

MINUTES OF VIRTUAL REGULAR MEETING  
DANIA BEACH CITY COMMISSION  
TUESDAY, AUGUST 25, 2020 – 7:00 P.M.

1. Call to Order/Roll Call

Mayor Lewellen called the meeting to order at 7:01 p.m.

Present:

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

Absent: Chickie Brandimarte

**Vice-Mayor Odman motioned to excuse the absence of Commissioner Brandimarte; seconded by Commissioner James. The motion carried unanimously.**

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.

3. Presentations and Special Event Approvals

- 3.1 Presentation on the Guardian ad Litem Program of the 17th Judicial Circuit, Broward County by Adena R. Wilson, Volunteer Recruiter

Ms. Wilson gave an overview of the Guardian ad Litem Program and noted they are always in need of volunteers.

- 3.2 Presentation on special event at Dania Pointe by Kim Butler, Marketing Director for Dania Pointe/Kimco

Ms. Butler noted their retailers and restaurants are open and thanked everyone for supporting our local businesses. She addressed businesses that will open in the near future and gave an overview of recent and upcoming events at Dania Pointe, including Halloween and the other holidays.

- 3.3 Presentation on the reporting and tracking via an app of everything from a pothole to a light out - Candido Sosa-Cruz, Assistant City Manager

Assistant City Manager Sosa-Cruz noted Ask Dania Beach, the City's new app, is up and running, and is downloadable from the City's website and other social media. Any issue may be addressed through the app and a response will be provided within 24 hours. This is another new tool for the residents to communicate with us, especially during this period of COVID, and the function of the app is expandable in the future.

- 3.4 Special Event request from Dania Entertainment Center to host a "Drive-in" Movie Theatre at The Casino @ Dania Beach in the southeast parking lot, 301 E. Dania Beach Boulevard, for nine (9) consecutive Saturday evenings from 6:30 p.m. - 10:30 p.m. from August 29 - October 24, 2020 (*Community Development*)

**Commissioner James motioned to approve the Special Event request for a Drive-in Movie Theatre at The Casino @ Dania Beach; seconded by Vice-Mayor Odman. The motion carried unanimously.**

#### 4. Proclamations

There were no proclamations at this meeting.

#### 5. Citizen Comments

There were no comments at this meeting.

#### 6. Public Safety Reports

Captain Daniel Marks, BSO Chief of Police, reported on handling traffic complaints addressed at the last Commission meeting and on recent criminal activity in the City.

Captain Sergio Pellecer, BSO District Fire Chief, reported on a gas leak this past week and thanked BSO Law Enforcement and Public Services for their assistance. He noted Station 1 Captain Brian Phipps and Driver Engineer Richard Sieb would receive their 25-year plaques tomorrow.

#### 7. Consent Agenda

- 7.1 Minutes:  
Approve Minutes of July 28, 2020 Virtual City Commission Meeting

7.2 Travel Requests: None

**Resolutions**

7.3 RESOLUTION #2020-086

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A ONE (1) YEAR RENEWAL OF THE EXISTING AGREEMENT WITH BEACH RAKER, LLC, FOR BEACH CLEANING SERVICES WHICH SERVICES SHALL NOT EXCEED THE ANNUAL AMOUNT OF ONE HUNDRED SIX THOUSAND ONE HUNDRED FORTY TWO DOLLARS AND FORTY CENTS (\$106,142.40); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Parks & Recreation)*

7.4 RESOLUTION #2020-087

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PUBLIC SERVICES DEPARTMENT TO WAIVE THE FORMAL BID PROCESS FOR STORM SEWER AND SEWER MAIN CLEANING AND REPAIR SERVICES AND UTILIZE THE SHENANDOAH GENERAL CONSTRUCTION, LLC AGREEMENT WITH THE BROWARD COUNTY SCHOOL BOARD INVITATION TO BID ("ITB") NO. 15-106C VALID THROUGH MAY 31, 2023, FOR THE TERM OF THE CONTRACT WHICH PURCHASES MAY EXCEED AN ANNUAL VENDOR TOTAL AMOUNT OF TWENTY FIVE THOUSAND DOLLARS (\$25,000.00); AUTHORIZING SUCH PURCHASES TO BE MADE WITHIN THE PUBLIC SERVICES DEPARTMENT'S APPROVED ANNUAL BUDGET APPROPRIATIONS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

7.5 RESOLUTION #2020-088

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, URGING AND REQUESTING THE UNITED STATES CONGRESS TO CONTINUE TO FUND THE FEDERAL PORTION OF UNEMPLOYMENT ASSISTANCE PROGRAMS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING AN EFFECTIVE DATE. *(Commissioner Harris)*

