

MINUTES OF REGULAR MEETING  
DANIA BEACH CITY COMMISSION  
TUESDAY, AUGUST 26, 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 Tom Pohto, OSA, Church of the Resurrection, 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

Mayor Jones took a moment of privilege to introduce Rosie Killian, 8<sup>th</sup> grade student at Olsen Middle School. He advised Ms. Killian, who has a 4.0 GPA, is enrolled in the National Youth Leadership Conference in Boca Raton and needs \$1,400 to continue in the Program. Mayor Jones asked the Commission and the community to help support Ms. Killian.

**Commissioner Flury motioned to allocate \$500.00 from the Bus Bench Fund; seconded by Commissioner Bertino. The motion carried unanimously.**

Mayor Jones and Vice-Mayor Castro each personally contributed \$150 to Rosie Killian.

4. Presentations and Special Event Approvals

4.1 Water and Sewer Rate Study – Public Resources Management Group, Inc.

Patricia Varney, Director of Finance, introduced Henry Thomas, Vice-President of Public Resources Management Group, Inc.

Henry Thomas, Vice-President of Public Resources Management Group, Inc., presented a PowerPoint overview of the Water and Wastewater Rate Study, which is attached to and incorporated into these minutes. He noted Echo Peacock, Rate Analyst who contributed to the preparation of the Study, is also present to answer any questions. Mr. Thomas advised that things have changed significantly since 2004 when they last updated our Study. He highlighted some items based on their study:

- Current (slower) market conditions
- 8% decrease in total water sales from 2007 to 2008 due to watering restrictions
- The City of Hollywood charges increased 37% last year, and they calculated an additional 5% rate increase for all future years
- Operating expenses are growing 4.8% per year
- The Revenue projection, under existing rates, is 0.46% per year
- In 2008 the City used a significant amount of fund balance to pay for other costs
- Five Year Capital Improvement Plan is \$24.2M, of which \$6.2M was spent in 2008
- State Revolving Fund (SRF) Loan Obligation
- Reserves will be used for the next two years
- Annual Debt service payments exceed \$1.7M by FY 2013
- 15% rate increase for Water system for 2009
- 27% rate increase in Wastewater system for 2009

Vice-Mayor Castro suggested we conduct an independent audit of the water treatment operations in Hollywood, to validate the legitimacy of what they charge the City.

Commissioner Flury pointed out that we are the oldest city in Broward County and our infrastructure needs a lot of improvement; therefore some of our projects might have to be extended longer than five years.

Commissioner Bertino noted that the Legislature is tying in water availability to the amount of building permits that we are allowed to approve.

Discussion followed between the Commission and Mr. Thomas regarding the rising costs of water and wastewater services.

Mr. Thomas commented that long term planning is not easy during difficult times. He recommended adopting the proposed Water and Wastewater Rates effective October 1, 2008 and for the next 3 years.

Director Varney advised that a resolution to increase the rates would be presented at a future meeting for Commission approval.

**Commissioner Flury motioned to adopt the Water and Wastewater Rates for the next 3 years; 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>		

5. Proclamations

There were no proclamations at this meeting.

6. Citizen Comments

Ed Moore, 99 NW 183<sup>rd</sup> Street, North Miami, AFSCME Florida Council 79 Field Staff Representative, noted the Union has tried to negotiate a contract with the City for the past year, but to no avail. He asked the Commission and management to reconsider giving City employees the 2½ % Cost of Living Allowance (COLA).

City Manager Pato confirmed the COLA is in addition to the merit increase of up to 5%, depending on the employee’s performance evaluation. He further noted that the Fire Union and Administrative staff received a 2% COLA, however, the AFSCME Union refused the 2%.

Darren Green, 294 NW 13<sup>th</sup> Court, advised he has been working with the City for the last seven years. He further indicated that he does not know of any City employee who has ever received a 5% merit increase. Mr. Green asked for reconsideration of their request.

Jose Urtecho, 5050 SW 29<sup>th</sup> Avenue, City employee, noted the problem is the City wants to take the retroactive payment away from them. He pointed out that they are only asking for a 2% COLA.

