

MINUTES OF REGULAR MEETING
DANIA BEACH CITY COMMISSION
TUESDAY, NOVEMBER 12, 2019 – 7:00 P.M.

1. Call to Order/Roll Call

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

Present:

Mayor:	Lori Lewellen
Vice-Mayor:	Lauren Odman
Commissioners:	Chickie Brandimarte
	Bill Harris
	Tamara James
City Manager:	Ana M. Garcia, ICMA-CM
City Attorney:	Thomas Ansbro
City Clerk:	Thomas Schneider

2. Moment of Silence and Pledge of Allegiance

Mayor Lewellen called for a moment of silence after the Pledge of Allegiance to the United States Flag, which was accompanied by the BSO Fire Rescue Honor Guard consisting of Captain Jerry Kucynski, Battalion Chief Nichole Notte, Deputy Christine Lyden, and Deputy Mitch Lyden.

3. Presentations and Special Event Approvals

3.1 Veterans Day Presentation

Mayor Lewellen acknowledged the veterans and American Legion posts' members who were in the audience. She presented Certificates of Special Recognition to City of Dania Beach employees and BSO Fire Rescue and Law Enforcement District personnel who are veterans.

Mayor Lewellen read a proclamation for National Veterans and Military Families Month.

3.2 Spirit Airlines Acknowledgment

Commissioner Harris read a proclamation embracing and welcoming Spirit Airlines and presented it to Ted Christie, Spirit Airlines. Mayor Lewellen presented a Key to the City to Mr. Christie. Commissioner Harris recognized community leaders and dignitaries in the audience.

Mayor Lewellen went out of the regular order of business to take up item 4.2.

3.3 Dania Beach Chamber of Commerce update by Randie Shane

Ms. Shane gave an update on the Chamber's recent and upcoming activities and events.

3.4 Parks and Recreation Department Quarterly Most Valuable Employee (MVE) Presentations

Eric Brown, Director of Parks & Recreation, presented the Most Valuable Employee (MVE) award for the fourth quarter to Anthony Ifedi, Athletics Director.

3.5 Special Event request from Dania Pointe for their "Sneak Peek" event to be held at North Pointe Drive, Phase 2, Dania Pointe on November 17, 2019 from 9:00 a.m. - 4:00 p.m.

Commissioner Harris motioned to approve the Special Event request for Dania Pointe's Sneak Peak event; seconded by Vice-Mayor Odman. The motion carried unanimously.

3.6 Update on Tropical Acres birthday brunch by Vice-Mayor Odman

Vice-Mayor Odman gave an update on the brunch, including the budget line items. There will be 200-250 seats available at a suggested donation of \$20.00. The committee will meet again on November 15th.

Commissioner James suggested the meeting be opened up for a sunshine meeting for more than one Commissioner to attend. She questioned who put the committee together.

Vice-Mayor Odman stated the meeting scheduled for this Friday is to clarify the menu and designate duties; the City Manager put the committee together.

Commissioner Brandimarte questioned who would invite the attendees.

Vice-Mayor Odman responded there is no special list for Commissioners; people will go to the website to purchase their tickets.

4. Proclamations

4.1 West Lawn Cemetery Rededication - Mayor Lewellen

Mayor Lewellen read the proclamation for West Lawn Cemetery Rededication and asked that a copy be provided to Mr. Beneby and Mr. Hall.

4.2 David Heath, Gangrel's Wrestling Asylum - Commissioner Brandimarte

Commissioner Brandimarte spoke of Mr. Heath's contributions to the community and presented him with a Key to the City.

Bobbie Grace, 110 NW 8th Avenue, spoke of the cancer awareness event held at the Casino and noted they have raised nearly \$10,000.00 for the American Cancer Society. She reminded everyone of the toy drive to be held at the Casino on December 14th.

Mayor Lewellen read the proclamation for David Heath, Gangrel's Wrestling Asylum and presented it to Mr. Heath.

5. Citizen Comments

Craig Valentine, Gangrel's Wrestling Asylum, thanked everyone in the City for honoring David Heath and noted the toy drive on December 14th. He also noted their events will soon be televised and they are looking for a larger facility in the City.

Mike Sartin, 746 SW 3rd Street, spoke of sea level rise and expected effects to coastal cities.

Brother Terrance Mac, Lighthouse Community Church, gave an update on their mentoring program in four schools and noted there was an article on the program in the Dania Beach Press. He said they need help with food donations.

Carol Hemmis, 214 SW 6th Street, commented she would like to be involved in the new City Center development and asked that residents be informed about what is going on. She spoke of Honor Flight South Florida and noted veterans should contact her if they are interested.

Maurice Andrews, 180 E Dania Beach Boulevard, spoke of the two floods in The Place at Dania Beach. He requested the City demand the real story and share it with the residents of the building as someone should be held responsible.

City Manager Garcia noted the City has started a BSO investigation on behalf of the residents and will share any information with them.