7.6 RESOLUTION #2020-089

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE FINANCE DEPARTMENT TO UTILIZE BALLISTIGLASS FOR THE PURCHASE AND INSTALLATION OF BULLETPROOF PROTECTIVE GLASS IN THE CITY COMMISSION CHAMBER; PROCEEDING WITHOUT COMPETITIVE BIDDING BASED ON COMMISSION DIRECTION DUE TO SAFETY CONCERNS; EXCEEDING THE CITY'S VENDOR ANNUAL VENDOR THRESHOLD TOTAL AMOUNT OF TWENTY FIVE THOUSAND DOLLARS (\$25,000.00); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Human Resources)*

7.7 RESOLUTION #2020-090

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, PURSUANT TO THE GOVERNOR'S EXECUTIVE ORDER 20-69, AND FLORIDA STATUTES SECTION 120.45(5)(b)(2), ADOPTING A PROCESS AND RULES FOR THE USE OF COMMUNICATIONS MEDIA TECHNOLOGY FOR PUBLIC MEETINGS DURING THE DECLARED PUBLIC HEALTH EMERGENCY (COVID-19); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(City Attorney)*

7.8 RESOLUTION #2020-095

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A WORK ORDER AGREEMENT IN AN AMOUNT NOT TO EXCEED ONE HUNDRED NINETEEN THOUSAND NINE HUNDRED SEVENTY-TWO DOLLARS (\$119,972.00) WITH ADVANCED MULTI SIGN CORP. FOR SIGNAGE PRODUCTION AND REPLACEMENT FOR CITY REBRANDING EFFORTS RELATED TO CITY REQUEST FOR QUALIFICATIONS (RFQ) NO. 18-013; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(CRA)*

**Commissioner James motioned to adopt the Consent Agenda; seconded by Commissioner Harris. The motion carried unanimously.**

## 8. Bids and Requests for Proposals

### 8.1 RESOLUTION #2020-091

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO AWARD INVITATION TO BID (“ITB”) NO. 20-002 FOR THE “BULK CHEMICAL PURCHASES FOR WATER PLANT” TO HAWKINS WATER TREATMENT GROUP, INC., A FOREIGN CORPORATION AUTHORIZED TO CONDUCT BUSINESS IN FLORIDA AND D/B/A HAWKINS, INC., IN AN ANNUAL AMOUNT NOT TO EXCEED FIFTY THOUSAND FIVE HUNDRED THIRTY DOLLARS (\$50,530.00); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

City Attorney Ansbro read the title of Resolution #2020-091.

Fernando Rodriguez, Director of Public Services, briefly described the bulk chemical needs of the Water Treatment Plant and the suitability of choosing Hawkins as the supplier.

**Commissioner Harris motioned to adopt Resolution #2020-091; seconded by Commissioner James. The motion carried unanimously.**

## 9. Public Hearings and Site Plans

### 9.1 ORDINANCE #2020-011

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA AMENDING ARTICLE XIII, ENTITLED, “PROHIBITION OF DISTRIBUTION OF PLASTIC STRAWS”, TO EXPAND THE ARTICLE, TO ADD NEW PROVISIONS TO IT FOR REGULATION OF STYROFOAM AND SIMILAR PRODUCTS USED BY THE CITY AND THE DANIA BEACH COMMUNITY REDEVELOPMENT AGENCY (“CRA”) RELATED TO PACKAGING OF FOODS AND BEVERAGES, WHICH ARTICLE APPEARS IN CHAPTER 17, ENTITLED “OFFENSES; MISCELLANEOUS”, OF THE CITY CODE OF ORDINANCES, SUCH NEW PROVISIONS TO INCLUDE ADDITIONAL DEFINITIONS IN CODE SECTION 17-134, AND TO CREATE A NEW SECTION 17-135, RELATING TO STYROFOAM AND SIMILAR PRODUCTS TO PROVIDE FOR THE PROHIBITION OF THE SUPPLY AND USE OF STYROFOAM AND OTHER POLYSTYRENE AND POLYPROPYLENE FOOD AND BEVERAGE ARTICLES BY CITY AND CRA CONTRACTORS AND TEMPORARY VENDORS TO THE CITY AND CRA RELATED TO THE USE OF CITY FACILITIES AND PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)** *(Mayor Lewellen)*

City Attorney Ansbro read the title of Ordinance #2020-011, and gave an overview of the ordinance.

Mayor Lewellen opened the Public Hearing.

Catherine Uden, 1120 Lyontree Street, Hollywood, South Florida Campaign Organizer for Oceana, thanked Mayor Lewellen and the Commission for taking action on single use plastics and foam. She is willing to help with outreach.

Commissioner James noted she would like to get with Ms. Uden to see what the next steps are, although state law restricts us.

Eve Boutsis, Assistant City Attorney, noted the change in language since first reading, at the direction of the Commission, under definitions for “affected person”.

