

MINUTES OF REGULAR MEETING  
DANIA BEACH CITY COMMISSION  
TUESDAY, JUNE 24, 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 Robert Sands, Griffin Road Baptist 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

- 4.1 Request by Jay Kodner for renewal of Local Business Tax Receipt for an Auctioneer's License for property located at 6 S. Federal Highway

**Vice-Mayor Castro motioned to approve the license renewal for Jay Kodner; seconded by Commissioner Anton. The motion carried unanimously.**

- 4.2 Request by Jay Kodner for renewal of Local Business Tax Receipt for an Auctioneer's License for property located at 45 S. Federal Highway

**Vice-Mayor Castro motioned to approve the license renewal for Jay Kodner; seconded by Commissioner Flury. The motion carried unanimously.**

- 4.3 Request by Nancy Rose Williams, d/b/a Rose, for renewal of Local Business Tax Receipt for a Palmistry/Fortuneteller License for property located at 1410 S. Federal Highway

**Vice-Mayor Castro motioned to approve the license renewal for Nancy Rose Williams, d/b/a Rose; seconded by Commissioner Flury. The motion carried unanimously.**

- 4.4 Request by Peggy Lee, d/b/a Peggy Lee, for renewal of Local Business Tax Receipt for a Palmistry/Fortuneteller License for property located at 219 N. Federal Highway

**Vice-Mayor Castro motioned to approve the license renewal for Peggy Lee, d/b/a Peggy Lee; seconded by Commissioner Flury. The motion carried unanimously.**

- 4.5 Request by Diane Thompson for Local Business Tax Receipt for a Palmistry/Fortuneteller License for property located at 2511 Stirling Road

**Vice-Mayor Castro motioned to approve the license for Diane Thompson; seconded by Commissioner Flury. The motion carried unanimously.**

- 4.6 Request by Elizabeth Miller, d/b/a Astrology Fortune Teller, for renewal of Local Business Tax Receipt for a Palmistry/Fortuneteller License for property located at 2730 Griffin Road

**Vice-Mayor Castro motioned to approve the license renewal for Elizabeth Miller, d/b/a Astrology Fortune Teller; seconded by Commissioner Flury. The motion carried unanimously.**

## 5. Proclamations

### 5.1 National Parks and Recreation Month

Mayor Jones presented a proclamation celebrating National Parks and Recreation Month to Kristen Jones, Director of Parks and Recreation.

Commissioner Flury thanked Director Jones and her staff for the outstanding improvements to the City parks, as well as the number of new programs that are now available.

## 6. Citizen Comments

Vice-Mayor Castro addressed an issue that was brought to her attention regarding Item #9.1. She noted the flyer being circulated is inaccurate, and she was not the person responsible for the proposed ordinance.

Commissioner Flury noted that she requested the ordinance be reviewed after receiving several complaints from residents. She clarified that we just wanted to limit the parking or storage of one vehicle or vessel in the front yard of people's homes, not on the sides or in the backyard.

***Mayor Jones pulled Item #9.1 to be discussed at this time.***

***Mayor Jones resumed Item #6, Citizen Comments, at the completion of the Public Hearing on Item #9.1.***

Reverend Bob Sands, on behalf of Griffin Road Baptist Church, clarified that he had an issue with the Code Compliance Unit this week. Although there was an unpleasant bureaucratic process involved in the matter, he credited the City Manager for addressing his complaints. Reverend Sands indicated that the Church was told several years ago that they did not need permits for their yard sales, however, they were cited last Saturday for not having one. They also received a code violation for not having an occupational license, although the Church has been at that location since 1959. He pointed out that things were not handled appropriately in the City and remarked he is concerned that no one seems to know the codes. Reverend Sands noted he is not paranoid, but wants to make sure there is no target on his back. He further stated that he does not want Code Enforcement to continue harassing or being rude to his Church. Reverend Sands hoped that government and church would both work together to help the community during these difficult times.

Commissioner Bertino noted it was never intended for non-profit organizations to be included in the cost of permits for yard sales. He asked the City Attorney to review the ordinance to include the language for non-profits.

