

MINUTES OF HYBRID REGULAR MEETING
DANIA BEACH CITY COMMISSION
TUESDAY, JANUARY 11, 2022 – 7:00 P.M.

1. Call to Order/Roll Call

Mayor James called the meeting to order at 7:03 p.m.

Present:

Mayor:	Tamara James
Vice-Mayor:	Marco A. Salvino, Sr. – via virtual attendance
Commissioners:	Joyce L. Davis
	Lori Lewellen
	Lauren Odman – via virtual attendance
City Manager:	Ana M. Garcia, ICMA-CM
City Attorney:	Eve Boutsis
City Clerk:	Thomas Schneider

Commissioner Lewellen motioned to excuse the virtual appearances of Vice-Mayor Salvino and Commissioner Odman; seconded by Commissioner Davis. The motion carried unanimously.

2. Moment of Silence and Pledge of Allegiance

Mayor James called for a moment of silence followed by the Pledge of Allegiance to the United States Flag.

3. Presentations and Special Event Approvals

3.1 Dania Beach Clean Energy Center presentation by Ben Wesley, FPL

Mr. Wesley noted construction of the energy center would be completed in the next few days and gave an update on the plant, which will have a June start. He is pleased to be working with City staff and they are planning a tour for the elected officials.

Mayor James thanked FPL for the investment in Dania Beach.

Commissioner Lewellen thanked Mr. Wesley for his outreach with the community.

3.2 Update on Marine Industry Grant Program - Commissioner Lewellen

Commissioner Lewellen noted there were difficulties with people jumping in and using the money allocated for this program. She explained the program and addressed the three additional people who have applied since the last update. She recognized Josh Gaboton for his assistance with the program and others who have helped. We have not used all the money allocated and are discussing opening it up to other industries such as healthcare and IT. She would like to come back with an item for approval by the Commission to amend the program. The good news is the program is getting more traction and attention.

Mayor James noted that if this one program is not working out, she would rather not bring on other programs under it but instead use Commission contingency money for the new programs.

Commissioner Lewellen explained it would not be a different program, it would just add more industries to the existing program. A new program takes a lot of work to get it off the ground; this program has been successful, and she would like to add to it. The money is there, and they are using it for its intended purpose.

3.3 RAC dwelling unit update by Corinne Lajoie, Assistant Director of Community Development

Community Development Assistant Director Lajoie gave a PowerPoint presentation which is attached to and incorporated into these minutes.

Mayor James referenced the 15% for affordable housing.

Assistant Community Development Director Lajoie said it is per the definition of affordable housing.

City Attorney Boutsis noted the Commission may want to schedule a workshop to discuss the RAC units (item 9.1) and development moratorium (item 10.3).

Mayor James said she would defer to Commissioner Odman.

Commissioner Odman asked that discussion about a workshop be deferred until item 10.3.

3.4 Special Event request by the City of Dania Beach and MLK Committee to host the Annual Martin Luther King, Jr. Parade and Celebration on January 17, 2022. The applicant is requesting the following: Special Event fee waiver of \$150.00; Port-o-lets for CW Thomas Park; BSO Police Escort Detail for the parade; and BSO Security Detail at C.W. Thomas Park for the festivities. (*Parks & Recreation*)

Mayor James noted the MLK activities have been cancelled because of COVID and the committee would use the money for additional scholarships for the children of Dania Beach residents who have gone off to college, to support their financial status with their institutions.

3.5 Special Event request from The Florida MarketPlace Group LLC to host “Griffin Road MarketPlace” to be held every Saturday beginning January 15, 2022, through

May 1, 2022, in the parking lot at Community Bible Church, 4650 SW 30th Avenue, from 10:00 a.m. - 5:00 p.m. (*Community Development*)

Mayor James asked if this would be like a food flea market or a smaller version of the Dania After Dark event.

Eleanor Norena, Director of Community Development, addressed what would be offered at the event.

Mayor James expressed concern for the people in the surrounding area since this will be every Saturday from January through May.