6. Public Safety Reports

Captain Daniel Marks, BSO Chief of Police, reported on recent scam activity in the City, and on texting and driving. He spoke of the recent National Night Out and Trunk or Treat event.

Captain Sergio Pellecer, BSO District Fire Chief, spoke of the Satisfaction Rate survey, the upcoming food drive and the ISO inspection.

7. Consent Agenda

Items removed from Consent Agenda: #7.4

7.1 Minutes: None

7.2 Travel Requests:

Request from City Manager Ana M. Garcia to attend Legislative meetings in Tallahassee, Florida on December 11-12, 2019 (Estimated cost \$1,181.50)

Resolutions

7.3 RESOLUTION #2019-142

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO A LIGHTING AGREEMENT WITH FLORIDA POWER AND LIGHT (FPL) IN THE VICINITY OF SHERIDAN STREET AND SOUTHEAST SECOND AVENUE IN DANIA BEACH, INCLUDING ADDITIONAL COST TO THE CITY OF A NET TEN DOLLARS (\$10.00) PER MONTH, MODIFYING FPL ACCOUNT NUMBER 7404250974; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

7.5 RESOLUTION #2019-144

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS BY THE PUBLIC SERVICES DEPARTMENT FOR SERVICES TO BE PURCHASED FROM CALVIN GIORDANO AND ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR FISCAL YEAR 2019-2020 THAT EXCEED AN ANNUAL VENDOR TOTAL AMOUNT OF TWENTY FIVE THOUSAND DOLLARS (\$25,000.00); AUTHORIZING SUCH PURCHASES TO BE MADE WITHIN THE RESPECTIVE DEPARTMENTS' APPROVED ANNUAL BUDGET APPROPRIATIONS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

7.6 RESOLUTION #2019-145

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A HIGHWAY MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION; AUTHORIZING THE CITY TO PERFORM NECESSARY MAINTENANCE TO THE RIGHT OF WAY OF SOUTHWEST 40TH AVENUE FROM STIRLING ROAD TO GRIFFIN ROAD FROM MILE POST 1.010 TO MILE POST 2.110 LOCATED WITHIN THE CITY OF DANIA BEACH; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

7.7 RESOLUTION #2019-146

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPLY FOR THE "2020 COMPLETE STREETS AND OTHER LOCALIZED INITIATIVES GRANT PROGRAM" FOR CERTAIN IMPROVEMENTS FOR NORTHEAST 2ND STREET AND A PORTION OF GULFSTREAM ROAD WITHIN THE DANIA BEACH MUNICIPAL BOUNDARIES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

7.8 RESOLUTION #2019-147

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AND ACCEPT AN AGREEMENT FOR THE CITY'S MEDICARE SUPPLEMENTAL INSURANCE COVERAGE PROCURED BY THE GEHRING GROUP AS BROKER OF RECORD FOR THE CITY OF DANIA BEACH WITH AETNA, FOR INSURANCE COVERAGE BEGINNING JANUARY 1, 2020 THROUGH DECEMBER 31, 2020 FOR MEDICARE ELIGIBLE RETIRED EMPLOYEES AND THEIR MEDICARE ELIGIBLE DEPENDENTS THAT EXCEEDS AN ANNUAL VENDOR TOTAL AMOUNT OF TWENTY FIVE THOUSAND DOLLARS (\$25,000.00); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Human Resources)*

Vice-Mayor Odman motioned to adopt the Consent Agenda, with the exception of Item #7.4; seconded by Commissioner James. The motion carried unanimously.

7.4 RESOLUTION #2019-143

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS BY THE PUBLIC SERVICES DEPARTMENT FOR SERVICES PURCHASED FROM CARNAHAN PROCTOR AND CROSS, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR FISCAL YEAR 2019-2020, THAT EXCEED AN ANNUAL VENDOR TOTAL AMOUNT OF TWENTY FIVE THOUSAND DOLLARS (\$25,000.00); AUTHORIZING SUCH PURCHASES TO BE MADE WITHIN THE DEPARTMENTS' APPROVED ANNUAL BUDGET APPROPRIATIONS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

City Attorney Ansbro read the title of Resolution #2019-143.

Commissioner James noted we now have an in-house engineer and questioned why we need this firm.

Fernando Rodriguez, Director of Public Services, responded there is a lot of technical, detailed work the firms provide that does not only involve permit reviews, but involves drainage calculations, hydraulic analysis, and drainage basins. The components of the Deputy Director's job include partial appraising and engineering, not a detailed analysis. He noted there will always be a need to have engineering firms onboard. The Deputy Director guides and directs the process and cannot be the engineer full-time as her duties include assisting with the department.

Commissioner James motioned to adopt Resolution #2019-143; seconded by Vice-Mayor Odman. The motion carried unanimously.

8. Bids and Requests for Proposals

8.1 RESOLUTION #2019-148

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO AWARD REQUEST FOR PROPOSAL ("RFP") NO. 19-011 FOR SOCIAL MEDIA, WEBSITE UPDATING AND GRAPHIC DESIGN SERVICES TO MULTI-MEDIA MARKETING ASSOCIATES, INC.; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(City Manager)*

City Attorney Ansbro read the title of Resolution #2019-148.