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

**Commissioner Harris motioned to adopt Ordinance #2020-011, on second reading; seconded by Vice-Mayor Odman. The motion carried on the following 4-0 Roll Call vote:**

|                                 |               |                         |            |
|---------------------------------|---------------|-------------------------|------------|
| <b>Commissioner Brandimarte</b> | <b>Absent</b> | <b>Vice-Mayor Odman</b> | <b>Yes</b> |
| <b>Commissioner Harris</b>      | <b>Yes</b>    | <b>Mayor Lewellen</b>   | <b>Yes</b> |
| <b>Commissioner James</b>       | <b>Yes</b>    |                         |            |

## 9.2 ORDINANCE #2020-012

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST, MADE BY ROD A. FEINER, ESQ., ON BEHALF OF 2750 GRIFFIN HOLDINGS, LLC FOR A REZONING (RZ-018-20) AND FLEXIBILITY UNITS ALLOCATION (OT-017-20) FOR PROPERTIES GENERALLY LOCATED AT 2750 GRIFFIN ROAD IN THE CITY OF DANIA BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT “A,” A COPY OF WHICH IS ATTACHED TO THIS ORDINANCE; CHANGING THE CURRENT ZONING CLASSIFICATION OF THE PROPERTIES FROM COMMERCIAL (C-2) AND SINGLE-FAMILY 8000 RESIDENTIAL DISTRICT (RD-8000) TO PLANNED RESIDENTIAL DEVELOPMENT DISTRICT (PRD-1), SUBJECT TO CERTAIN RESTRICTIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)** *(Community Development)*

City Attorney Ansbro read the title of Ordinance #2020-012, Resolution #2020-092 and Resolution 2020-093 as they relate to the same property. He advised these items were quasi-judicial hearings and swore-in those who would speak as they came forward. He asked the Commission to disclose any communication they had on these matters.

Mayor Lewellen and Commissioners Harris and James noted they had communication with the developer.

Corinne Lajoie, Planning & Zoning Manager, briefly described the rezoning and flexibility units allocation, and gave a presentation on the site plan, variance and plat requests.

Attorney Rod Feiner, Coker & Feiner, representing the applicant, gave a brief presentation on the requests.

Commissioner James questioned the drainage upgrades to the street, and noted a lot of drainage has nowhere to go.

Attorney Feiner explained the drainage improvements to SW 28<sup>th</sup> Avenue and SW 27<sup>th</sup> Terrace.

Mayor Lewellen thanked the developer for their outreach to the residents.

Commissioner Harris agreed and spoke of the numerous meetings held in the community.

Attorney Feiner noted they would file a declaration restricting the rental apartments to market rate rentals and not Section 8 or low income housing; this restrictive covenant would be added as a new condition to Resolution #2020-092.

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

**Commissioner Harris motioned to adopt Ordinance #2020-012, on second reading; seconded by Commissioner James. The motion carried on the following 4-0 Roll Call vote:**

|                                 |               |                         |            |
|---------------------------------|---------------|-------------------------|------------|
| <b>Commissioner Brandimarte</b> | <b>Absent</b> | <b>Vice-Mayor Odman</b> | <b>Yes</b> |
| <b>Commissioner Harris</b>      | <b>Yes</b>    | <b>Mayor Lewellen</b>   | <b>Yes</b> |
| <b>Commissioner James</b>       | <b>Yes</b>    |                         |            |

#### 9.3 RESOLUTION #2020-092

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE SITE PLAN (SP-022-020), SUBMITTED BY 2750 GRIFFIN LIVING, LLLP FOR PROPERTY LOCATED AT 2750 GRIFFIN ROAD AND OTHER ADJACENT PARCELS IN THE CITY OF DANIA BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A," A COPY OF WHICH IS ATTACHED TO THIS RESOLUTION; APPROVING A VARIANCE (VA-023-20) FROM SECTION 205-10(B) FOR A FIVE FOOT SETBACK WHEN A TWENTY FOOT SETBACK IS REQUIRED; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (*Community Development*)

**Commissioner Harris motioned to adopt Resolution #2020-092, as amended, with the addition of a restrictive covenant identifying that the units will be market rate; seconded by Commissioner James. The motion carried on the following 4-0 Roll Call vote:**

|                                 |               |                         |            |
|---------------------------------|---------------|-------------------------|------------|
| <b>Commissioner Brandimarte</b> | <b>Absent</b> | <b>Vice-Mayor Odman</b> | <b>Yes</b> |
| <b>Commissioner Harris</b>      | <b>Yes</b>    | <b>Mayor Lewellen</b>   | <b>Yes</b> |
| <b>Commissioner James</b>       | <b>Yes</b>    |                         |            |

#### 9.4 RESOLUTION #2020-093

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING A PLAT (PL-99-19) SUBMITTED BY THE PROPERTY OWNER 2750 GRIFFIN HOLDINGS, LLLP FOR PROPERTY LOCATED AT 2750 GRIFFIN ROAD, IN THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (*Community Development*)