Community Development Director Norena noted they would monitor the property and based on the site plan, there looks to be plenty of parking and plenty of area for the event.

Mayor James asked if the Commission could remove their approval if there are issues.

City Attorney Boutsis said the Commission has the authority to do so.

Commissioner Lewellen motioned to approve the Special Event request for the Griffin Road MarketPlace; seconded by Commissioner Davis. The motion carried unanimously.

- 3.6 Amendment to the Special Event request from the City of Dania Beach Community Redevelopment Agency (CRA) to host “Dania After Dark” on December 4, 2021, and on the second Saturday of each month in 2022, up to and including November 12, 2022 from 5:00 p.m. - 10:00 p.m. The CRA has submitted an amended application to include the adjacent businesses to participate in this event. (*Community Development*)

Mayor James said she wants to be sure that any other vendor that signs up for Dania After Dark and has the right credentials and license are able to be a vendor at the event.

City Attorney Boutsis responded yes.

Commissioner Odman motioned to approve the Amendment to the Special Event request for Dania After Dark; seconded by Commissioner Davis. The motion carried unanimously with Commissioner Lewellen abstaining due to a conflict of interest.

4. Proclamations

4.1 Dania Beach School Choice Week - Mayor James

Mayor James read the proclamation for Dania Beach School Choice Week.

5. Citizen Comments

There were no comments at this meeting.

6. Public Safety Reports

Captain Daniel Marks, BSO Chief of Police, reported on recent criminal activity in the City and the 240 Zone (Dania Pointe), and gave updates on their homeless outreach.

Captain Sergio Pellecer, BSO District Fire Chief, gave an update on departmental activities including call volumes in December, fire inspections, and staffing of the second rescue truck out of Station 1. The SAFER grant application has opened and the deadline for the application is February 4, 2022. He needs Commission consensus to move forward with the grant application. He has met with City Manager Garcia, Finance Director DiPaolo and Grants Administrator Donnelly who all support the application.

The Commission consensus was to move forward with the grant application.

Mayor James questioned the grant writer request component.

City Manager Garcia explained that this may need a specialist.

Mayor James asked if this is a grant writer outside of what we already have.

City Manager Garcia said if needed.

Mayor James asked if we have funds for this.

Finance Director DiPaolo explained we do not have money budgeted for this as this is new and he addressed potential funding sources.

Mayor James asked for numbers to be brought back for staffing.

Finance Director DiPaolo said we will have all the financial estimates from BSO. They will give us estimates for those positions covered by the grant and those that will not be covered.

Mayor James noted Chief Pellecer said it would be delivered in 12-14 months and asked if this is a decision that does not have to be made right now.

Finance Director DiPaolo said if we do obtain the grant, we will have to budget for the unfunded positions in the coming budget year.

Commissioner Lewellen commented she believes in the past we have requested the SAFER Grant and maybe we need to check with whoever did it for us then. It may be someone that we

are still using now and may not require the assistance of a specialist, or it could be minimal work of a specialist.

Chief Pellecer thanks the Commission for their support.

7. Consent Agenda

7.1 Minutes: None

7.2 Travel Requests: None

Resolutions

7.3 RESOLUTION #2021-190

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH CAREERSOURCE BROWARD ("CSBD") FOR A SUMMER YOUTH EMPLOYMENT PROGRAM; TO PROVIDE SUMMER EMPLOYMENT OPPORTUNITIES TO FOURTEEN (14) YOUTH RESIDENTS OF DANIA BEACH, IN AN AMOUNT NOT TO EXCEED FIFTY THOUSAND DOLLARS (\$50,000.00); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Continued from December 14, 2021) (Finance)*

7.4 RESOLUTION #2022-001

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS BY VARIOUS CITY DEPARTMENTS FOR SERVICES TO BE OBTAINED FROM DECOTA CONSTRUCTION, INC., FOR VARIOUS CONSTRUCTION PROJECTS FOR FISCAL YEAR 2021-2022 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)*

