

MINUTES OF REGULAR MEETING
DANIA BEACH CITY COMMISSION
TUESDAY, AUGUST 12, 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

Father Roger Holoubek, St. Maurice Catholic 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 Water and Sewer Rate Study

This item was continued until the August 26, 2008 City Commission meeting at 7:00 p.m.

4.2 Dental Discount Network Option – Lloyd F. Rhodes, The Rhodes Insurance Group

Lloyd F. Rhodes, The Rhodes Insurance Group, presented a PowerPoint overview of the expanded dental plan, which is attached to and incorporated into these minutes. He noted this is a summary of their recommendation in order to improve the dental services afforded to City employees.

Mary McDonald, Director of Human Resources and Risk Management, noted that we receive numerous complaints from our employees regarding our current dental plan.

Commissioner Anton confirmed with Mr. Rhodes that the implementation of the Dental Health Alliance (DHA) network would allow members to choose a network dentist or continue using the same one, with no change in the plan benefits.

- 4.3 Special Event request for the St. Ruth Missionary Baptist Church Centennial Parade to be held on Saturday, August 16, 2008 from 9:00 a.m. – 10:30 a.m.

Vice-Mayor Castro motioned to approve the Special Event Request for the St. Ruth Missionary Baptist Church Centennial Parade; seconded by Commissioner Bertino. The motion carried unanimously.

5. Proclamations

- 5.1 St. Ruth Missionary Baptist Church 100th Anniversary

Mayor Jones presented a proclamation for St. Ruth Missionary Baptist Church's 100th Anniversary to Pastor Timothy Shellman.

- 5.2 Dania Beach Firefighter Appreciation Month

Mayor Jones presented a proclamation declaring August as Dania Beach Firefighter Appreciation Month to several members of the Dania Beach Fire Department.

Mayor Jones pulled Item #11.1 for discussion after Proclamations.

Citizen Comments were heard after Item #11.1.

6. Citizen Comments

Teddy Bohanan, SW 15th Street, commented that things have not changed in nine years. She thought the City had to be tough sometimes in order to make people abide by law.

Fay Bartelmes, 214 SW 2nd Terrace, complimented Public Services Director Orlando and staff, for having the bushes and plants cut throughout the City.

Commissioner Anton addressed Ms. Bohanan's comments. He clarified that we certainly need to enforce our code, but in a courteous and professional manner.

City Attorney Ansbro responded for Vice-Mayor Castro that he contacted the City Attorney in Coral Springs and received a copy of their ordinance dealing with foreclosed properties. He noted it is similar to the process used by the City. City Attorney Ansbro confirmed he does not know if we have a list of foreclosed homes in Dania Beach.

Commissioner Bertino explained the foreclosure process.

7. Consent Agenda

Item removed from Consent Agenda: # 7.4

7.1 Minutes

- Approve minutes of July 22, 2008 City Commission Meeting
- Approve minutes of July 29, 2008 Budget Workshop
- Approve minutes of July 29, 2008 Special Meeting

Resolutions

7.2 RESOLUTION #2008-130

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO RENEW AN AGREEMENT WITH AVMED HEALTH PLANS TO PROVIDE A SELF-FUNDED OPEN ACCESS POINT OF SERVICE (“POS”) PLAN TO ELIGIBLE EMPLOYEES, RETIREES OR BOTH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.3 RESOLUTION #2008-131

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO RENEW AN AGREEMENT WITH THE MAXON COMPANIES TO PROVIDE CLAIMS ADMINISTRATION FOR A SELF-FUNDED DENTAL, VISION AND DISABILITY PLAN TO ELIGIBLE EMPLOYEES AND RETIREES, AND TO INCLUDE IN THIS AGREEMENT ACCESS TO A DENTAL PREFERRED PROVIDER ORGANIZATION NETWORK, IN AN AMOUNT NOT TO EXCEED \$12,300.00 FOR FISCAL YEAR 2008-09; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.4 RESOLUTION #2008-132

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH THE CITY OF HOLLYWOOD FOR THE PURCHASE OF WATER SERVICE ON AN EMERGENCY BASIS FROM THE CITY OF HOLLYWOOD VIA AN INTERCONNECT SYSTEM; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2008-132.