Reverend Bob Sands, 4650 SW 30<sup>th</sup> Avenue, Pastor of Community Bible Church, thanked the City Attorney, Mayor and Vice-Mayor for their assistance after his appearance at the June 24 Commission meeting. He clarified that his issue has definitely been selective enforcement, although he has been assured by City staff that it is not. Reverend Sands asked for an extension of the occupational license requirement beyond the September 4 deadline, to allow time for the documentation process. He noted for the record that his Church did not receive any correspondence from the City until August 5, following the June 24 meeting,

**Vice-Mayor Castro motioned to allow 30 days for the business license extension; 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>		

Sean Eckhardt, 4741 SW 42<sup>nd</sup> Terrace, spoke regarding a problem with an illegal structure on his property which should have been resolved in 2002 when his property was annexed. He noted that he was cited in January and was told to come before the Commission to plead his case.

Commissioner Flury noted that she dealt with this issue about four years ago with the previous owner. At the time, staff searched for permits for this property which was built in 1972, but nothing was found. She further commented that former Community Development Director Leeds contacted the owner and told him not to worry and the case was then closed. Commissioner Flury thought this case should not be re-opened every time we have new Code staff.

City Manager Pato indicated this is the first time he hears of this issue. He said he would meet with Mr. Eckhardt and discuss the matter in detail.

Commissioner Flury commented we should document the file so this does not happen again.

Commissioner Bertino noted that several properties were grandfathered in when they were annexed, but we need to make sure the structures are safe.

Steven Casper, 34 S. Federal Highway, noted the Commission supported him on his request to change the design of his building for the past year. He complained of the high cost of the building permit (\$1,200) and noted that unfortunately, he will not move forward with the project, which would have been approximately \$2,000. Mr. Casper further advised that the "For Rent" sign on the Canterbury Square building has to come down. Finally, he questioned the City Manager's travel request on tonight's agenda.

City Manager Pato noted that he attends the ICMA Conference every other year in order to maintain certain credentials as City Manager.

Jimmy Crimminger, 237 SW 15<sup>th</sup> Street, thanked the City for the quick response to their concerns of crime in the southwest area. He noted he is comfortable that we do not do selective code enforcement and commended our Code Compliance Unit for their good work. Mr. Crimminger talked about the Customer Survey recently conducted and its favorable results. He thought we should always show appreciation and respect to all employees.

Stephanie Roux, 15920 NW 18<sup>th</sup> Court, Opa Locka, presented photos to the Commission regarding the damage caused by a falling tree from Chester Byrd Park to her rental property. Ms. Roux pointed out that Florida Power and Light stated they are not responsible for the damage because the tree is on City property behind her house. She noted that she spoke with Public Services Director Orlando earlier today. Ms. Roux said she has worked hard to make the property look good and asked the City to share in the cost of the damage.

The Commission advised Ms. Roux to contact City Manager Pato to discuss this matter.

Teddy Bohanan, SW 15<sup>th</sup> Street, pointed out we do not have selective enforcement and commended the current Commission and administration for their efforts to make Dania Beach a better place.

## 7. Consent Agenda

### ***Items removed from Consent Agenda: #7.11***

#### 7.1 Minutes

Approve minutes of August 12, 2008 City Commission Meeting

#### 7.2 Travel Requests:

Request of Ivan Pato, City Manager, to attend the 2008 ICMA Conference from September 21-24, 2008 in Richmond, Virginia (Estimated cost \$1,815.70; remaining budget \$1,280.56)

## **Resolutions**

#### 7.3 RESOLUTION #2008-144

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO CONTRACT FOR THE PURCHASE OF SUPPLIES, SERVICES, EQUIPMENT AND MATERIALS FROM MEMORIAL REGIONAL HOSPITAL IN AN AMOUNT NOT TO EXCEED \$30,000.00 FOR FISCAL YEAR 2007-2008, FOR THE PURCHASE OF MEDICAL SUPPLIES AND PHARMACEUTICALS, WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