7.5 RESOLUTION #2022-002

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT WITH P.C. CONTROLS, INC., FOR REPAIR AND CALIBRATION OF FLOW METERS AND RELATED DEVICES FOR THE WATER TREATMENT PLANT AND SEWER FACILITIES USING AVAILABLE PRICING FROM THE TOWN OF DAVIE CONTRACT NO. ITB-RM-21-04, WITH P.C. CONTROLS, INC., WHICH EXPIRES ON NOVEMBER 17, 2022, FOR FUTURE REPAIRS THAT MAY EXCEED AN ANNUAL VENDOR TOTAL AMOUNT OF TWENTY FIVE THOUSAND DOLLARS (\$25,000.00), WITHOUT COMPETITIVE BIDDING AND AUTHORIZING SUCH PURCHASES THAT ARE TO BE MADE WITHIN THE PUBLIC SERVICES DEPARTMENT'S APPROVED ANNUAL BUDGET APPROPRIATIONS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

7.6 RESOLUTION #2022-003

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE TWO (2) WANCO DIGITAL MESSAGE BOARDS FOR THE PUBLIC SERVICES DEPARTMENT IN AN AMOUNT NOT TO EXCEED THIRTY FOUR

THOUSAND ONE HUNDRED NINETY DOLLARS (\$34,190.00) FROM VETTED SECURITY SOLUTIONS, WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS, BY UTILIZING THE PRICING UNDER THE FLORIDA SHERIFFS ASSOCIATION ("FSA") CONTRACT FSA20-EQUI18.0; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

7.7 RESOLUTION #2022-004

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS BY THE PUBLIC SERVICES DEPARTMENT FOR MAINTENANCE SERVICES PROVIDED BY THE FLORIDA EAST COAST RAILWAY, LLC., FOR FISCAL YEAR 2021-2022 (ENDING SEPTEMBER 30, 2022), THAT EXCEEDS AN ANNUAL VENDOR TOTAL AMOUNT OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00); PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

7.8 RESOLUTION #2022-005

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT AGREEMENT FOR VARIOUS DEPARTMENTS TO UTILIZE TEMPORARY EMPLOYMENT SERVICES TO BE OBTAINED FROM VARIOUS EMPLOYMENT VENDORS UNDER THE SOUTHEAST FLORIDA GOVERNMENT PURCHASING COOPERATIVE GROUP CONTRACT #19-D-112F, WHICH AMENDMENT WILL EXTEND THE AGREEMENT THROUGH JULY 14, 2022 AND MAY EXCEED AN ANNUAL VENDOR THRESHOLD 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. *(Human Resources)*

Commissioner Lewellen motioned to adopt the Consent Agenda; seconded by Commissioner Davis. The motion carried unanimously.

8. Bids and Requests for Proposals

There were no proposals on this agenda.

9. Public Hearings and Site Plans

9.1 ORDINANCE #2022-001

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 28 OF THE CITY CODE OF ORDINANCES WHICH CHAPTER IS ENTITLED "LAND DEVELOPMENT CODE," SUBPART 1, ENTITLED "COMMUNITY REDEVELOPMENT AREA (CRA) FORM-BASED ZONING DISTRICTS", ARTICLE 300, ENTITLED "HOW TO USE," AT SECTION 300-10, ENTITLED "THE CRA INCLUDES SIX FORM-BASED DISTRICTS"; AMENDING SECTION 300-30, ENTITLED "HOW TO DETERMINE THE BUILDABLE AREA OF A LOT, ALLOWABLE DENSITY AND BUILDING HEIGHT;" AMENDING ARTICLE 301, ENTITLED "LEGAL AND ADMINISTRATIVE PROVISIONS," AT SECTION 301-20, ENTITLED "APPLICABILITY" TO FURTHER ADDRESS REGIONAL ACTIVITY CENTER (RAC) FUTURE LAND USE DESIGNATIONS AS IDENTIFIED IN THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)** *(Community Development)*

City Attorney Boutsis read the title of Ordinance #2022-001 and noted staff is requesting this item be continued to February 8th. The ordinance has generated some discussion and concern in the community, and she needs to do further research.

