or light pastel colors with a maximum of three colors, exclusive of the roof. In this case, the applicant is proposing the use of five bright colors.

Steve Casper, owner of Canterbury Square, advised that Arthur Madican designed the idea. He explained that the building is not rentable since there is no water or electricity available. Mr. Casper indicated that the CRA Board gave tentative approval for the project on two separate occasions, and he is now looking for permission to move forward with his project.

Mayor Jones opened the Public Hearing.

Jimmy Crimminger, 237 SW 15th Street, supported the project.

Teddy Bohanan, SW 15th Street, supported the project.

George Jason, 4549 SW 37th Avenue, supported the project.

Fay Bartelmes, 214 SW 2nd Terrace, spoke in favor of the project.

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

Commissioner Flury motioned to adopt Resolution #2008-079; seconded by Commissioner Anton. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Bertino	Yes	Mayor Jones	Yes
Commissioner Flury	Yes		

Item #9.1 was heard after Item #9.8

Item #9.9 was heard after Item #9.7

9.9 RESOLUTION #2008-080

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, CALLING FOR AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2008 ON THE PROPOSED SALE OF CITY PROPERTY KNOWN AS THE BOISEY-WAITERS PROPERTY (CONSISTING OF TWO SEPARATE BUT RELATED PARCELS OF LAND LOCATED ON THE SOUTH SIDE OF STIRLING ROAD ON BOTH THE EAST AND WEST SIDES, RESPECTIVELY, OF THE C-10 CANAL IN THE CITY OF DANIA BEACH); PROVIDING FOR SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL OF THE QUESTION OF WHETHER OR NOT THE CITY MAY SELL THE PROPERTY; PROVIDING FOR REQUISITE BALLOT LANGUAGE, PROCEDURES FOR BALLOTING AND NOTICE; PROVIDING FOR RELATED MATTERS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2008-080.

Mayor Jones noted that if approved by the voters, this would provide the City with an opportunity to sell the property.

City Attorney clarified that last December this property was appraised at \$814,000.00 therefore, under the City Charter, it requires a referendum vote.

Mayor Jones opened the Public Hearing.

Fay Bartelmes, 214 SW 2nd Terrace, noted we need a Primary Election.

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

Commissioner Bertino noted this may not be the right time to sell the property due to the depressed real estate market, however, it will give us an idea on how the citizens of Dania Beach feel about the sale.

Commissioner Anton motioned to adopt Resolution #2008-080; seconded by Commissioner Bertino. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Bertino	Yes	Mayor Jones	Yes
Commissioner Flury	Yes		

9.10 RESOLUTION #2008-081

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, PROVIDING FOR TWO (2) NON-BINDING STRAW BALLOT MEASURES TO BE PRESENTED TO THE ELECTORS OF THE CITY AFFECTING THE CITY CHARTER 1) TO DETERMINE IF THERE IS SUPPORT FOR A CHANGE OF THE GENERAL MUNICIPAL ELECTION OF CITY COMMISSIONERS FROM MARCH (OF ODD-NUMBERED YEARS) TO NOVEMBER (OF EVEN-NUMBERED YEARS) WHICH IS THE GENERAL ELECTION DATE IN BROWARD COUNTY AND 2) TO DETERMINE IF THERE IS SUPPORT AS TO WHETHER THE MAYOR-COMMISSIONER SHOULD BE ELECTED FOR A TWO (2) YEAR TERM RATHER THAN A ONE (1) YEAR TERM AS PRESENTLY PROVIDED BY THE CHARTER; PROVIDING FOR SUCH QUESTIONS TO BE SUBMITTED TO THE ELECTORS IN CONJUNCTION WITH THE GENERAL ELECTION HELD IN BROWARD COUNTY ON TUESDAY, NOVEMBER 4, 2008; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORS; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2008-081.

Commissioner Bertino questioned what would happen to the Primary Election.