#### 7.4 RESOLUTION #2008-145

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA AUTHORIZING THE CITY MANAGER TO PURCHASE WATER MAIN REPLACEMENT PARTS IN AN AMOUNT NOT TO EXCEED \$47,473.94 IN FISCAL YEAR 2007-2008, FROM HD SUPPLY WATERWORKS, LTD. WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

#### 7.5 RESOLUTION #2008-143

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY AND 36<sup>TH</sup> STREET ACQUISITIONS, INC., A FLORIDA CORPORATION, PERTAINING TO AN ARCHAEOLOGICAL PRESERVATION AGREEMENT FOR DEVELOPMENT OF PROPERTY KNOWN AS THE LAKEVIEW INDUSTRIAL PARK IN THE CITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

#### 7.6 RESOLUTION #2008-146

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, PROVIDING A GRANT MATCHING FUND FOR THE GRIFFIN MARINE PARK SOLAR LIGHTING PROJECT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.7 RESOLUTION #2008-147

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, SETTING FEES FOR THE TRANSPORT OF PATIENTS TO LOCAL HOSPITALS BY THE CITY OF DANIA BEACH FIRE-RESCUE DEPARTMENT; PROVIDING FOR A "COMPASSION POLICY"; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.8 RESOLUTION #2008-148

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA AUTHORIZING THE CITY OF DANIA BEACH TO AMEND THE AGREEMENT WITH SPORTS TURF ONE FOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$10,028.38 FOR SAND TOP DRESSING FOR THE LASER GRADED AND RE-SODDED BALLFIELDS AT C.W. THOMAS, FROST AND P.J. MELI PARKS; PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.9 RESOLUTION #2008-149

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN EXTENSION DOCUMENT TO EXTEND THE TERM OF THE EXISTING AQUATIC FACILITIES MANAGEMENT AGREEMENT WITH JEFF ELLIS & ASSOCIATES, INC. D/B/A JEFF ELLIS AQUATIC MANAGEMENT, A TEXAS CORPORATION AUTHORIZED TO DO BUSINESS IN FLORIDA FOR THE PROVISION OF LIFEGUARD, OPERATION AND MAINTENANCE SERVICES FOR THE C.W. THOMAS PARK POOL AND THE P.J. MELI AQUATIC COMPLEX; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.10 RESOLUTION #2008-150

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE USE OF THIRTY FIVE THOUSAND DOLLARS (\$35,000.00) IN PARK IMPACT FEES RECEIVED FROM THE FOREST VIEW ESTATES PROJECT FOR THE DESIGN AND CONSTRUCTION OF A PARK AT FOREST VIEW ESTATES; AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT ON BEHALF OF THE CITY WITH FLORIDA PLAYSYSTEMS, INC. FOR THE DESIGN AND CONSTRUCTION OF THE PARK FOR AN AMOUNT NOT TO EXCEED \$32,483.78 WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS; PROVIDING FOR CONFLICTS; PROVIDING FOR FUNDING FOR THE PROJECT; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

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

7.11 ORDINANCE #2008-025

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 6, "BEACHES, PARKS AND RECREATION", OF THE CITY CODE OF ORDINANCES BY AMENDING SECTION 6-33 "SCHEDULE OF CHARGES", TO CLARIFY THE RATES TO BE PAID FOR BEACH PARKING PERMITS PARKING FEES FOR MOTOR VEHICLES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)**

City Attorney Ansbro read the title of Ordinance #2008-025.

Commissioner Anton stated property owners who are considered part-time residents and pay their taxes should not pay more for a parking permit, just because they do not live in the City. He proposed the rate should be \$25 for all property owners.

**Commissioner Anton motioned to adopt Ordinance #2008-025 as amended, on first reading; 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>		

**Vice-Mayor Castro motioned to adopt the Consent Agenda, with the exception of Item #7.11; 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

### 9.1 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. **(SECOND READING)**

City Attorney Ansbro read the title of Ordinance #2008-022.