Commissioner Anton would like the churches to get a permit because they are located in residential areas and impact the adjacent neighbors. He said the fee should be waived, but we need to have control of these events. Commissioner Anton thought the churches should be restricted to only two yard sales per year.

It was the consensus of the Commission for the City Attorney to review the ordinance and survey other cities for their ordinances.

George Jason, 4549 SW 37<sup>th</sup> Avenue, congratulated the City for the CRA Charettes held over the weekend. He was disappointed to see there was a small turnout from the community, and commented that people should get involved and support their municipal government. Mr. Jason noted the CERT Workshop would be held on Monday, June 30, at 7:00 p.m. at Fire Station #1 and encouraged people to join the Program.

Kurt Ely, 245 SW 1<sup>st</sup> Avenue, distributed pictures to the Commission on the second item he will discuss. He was happy to report that sidewalks on SW 3<sup>rd</sup> Street have now been installed, however there is still one small section that has not been completed. The second item relates to the pictures of the bus bench in front of Dania Elementary. Mr. Ely indicated that a handicap person has to go into the swale because the bench has been turned sideways. He asked that the position of the bench be corrected. Mr. Ely also noted there is no trash barrel at this location.

Commissioner Flury commented that the bench issue was discussed at the time of the renewal of the contract with the current bus bench company. She thought the way the bench was set showed lack of consideration to people who cannot fend for themselves. Commissioner Flury requested

the City Manager immediately send a letter to the company advising them to address the situation and reminding them that the benches should be ADA compliant. She further said that Public Services workers should pick up trash when they see it.

Vice-Mayor Castro commended Kurt Ely, Lisa Young, Joe Van Eron, Derrick Hankerson and everyone involved in trying to have the sidewalks installed for the benefit of our community.

Betty Sokol, 609 NW 10<sup>th</sup> Street, noted the Melaleuca Gardens area has a problem with vandalism. She commented that there is a fence at 528 NW 8<sup>th</sup> Street that is broken and children are coming into the neighborhood through it. Ms. Sokol advised she has a petition signed by the neighbors to have the fence fixed, and asked the Commission for their assistance.

Commissioner Anton clarified the fence belongs to Broward County Aviation.

Teddy Bohanan, 302 SW 15<sup>th</sup> Street, commented the City has a problem with blight. There are foreclosed homes in her area as well as drug dealers. She asked the City Attorney to look into what the City of Coral Springs is doing to combat blight.

## 7. Consent Agenda

***Items removed from Consent Agenda: #7.2, #7.5, #7.6, #7.7 and #7.8***

### 7.1 Minutes

Approve minutes from the June 4, 2008 City Commission Workshop  
Approve minutes from the June 10, 2008 City Commission Meeting

## **Resolutions**

### 7.2 RESOLUTION #2008-107

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, RENEWING PACKAGE INSURANCE THROUGH PUBLIC RISK INSURANCE AGENCY (TO INCLUDE COVERAGES FOR PROPERTY AND CASUALTY, CRIME AND EMPLOYEE DISHONESTY, GENERAL LIABILITY, AUTOMOTIVE LIABILITY AND PHYSICAL DAMAGE, PUBLIC OFFICIALS LIABILITY, EMPLOYMENT PRACTICES LIABILITY INSURANCE, IN A COMBINED TOTAL NOT TO EXCEED \$609,000.00 FOR THE PERIOD BEGINNING JULY 1, 2008 THROUGH SEPTEMBER 30, 2009, PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2008-107.

Vice-Mayor Castro noted the cost saving to the City.

Mary McDonald, Director of Human Resources and Risk Management, noted the discounted rate is due to the lack of hurricanes during the past years. She clarified that by replacing our existing policy with a new 15-month policy, we would lock-in the current lower rates. Director McDonald advised that our premiums have been reduced by 21%.