City Attorney Ansbro noted there is a Special Act being discussed in Tallahassee which would allow the Primary to be held in August, with a November General Election. He suggested adopting the resolution, removing the election portion if the bill is signed by the Governor, and submitting only the Mayor question to the Supervisor of Elections. City Attorney Ansbro clarified that the Mayor will not be an “elected Mayor”, but the highest vote getter will serve as Mayor for two years, instead of the current one year term.

Mayor Jones opened the Public Hearing.

Jimmy Crimminger, 237 SW 15th Street, noted education would be required so the voters understand the meaning of a 2-year Mayor. He expressed his support for a 2-year Mayor.

Bob Adams, 330 SE 3rd Terrace, suggested placing the question of the Primary on the straw ballot. He questioned why we are having a straw ballot for the 2-year Mayor as opposed to making it a referendum question. Mr. Adams also asked the procedure to elect the Vice-Mayor.

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

Commissioner Anton motioned to adopt Resolution #2008-081, with comments; seconded by Vice-Mayor Castro. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Bertino	Yes	Mayor Jones	Yes
Commissioner Flury	Yes		

10. Commission Comments

10.1 Commissioner Anton

Commissioner Anton requested Commission support for the plan from G&G Shipping for a County Right-of-Way. He asked the Commissioners to contact County Commissioners in support of the project because it will benefit the City and will also eliminate the concerns from the other businesses in the area.

It was the consensus of the Commission to support the project.

10.2 Commissioner Bertino

Commissioner Bertino suggested that we adopt an ordinance requiring every new developer presenting a project that has a parking area to include solar lighting.

It was the consensus of the Commission to ask City Attorney Ansbro to prepare an ordinance for consideration.

Commissioner Bertino was pleased to report that there is a Dania Beach resident whose grandson is on the TV show “Top Chef”.

10.3 Commissioner Flury

Commissioner Flury noted the mausoleum project looks fine to her.

Commissioner Flury noted the fencing around the cemetery should be cited by Code. She suggested improving the fencing and landscaping at both cemeteries using the Perpetual Care Fund.

10.4 Vice-Mayor Castro

Vice-Mayor Castro thanked everyone for their support and good wishes regarding her husband's recent health condition.

Vice-Mayor Castro noted hurricane season is approaching and information will be available to the public, including emergency telephone numbers. She clarified the main number for City Hall/EOC is different from last year's.

Vice-Mayor Castro asked for a follow-up regarding the proposed visit of Inmula Prasad of FEMA, to talk about flood elevation requirements.

Vice-Mayor Castro asked for Commission support to ask Broward County for the \$6.3M for the CRA. She explained the strategy to put in place and who would be involved.

It was the consensus of the Commission to move forward with Vice-Mayor Castro's recommendation.

Vice-Mayor Castro said she was asked by Broward County if Dania Beach would object to the Port Everglades freighters turnaround base project.

Commissioners Flury, Bertino and Anton opposed the project.

The Commission generally agreed not to send a letter to the County in support of this project.

Vice-Mayor Castro referred to Item #9.7 regarding Clare Vickery's parking issue. She thought we needed to take a more active role in encouraging shared parking agreements. Vice-Mayor Castro asked City Attorney Ansbro to check to see if we could enforce this requirement.

Commissioner Bertino commented that shared parking is a step in the right direction and reiterated that we need to build a parking garage.

10.5 Mayor Jones

Mayor Jones reminded everyone that Senator Geller will hold a Town Hall meeting on Tuesday, May 20th at 6:00 p.m. in the Commission Chamber at City Hall.

Mayor Jones noted the Broward County Planning Council will meet on Thursday, May 22nd at 10:00 a.m., and their Agenda will include the Amendment to the Broward County Trafficways Plan.

Mayor Jones attended a Redevelopment Conference in South Carolina and will gladly share his experience with his fellow Commissioners, staff, and CRA Director Earle. Several interesting subjects were discussed, and they mentioned the importance of state colleges being involved in the charettes and public meetings.