City Attorney Ansbro confirmed for Commissioner Bertino that this is not the same agreement we used several years ago. He further noted that the previous one was an antiquated agreement which would not fit in with the way water is today.

Commissioner Bertino motioned to adopt Resolution #2008-132; 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		

7.5 RESOLUTION #2008-134

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, SUPPORTING THE NATIONAL LEAGUE OF CITIES' 2008 LEGISLATIVE PRIORITIES; PROVIDING FOR INSTRUCTIONS TO THE CITY CLERK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.6 RESOLUTION #2008-135

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA SUPPORTING THE EFFORTS OF GOVERNOR CHARLIE CRIST AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO ACQUIRE LAND SOUTH OF LAKE OKEECHOBEE FOR THE PROTECTION AND RESTORATION OF AMERICA'S EVERGLADES AND FLORIDA'S COASTAL ESTUARIES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.7 RESOLUTION #2008-133

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPOINTING GORDON LINN, MARK BERMAN AND MITCH KRAFT TO ACT AS CODE ENFORCEMENT SPECIAL MAGISTRATES FOR MUNICIPAL CODE ENFORCEMENT PROCEEDINGS AND ADJUSTING THE COMPENSATION FOR THEIR SERVICES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Anton motioned to adopt the Consent Agenda, with the exception of Item #7.4; 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		

8. Bids and Requests for Proposals

8.1 SW Community Center

Dominic Orlando, Director of Public Services, noted 17 companies submitted responses to the Request for Qualifications (RFQ), and the Bid Review Committee recommended Walker Design & Construction/Kenneth R. Carlson, Architects, P.A.

Commissioner Anton motioned to start negotiations with the top rated firm; 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. Public Hearings and Site Plans

9.1 ORDINANCE #2008-019

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AMENDMENT TO THE LEASE AGREEMENT EXISTING BETWEEN THE CITY OF DANIA BEACH AND BEACH WATCH, INC., TO AMEND THE DEFINITION OF THE TERM "LEASE YEAR", WHICH AFFECTS THE CALCULATION OF RENTAL DUE TO BE PAID BY THE TENANT; PROVIDING FOR CONFLICTS; FURTHER PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)**

City Attorney Ansbro read the title of Ordinance #2008-019. He explained this amendment will serve as the basis for the annual percentage rental calculations. It will also reflect the actual conditions, since restaurant operations did not actually begin until they opened in January 2007.

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 Ordinance #2008-019, on second reading; 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		

9.2 ORDINANCE #2008-020

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA CREATING ARTICLE XII TO BE ENTITLED "STORM SHUTTER REGULATIONS" FOR PLACEMENT IN CHAPTER 8, "BUILDINGS", OF THE CITY CODE OF ORDINANCES; PRESCRIBING REQUIREMENTS FOR STORM SHUTTER PLACEMENT AND REMOVAL TO BE APPLICABLE TO ALL STRUCTURES CERTIFIED FOR OCCUPANCY IN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)**

City Attorney Ansbro read the title of Ordinance #2008-020. He noted residents were concerned with having to remove and replace hurricane shutters if several storms occurred during the season, but were more than thirty days apart. City Attorney Ansbro advised that the Ordinance is consistent with the ones adopted by several other cities in Broward County.

Commissioner Bertino is concerned with leaving shutters up in the bedrooms of children, in case there is a fire.

City Attorney Ansbro noted that the Fire Marshal supports the ordinance.

Mayor Jones opened the Public Hearing.

Bob Adams, 330 SE 3rd Terrace, commented on the difficulty of installing and removing storm shutters.

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

Commissioner Flury thought the verbiage on this Ordinance allowed some flexibility. She supported the proposed Ordinance.

City Attorney Ansbro noted he could amend the Ordinance by adding a sentence to address Commissioner Bertino's comments.