**Vice-Mayor Castro motioned to adopt Resolution #2008-107; seconded by Commissioner Bertino. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Bertino</b>	<b>Yes</b>	<b>Mayor Jones</b>	<b>Yes</b>
<b>Commissioner Flury</b>	<b>Yes</b>		

7.3 RESOLUTION #2008-108

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA; RECOGNIZING THE NEED FOR A COLLABORATIVE, MULTI-JURISDICTIONAL APPROACH TO ADDRESS COUNTY-WIDE WATER RESOURCE NEEDS; SUPPORTING THE ESTABLISHMENT OF THE BROWARD WATER RESOURCES TASK FORCE COMPOSED OF ELECTED COUNTY AND CITY COMMISSIONERS, AND OFFICIALS REPRESENTING THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT GOVERNING BOARD, SPECIAL DISTRICTS AND WATER CONTROL DISTRICTS; AND SUPPORTING THE DESIGNATION OF A TECHNICAL/PROFESSIONAL STAFF WORKGROUP TO ADVISE THE TASK FORCE; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING AN EFFECTIVE DATE.

7.4 RESOLUTION #2008-109

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPLY FOR A GRANT RELATED TO FLORIDA DEPARTMENT OF EDUCATION 21<sup>ST</sup> CENTURY COMMUNITY LEARNING CENTERS (2008-2009) IN THE APPROXIMATE AMOUNT OF \$59,609.00, TO PROVIDE FUNDING FOR A GLOBAL LITERACY PROGRAM FOR THE TIME FOR KIDS SUMMER CAMP; AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE APPLICATION; AUTHORIZING THE ACCEPTANCE AND EXECUTION OF THE GRANT AGREEMENT UPON ITS AWARD, AUTHORIZING THE DIRECTOR OF FINANCE TO APPROPRIATE THE FUNDING UPON AWARD; AUTHORIZING EXTENSIONS, IF NEEDED; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.5 RESOLUTION #2008-110

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO APPROVE AN INTERIM AMOUNT NOT TO EXCEED \$45,000.00 TO CONTINUE THE SHUTTLE BUS SERVICE BETWEEN LIMOUSINES OF SOUTH FLORIDA, INC. AND THE CITY OF DANIA BEACH FOR PUBLIC TRANSPORTATION SERVICES UNTIL A BID CAN BE AWARDED FOR SUCH SERVICES; PROVIDING FOR CONFLICT; FURTHER, PROVIDING FOR EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2008-110.

Vice-Mayor Castro noted that residents are concerned with resolutions approving contracts or purchases without going out to bid. She clarified that in this case an extension of the contract was required to continue providing shuttle bus services for our residents until bids have been received and awarded. Vice-Mayor Castro asked the City Attorney if the agenda could indicate that quotes were obtained for a specific project, so that people understand the reasoning for the approval.

Louise Stilson, City Clerk, noted we only post the agenda to the City Web Site, however we could purchase a software program that would enable us to post the agenda and back-up material on-line.

Vice-Mayor Castro noted she would bring this matter for Commission consideration at the Budget Workshop.

Commissioner Bertino noted that Broward County may not continue to support the community bus service in the near future.

**Vice-Mayor Castro motioned to adopt Resolution #2008-110; 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 Castro</b>	<b>Yes</b>
<b>Commissioner Bertino</b>	<b>Yes</b>	<b>Mayor Jones</b>	<b>Yes</b>
<b>Commissioner Flury</b>	<b>Yes</b>		

7.6 RESOLUTION #2008-111

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA RELATING TO THE AWARD OF A CONTRACT TO INFINITY ROOFING & SHEET METAL, INC. FOR CITY HALL ROOFING WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS FOR A SUM NOT TO EXCEED \$185,745.00; PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2008-111. He noted three quotes were obtained for this emergency work.

**Vice-Mayor Castro motioned to adopt Resolution #2008-111; seconded by Commissioner Bertino. The motion carried on the following 4-1 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Bertino</b>	<b>Yes</b>	<b>Mayor Jones</b>	<b>Yes</b>
<b>Commissioner Flury</b>	<b>No</b>		

7.7 RESOLUTION #2008-112

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY WITH WEEKLEY ASPHALT PAVING, INC. FOR WATER MAIN INSTALLATION ON FEDERAL HIGHWAY AT THE DANIA BEACH CUT-OFF CANAL BRIDGE FOR AN AMOUNT NOT TO EXCEED \$48,000.00 WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS; PROVIDING FOR CONFLICTS, PROVIDING FOR FUNDING, FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2008-112.