11. Discussion and Possible Action

Item #11.1 was heard during Citizens Comments

11.1 Water pipes in the NE and Melaleuca areas – Commissioner Anton

Commissioner Anton noted this problem has been going on for a long time in a one block area in Melaleuca Gardens. The water smells like well water and is rust colored. Commissioner Anton said that it is the City’s responsibility to make sure that the quality of water that we provide our residents is adequate. He advised that Public Services Director Orlando obtained a proposal from Calvin Giordano and Associates to fix the problem. Commissioner Anton requested approval of the funding to move forward with this project.

Commissioner Flury motioned to fund the project; seconded by Vice-Mayor Castro. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Bertino	Yes	Mayor Jones	Yes
Commissioner Flury	Yes		

Dominic Orlando, Director of Public Services, provided the following update:

- 12" directional bore under the canal: Designed, permitted, built, tested, and in service
- 8" on US 1 Bridge: Designed, permitted, to be advertised as soon as possible or have FDOT Contractor install
- 8" NW 7th: Designed, permitted, to be advertised as soon as possible
- 8" NE 2nd Street: Designed, permitted, to be advertised as soon as possible

Director Orlando noted that John Messerian of Calvin Giordano and Associates was currently working on the bid packet. He noted we cannot advertise for the bid until we know if the Florida Department of Environmental Protection (FDEP) will allow SRF funds to be used for the project. However, since the Commission just approved to fund the project, we can begin immediately.

Commissioner Bertino suggested we keep monitoring Mr. Salvino’s water on a weekly basis as we move forward with the project.

Commissioner Anton stated this needs to be a priority.

Director Orlando clarified for Commissioner Flury that there are three projects in progress and described each of them. He noted we have received three estimates from the engineering company.

Commissioner Flury motioned for the City to fund two projects (Melaleuca for \$187,000, and US 1 Bridge for \$63,000), and to apply for SRF funding for the third project (2nd Street

for \$212,000); seconded by Vice-Mayor Castro. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Bertino	Yes	Mayor Jones	Yes
Commissioner Flury	Yes		

Item #4.1 was heard after Item #11.1

Item #11.2 was heard after Item #10.5

11.2 City Commission Summer Break

Commissioner Flury motioned to cancel the July 8, 2008 City Commission meeting; seconded by Commissioner Bertino. The motion carried on the following 5-0 Roll Call vote:

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Bertino	Yes	Mayor Jones	Yes
Commissioner Flury	Yes		

Addendum

11.3 Design plans for the Dania Westlawn Cemetery and Dania Memorial Park Cemetery Mausoleum projects

It was the consensus of the Commission to table this item until the May 27, 2008 Regular Commission meeting at 7:00 p.m.

12. Appointments

Vice-Mayor Castro reappointed Gene Bieber, Pat Rafacz and Steve Lupo to the Unsafe Structures Board.

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

Commissioner Anton	Yes	Vice-Mayor Castro	Yes
Commissioner Bertino	Yes	Mayor Jones	Yes
Commissioner Flury	Yes		

13. Administrative Reports

13.1 City Manager

City Manager Pato had no comments.

13.2 City Attorney

City Attorney Ansbro had no comments.

13.3 City Clerk – Reminders

Thursday, May 15, 2008 – 6:00 p.m.
Tuesday, May 27, 2008 – 7:00 p.m.
Wednesday, June 4, 2008 – 6:00 p.m.

Abatement Hearing
City Commission Meeting
CRA Board Meeting followed by a City
Commission Workshop – Site Plan Review

14. Adjournment

Mayor Jones adjourned the meeting at 10:32 p.m.

ATTEST:

CITY OF DANIA BEACH

LOUISE STILSON, CMC
CITY CLERK

ALBERT C. JONES
MAYOR-COMMISSIONER

Approved: May 27, 2008