Assistant City Manager Sosa-Cruz gave an overview of the RFP and the recommendation of award.

Commissioner James noted when she went to this firm's website, she did not see any social media. She called them and she was told they mostly do campaigns. It did not seem like they were very strong on the social media aspect.

Assistant City Manager Sosa-Cruz said the Bid Review Committee reviewed all aspects of what they offer, including social media. Our primary social media person is our PIO; this firm will complement her work. From reviewing all proposers, this company has what we are looking for, and we are confident they will take us to where we want to go.

Commissioner Brandimarte questioned who decides what goes on social media and noted she is not happy with it now.

Assistant City Manager Sosa-Cruz responded the PIO handles everything that goes on Facebook and the City Website. The City Manager's office, along with various departments, provide informational support to the PIO.

Commissioner Brandimarte noted previous events that did not have media coverage.

City Manager Garcia said any opportunity to get better is welcomed; one person cannot do a seven-day operation. She suggested the vendor could do a full presentation for the Commission at the next meeting.

Vice-Mayor Odman noted she gave a presentation on this item almost a year ago. She agreed a one-person PIO cannot cover everything and hopes this company provides the comprehensive services that were described.

Commissioner Harris motioned to adopt Resolution #2019-148; seconded by Mayor Lewellen. The motion carried on the following 5-0 Roll Call vote:

Commissioner Brandimarte	Yes	Vice-Mayor Odman	Yes
Commissioner Harris	Yes	Mayor Lewellen	Yes
Commissioner James	Yes		

9. Public Hearings and Site Plans

9.1 ORDINANCE #2019-019

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION", ARTICLE XI, ENTITLED "LOBBYIST REGULATIONS", SECTION 2-231, ENTITLED "LOBBYIST REGISTRATION" AND SECTION 2-232, ENTITLED "REPORTING OF LOBBYING ACTIVITIES" OF THE CITY CODE OF ORDINANCES, PERTAINING TO AN INCREASE

OF LOBBYIST REGISTRATION FEES AND PERTAINING TO REPORTING REQUIREMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)** *(City Attorney)*

City Attorney Ansbro read the title of Ordinance #2019-019.

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

Commissioner James motioned to adopt Ordinance #2019-019, on second reading; seconded by Vice Mayor Odman. The motion carried on the following 5-0 Roll Call vote:

Commissioner Brandimarte	Yes	Vice-Mayor Odman	Yes
Commissioner Harris	Yes	Mayor Lewellen	Yes
Commissioner James	Yes		

9.2 ORDINANCE #2019-020

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 17, "OFFENSES-MISCELLANEOUS," ARTICLE VIII, "SEXUAL VIOLATORS," SECTION 17-128, "SEXUAL VIOLATOR RESIDENCY PROHIBITION," OF THE CITY CODE OF ORDINANCES, TO REPLACE THE TERM "VIOLATOR WITH "OFFENDER," UPDATE THE DEFINITION OF SEXUAL OFFENDER, AND MAKE THE PROVISION OF THE RESIDENCY PROHIBITION APPLICABLE TO SHORT-TERM TRANSIENT USE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)** *(Community Development)*

City Attorney Ansbro read the title of Ordinance #2019-020.

Marc LaFerrier, Director of Community Development, gave an overview of items 9.2 and 9.3.

Commissioner Brandimarte questioned if a sexual offender could be forced to register.

BSO Captain Marks responded in the affirmative.

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

Commissioner James motioned to adopt Ordinance #2019-020, on second reading; seconded by Commissioner Brandimarte. The motion carried on the following 5-0 Roll Call vote:

Commissioner Brandimarte	Yes	Vice-Mayor Odman	Yes
Commissioner Harris	Yes	Mayor Lewellen	Yes
Commissioner James	Yes		

9.3 ORDINANCE #2019-021

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 16, "VACATION RENTALS," SECTION 16-2, "VACATION RENTALS" OF THE CITY'S CODE OF ORDINANCES TO CREATE REGULATIONS AND REQUIREMENTS GOVERNING SEXUAL OFFENDERS' USE OF VACATION RENTALS AND PROHIBIT HUMAN TRAFFICKING ACTIVITIES IN VACATION RENTALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)** *(Community Development)*

City Attorney Ansbro read the title of Ordinance #2019-021.

Marc LaFerrier, Director of Community Development, noted once approved, there would be a mailing of the new laws and the vacation rental affidavit.

Commissioner James inquired on the effective date of the ordinance.

Director of Community Development LaFerrier stated the ordinance will be in effect upon Commission adoption; affidavits will be mailed out immediately.