Corinne Lajoie, AICP, Principal City Planner, explained that the intent of this Ordinance is to encourage coordination between separately developed and owned hotel-oriented projects in areas servicing the tourism industry within the City. She noted that the proposed text amendment will also permit hotels and office or retail uses, with at least one property adjacent to Griffin or

Stirling Road, to share parking and signage. Ms. Lajoie advised that the proposed Hotel Overlay District should supplement the development regulations of the underlying zoning district.

Mayor Jones opened the Public Hearing.

Keith Poliakoff, representing Frontier Development, supported the ordinance and asked the Commission to approve it.

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

**Vice-Mayor Castro motioned to adopt Ordinance #2008-022, on second reading; 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>		

## 9.2 ORDINANCE #2008-023

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. **(SECOND READING)**

City Attorney Ansbro read the title of Ordinance #2008-023.

Corinne Lajoie, AICP, Principal City Planner, noted this is a text amendment that allows non-profit organizations to have outdoor storage containers.

Mayor Jones opened the Public Hearing.

Mel Weiss, 130 SW 3<sup>rd</sup> Avenue, representing Mada'n Corporation confirmed with City Attorney Ansbro that they are considered a not-for-profit organization since they are affiliated to the Red Cross.

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

**Commissioner Bertino motioned to adopt Ordinance #2008-023, on second reading; 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>		



9.3 ORDINANCE #2008-024

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA APPROVING THE REQUEST MADE BY KEITH POLIAKOFF, ATTORNEY WITH THE FIRM BECKER, POLIAKOFF, REPRESENTING FRONTIER DEVELOPMENT, LLC, TO REZONE PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF STIRLING ROAD AND SW 18<sup>TH</sup> AVENUE, 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 A-1 (AGRICULTURAL), TO C-2 (COMMERCIAL); SUBJECT TO CERTAIN RESTRICTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)**

City Attorney Ansbro read the title of Ordinance #2008-024.

Corinne Lajoie, AICP, Principal City Planner, provided a history of the property. She noted that the requested zoning change to "Commercial" is consistent with the new future land use designation which will allow the applicant to construct a retail shopping center on the property.

Mayor Jones opened the Public Hearing.

Keith Poliakoff, representing Frontier Development, LLC, advised they will make a full presentation when the Ordinance is presented on second reading. He noted the project would not have a negative impact on the surrounding community since it will encourage pedestrian access in the area.

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

**Commissioner Bertino motioned to adopt Ordinance #2008-024, on first reading; 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>		

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.

9.4 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. *(Continued from August 12, 2008)*

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

Commissioner Bertino noted he spoke with Mr. Grimaldi.

Kristin Dion, City Planner, provided a history of the property. She noted the applicant is requesting a variance for the size, number and location of wall signs. The Planning and Zoning Board recommended approval with certain conditions. Ms. Dion indicated that the CRA Director reviewed the application and had no additional comments.

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 asked if the applicant could wait until the sign design guidelines are complete.

Michael Grimaldi, representing M.P.V. Investments, Inc., noted the sign has been there for a long time and is part of the building. He is agreeable to waiting for the design guidelines, provided Code does not cite him.

Commissioner Flury would like to see some improvements made to the property.

**Vice-Mayor Castro motioned to defer Resolution #2008-129 until February 24, 2009 and to abate the code violation; 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>		

#### 9.5 RESOLUTION #2008-136

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE VARIANCE REQUEST SUBMITTED BY STEVEN M. SINGER, MANAGING MEMBER REPRESENTING T J & F – RAVENSWOOD LLC, FOR PROPERTY LOCATED AT 5481 RAVENSWOOD 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 #2008-136 and Resolution #2008-137 because they relate to the same property.

Corinne Lajoie, AICP, Principal City Planner, provided a history of the property. She noted the applicant is requesting a variance and site plan to construct an office building. The applicant has provided additional landscaping as requested by the City Commission at their Workshop held on March 6, 2008. Ms. Lajoie indicated that the site plan was reviewed by City staff and some issues must be addressed by the applicant prior to the issuance of a building permit.