Commissioner Anton clarified for some concerned residents that the vertical clearance of the pipes under the bridge will cause no interference for boats to navigate the Dania Cut-Off Canal.

**Commissioner Anton motioned to adopt Resolution #2008-112; seconded by Vice-Mayor Castro. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Bertino</b>	<b>Yes</b>	<b>Mayor Jones</b>	<b>Yes</b>
<b>Commissioner Flury</b>	<b>Yes</b>		

Vice-Mayor Castro commended Public Services Director Orlando and staff for saving the City money by combining our project with FDOT which allows the job to be done faster and cheaper.

7.8 RESOLUTION #2008-113

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDMENT TO THE AGREEMENT EXISTING BETWEEN AFTER SCHOOL PROGRAMS, INC. AND THE CITY OF DANIA BEACH, FOR ADMINISTRATION OF THE TIME-4-KIDS PROGRAM FOR THE 07-08 AFTER SCHOOL PROGRAM AND THE 2008 SUMMER PROGRAM; CONFIRMING THAT SPECIAL CONDITIONS EXIST IN ORDER TO SECURE SUCH SERVICES WITH AFTER SCHOOL PROGRAMS, INC., 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 #2008-113.

Colin Donnelly, Assistant City Manager, explained the resolution will be amended to extend the summer program to nine (9) weeks, and to increase the funding by \$25,000 from the Law Enforcement Trust Fund (LETF).

**Commissioner Anton motioned to adopt Resolution #2008-113 with amendments; seconded by Commissioner Bertino. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Bertino</b>	<b>Yes</b>	<b>Mayor Jones</b>	<b>Yes</b>
<b>Commissioner Flury</b>	<b>Yes</b>		

**Ordinances (Titles read by City Attorney)**

7.9 ORDINANCE #2008-017

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA CREATING ARTICLE X TO BE ENTITLED “SMOKING RESTRICTIONS IN PUBLIC PARKS” OF CHAPTER 17 OF THE CITY CODE OF ORDINANCES (“OFFENSES; MISCELLANEOUS”) AND CREATING CODE SECTION 17-30 TO BE ENTITLED, “SMOKING PROHIBITED IN CERTAIN AREAS OF PUBLIC PARKS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)**

7.10 ORDINANCE #2008-018

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA REPEALING SECTION 15-12, “BUSINESS TAX SCHEDULE” OF THE CODE OF ORDINANCES AND CREATING A NEW SECTION 15-12, ALSO ENTITLED “BUSINESS TAX SCHEDULE” TO PROVIDE FOR A FIVE PERCENT (5%) INCREASE IN THE ANNUAL BUSINESS TAXES ASSESSED AGAINST ALL BUSINESS CATEGORIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)**

**Commissioner Anton motioned to adopt the Consent Agenda, with the exception of Items # 7.2, #7.5, #7.6, #7.7 and #7.8; seconded by Commissioner Bertino. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Bertino</b>	<b>Yes</b>	<b>Mayor Jones</b>	<b>Yes</b>
<b>Commissioner Flury</b>	<b>Yes</b>		

8. Bids and Requests for Proposals

There were no proposals at this meeting.

9. Public Hearings and Site Plans

*Item #9.1 was heard during Citizen Comments.*

9.1 ORDINANCE #2008-015

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, PERTAINING TO THE PARKING OR STORAGE IN RESIDENTIAL DISTRICTS OF UTILITY TRUCKS, RECREATIONAL VEHICLES, MOBILE LIVING UNITS, OTHER SIMILAR VEHICLES AND BOATS, TO LIMIT SUCH PARKING OR STORAGE TO ONE SUCH VEHICLE OR VESSEL IN THE FRONT YARD AREA PER RESIDENTIAL PARCEL RATHER THAN PER DWELLING UNIT; AMENDING THE CITY CODE OF ORDINANCES, SECTIONS 25-125 AND 16.2; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)**

City Attorney Ansbro read the title of Ordinance #2008-015. He clarified that only two items can be stored in the front yard, the ordinance still allows storage in the back and side yards.