**Commissioner Harris motioned to adopt Resolution #2020-093; seconded by Commissioner James. The motion carried on the following 4-0 Roll Call vote:**

|                                 |               |                         |            |
|---------------------------------|---------------|-------------------------|------------|
| <b>Commissioner Brandimarte</b> | <b>Absent</b> | <b>Vice-Mayor Odman</b> | <b>Yes</b> |
| <b>Commissioner Harris</b>      | <b>Yes</b>    | <b>Mayor Lewellen</b>   | <b>Yes</b> |
| <b>Commissioner James</b>       | <b>Yes</b>    |                         |            |

#### 9.5 ORDINANCE #2020-013

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST MADE BY THE APPLICANT CCI PROPERTIES 1, INC. TO AMEND CHAPTER 28, ENTITLED "LAND DEVELOPMENT CODE," OF THE CITY CODE OF ORDINANCES BY AMENDING PART 1, ENTITLED "USE REGULATIONS," ARTICLE 105, ENTITLED USE REGULATIONS FOR RESIDENTIAL AND OPEN SPACE ZONING DISTRICTS," AT SECTION 105-220, ENTITLED "PRD-1 DISTRICT SUPPLEMENTAL REGULATIONS;" AMENDING PART 2, ENTITLED "SITE DEVELOPMENT REGULATIONS," ARTICLE 205 ENTITLED "TABULAR SUMMARY OF SITE DEVELOPMENT STANDARDS FOR ALL ZONING DISTRICTS," AT SECTION 205-10(B) "PRD-1 AND MULTIPLE-FAMILY DISTRICTS" IN ORDER TO PROVIDE BONUS DENSITY CRITERIA, INCLUDING, BUT NOT LIMITED TO AFFORDABLE HOUSING; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)** (*Community Development*)

City Attorney Ansbro read the title of Ordinance #2020-013 and swore-in those who would speak as they came forward.

Corinne Lajoie, Planning & Zoning Manager, gave an overview of the text amendment.

Commissioner James questioned which property this is in reference to.

Planning & Zoning Manager Lajoie responded it is close to the edge of the city, near 441 and Griffin, closer to the canal.

Commissioner James spoke of discussions about affordable housing concerns going on now and she wants to make sure we do not have any additional obligations when it comes to new projects for Commission approval.

Vice-Mayor Odman asked what the price point is of the affordable housing.

Attorney Debbie Orshefsky, Holland & Knight, representing the applicant, gave a PowerPoint presentation which is attached to and incorporated into these minutes.

Eric Metz, Development Management Team, addressed the market rates and affordable rates of the units.

Vice-Mayor Odman asked for confirmation of the market rates described by Mr. Metz.

Attorney Orshefsky explained the market and affordable housing rates.

Vice-Mayor Odman asked if anything could be done to lower the price point on the developer's end.

Attorney Orshefsky explained the County's Land Use Plan and noted they could refine the provision with staff.

Vice-Mayor Odman thought the affordable housing component was actually going to be affordable.

Commissioner James asked how many units there would be.

Attorney Orshefsky responded 275 units in the current proposal.

Commissioner James agreed with Vice-Mayor Odman and questioned the unit sizes.

Attorney Orshefsky explained the affordable units would not be any different in size.

Mr. Metz further clarified the unit sizes and rental ranges.

Attorney Orshefsky addressed reporting requirements.

Discussion continued regarding the affordable housing component and the community where the proposed project is to be located.

Commissioner James felt she could not support this request since there was no community outreach.

Attorney Orshefsky noted a text amendment is a legislative action and mailed notice was not required.

Commissioner James said her concern is that the residents do not know what is coming and she would like to defer this item until we know what the residents think.

Attorney Orshefsky noted the developer would have to come back for re-zoning after approval of the text amendment.

Commissioner James felt there is not an affordable component to this development. She understands how the process works.

Commissioner Harris confirmed that if this passes, this would trigger notification to the residents of the re-zoning and other components of the process to come.

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 continue this item until it is taken to the community.**

Attorney Orshefsky noted second reading of this ordinance would not come to the Commission for another month or so and they would be willing to go out to the community. They would also attempt to capture income affordability levels of the communities. The County is moving in the same direction as the Commission regarding AMI. They can work with staff and follow where the County is going to incorporate different thresholds to capture a broader income range in terms of affordability.

Vice-Mayor Odman felt Attorney Orshefsky understood the Commission's concern with affordability. She also felt that by working with staff, the developer could make adjustments to contact the adjacent neighborhood for input.

**Vice-Mayor Odman seconded the motion.**

Mayor Lewellen felt since this is first reading, there is time before second reading for them to reach out to the community.

In response to Commissioner James, City Attorney Ansbro explained the Commission's possible voting outcomes for the Ordinance.

Attorney Orshefsky noted they do not want to put the Commission in an uncomfortable situation; they are confident they can have community outreach and work out the issues.

Commissioner James withdrew her motion, with the concurrence of Vice-Mayor Odman.