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

**Commissioner Anton motioned to adopt Resolution #2008-136; 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>		

9.6 RESOLUTION #2008-137

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE SITE PLAN REQUEST SUBMITTED BY STEVEN M. SINGER, MANAGING MEMBER REPRESENTING T J & F – RAVENSWOOD LLC, FOR PROPERTY LOCATED AT 5481 RAVENSWOOD ROAD, IN THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

**Commissioner Anton motioned to adopt Resolution #2008-137; 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>		

9.7 RESOLUTION #2008-138

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA APPROVING THE VARIANCE REQUEST SUBMITTED BY MO DURRANI, DIRECTOR OF OPERATIONS REPRESENTING PETROL ENTERPRISES, INC. (CITGO), FROM CHAPTER 28, “ZONING”, ARTICLE 28, “SIGNS”, FOR PROPERTY LOCATED AT 2109 GRIFFIN ROAD, DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2008-138.

Kristin Dion, City Planner, explained the location of the property and noted that the request is to allow an eight feet wide monument sign, where Code allows a maximum of six feet in width. She indicated that the location of the proposed sign is in the same footprint of the previously existing pole sign. Ms. Dion advised that the applicant stated that the maximum size permitted by Code does not provide for adequate visibility, hence his variance request. The Planning and Zoning Board recommended approval.

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 #2008-138; seconded by Commissioner Flury. The motion carried on the following 4-0 Roll Call vote:**

<b>Commissioner Anton</b>	<b>Yes</b>	<b>Vice-Mayor Castro</b>	<b>Yes</b>
<b>Commissioner Bertino</b>	<b>out of the room</b>	<b>Mayor Jones</b>	<b>Yes</b>
<b>Commissioner Flury</b>	<b>Yes</b>		

9.8 RESOLUTION #2008-139

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA APPROVING THE VARIANCE REQUEST SUBMITTED BY JACK STUDIALE, VICE PRESIDENT OF TROPICAL ACRES STEAK HOUSE, FROM CHAPTER 28, "ZONING", ARTICLE 28, "SIGNS", FOR PROPERTY LOCATED AT 2500 GRIFFIN ROAD, DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2008-139.

Kristin Dion, City Planner, noted the location of the property. She explained that the applicant is requesting variances to construct two monument signs on the site to provide adequate visibility. The Planning and Zoning Board recommended approval of the request.

Mayor Jones opened the Public Hearing.

Jack Studiale, Manager of Tropical Acres, pointed out that the number of proposed signs and their locations are required because of the existing landscape, the proximity of the parking area to the property line, and the very limited visibility from both directions. He asked the Commission to consider the request.

Brad Inman, 425 Bayshore Drive, Ft. Lauderdale, noted he owns the property next to Tropical Acres and allows people to park on his property. He advised that his sign is five feet from the road and he thought that the Tropical Acres sign would block his sign. Mr. Inman indicated that if this request is approved, he would also want a two foot setback for the sign on his property.

Joe Handley, Vice-President of Planning and Landscape Architecture, Craven Thompson and Associates, pointed out that the back up material does not show the sign on the adjoining property.

Commissioner Anton advised Mr. Inman that if he wants a two foot setback sign, he should submit his request through the proper channels.

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 #2008-139 with staff review to insure that there is no visibility problem for the neighbor; 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>		

9.9 RESOLUTION #2008-140

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE VARIANCE REQUEST SUBMITTED BY JAY PATEL, PROPERTY OWNER FROM CHAPTER 28, "ZONING" ARTICLE 21.20, "TRANSIT ORIENTED DISTRICT ZONING REGULATIONS", FOR PROPERTY LOCATED AT 205 NORTH

FEDERAL HIGHWAY, IN THE CITY OF DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2008-140, Resolution #2008-141 and Resolution #2008-142 because they relate to the same property.