Mayor Jones opened the Public Hearing.

Bob Mikes, 835 NW 17<sup>th</sup> Avenue, admitted that he is responsible for the flyer that is circulating in the community. He said the ordinance requires a five (5) feet setback from the sidewalk which does not allow room for a boat. Mr. Mikes argued that the five (5) feet setback was never in the code.

City Attorney Ansbro clarified the five (5) feet setback has been in the code for the 10 years that he has been with the City, and was not changed in this ordinance.

Mr. Mikes said this ordinance should have been discussed at a Workshop before coming to the City Commission.

Commissioner Flury questioned why Mr. Mikes did not initiate the change when he was on the Commission.



Commissioner Anton suggested the wording be changed for the setback. He was also concerned with the restricted height of the boats. Commissioner Anton thought this was a good opportunity to address these issues and make the necessary changes. Commissioner Anton also suggested we increase the boat length to 29 feet for the mobile living units.

Mayor Jones advised the audience that if a Commissioner is speaking, they need to be respectful.

Vice-Mayor Castro acknowledged that she drove around the neighborhood with Mr. Mikes and that she also drove around the neighborhood with Code Compliance. She said Code Compliance staff noted vehicles or boats should not be parked on sidewalks because they damage the sidewalk and then the property owners must pay for the repairs. She noted she is in agreement with the suggestions made by Commissioner Anton. Vice-Mayor Castro remarked that she supports the marine industry in our City, but also wants our community to look nice and clean.

Commissioner Bertino noted we need to move forward and take care of the business at hand. He acknowledged there are problems with the ordinance that need to be reviewed. Commissioner Bertino requested we address the other changes, and asked that Code Compliance not cite anyone on these three issues until the Commission has adopted a new ordinance incorporating the changes.

**Commissioner Bertino motioned to adopt Ordinance #2008-015, on second reading, and for the City Attorney to move forward with the remaining items; seconded by Commissioner Flury.**

Vice-Mayor Castro suggested waiting for the one Code before making any more changes to the ordinance. She noted the Mellgren Planning Group is conducting public meetings and workshops to get public input on the changes/additions to the one Code currently being created.

Mayor Jones re-opened the meeting to the public.

Gilly Miller, 136 SE 2<sup>nd</sup> Court, said he put his boat and trailer in front of his house to see if anyone noticed. He said the bushes in front of his house are ten feet high, which is a violation of code. Mr. Miller questioned why the City was not enforcing the “four feet bush height” ordinance.

A resident at 711 NW 8<sup>th</sup> Avenue, Melaleuca Gardens, commented on the size of his boats and the five feet setback.

Bruce Hannover, 617 NE 2<sup>nd</sup> Place, said he is aware of the five feet setback. He recommended eliminating the perpendicular requirement which would help the residents of Melaleuca Gardens. Mr. Hannover suggested that Code staff work in the evening hours because that is the time when the people park on the sidewalks.

Sue A. Ross, 4406 SW 35<sup>th</sup> Avenue, does not want any restrictions. She noted the perpendicular requirement also affects her property.

Annette Hibbitts, 26 SW 11<sup>th</sup> Street, noted that several years ago the ordinance only allowed boats as long as 25 feet, and Commissioner Bertino suggested allowing boats up to 29 feet.

Dennis Delong, 326 NE 1<sup>st</sup> Court, noted the ordinance restricts his constitutional rights. He asked the Commission to review and reconsider the wording of the ordinance.

Jim Hurst, 222 SE 1<sup>st</sup> Street, noted he was upset by the flyer he received, but the Commission has clarified most of the items. He said people have the right to have boats in this City because this is a maritime community. Mr. Hurst talked about the speed humps on SE 1<sup>st</sup> Street and indicated code enforcement is badly needed in that area. He complained about the dumpster at Winn Dixie and asked the Commission to support the citizens with their requests.