**Commissioner Harris motioned to continue Ordinance #2020-013, on first reading, until the September 24, 2020 City Commission meeting at 7:00 p.m.; seconded by Commissioner James. The motion carried on the following 4-0 Roll Call vote:**

|                                 |               |                         |            |
|---------------------------------|---------------|-------------------------|------------|
| <b>Commissioner Brandimarte</b> | <b>Absent</b> | <b>Vice-Mayor Odman</b> | <b>Yes</b> |
| <b>Commissioner Harris</b>      | <b>Yes</b>    | <b>Mayor Lewellen</b>   | <b>Yes</b> |
| <b>Commissioner James</b>       | <b>Yes</b>    |                         |            |

#### 9.6 RESOLUTION #2020-094

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, INVOKING ZONING IN PROGRESS; DECLARING THAT THE CITY IS CONSIDERING AN AMENDMENT TO ITS LAND DEVELOPMENT REGULATIONS TO CREATE A ZONING OVERLAY DISTRICT, TO CREATE ARTICLE 826 TO BE ENTITLED "HARGER OAK HAMMOCK TREE CANOPY OVERLAY" UNDER THE CITY'S LAND DEVELOPMENT CODE (LDC) OF THE CITY OF DANIA BEACH CODE, AND APPROVING THE APPLICATION REQUEST (TX-065-20), MADE BY THE CITY OF DANIA BEACH TO CREATE A ZONING OVERLAY FOR THE GENERAL VICINITY OF THE RESIDENTIAL LOTS ON SW 36 TERRACE, SW 37 AVENUE AND SW 37 TERRACE, STRETCHING FROM STIRLING ROAD NORTH FOR

APPROXIMATELY 1,280 LINEAR FEET, TO THE END OF THE STREETS, AND INCLUDES APPROXIMATELY 30 GROSS ACRES AND 74 PARCELS, IN THE CITY OF DANIA BEACH, FLORIDA, WHICH PROPERTY IS LEGALLY DESCRIBED IN EXHIBIT "A," A COPY OF WHICH IS ATTACHED TO THIS RESOLUTION; PROVIDING FOR AN OAK HAMMOCK TREE CANOPY OVERLAY FOR THE AREA IDENTIFIED IN ORDER TO PROTECT THE HISTORIC HERITAGE TREE CANOPY OF THIS OAK HAMMOCK, SUBJECT TO CERTAIN STANDARDS AND RESTRICTIONS; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

City Attorney Ansbro read the title of Resolution #2020-094 and gave an overview of the item and the proposed tree canopy ordinance. He advised this item was a quasi-judicial hearing and swore-in those who would speak as they came forward.

Mayor Lewellen opened the Public Hearing.

Stephanie Jofe, 5880 SW 37th Terrace, read comments in support for an ordinance to designate the Harger Hills Oak Hammock a canopy protection zone.

Harvey J. Sepler, 5840 S.W. 37th Terrace, spoke in support of a tree canopy ordinance and noted there is a way around state statute.

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

**Commissioner James motioned to adopt Resolution #2020-094; seconded by Commissioner Harris. The motion carried on the following 4-0 Roll Call vote:**

|                                 |               |                         |            |
|---------------------------------|---------------|-------------------------|------------|
| <b>Commissioner Brandimarte</b> | <b>Absent</b> | <b>Vice-Mayor Odman</b> | <b>Yes</b> |
| <b>Commissioner Harris</b>      | <b>Yes</b>    | <b>Mayor Lewellen</b>   | <b>Yes</b> |
| <b>Commissioner James</b>       | <b>Yes</b>    |                         |            |

#### 10. Discussion and Possible Action

##### 10.1 Discussion of status of lease and revenue sharing payments at Quarterdeck Restaurant, Dania Beach Pier - Frank DiPaolo, Director of Finance

City Attorney Ansbro noted City administration held discussions with the Quarterdeck managing team regarding rent and revenue sharing concessions through the end of the current lease agreement. Staff is recommending rental abatement. Quarterdeck management does have additional requests, but City staff has to evaluate and will come back to the Commission with their other asks.

Commissioner James felt this is a wonderful gesture on behalf of the Commission and she supports this.

City Manager Garcia noted there were so many times the Quarterdeck has had to close; they are an institution at the beach.



Mayor Lewellen noted they are doing the best they can under the circumstances and she supports this.

City Attorney Ansbro explained staff would bring a package to the Commission on September 24<sup>th</sup> for their consideration.

#### 10.2 Rescheduling of Strategic Master Plan - City Manager Garcia

City Manager Garcia noted in her experience, strategic planning sessions necessitate in-person meetings and recommended we wait until January, February or March of next year to continue with the process. The Purchase Order would be able to be rolled over to next year.

The Commission consensus was to defer the Strategic Master Plan.