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

Commissioner James motioned to adopt Ordinance #2019-021, on second reading; seconded by Commissioner Brandimarte. The motion carried on the following 5-0 Roll Call vote:

Commissioner Brandimarte	Yes	Vice-Mayor Odman	Yes
Commissioner Harris	Yes	Mayor Lewellen	Yes
Commissioner James	Yes		

9.4 ORDINANCE #2019-022

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, PROVIDING FOR THE CONTRACTION FROM THE CORPORATE LIMITS OF THE CITY OF DANIA BEACH OF APPROXIMATELY 0.387 ACRES OF PROPERTY LOCATED AT A PORTION OF TRACTS 1 AND 4, PLAT OF A PART OF GOV. LOT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 21 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEARING BROWARD COUNTY PROPERTY ID NUMBER 504220-01-0011; CONTAINING PROVISIONS FOR IMPLEMENTATION AND FILING WITH THE APPROPRIATE GOVERNMENTAL AGENCIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)** *(City Attorney)*

City Attorney Ansbro read the title of Ordinance #2019-022, and described the de-annexation request from Rolly Marine.

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

Commissioner Harris motioned to adopt Ordinance #2019-022, on second reading; seconded by Commissioner James. The motion carried on the following 5-0 Roll Call vote:

Commissioner Brandimarte	Yes	Vice-Mayor Odman	Yes
Commissioner Harris	Yes	Mayor Lewellen	Yes
Commissioner James	Yes		

9.5 ORDINANCE #2019-023

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, TO AMEND CHAPTER 28, THE “LAND DEVELOPMENT CODE,” OF THE CITY’S CODE OF ORDINANCES BY AMENDING PART 1 “USE REGULATIONS,” ARTICLE 110 “USE REGULATIONS FOR COMMERCIAL AND MIXED-USE DISTRICTS” TO PROVIDE FOR LIQUOR, PACKAGE STORE AS A PERMITTED ACCESSORY USE TO A RETAIL USE; AMENDING PART 3 “SPECIAL ZONING DISTRICTS”, SUBPART 1 “COMMUNITY REDEVELOPMENT AREA (CRA) FORM-BASED ZONING DISTRICTS” TO PROVIDE FOR LIQUOR, PACKAGE STORE AS A PERMITTED ACCESSORY USE TO A RETAIL USE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)** *(Community Development)*

City Attorney Ansbro read the title of Ordinance #2019-023.

Corinne Lajoie, Planning & Zoning Manager, gave an overview of items 9.5 and 9.6, both text amendments requested by Publix.

Commissioner James noted she is glad we are able to help our grocery stores and thanked staff.

Commissioner Harris questioned if this would affect Lucky’s Market or whether Lucky’s is in a separate zoning district.

Planning & Zoning Manager Lajoie responded that zoning district was not identified in this text amendment.

Alicia Lewis, Greenspoon Marder, representing the applicant, noted the applicant does not oppose adding zoning districts to the text amendment.

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

Commissioner James motioned to adopt Ordinance #2019-023, on first reading; seconded by Commissioner Harris. The motion carried on the following 5-0 Roll Call vote:

Commissioner Brandimarte	Yes	Vice-Mayor Odman	Yes
Commissioner Harris	Yes	Mayor Lewellen	Yes
Commissioner James	Yes		

9.6 ORDINANCE #2019-024

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, TO AMEND CHAPTER 4 “ALCOHOLIC BEVERAGES,” OF THE CITY’S CODE OF ORDINANCES BY AMENDING ARTICLE I “IN GENERAL,” SECTION 4-1 “DEFINITIONS” TO DEFINE SINGLE-SERVING CONTAINER, ARTICLE II “OPERATION REGULATIONS,” SECTION 4-18 “HOURS OF SALE” TO MODIFY THE HOURS OF PACKAGE SALES FOR LIQUOR, BEER AND WINE FOR OFF-SITE CONSUMPTION CONDUCTED AS

AN ACCESSORY USE TO A RETAIL GROCERY STORE USE WITH A MINIMUM 27,500 SQUARE FEET, AND ARTICLE II "OPERATION REGULATIONS," TO CREATE SECTION 4-37 "RESTRICTION ON THE SALE OF SINGLE-SERVING CONTAINERS;" AND PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)** *(Community Development)*

City Attorney Ansbro read the title of Ordinance #2019-024.

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

Commissioner Harris motioned to adopt Ordinance #2019-024, on first reading; seconded by Vice-Mayor Odman. The motion carried on the following 5-0 Roll Call vote:

Commissioner Brandimarte	Yes	Vice-Mayor Odman	Yes
Commissioner Harris	Yes	Mayor Lewellen	Yes
Commissioner James	Yes		

9.7 ORDINANCE #2019-025

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, TO AMEND CHAPTER 28, OF THE "LAND DEVELOPMENT CODE," OF THE CITY'S CODE OF ORDINANCES BY AMENDING PART 8 "TECHNICAL APPENDIX" BY CREATING AND ESTABLISHING ARTICLE 811 "PUBLIC ART PROGRAM," CREATING PUBLIC ART PROGRAM REQUIREMENTS FOR NEW DEVELOPMENT AND REDEVELOPMENT IN NON-RESIDENTIAL, MIXED-USE, AND MULTI-FAMILY ZONING DISTRICTS; PROVIDING FOR GENERAL PROVISIONS FOR PUBLIC ART PROGRAM ORGANIZATION, OPERATION AND IMPLEMENTATION; PROVIDING FOR A PUBLIC ART FEE FOR THE CREATION, ACQUISITION AND INSTALLATION OF PUBLIC ART IN THE CITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND FURTHER PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)** *(Community Development)*

City Attorney Ansbro read the title of Ordinance #2019-025.