Commissioner Bertino motioned to adopt Ordinance #2008-020 with amendment, 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		

9.3 ORDINANCE #2008-022

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES, AMENDING CHAPTER 28 "ZONING," ARTICLE 22 (RESERVED) TO ADD A HOTEL OVERLAY DISTRICT, IN ORDER TO PROVIDE FOR A NEW OVERLAY ZONING DISTRICT; AMENDING ARTICLE 28, "SIGNS", SECTION 28.190, "NONCONFORMING SIGNS", IN ORDER TO EXEMPT LEGAL NONCONFORMING POLE SIGNS IN THE HOTEL OVERLAY DISTRICT FROM REMOVAL; AMENDING ARTICLE IV-A, "ADMINISTRATIVE VARIANCE PROCEDURES", SECTION 33.126, "ADMINISTRATIVE VARIANCE PROCEDURES" OF THE ZONING APPENDIX IN ORDER TO PROVIDE FOR ADMINISTRATIVE VARIANCES WITHIN THE HOTEL OVERLAY DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)**

City Attorney Ansbro read the title of Ordinance #2008-022. He noted that staff is requesting a continuance until the August 26, 2008 City Commission meeting.

Vice-Mayor Castro motioned to continue Ordinance #2008-022 until the August 26, 2008 City Commission meeting at 7:00 p.m.; seconded by Commissioner Anton. The motion was rescinded and the item was discussed.

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

Corinne Lajoie, AICP, Principal City Planner, provided a history of the development of the Hotel Overlay District which was mainly created to encourage coordination between separately owned hotel-oriented projects in areas servicing the tourism industry. She advised that the hotels must have frontage on either Stirling Road or Griffin Road. Ms. Lajoie noted this would reduce the number of pole signs by allowing the hotels to combine their signs as well as parking.

Vice-Mayor Castro motioned to approve Ordinance #2008-022 on first 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		

9.4 ORDINANCE #2008-023 *Revised Ordinance*

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 28 "ZONING," ARTICLE 32 "OUTDOOR STORAGE CONTAINERS IN RESIDENTIAL DISTRICTS;" PROVIDING FOR REGULATIONS RELATING TO OUTDOOR STORAGE CONTAINERS IN ALL ZONING DISTRICTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)**

City Attorney Ansbro read the title of Ordinance #2008-023. He noted the ordinance has been revised since the distribution of the agenda packet. City Attorney Ansbro advised that the intent of the ordinance is to allow charitable and non-profit organizations to have outdoor storage containers provided they are screened from view.

Mayor Jones opened the Public Hearing.

Jimmy Crimminger, 237 SW 15th Street, questioned if this would apply to residential areas.

City Attorney Ansbro explained that the PODS (Portable on demand containers) Ordinance still applies to residential areas. He further noted that this ordinance is for a different type of storage container applicable to charitable and non-profit organizations.

Annette Hibbits, 26 SW 11 Street, commented that hurricanes will not blow away the storage containers.

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

Commissioner Bertino motioned to adopt revised Ordinance #2008-023, on first reading; 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		

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.

9.5 RESOLUTION #2008-115

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA APPROVING THE VARIANCE REQUEST SUBMITTED BY GERALDINE HUGHES, PROPERTY OWNER, FROM CHAPTER 8, "BUILDING", ARTICLE XII, "EMERGENCY GENERATORS", SECTION 8-175, FOR PROPERTY LOCATED AT 4910 SW 32ND AVENUE, DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Continued from July 22, 2008)*

City Attorney Ansbro read the title of Resolution #2008-115.

Kristin Dion, City Planner, explained the location of the property. She advised that the applicant is requesting a variance to allow a generator to be located approximately six inches from the side lot line, when code requires a minimum of ten foot side setback. Ms. Dion noted that the Planning and Zoning Board recommended approval of the request. Furthermore, the Fire Marshal reviewed the application and had no safety concerns, but noted that the generator must meet the manufacturer's recommended distance from the wall.

Mayor Jones opened the Public Hearing.

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

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 #2008-115; 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		

9.6 RESOLUTION #2008-125

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA APPROVING THE VARIANCE REQUEST SUBMITTED BY JAY KODNER, FROM CHAPTER 28, "ZONING", ARTICLE 28, "SIGNS", FOR PROPERTY LOCATED AT 6 SOUTH FEDERAL HIGHWAY, DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2008-125 and Resolution #2008-126 because they are companion requests.

Kristin Dion, City Planner, explained the location and use of both properties. She noted that the CRA Director recommends only allowing the banners one day per week.

Mayor Jones opened the Public Hearings.