#### 10.3 Proposal for cell phone tower at Boisey Waiters Park property - Eve Boutsis, Assistant City Attorney & Frank DiPaolo, Director of Finance

Finance Director DiPaolo explained staff was approached a few months ago about a cell phone tower. This company has a tower at Dania Pointe, but it needs to be relocated. They have asked to use the Boisey Waiters site, originally to be on the west side and we asked them to move it to the east side. He gave a PowerPoint presentation of the financial terms and location, which is attached to and incorporated into these minutes.

Commissioner James asked how tall the tower would be.

Finance Director DiPaolo responded 120 feet.

Mayor Lewellen questioned if this could open us up to putting in a 4G cell tower.

City Manager Garcia said no, this has nothing to do with that subject matter.

Assistant City Attorney Boutsis noted the Commission could decide upon a more aesthetic design.

Commissioner Harris suggested a Welcome to Dania Beach or Sea it, Live it, Love it text on the design.

Finance Director DiPaolo replied the Commission would ultimately decide the final design renderings.

Commissioner James asked how much revenue this would generate.

Finance Director DiPaolo said \$30,000 the first year, then increases of 2.5% each year after, in addition to one-time fees and a bonus.

Commissioner James wants to make sure that there are no stipulations and right-of-way restrictions for neighboring property.

Assistant City Attorney Boutsis explained access rights to the property and an easement of 2,500-3,000 square feet of the property.

Commissioner James asked how long the agreement would be.

Finance Director DiPaolo responded 10 years, with subsequent 5-year options, for 25 years.

Assistant City Attorney Boutsis said the property could be sold with the agreement in place.

City Manager Garcia added we could also carve it out.

Commissioner James supported moving forward and staff coming back with details.

Commissioner Harris asked if we could write in the agreement that we could use the tower for free for citywide Wi-Fi.

Assistant City Attorney Boutsis responded yes, we just have to be sure it does not interfere with their signals.

The Commission consensus was to move forward with this item.

## 11. Commission Comments

### 11.1 Commissioner Brandimarte

Commissioner Brandimarte was absent.

### 11.2 Commissioner Harris

Commissioner Harris noted the Olsen project was on the County School Board agenda, and thanked the City Manager, Mayor, and Ann Murray for their efforts in getting the matter passed.

Commissioner Harris commented Deerfield Beach has a camera at the water line but also under the water; maybe we want to look at this with the Quarterdeck.

Commissioner Harris thanked everyone for doing a great job. He enjoyed speaking with Stephanie Jofe about the history of oak trees.

### 11.3 Commissioner James

Commissioner James thanked everyone involved with the Olsen project and wanted to know what the plan is for the land since she did not attend the meetings.

Commissioner James questioned how many confederate soldiers were buried in our cemeteries.

City Attorney Ansbro responded he worked with Public Services and identified there was only one soldier in the eastern cemetery. We have deleted the provision to allow confederate flags to be placed there while we research restrictions. The legalities of permissibility are still been investigated.

Commissioner James wants to take a stand against the placement of a confederate flag; this is an opportunity to make a statement from the City.

Commissioner James said she would get with the City Manager about where the CARES Act funds are going.

#### 11.4 Vice-Mayor Odman

Vice-Mayor Odman noted everyone is heartened to see many of our businesses are coming back; we need to remain mindful of the pandemic. There are a lot more tools in the tool kit, and she hopes everyone remains mindful that we still have a long way to go with the pandemic.

#### 11.5 Mayor Lewellen

Mayor Lewellen spoke of the Olsen School effort and thanked Mimi Donly, Pat Chuckerman, and Patty Hart. She noted the plan is not to build condominiums; whatever is built, the project will benefit the residents and School Board.

Mayor Lewellen also spoke of the CARES Act. She noted there was a meeting today; there is an ILA approved that grants funding requested and a breakdown of what the cities will receive from it. The committee submitted certain things for the County to favor the committee's recommendation. She addressed County rental assistance relief for renters and the idea is for cities to complement the program.

### 12. Appointments

12.1 Complete Count Advisory Committee – no appointments

12.2 Creative Arts Council Advisory Board – no appointments

12.3 General Employees Pension Board – no appointments

12.4 Green Advisory Board – no appointments

12.5 Police and Fire Pension Board

The Commission appointed Patricia Fuccile to fill Scott Clark's unexpired term ending March 2023.

**Commissioner Harris motioned to approve the appointments; seconded by Vice-Mayor Odman. The motion carried unanimously.**

### 13. Administrative Reports

#### 13.1 City Manager

City Manager Garcia thanked everyone involved with the demolition project of the old Olsen School; we will workshop this as to what could be done on the property. Public Services has undertaken landscaping of all the Dania Beach welcome signs. She is excited about our new reporting and tracking app; with it, we will be able to get everything we need from our residents. Finance Director DiPaolo is keeping a running tally on all expenses related to COVID. She is sure we can work out an accommodation for the Quarterdeck. She also spoke of the temperature reader, metal detector and protective measures taken in City Hall.