Teddy Bohanan, 302 SW 15<sup>th</sup> Street, complimented the City on the CRA Visioning Session. She noted the Commission promotes the marine industry and boating.

Wretch Finley, 118 NE 2<sup>nd</sup> Place, noted that forcing the people to put their boats in storage would only add another financial burden on them.

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

Commissioner Anton made a substitute motion to table the ordinance until a workshop is held and people decide what they want; seconded by Commissioner Bertino.

**Commissioner Bertino and Commissioner Flury rescinded their first motion.**

City Attorney Ansbro advised the ordinance needs to be tabled to a date certain or denied.

**Commissioner Anton motioned to deny Ordinance #2008-015, on second reading; seconded by Commissioner Bertino. The motion carried on the following 5-0 Roll Call vote:**

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

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Bertino</b>	<b>Yes</b>	<b>Mayor Jones</b>	<b>Yes</b>
<b>Commissioner Flury</b>	<b>Yes</b>		

Mayor Jones suggested this matter be brought before the Marine Advisory Board.

**Commissioner Anton motioned to hold a Workshop in early August, have it properly advertised, and to suspend any code enforcement regarding these issues; seconded by Commissioner Bertino. The motion carried on the following 5-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Bertino</b>	<b>Yes</b>	<b>Mayor Jones</b>	<b>Yes</b>
<b>Commissioner Flury</b>	<b>Yes</b>		

**Mayor Jones returned to Item #6, Citizen Comments, after the Public Hearing on Item #9.1.**

**Item #9.2 was heard after the Consent Agenda.**

9.2 ORDINANCE #2008-016

AN ORDINANCE AMENDING CHAPTER 28, "ZONING", OF THE CODE OF ORDINANCES OF THE CITY OF DANIA BEACH, FLORIDA, BY AMENDING SECTION 21.14 ENTITLED "21.14. TOD BUILDING ENVELOPE", SECTION 21.16 ENTITLED "21.16. TOC-1 BUILDING ENVELOPE", AND SECTION 21.17 ENTITLED "21.17 SOUTH FEDERAL HIGHWAY TRANSIT ORIENTED CORRIDOR (TOC-2) DISTRICT" TO ENSURE SUFFICIENT SIDE YARD ACCESS IS PROVIDED FOR FIRE FIGHTING EQUIPMENT, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; FURTHER PROVIDING FOR AN EFFECTIVE DATE. (SECOND READING)

City Attorney Ansbro read the title of Ordinance #2008-016. He noted this is a housekeeping matter to address the distance required for fire trucks to maneuver.

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 adopt Ordinance #2008-016, on second reading; 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 Castro</b>	<b>Yes</b>
<b>Commissioner Bertino</b>	<b>Yes</b>	<b>Mayor Jones</b>	<b>Yes</b>
<b>Commissioner Flury</b>	<b>Yes</b>		

10. Commission Comments

10.1 Commissioner Anton

Commissioner Anton noted that this is campaign season and when information is circulated involving a City Commissioner or a staff member without a contact name, people should immediately call the individual concerned to clarify any misunderstanding.

10.2 Commissioner Bertino

Commissioner Bertino confirmed with City Manager Pato that the permit has been issued for the demolition of the Dania Beach Hotel and work is expected to begin in approximately two weeks.

Kristen Jones, Director of Parks and Recreation, clarified for Commissioner Bertino that Tigertail Lake will re-open as soon as Broward County finishes paving the south end area of the lake.

Commissioner Bertino is looking for information for the City to become a "green city".

### 10.3 Commissioner Flury

Commissioner Flury noted she has received complaints from business owners about the lights being out on US 1, north of Dania Beach Boulevard.

Dominic Orlando, Director of Public Services, noted that the Florida Department of Transportation (FDOT) contractor cut the conduits on US 1 several times. He will check on it in the morning.

### 10.4 Vice-Mayor Castro

Vice-Mayor Castro thanked Teddy Bohanan for bringing the newspaper article about foreclosed homes to the attention of the City Attorney. She thought we should put some pressure on the banks to clean the properties.