Corinne Lajoie, AICP, Principal City Planner, provided a history of the property which is located within the CRA district. She noted the applicant is requesting variances, a special exception and site plan approval for the construction of a six-story hotel building with a parking garage. The CRA Director reviewed the project and provided some comments to be considered prior to approval. The Planning and Zoning Board recommended approval of all the requests. Ms. Lajoie indicated that approval of the variances would be at the discretion of the City Commission. As regards the special exception and site plan requests, staff is recommending approval provided the variances are granted and the applicant is able to address staff comments prior to the issuance of a building permit.

Vice-Mayor Castro noted she spoke with Attorney Courtney Crush on this project about a year ago.

Courtney Crush, representing Jay and Sandy Patel, explained each of the requests being presented and noted they appeared before the Commission at their Workshop on June 4, 2008. She pointed out that the building has been designed to encourage pedestrian access on Federal Highway. Attorney Crush noted that the use proposed on the property is an airport hotel, therefore, they feel the parking provided is appropriate for this type of development. She added that they would be willing to consider entering into a shared parking agreement, should it become a problem. Attorney Crush finally noted that the hotel would be a significant redevelopment effort in keeping with the TOD zoning district intent.

Mayor Jones opened the Public Hearings.

Fay Bartelmes, 214 SW 2<sup>nd</sup> Terrace, commented the building is a monster and should require 75% of the project funds in escrow to insure the project moves forward.

Steven Casper, Canterbury Square, 34 S. Federal Highway, requested this project not be approved because it brings us no business and no income.

Jason Dubow, 215 N. Federal Highway, noted his father built his building in 1986 and it abuts the Patel property. He is comfortable that this will be a good project for the City.

Jimmy Crimminger, 237 SW 15<sup>th</sup> Street, supported the project.

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

Vice-Mayor Castro thought this was an exciting project to kick-start the downtown area. She hopes Mr. Patel is going to market his hotel as “Dania Beach”, not “Fort Lauderdale”.

Commissioner Bertino noted this is the type of development we have been waiting for. He pointed out that we are an old City and we need to work with people on variances to accommodate everyone's needs.

**Commissioner Bertino motioned to adopt Resolution #2008-140 with the condition that they receive a letter from Franco's to allow for shared parking; seconded by Commissioner Anton.**

Commissioner Flury would like for CRA Director Earle to look at the architectural design of the building.

Vice-Mayor Castro noted that a shared parking arrangement is a hindrance to developers. She further clarified that she supports the project but does not want to vote for the shared parking agreement.

Commissioner Bertino thought we should start engendering the concept of shared parking in the downtown area.

Commissioner Flury remarked that the shared parking issue should not be tied into the motion.

Vice-Mayor Castro agreed on shared parking, but noted it needs to be on a larger scale, not two properties at a time. She pointed out that the CRA Director needs more time to put this process in place.

Commissioner Anton noted we need to start somewhere and be consistent. He did not see a problem including the shared parking agreement in the motion.

City Attorney Ansbro indicated that the applicant has offered to get a letter from Franco's, provided it does not go with the land. He noted we should move on with the approval of the request so we do not hurt this project.

Mayor Jones supported the project and agreed with the shared parking agreement.

Attorney Crush noted they have a verbal agreement from Franco, however they will seek to get it in writing. She advised that construction should start in 9-12 months.

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

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

#### 9.10 RESOLUTION #2008-141

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST SUBMITTED BY JAY PATEL, PROPERTY OWNER, FOR A SPECIAL EXCEPTION TO ALLOW THE CONSTRUCTION OF A HOTEL AND THE ASSIGNMENT OF 75 HOTEL ROOMS FROM THE LOCAL ACTIVITY CENTER, IN

THE “TOD” (TRANSIT ORIENTED DEVELOPMENT) ZONING DISTRICT, FOR PROPERTY LOCATED AT 205 NORTH FEDERAL HIGHWAY, IN THE CITY OF DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

**Commissioner Anton motioned to adopt Resolution #2008-141; 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>		

9.11 RESOLUTION #2008-142

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE SITE PLAN REQUEST SUBMITTED BY PROPERTY OWNER JAY PATEL, FOR PROPERTY LOCATED AT 205 NORTH FEDERAL HIGHWAY, IN THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

**Commissioner Anton motioned to adopt Resolution #2008-142; 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>		

10. Commission Comments

10.1 Commissioner Anton

Commissioner Anton noted he received a letter from Sylvia Diana Collins thanking the Commission for their support in trying to get her scholarship and move forward with her plans.