Corinne Lajoie, Planning & Zoning Manager, gave an overview of the text amendment creating a public art program.

Commissioner James suggested adding #5 to the exemptions so that projects developed by the City and CRA would be exempt.

Planning & Zoning Manager Lajoie noted the exemptions were typical with Broward, Palm Beach and Dade Counties and surroundings areas.

Mayor Lewellen stated the City Center Project would include the developer contributing to the public art program. She asked how other cities do it.

Marc LaFerrier, Director of Community Development, addressed the exemptions in the ordinance, and noted exemptions for natural disasters or churches or schools were common. We did not see anywhere where city buildings were exempted at all. The fee would go into effect if someone pulled a permit a day or two after second reading of the ordinance.

Commissioner James said her main concern is about the CACAB and the amount of responsibilities given to them; she wants to find another solution to them having to make recommendations. She would like to create some kind of committee that the CACAB can sit on. She noted this is not in the CACAB's description and the board has not had a quorum in two months.

Director of Community Development LaFerrier noted the two major components, public art fund and public art master plan. Regarding the second component, staff thought it was important to have a body reviewing the master plan; implementation would be up to the Commission.

Commissioner Harris asked if second reading could be in six months; we are in a growth period now.

Director of Community Development LaFerrier said staff would look at the Ordinance and bring back any changes recommended by the Commission.

Vice-Mayor Odman noted she also had concern with how we work the master plan. She felt it would be appropriate to put an effective date into the Ordinance to be addressed at second reading.

Commissioner James asked if there was a consensus on a fair date; she felt six months is a long time, perhaps it should be a couple months.

Commissioner Harris asked that any new developments be presented to the Commission before second reading.

Director of Community Development LaFerrier said staff would be able to investigate any construction in progress in the near future that would be affected by the Ordinance. He would then make contact and discuss the Ordinance with them.

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

Commissioner Harris motioned to adopt Ordinance #2019-025, on first reading; seconded by Vice-Mayor Odman. The motion carried on the following 5-0 Roll Call vote:

Commissioner Brandimarte	Yes	Vice-Mayor Odman	Yes
Commissioner Harris	Yes	Mayor Lewellen	Yes
Commissioner James	Yes		

9.8 ORDINANCE #2019-026

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, TO AMEND CHAPTER 28, THE "LAND DEVELOPMENT CODE," OF THE CITY'S CODE OF ORDINANCES BY AMENDING PART 1 "USE REGULATIONS," ARTICLE 110 "USE REGULATIONS FOR COMMERCIAL AND MIXED-USE DISTRICTS," SECTION 110-20 "LIST OF PERMITTED, SPECIAL EXCEPTION AND

PROHIBITED USES" TO AMEND THE SCHEDULE OF PERMITTED USES; CREATING SECTION 110-320 "MOBILE FOOD VENDING CONDITIONS OF USE;" ARTICLE 115 "INDUSTRIAL DISTRICTS: PERMITTED, PROHIBITED, SPECIAL EXCEPTION USES, AND CONDITIONS OF USE," SECTION 115-40 "SCHEDULE OF PERMITTED USES" TO AMEND THE SCHEDULE OF PERMITTED USES; AMENDING PART 3 "SPECIAL ZONING DISTRICTS," SUBPART 1, "COMMUNITY REDEVELOPMENT AREA (CRA) FORM-BASED ZONING DISTRICTS," ARTICLE 302 "DETAILED USE REGULATIONS," SECTION 302-10 "PERMITTED, SPECIAL EXCEPTION AND PROHIBITED USES" TO AMEND THE SCHEDULE OF PERMITTED USES; AMENDING PART 6 "DEVELOPMENT REVIEW PROCEDURES AND REQUIREMENTS," ARTICLE 675 "TEMPORARY USE AND SPECIAL EVENT PERMITS," TO PROVIDE FOR MOBILE FOOD VENDOR EVENTS; AND FURTHER AMENDING PART 7 "CODE ADMINISTRATION," ARTICLE 725 "DEFINITIONS," SECTION 725-30 "TERMS DEFINED" TO PROVIDE FOR MOBILE FOOD VENDORS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)** *(Community Development)*

City Attorney Ansbro read the title of Ordinance #2019-026.

Corinne Lajoie, Planning & Zoning Manager, gave a presentation on the text amendment creating food truck conditions of use.

Commissioner James questioned food truck vendors having an alcohol license and fees associated with the Ordinance.