Jay Kodner, 3017 Lakewood Lane, Hollywood, owner of the properties, commented that Nick Lupu is sensitive to the businessman and has shown a willingness to work together in trying to

solve problems. He noted he has been in business in Dania Beach for 30 years, and things are finally changing and getting better. Mr. Kodner advised he currently has 19 employees and his business is suffering in today's economy. He explained that he needs the banners to draw people's attention into his business so he can keep the doors open. He requested the Commission leave the banners alone for now, considering the amount of money he has spent and the fact that this matter would be revisited in February 2009, at the suggestion of the CRA Director. Mr. Kodner said he will come back at a future date to request an increase in frequency for his auctions.

Chandler Gupta, 129 E. Dania Beach Boulevard, suggested an electric sign instead of the banners.

Fay Bartelmes, 214 SW 2nd Terrace, likes the flapping signs.

Teddy Bohanan, SW 15th Street, did not oppose the banners. She commented Mr. Kodner was a good businessman.

Jimmy Crimminger, 237 SW 15th Street, supports the request, but asked for a better looking sign.

George Jason, 4549 SW 37th Avenue, commented it is nice to see a sign for a business that is open, and the City should support this request.

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

Vice-Mayor Castro motioned to adopt Resolution #2008-125 with the conditions that the banners be displayed two days prior to the sale and the sale date itself, with the current sign size, until February 1, 2009; 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		

9.7 RESOLUTION #2008-126

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA APPROVING THE VARIANCE REQUEST SUBMITTED BY JAY KODNER, FROM CHAPTER 28, "ZONING", ARTICLE 28, "SIGNS", FOR PROPERTY LOCATED AT 45 SOUTH FEDERAL HIGHWAY, DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Vice-Mayor Castro motioned to adopt Resolution #2008-126 with the conditions that the banners be displayed two days prior to the sale and the sale date itself, with the current sign size, until February 1, 2009; 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		

9.8 RESOLUTION #2008-127

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST MADE BY SCOTT BACKMAN, ESQUIRE WITH THE FIRM SIEGEL, LIPMAN, DUNAY, SHEPARD & MISKEL, LLP, REPRESENTING THE PROPERTY OWNER, VALGARD OF STIRLING LLC FOR A SECOND EXTENSION (ORIGINAL EXTENSION WAS APPROVED ON OCTOBER 23, 2007 AND EXPIRES ON AUGUST 8, 2008) RELATING TO THE APPROVALS OF A SPECIAL EXCEPTION SE-23-06, APPROVED BY RESOLUTION 2006-133; VARIANCE VA-24-06 BY RESOLUTION NO. 2006-134 AND THE SITE PLAN REQUEST SP-22-06 BY RESOLUTION NO. 2006-135, FOR PROPERTY GENERALLY LOCATED AT THE NW CORNER OF STIRLING ROAD AND (UNIMPROVED) SW 19TH COURT (ON THE NORTH SIDE OF STIRLING ROAD WEST OF I-95, DANIA BEACH); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2008-127.

Corinne Lajoie, AICP, Principal City Planner, provided a history of the property. She noted the extension is requested due to current market conditions.

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 Resolution #2008-127; 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		

9.9 RESOLUTION #2008-128

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST MADE BY RICHARD M. MOGERMAN, P.A., REPRESENTING THE PROPERTY OWNER BRI, LLC, FOR A SECOND EXTENSION (ORIGINAL EXTENSION WAS APPROVED ON FEBRUARY 12, 2008 AND EXPIRES ON JULY 23, 2008) AND ASSOCIATED PERVIOUS AREA WAIVER, RELATING TO THE APPROVAL OF SITE PLAN REQUEST SP-77-06 BY RESOLUTION NO. 2007-014, FOR PROPERTY LOCATED AT 47 NORTH BRYAN ROAD, IN THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2008-128.

Corinne Lajoie, AICP, Principal City Planner, provided a history of the property. The owner is requesting a continuance due to difficulty with the lender who failed to fund the construction draws as required under the loan documents.

Richard M. Mogerma, Attorney for the applicant, asked the Commission to consider a six-month extension to allow his client to find funding for his project.

The Commission generally agreed to give Mr. Mogerma a one-year extension.

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

Commissioner Anton motioned to adopt Resolution #2008-128 for a one year extension; 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 #2008-129

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA APPROVING THE VARIANCE REQUEST SUBMITTED BY MICHAEL GRIMALDI, OFFICER, M.P.V. INVESTMENTS INC., FROM CHAPTER 28, "ZONING", ARTICLE 28, "SIGNS", FOR PROPERTY LOCATED AT 135 EAST DANIA BEACH BOULEVARD, DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2008-129.