Vice-Mayor Castro indicated the City should do a press release on the recent activity in the CRA district. She suggested CRA Director Earle prepare the article and have it published through the City Manager's office.

Vice-Mayor Castro said she received complaints regarding cars parking at the 109 Park parcel. She noted people visiting Grandpa's Restaurant had their cars towed when they parked there.

City Attorney Ansbro noted that the Jean Cook property is under contract with Mac's Towing. He indicated that Public Services would remove the old signs from the property.

Commissioner Anton suggested that the City approach Jean Cook to see if she would be agreeable to let people park on the grass, which is next to her paved parking area. He also thought the City should delineate the City's property to avoid future problems.

It was the consensus of the Commission to direct City Manager Pato to contact Jean Cook.

City Attorney Ansbro pointed out that the City would be responsible if anyone was injured on the property. He suggested that if Grandpa's Bakery and Restaurant wants to use our lot for parking, they should include the City as an additional insured to avoid any future liability issues.

Vice-Mayor Castro noted that Mayor Jones would be "arrested" after tonight's meeting for the American Cancer Society Jail and Bail.

Vice-Mayor Castro asked if anyone wanted to serve as the City's Alternate representative on the Metropolitan Planning Organization (MPO).

It was the consensus of the Commission for Vice-Mayor Castro to continue serving as the representative on the MPO.

## 10.5 Mayor Jones

Mayor Jones commended CRA Director Jeremy Earle on the CRA Visioning Charette.

Mayor Jones noted that St. Ruth Missionary Baptist Church will be hosting the Ministers and Deacons Union beginning tomorrow at 7:00 p.m. He will present the president of the Union with a Key to the City.

Mayor Jones advised he would be at Bass Pro for the promotion of the Duck stamps at 10:00 a.m. on Friday, June 27.

Charles McElyea, 229 SE 2<sup>nd</sup> Terrace, addressed the towing issue on the Jean Cook property. He confirmed that the sign is located on Jean Cook's property. Mr. McElyea noted that legally vehicles are not allowed to park on grass. He indicated that Grandpa's needs to be checked for the number of parking spaces for their business. Mr. McElyea commented that the City broke the sidewalk next to his business when they installed the sewer. He commented on a pole sign that he has been asked to remove, and a French drain that has not been repaired, in spite of several calls. Mr. McElyea indicated the City is picking on him. He also complained about the street closure on 13<sup>th</sup> Street, where he has two businesses.

## 11. Discussion and Possible Action

### 11.1 City of Dania Beach Lease Agreement with Allegria Entertainment, Inc. d/b/a Beachwatch – City Attorney Ansbro

City Attorney Ansbro introduced Rich Stone to the Commission.

Richard Stone, attorney for Beachwatch, noted that they run the Pier Restaurant and Bait Shop. He said the pier admission fees have not been increased since 1985, and requested the Commission consider increasing the fees. Attorney Stone also indicated the revenues for the Bait Shop do not cover the cost of the salaries for the workers and requested an increase in the split of the revenue from the Bait Shop to 1/3 for the City and 2/3 for the operator. He further addressed the amount of property taxes paid by the tenants, which are more than they had originally anticipated. He said the lease was signed with an understanding that the restaurant would be two stories and would generate more income. The property taxes were \$25,000 for the first year, and the County will not adjust the value because they are based on actual construction costs. Attorney Stone requested a reduction of \$2,000 per month for the base rent and a reduction of the percentage amount. He noted that his clients have worked diligently and have received a lot of compliments. Attorney Stone asked the Commission for consideration of his clients' requests.

Commissioner Flury commented the pier rates should be raised. She suggested \$2.00 for spectators who are mainly tourists, but opposed the fishing fee increase which would impact residents and their families.

Commissioner Anton agreed to raise the fee for spectators, but not the fishing fee. He was opposed to reducing the taxes to be paid on the property, because this was originally negotiated in the lease agreement.

Attorney Stone indicated that they initially requested to not be responsible for the taxes, but his clients did finally agree to pay them when they signed the agreement.