Planning & Zoning Manager Lajoie responded under this Ordinance, vendors would be prohibited from selling alcohol. Fees have not been established; they could be a part of second reading. Additional fees would include certificates of use and inspections.

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

Commissioner James motioned to adopt Ordinance #2019-026, on first reading; seconded by Vice-Mayor Odman. The motion carried on the following 5-0 Roll Call vote:

Commissioner Brandimarte	Yes	Vice-Mayor Odman	Yes
Commissioner Harris	Yes	Mayor Lewellen	Yes
Commissioner James	Yes		

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

9.9 RESOLUTION #2019-149

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE SITE PLAN (SP-117-19) SUBMITTED BY CPH, INC. ON BEHALF OF PANDA EXPRESS, INC., FOR PROPERTY LOCATED AT 121 S. POINTE DRIVE, IN THE CITY OF DANIA BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A," A COPY OF WHICH IS ATTACHED TO THIS RESOLUTION;

PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (*Community Development*)

City Attorney Ansbro read the title of Resolution #2019-149.

Corinne Lajoie, Planning & Zoning Manager, gave an overview of the site plan request.

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

Commissioner James motioned to adopt Resolution #2019-149; seconded by Vice-Mayor Odman. The motion carried on the following 5-0 Roll Call vote:

Commissioner Brandimarte	Yes	Vice-Mayor Odman	Yes
Commissioner Harris	Yes	Mayor Lewellen	Yes
Commissioner James	Yes		

9.10 RESOLUTION #2019-150

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING A SITE PLAN (SP-79-19) REQUEST, VARIANCE (VA-147-19, VA-149-19, AND VA-150-19,) REQUESTS AND DESIGN EXCEPTION (OT-148-19) REQUESTS SUBMITTED BY THE PROPERTY OWNER, OUTBOARD DYNAMICS, LLC FOR PROPERTY LOCATED AT 3998 S.W. 22ND AVENUE IN THE CITY OF DANIA BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A," A COPY OF WHICH IS ATTACHED TO THIS RESOLUTION; PROVIDING FOR CONFLICTS; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (*Community Development*)

9.11 RESOLUTION #2019-151

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING "OUTBOARD DYNAMICS PLAT" (PL-128-19) SUBMITTED BY OUTBOARD DYNAMICS, LLC FOR PROPERTY LOCATED AT 3998 S.W. 22ND AVENUE IN THE CITY OF DANIA BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A," A COPY OF WHICH IS ATTACHED TO THIS RESOLUTION; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (*Community Development*)

City Attorney Ansbro read the title of Resolution #2019-150 and Resolution #2019-151 as they relate to the same property.

Corinne Lajoie, Planning & Zoning Manager, gave a presentation on the site plan, variance, design exception and the plat requests.

Commissioner Harris felt anyone who wants to build in the IROM-AA should be allowed as it is underdeveloped with a lot of restrictions.

Mayor Lewellen opened the Public Hearings.

Attorney Stephanie Toothaker, representing the applicant, gave a brief overview of the requests.

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

City Attorney Ansbro recommended the plat resolution be adopted first.

Commissioner Harris motioned to adopt Resolution #2019-151; seconded by Commissioner James. The motion carried on the following 5-0 Roll Call vote:

Commissioner Brandimarte	Yes	Vice-Mayor Odman	Yes
Commissioner Harris	Yes	Mayor Lewellen	Yes
Commissioner James	Yes		

Commissioner Harris motioned to adopt Resolution #2019-150; seconded by Commissioner James. The motion carried on the following 5-0 Roll Call vote:

Commissioner Brandimarte	Yes	Vice-Mayor Odman	Yes
Commissioner Harris	Yes	Mayor Lewellen	Yes
Commissioner James	Yes		

10. Discussion and Possible Action

10.1 Review and approve City Commission meeting dates for 2020 - City Clerk

City Clerk Schneider addressed the three Commission meeting dates impacted by major holidays.

A brief discussion ensued on moving the meetings when the Monday before the meeting is a holiday. City Manager Garcia noted for those meetings, the agenda could be published a day earlier.

The Commission consensus was to approve the City Commission meeting dates for 2020, as amended, to cancel the April 14, 2020, November 24, 2020 and December 22, 2020 meetings.

11. Commission Comments

11.1 Commissioner Brandimarte

Commissioner Brandimarte spoke of ten people who called the City Attorney and complained about political campaigning at a Seniors Club meeting; she does not welcome them to the club meetings anymore.

11.2 Commissioner Harris

Commissioner Harris noted that on December 2nd and 3rd, he would be attending a transportation seminar at Rutgers University.

Commissioner Harris commented there are ongoing issues with the airport runway noise and the Part 150 Study. There are plans to possibly meet with our lobbyist in Washington, D.C. for discussion on flight paths.

11.3 Commissioner James

Commissioner James addressed the second flooding at The Place at Dania Beach. She does not want to allow staff to say the pool is okay again when we do not know what really happened the first time around. She does not believe the building is safe.