#### 13.2 City Attorney

City Attorney Ansbro noted former City Manager Ivan Pato's wife and former County Attorney Phillip Saylor had recently passed.

#### 13.3 City Clerk - Reminders

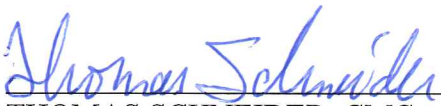
Tuesday, September 8, 2020 – 5:00 p.m.  
Monday, September 14, 2020 - 5:30 p.m.  
Monday, September 14, 2020 - 7:00 p.m.  
Thursday, September 24, 2020 - 7:00 p.m.

City Commission Budget Workshop  
CRA Board Meeting  
City Commission Meeting  
City Commission Meeting

### 14. Adjournment

Mayor Lewellen adjourned the meeting at 10:01 p.m.

ATTEST:

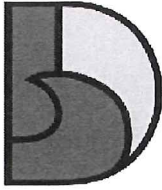
  
THOMAS SCHNEIDER, CMC  
CITY CLERK



CITY OF DANIA BEACH

  
LORI LEWELLEN  
MAYOR

Approved: September 24, 2020



DANIA BEACH  
SEA IT. LIVE IT. LOVE IT.

**REQUEST TO ADDRESS  
CITY COMMISSION AT REGULAR  
OR SPECIAL  
VIRTUAL MEETINGS**

#5  
DID NOT SPEAK

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: August 25, 2020

PRINT NAME: Kayri Pozo

ADDRESS: 1101 w Dania beach blvd

PHONE NO. (Optional): 954-213-4012

**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:**

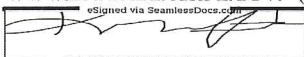
Dania Beach Housing Authority and new low income apartments concerns

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.

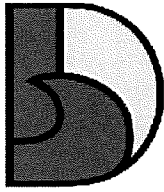
ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE WITH REGARD TO ANY MATTER CONSIDERED AT THIS MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDING, AND FOR SUCH PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH 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 TWO HUNDRED FIFTY DOLLARS (\$250.00) REGISTRATION FEE FOR EACH PRINCIPAL OR EMPLOYER. REGISTRATION FORMS ARE AVAILABLE ON THE CITY WEBSITE: [WWW.DANIABEACHFL.GOV](http://WWW.DANIABEACHFL.GOV). (ORDINANCE #2012-019; AMENDED BY ORDINANCE #2019-019)

  
eSigned via SeamlessDocu.com

Key: 26baa7e44b2020ed70542d9d711b41

08/25/2020



DANIA BEACH  
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## REQUEST TO ADDRESS CITY COMMISSION AT REGULAR OR SPECIAL VIRTUAL MEETINGS

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DATE OF COMMISSION MEETING: August 25, 2020

PRINT NAME: Catherine Uden

ADDRESS: 1120 Lyontree St. Hollywood 33019

PHONE NO. (Optional): 954261-5438

**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:

Thank you so much to Mayor Lewellen and the city of Dania Beach for taking action on single use

2) ☒        PUBLIC HEARINGS – ITEM # 9-2020- (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.

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*Catherine Uden*

Key: 20baa7c64b2020cd70542d9d9711b41

08/24/2020



# City of Dania Beach Zoning Text Amendment

August 25, 2020

# Text Amendment Provision

---

The multi-family use may be in a single use residential building and have a density of fifty (50) units per acre provided that the following criteria are met:

- Access to a State Road without the necessity of another public road
- Inclusion of 15% affordable housing
  - Income restricted for 30 years
  - Up to 120% AMI
- Multi-family has shared vehicle and pedestrian access with an existing or proposed commercial use
- Multi-family use is within a quarter mile of an existing or proposed transit stop





Hollywood

Dania Beach



Hollywood

Dania Beach

Dania Beach

Hollywood





# North Elevation



**View Southwest**

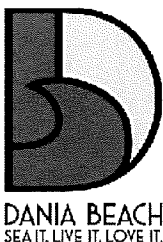
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#9.6



## REQUEST TO ADDRESS CITY COMMISSION AT REGULAR OR SPECIAL VIRTUAL MEETINGS

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DATE OF COMMISSION MEETING: August 25, 2020

PRINT NAME: Stephanie Jofe

ADDRESS: 5880 SW 37th Terrace, Ft Lauderdale, FL 33312W 37th Terrace

PHONE NO. (Optional): (954)292-3030

**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:**

Support for an ordinance to designate the Harger Hills Oak Hammock a "Canopy Protection

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

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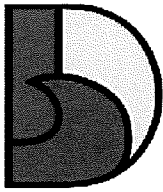
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*Stephanie Jofe, M.D.*

eSigned via SeamlessDoc.com  
Key: 29baa7c44b2020cd70542d9d8711b31

08/16/2020

#9.6



DANIA BEACH  
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DATE OF COMMISSION MEETING: August 25, 2020

PRINT NAME: Harvey J. Sepler J. Sepler, Ph.D., J.D.