Commissioner Bertino noted fishing and visiting the pier was a cheap source of entertainment for working class families. He was concerned with the cost to residents to fish on the pier. Commissioner Bertino asked if an adult who was with children and not fishing could pay a reduced rate.

Commissioner Flury is concerned with keeping the pier clean. She suggested increasing the fee to \$2.00 and work out a family pass for the parents with children.

Vice-Mayor Castro pointed out that kids under the age of six are admitted free of charge. She suggested the City consider operating the pier and let the tenants operate the restaurant. Vice-Mayor Castro indicated residents of the City should receive a discount.

Mayor Jones was not opposed to raising the cost for the spectators.

**Commissioner Flury motioned to raise the spectator fee to \$2.00, and ask them to consider a family pass for children under the age of 12; seconded by Commissioner Bertino.**

The Commission was generally against changing the 50/50 split of the pier revenue.

#### 11.2 Discussion of the cities of Hollywood and Hallandale Beach applying for state and federal grants to start a transit system – Vice-Mayor Castro

Vice-Mayor Castro would like the City Manager to reach out to the Cities of Hallandale Beach and Hollywood to discuss working together to negotiate better agreements on issues of mutual concern, which would be beneficial to all of us. She noted the Town of Davie could also be included.

Mayor Jones noted the Commission will have a joint meeting with the City of Hollywood to discuss some of these issues on Thursday, October 23, 2008 at Dania Beach City Hall. He suggested the City Manager contact the City of Hallandale Beach to attend the meeting as well.

Commissioner Flury questioned if it would be better to have a separate meeting with the City of Hallandale Beach.

Vice-Mayor Castro suggested staff meet first to create a plan to present to the Commission prior to the meeting with Hollywood and Hallandale Beach.

It was the consensus of the Commission to direct City Manager Pato to talk to the referenced cities and develop a plan.

City Manager Pato noted he would provide the Commission with a copy of the draft agenda with the City of Hollywood.

### 11.3 Discussion of Enterprise Zone Expansion – Assistant City Manager Donnelly

Colin Donnelly, Assistant City Manager, noted the Enterprise Zone Advisory Board discussed extending the boundaries of the Enterprise Zone. He clarified that this Board is composed by the cities of Fort Lauderdale, Lauderhill, Dania Beach and Unincorporated Broward County. It was suggested that land masses that will never be developed be removed, enabling other properties to be included in the Zone. Assistant City Manager Donnelly noted the properties would need to meet the criteria, and asked the Commission for their input.

Commissioner Bertino suggested expanding as much as possible.

Commissioner Anton suggested all commercial corridors should be included, such as Marina Mile, Ravenswood Road, Bryan Road and Griffin Road.

It was the consensus of the Commission to move forward with the expansion of the Enterprise Zone.

## 12. Appointments

Vice-Mayor Castro appointed Chris Aruti to the Marine Advisory Board.

**Commissioner Anton motioned to approve the Board appointment; seconded by Vice-Mayor Castro. The motion carried unanimously.**

## 13. Administrative Reports

### 13.1 City Manager

City Manager Pato had no comments.

### 13.2 City Attorney

City Attorney Ansbro advised that FAU has agreed to the proposed transition agreement regarding the Marina. He noted the item would be before their Board of Trustees tomorrow morning, June 25.

### 13.3 City Clerk – Reminders

Thursday, July 17, 2008 – 6:00 p.m.  
Tuesday, July 22, 2008 – 7:00 p.m.

Abatement Hearing  
City Commission Meeting

Tuesday, July 29, 2008 – 8:00 a.m.

Budget Workshop followed by a Special Meeting to set the not to exceed rates

Commissioner Anton advised he will not be here for the Abatement Hearing on July 17.

Commissioner Bertino noted he may not be here either.

14. Adjournment

Mayor Jones adjourned the meeting at 10:03 p.m.

ATTEST:

CITY OF DANIA BEACH

---

LOUISE STILSON, CMC  
CITY CLERK

---

ALBERT C. JONES  
MAYOR-COMMISSIONER

Approved: July 22, 2008