10.2 Commissioner Bertino

Commissioner Bertino addressed the issue of people coming before the Commission without first meeting with staff. He would like to have back-up information whenever someone approaches the Commission to enable them to understand the case.

City Manager Pato indicated that this used to be the procedure in the past; however, people are appearing before the Commission without even discussing their cases with staff.

10.3 Commissioner Flury

Commissioner Flury noted most of the people are being told by staff to go to the Commission. She emphasized that staff needs to be educated.

Commissioner Flury asked for an update on the Dania Beach Hotel.

City Attorney Ansbro reported that the owner is looking for quotes for the asbestos removal, which is a very expensive job. He noted he will pursue the matter until it is finalized.

Commissioner Flury asked Corinne Lajoie, Principal City Planner, to find out the status of the case of Maria Valez, who keeps writing to her about not being able to move in.

#### 10.4 Vice-Mayor Castro

Vice-Mayor Castro was concerned with the increasing number of customer service issues. She noted there is a communication problem that needs to be addressed. Vice-Mayor Castro commented we have to listen to our customers, try to give them direction, or find a solution to their problem.

#### 10.5 Mayor Jones

Mayor Jones addressed customer service issues in the City. He commented that education and communication were key factors to take into consideration when trying to improve the quality of our service.

Mayor Jones asked for an update on the Interlocal Agreement for the Library.

City Attorney Ansbro advised that the Interlocal Agreement for the Library will be presented at the September 9, 2008 Commission meeting.

Mayor Jones noted he has received several calls regarding street closures, mainly in the southeast area. He advised he is not convinced we need to close streets and would like to revisit this issue at a future meeting.

Commissioner Anton asked the City Manager to obtain the information compiled by Chen & Associates and Kimley-Horn and Associates, regarding the closure of 2<sup>nd</sup> Street.

Dominic Orlando, Director of Public Services, advised there was a lot of support from the neighbors in the area to have that street closed. The Fire Department was against the closure and they finally agreed to have a partial closure of 2<sup>nd</sup> Street. He further noted that the project is scheduled to start this Thursday.

The Commission generally agreed to proceed with the partial closure of 2<sup>nd</sup> Street.

Kristen Jones, Director of Parks and Recreation, distributed a memo to the Commission regarding the installation of security alarms at our pools. She provided quotes and details of the work to be done and suggested using funds from Contingency to cover the costs involved.

It was the consensus of the Commission to move forward with Director Jones' recommendation.



## 11. Discussion and Possible Action

There were no discussion items on this agenda.

## 12. Appointments

Commissioner Anton appointed Rodney Collins to the Grant Advisory Board.

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

## 13. Administrative Reports

### 13.1 City Manager

Colin Donnelly, Assistant City Manager, advised that there is an opportunity to apply for a “Broward is Beautiful” grant for beautification of right-of-ways within the State of Florida. He noted that funds could be used to build a “Welcome to Dania Beach” sign on a vacant lot on Griffin Road.

City Manager Pato addressed the customer service issues discussed earlier. He noted he takes this matter very seriously and asked the Commission to share whatever information they have in order to address this issue with the individuals concerned.

### 13.2 City Attorney

City Attorney Ansbro had no comments.

### 13.3 City Clerk – Reminders

Wednesday, September 3, 2008 – 4:00 p.m.  
Saturday, September 6, 2008 – 9:00 a.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.

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

## 14. Adjournment

Mayor Jones adjourned the meeting at 10:42 p.m.

ATTEST:

CITY OF DANIA BEACH

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LOUISE STILSON, CMC  
CITY CLERK

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ALBERT C. JONES  
MAYOR-COMMISSIONER

Approved: September 9, 2008