Kristin Dion, City Planner, noted the applicant requested a continuance until the next meeting.

Mayor Jones opened the Public Hearing.

Chandler Gupta, 129 E. Dania Beach Boulevard, supported the request.

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

Vice-Mayor Castro motioned to continue Resolution #2008-129 until the August 26, 2008 City Commission meeting at 7:00 p.m.; 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		

10. Commission Comments

10.1 Commissioner Anton

Commissioner Anton noted that the Dania Beach Hotel needs to be checked until the building gets knocked down. He asked City Manager Pato to look into the matter.

Commissioner Anton noted that the school year starts Monday, August 18. He reminded everyone to pay attention when driving in the school zones.

10.2 Commissioner Bertino

Commissioner Bertino noted the Night Out on Crime was not very well attended. He hoped people would join this community event in the years to come.

Commissioner Bertino advised that Broward County is expanding their sewer and water systems on Griffin Road. He suggested we contact the County to make sure they are sizing those lines large enough for future commercial development.

Commissioner Bertino noted that the Dania Beach Hotel has asbestos which is delaying the demolition of the building.

10.3 Commissioner Flury

Commissioner Flury questioned the timeframe for the demolition of the Dania Beach Hotel.

City Attorney Ansbro advised that the City may need to demolish the building and place a lien on the property. He further noted that the owner will have to go before the Unsafe Structures Board if a contract for the removal of the asbestos is not signed by Friday.

Commissioner Flury stated that in the meantime, the building needs to be properly boarded for safety reasons.

Commissioner Flury thanked the City Attorney for e-mailing the procedure for speed bumps and street closures.

10.4 Vice-Mayor Castro

Vice-Mayor Castro reminded people of the Primary Election on August 26. She urged everyone to exercise their right to vote.

Vice-Mayor Castro requested an update on the Library.

City Attorney Ansbro advised that the main issue with the preparation of the Interlocal Agreement is the parking. He indicated that the County Commission requested 100 parking spaces however, they need to be advised of the reduction to 60 spaces. City Attorney Ansbro noted that City Manager Pato is meeting with them on Thursday to try to get this resolved.

10.5 Mayor Jones

Mayor Jones noted the Progress in the Park event went well and the children all benefited with the donated school supplies.

Mayor Jones advised that the CRA Charette at Sun Garden Isles was held at C.W. Thomas Park and it was well attended.

Mayor Jones noted that C.W. Thomas Park and P.J. Meli Park have children's activities after hours and we need to make sure nobody goes in the pool at night. He suggested that an alarm be placed in the pools that activates when somebody goes in the pool. Mayor Jones asked staff to research prices for the possible installation of an alarm system.

Item #11.2 was discussed at this time.

11. Discussion and Possible Action

Item #11.1 was discussed after Proclamations.

11.1 Greg Schaffer, 350 SW 1st Avenue Sidewalk Issue – City Manager

Greg Schaffer, 350 SW 1st Avenue, provided a history of the issue with his sidewalk, which was brought before the Commission on two previous occasions. He noted during the re-financing process the Title Company held \$2,400 in escrow for the City's lien on the property. Mr. Schaffer advised that following the recommendation of the Commission to remove the lien and stop any payments owed to the City for the sidewalk repairs on July 22, 2008, City Manager Pato called him to inform him he still needed to pay his debt.

Commissioner Flury commented the lien was placed before the last time Mr. Schaffer came to the City Commission. She thought this was a lack of communication on the City's part, and that people should be notified when a lien is placed on their property. Commissioner Flury noted the lien has now been released from the property, and asked the Commission to not change their vote from the last meeting.

Vice-Mayor Castro expressed her concern on the rash of miscommunications between the City and residents in the past 60-90 days. She stated she has discussed this matter with the City Manager and thought the City should show more courtesy to its residents. Vice-Mayor Castro agreed with Commissioner Flury that the Commission vote should stand on Mr. Schaffer's sidewalk issue. Finally, she encouraged a change in the 50/50 Sidewalk Program to allow people to have more time to pay.