Commissioner James noted the Fall Festival was well attended; there were a lot of enhancements.

Commissioner James said she is impressed with all the restaurants at Dania Pointe.

Commissioner James thanked Parks and Recreation for the Dolphins players coming to CW Thomas Park and having football drills with local kids.

11.4 Vice-Mayor Odman

Vice-Mayor Odman commented about the incident at The Place at Dania Beach on Saturday; she requested the Commission receive any information as soon as the City Manager receives it. There are clearly some issues there and it does not seem to be a safe building. She looks forward to reading the report.

11.5 Mayor Lewellen

Mayor Lewellen said she is glad BSO has opened an investigation into The Place at Dania Beach and thanked the hotels and Publix for making concessions for the displaced residents.

Mayor Lewellen noted at the end of last year, the Commission gave Collins Elementary a donation of \$2,000.00 which was supposed to go toward mentoring and anti-bullying programs. Dr. Jackson advised that the school does not need the money for this purpose, but it does need it for their IReady program, which is a progress monitoring program for reading and math. Dr. Jackson did not want to apply the money to that program without checking with the Commission to see if she could do that.

The Commission consensus was to allow Collins Elementary to use the City's donation for their IReady program.

Mayor Lewellen spoke of the Miami Dolphins coming to CW Thomas Park to run drills with the kids.

Eric Brown, Parks and Recreation Director, noted 50 local children will be attending the Miami Dolphins game this weekend along with 10 children from Hollywood via a chartered bus.

12. Appointments

12.1 Complete Count Advisory Committee

Vice-Mayor Odman appointed: Sherica Brown

Commissioner James asked what would happen if we do not fill the committee.

Corinne Lajoie, Planning & Zoning Manager, staff liaison to the committee, noted she has been attending meetings with the County. They are taking a break over the holidays and are still preparing; we still have time to complete the appointments.

12.2 Creative Arts Council Advisory Board – no appointments

Commissioner James motioned to approve the appointments; seconded by Commissioner Harris. The motion carried unanimously.

13. Administrative Reports

13.1 City Manager

City Manager Garcia noted there is a meeting with Virgin Brightline scheduled on Tuesday, November 19, 2019; we are also working on setting up a meeting with the Tri-Rail Coastal Link. She spoke of a meeting with Undersheriff Nicole Anderson regarding implementation of children and seniors programming in our communities. She noted the tree lighting ceremony will be held on December 5, 2019 at 6:00 p.m., and she introduced Kristin Milligan, HR Director, and Frank DiPaola, Finance Director.

City Manager Garcia spoke of Assistant City Manager Sosa-Cruz working with Katia Bordy, PIO, to put together material to provide at the Realtors Association breakfast. She is looking forward to the new company working on graphics in order to put together a professional document to showcase all the things happening in the City. She also spoke of the ICMA Conference she recently attended.

City Manager Garcia noted we have been working on the Nyberg-Swanson house, making the exterior presentable with fresh landscaping and recently painted fire hydrants. The Commission previously awarded a bid to Architect1.com and we will soon meet with them to begin restoration of the house. She added we will get the new fire truck on December 10th and there will be a “push-in” ceremony at 5:00 p.m. that day. She noted that January 21st and 22nd would be the last opportunity to go to Tallahassee for advocating for City issues.

Captain Sergio Pellecer, BSO District Fire Chief, explained the ceremonial process of a push-in of the fire truck.

13.2 City Attorney

City Attorney Ansbro noted he conferred with labor counsel for both the City and the Weiss Serota firm, in connection with the opinion regarding the City Manager's personnel file that he gave during the October 28th Commission meeting. While neither of the attorneys have ever dealt with this issue in their extensive labor law careers, it was their opinion that placement of a disciplinary type of statement, document or a transcript of the verbatim discussion in the City Manager's personnel file would require at least a majority approval of the Commission to do so.

Commissioner Brandimarte confirmed the Commissioners could individually give the City Manager a written document.

13.3 City Clerk - Reminders

Tuesday, December 10, 2019 - 5:30 p.m.

CRA Board Meeting

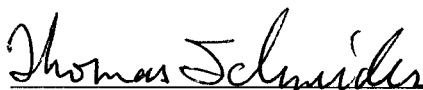
Tuesday, December 10, 2019 - 7:00 p.m.

City Commission Meeting

14. Adjournment

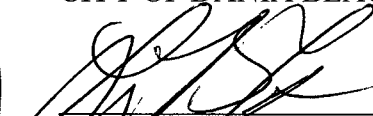
Mayor Lewellen adjourned the meeting at 10:09 p.m.

ATTEST:


THOMAS SCHNEIDER, CMC
CITY CLERK



CITY OF DANIA BEACH


LORI LEWELLEN
MAYOR

Approved: December 10, 2019



REQUEST TO ADDRESS CITY COMMISSION AT REGULAR OR SPECIAL MEETINGS

The City is required by state law to keep minutes of City Commission meetings. To properly identify persons who address the City Commission in those minutes, the City requests that this form be completed and provided to the City Clerk, before the meeting begins.