ADDRESS: 5840 S.W. 37th Terrace, Fort Lauderdale, FL

PHONE NO. (Optional): (954) 663-1599

### PLEASE CHECK ONE OR BOTH OF THE BOXES BELOW:

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### PLEASE BRIEFLY DESCRIBE THE SUBJECT MATTER OF YOUR COMMENT:

Canopy Protection Zone

\_\_\_\_\_

\_\_\_\_\_

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*Harvey J. Sepler*

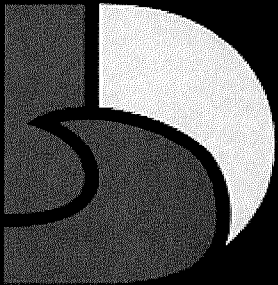
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08/15/2020

# COMMUNICATIONS TOWER LEASE PROPOSAL

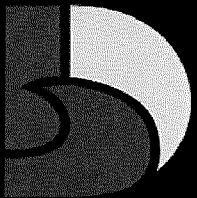
CITY OF DANIA BEACH  
FINANCE DEPARTMENT

AUGUST 25, 2020



# PRINCIPAL FINANCIAL TERMS

- 10 YEAR INITIAL TERM + FOUR (4) FIVE-YEAR RENEWALS
- ANNUAL LEASE REVENUE = \$30,000 + 2.5% ANNUAL CPI INCREASE
- OPTION FEE \$2,000 + \$10,000 SIGNING BONUS UPON COMMENCEMENT OF CONSTRUCTION
- ADDITIONAL COLLOCATIONS - \$5,000 SIGNING BONUS + 20% SHARE OF LEASE REVENUE
- LESSEE TO PAY ANY DOCUMENTED INCREASE IN PROPERTY TAXES



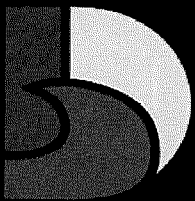
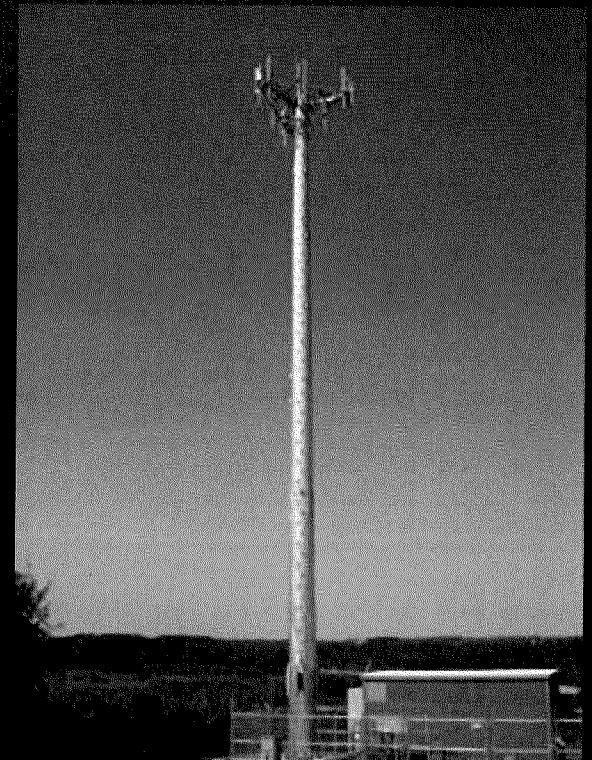
# LOCATION

- NORTHEAST CORNER OF EAST SIDE OF BOISEY WAITERS PARCEL
- 3,600 SQUARE FOOT LEASE AREA AND ACCESS EASEMENT SHOWN BELOW:

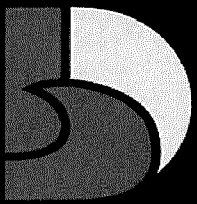


# COMMUNICATIONS TOWER

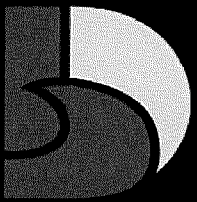
- MONOPOLE DESIGN WITH EQUIPMENT OBSCURED FROM PUBLIC VIEW
- TOWER HEIGHT – APPROXIMATELY 120 FEET
- CURRENTLY LEASING TO MULTIPLE CARRIERS



# DESIGN RENDERINGS (LOOKING WEST)

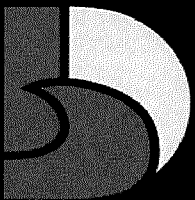


# DESIGN RENDERINGS (LOOKING SOUTH)



# RECOMMENDATION

- AUTHORIZE STAFF TO NEGOTIATE FURTHER WITH PROPOSER TO FINALIZE TERMS AND AGREEMENT FOR CITY COMMISSION APPROVAL
- QUESTIONS?



THANK YOU!