Commissioner Bertino referenced the Citizen Survey that was conducted three years ago. He remarked that citizens overwhelmingly responded that they wanted Code enforcement. Commissioner Bertino believes the City looks better than it has ever looked, but there is still a lot to be done. He noted that sometimes people can get nasty with our Code Compliance Unit, and they may at times respond in the same manner. Commissioner Bertino stated that our Code Compliance Unit is doing a fine job and he is happy with the direction the City is headed. He will not change his vote from the previous meeting.

Commissioner Anton noted he would not change his vote from the previous meeting. He agreed with the comments made by Vice-Mayor Castro. He commented on correspondence that he has received from City staff, the terms of which he has discussed with the City Manager. Commissioner Anton further stated that Code Compliance needs to be more sensitive, and should notify people when they discover additional violations as opposed to issuing additional citations. He reminded everyone that we all work for the citizens of Dania Beach and that we are here to assist in every possible way.

Vice-Mayor Castro noted that she asked for a workshop several weeks ago to discuss code issues.

Commissioner Flury noted that employees must understand that the customer is always right.

Mayor Jones noted he met with the Schaffer's today and discussed what they thought was wrong. He said the City has been out of compliance for 20 years, and we need to be sensitive to how people feel. Mayor Jones would like the City to send the proper notifications via certified mail. He commented we need to workshop the process on how the 50/50 Sidewalk Program works; we need to tweak the system the right way, and also discuss what is considered public safety and welfare. Mayor Jones remarked he also will not change the vote of the Commission from the last meeting.

Mayor Jones returned to Item #6, Citizen Comments, after the discussion on Item #11.1.

Item #11.2 was discussed after Commission Comments.

11.2 50/50 Sidewalk Plan Payments – Director of Finance

Patricia Varney, Director of Finance, noted that our data base shows that 228 properties applied for the 50/50 Program and almost 87% have been repaired in partnership with the homeowners. The information reflects that 15 properties have not been fixed, and 18 properties have been fixed by the City and a lien has been placed. She summarized that 12.3% of the homeowners have not paid. Director Varney further indicated that we do not have the software required to handle this plan. She recommended the following payment schedule for the owner's portion of the repairs:

- For amounts up to \$600: the property owner will have 60 days to pay from the date of our letter.
- For amounts from \$601 to \$1,500: the property owner will have 5 monthly payments from date of our letter (interest free).
- For amounts of \$1,501 and above: the property owner will have 8 monthly payments from the date of our letter (interest free).

Director Varney advised that payment arrangements can be made through the Finance Department and if the payment is not received within 5 days, the payment plan will be void.

Commissioner Flury noted the homeowner should always be notified before the repairs start. She also suggested that if a lien is placed on the property, the owner should be notified by certified mail.

Director Varney stated we can send a copy of the lien after it is recorded with Broward County.

City Attorney Ansbro noted we need to send the notification by regular mail and certified mail prior to placing the lien on the property. .

It was the consensus of the Commission to adopt Director Varney's recommended plan.

11.3 City of Dania Beach Vision and Mission Statements – Vice-Mayor Castro

Vice-Mayor Castro motioned to adopt the City of Dania Beach Vision and Mission Statements, as presented; 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		

12. Appointments

Commissioner Flury motioned to reappoint Myrtle Corbin to the General Employees Pension Board; 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 suggested that the three members currently on the Grant Advisory Board start meeting while the Commission makes the next two appointments. She would like staff to contact these members and make arrangements for them to hold their first meeting.

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

Tuesday, August 26, 2008 – 7:00 p.m.
Wednesday, September 3, 2008 – 4:00 p.m.
Tuesday, September 9, 2008 – 7:00 p.m.
Tuesday, September 16, 2008 – 7:00 p.m.
Thursday, September 18, 2008 – 6:00 pm.
Tuesday, September 23, 2008 – 7:00 p.m.
Wednesday, September 24, 2008 - 7:00 p.m.

City Commission Meeting
CRA Board Meeting
City Commission Meeting
First Public Hearing – Budget
Abatement Hearing
City Commission Meeting
Final Public Hearing - Budget

14. Adjournment

Mayor Jones adjourned the meeting at 9:42 p.m.

ATTEST:

CITY OF DANIA BEACH

LOUISE STILSON, CMC
CITY CLERK

ALBERT C. JONES
MAYOR-COMMISSIONER

Approved: August 26, 2008