DATE OF COMMISSION MEETING: Jan 12, 2015

PRINT NAME: Cory Valentine

ADDRESS: _____

PHONE NO. (optional): 954 258 4848

PLEASE CHECK ONE OR BOTH OF THE BOXES BELOW:

1) ☐ CITIZEN COMMENTS:

Comments by Dania Beach citizens or interested parties that are not part of the regular printed agenda may be made during each Commission meeting during the period set aside for "Citizen Comments." A thirty (30) minute "Citizen Comments" period shall be designated on the agenda for citizens and interested persons to speak on matters not scheduled on that day's agenda. Each speaker shall be limited to 3 minutes for his or her comments. Persons desiring to speak during the citizen comment period shall inform the City Clerk immediately prior to the beginning of the meeting of their intention to speak. If more than 10 speakers express a desire to speak, the Commission shall determine on a meeting by meeting basis whether to (a) extend the time allotted for citizen comments to accommodate all speakers, or (b) whether to limit the number of speakers or amount of time per speaker. A speaker's time shall not be transferable to another speaker.

PLEASE BRIEFLY DESCRIBE THE SUBJECT MATTER OF YOUR COMMENT:

Fuels

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

PLEASE NOTE: IF YOU WISH TO SPEAK ON AN ITEM THAT PERTAINS TO A "ZONING" TYPE OF MATTER (FOR EXAMPLE, A SITE PLAN, VARIANCE, SPECIAL EXCEPTION OR SIMILAR TYPE OF ITEM KNOWN AS A "QUASI-JUDICIAL" MATTER, YOU ARE SUBJECT TO BEING ASKED TO SWEAR OR AFFIRM THAT YOU WILL BE TRUTHFUL AS TO YOUR COMMENTS OR TESTIMONY. YOU MAY ALSO BE SUBJECT TO QUESTIONS ASKED OF YOU BY AN APPLICANT OR AN APPLICANT'S REPRESENTATIVE OR ATTORNEY WHICH RELATE TO THE ITEM

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

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



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DATE OF COMMISSION MEETING: Nov. 12, 2019

PRINT NAME: Mike Sartin

ADDRESS: 746 SW 3rd Street

PHONE NO. (optional): 754 581 0158

PLEASE CHECK ONE OR BOTH OF THE BOXES BELOW:

1) ☒ CITIZEN COMMENTS:

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PLEASE BRIEFLY DESCRIBE THE SUBJECT MATTER OF YOUR COMMENT:

Sea Level Rise & city's response

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

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**REQUEST TO ADDRESS
CITY OF DANIA BEACH
COMMUNITY REDEVELOPMENT AGENCY
REGULAR OR SPECIAL MEETINGS**

The Community Redevelopment Agency (CRA) is required by state law to keep minutes of CRA Board meetings. To properly identify persons who address the CRA in those minutes, the CRA requests that this form be completed and provided to the CRA Secretary, before the meeting begins.

DATE OF CRA BOARD MEETING: 11/12/19, 2019

PRINT NAME: BRO MAC

ADDRESS: Light house Community Church

PHONE NO. (optional): _____

PLEASE CHECK ONE OR BOTH OF THE ITEMS BELOW:

1) ☒ CITIZEN COMMENTS:

Comments by Dania Beach citizens or interested parties that are not part of the regular printed agenda may be made during each CRA Board meeting during the period set aside for "Citizen Comments." Each speaker shall be limited to 3 minutes for his or her comments. Persons desiring to speak during the citizen comment period shall inform the CRA Secretary immediately prior to the beginning of the meeting of their intention to speak.

PLEASE BRIEFLY DESCRIBE THE SUBJECT MATTER OF YOUR COMMENT:

update on mentor program

2) _____ AGENDA ITEM # _____ (AS PRINTED ON AGENDA)

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

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REQUEST TO ADDRESS CITY COMMISSION AT REGULAR OR SPECIAL MEETINGS

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DATE OF COMMISSION MEETING: 11/12, 2019

PRINT NAME: Carol L. Hemmis

ADDRESS: 214 SW 6th St Dania Beach, FL 33004

PHONE NO. (optional): 954-649-3948

PLEASE CHECK ONE OR BOTH OF THE BOXES BELOW:

1) ☒ CITIZEN COMMENTS:

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PLEASE BRIEFLY DESCRIBE THE SUBJECT MATTER OF YOUR COMMENT:

The new City Center

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

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DATE OF COMMISSION MEETING: 11/12/, 2019
PRINT NAME: MAURICE Ka ANDREWS
ADDRESS: 150 E DANIA BEACH BLVD. 33004
PHONE NO. (optional): 954 592 8172

PLEASE CHECK ONE OR BOTH OF THE BOXES BELOW:

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PLEASE BRIEFLY DESCRIBE THE SUBJECT MATTER OF YOUR COMMENT:

WHERE DO WE GO FROM HERE

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

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