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

Commissioner Lewellen motioned to continue Ordinance #2022-001, on second reading, until the February 8, 2022 City Commission meeting at 7:00 p.m.; seconded by Commissioner Davis. The motion carried unanimously.

9.2 ORDINANCE #2022-004

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, RELATING TO UPDATE OF CERTAIN PROVISIONS OF CHAPTER 28, ENTITLED "LAND DEVELOPMENT CODE" (THE "LDC") BY: (1) AMENDING SECTION 105-180, ENTITLED "E-1 DISTRICT;" TO ADD REFERENCE TO NEWLY ENACTED STATE LEGISLATION AFFECTING THE ESTATE RESIDENTIAL USE DISTRICTS; (2) BY AMENDING SECTION 110-20, ENTITLED "LIST OF PERMITTED, SPECIAL EXCEPTION AND PROHIBITED USES" TO CLARIFY REGULATIONS FOR KENNELS AND VETERINARIANS; (3) BY AMENDING SECTION 110-100, ENTITLED "HOTELS" TO PERMIT HOTEL SHUTTLE VEHICLES TO PARK AT HOTELS; (4) BY AMENDING SECTION 110-320, ENTITLED "MOBILE FOOD VENDING CONDITIONS OF USE" TO ADDRESS THE SUNSET PROVISION; (5) BY AMENDING SECTION 110-190, ENTITLED "USES SUBJECT TO MINIMUM SEPARATION DISTANCES" TO SPECIFY DOOR-TO-DOOR DISTANCE SEPARATION MEASUREMENT; (6) BY AMENDING SECTION 215-50, ENTITLED "PERMITTED YARD ENCROACHMENTS IN THE E-1, RS-18000, RS-12000, RS-8000, RS-6000, NBHD-RES, AND RD-8000 DISTRICTS;" (7) BY AMENDING SECTION 215-60, ENTITLED "PERMITTED YARD ENCROACHMENTS IN THE RM, RM-1 AND RM-2 DISTRICTS;" (8) BY AMENDING SECTION 215-90, ENTITLED "ACCESSORY STRUCTURE SETBACKS" TO CLARIFY AIR CONDITIONING UNIT SETBACKS FOR MOBILE HOMES; (9) BY AMENDING SECTION 220-65, ENTITLED "ROOFTOP PHOTOVOLTAIC SOLAR SYSTEMS; GO SOLAR- BROWARD ROOFTOP SOLAR CHALLENGE PERMITTING PROCESS;" TO CLARIFY RULES FOR ROOFTOP SOLAR PANELS; (10) BY AMENDING SECTION 275-90, ENTITLED "PERIMETER BUFFER LANDSCAPE REQUIREMENTS FOR VEHICULAR USE AREAS (VUAS)" TO CONFORM WALL HEIGHT REGULATIONS WITH OTHER SECTIONS OF THE LAND DEVELOPMENT CODE; (11) BY AMENDING SECTION 303-40, ENTITLED "CITY CENTER (CC) DISTRICT" TO CORRECT FIGURE 303-7 CITY CENTER DISTRICT MAP; (12) BY AMENDING SECTION 610-20, ENTITLED "TABLE OF PUBLIC NOTICE REQUIREMENTS" TO MODIFY THE REQUIREMENT FOR POSTING AT CITY HALL AND ON CITY WEBSITE FROM TEN (10) DAYS TO FIVE (5) DAYS; (13) BY AMENDING SECTION 620-40, ENTITLED "LIST OF AUTHORIZED ADMINISTRATIVE VARIANCES" TO CLARIFY PERMITTED ADMINISTRATIVE VARIANCES; AND (14) BY AMENDING SECTION 675-20, ENTITLED "TEMPORARY USES AUTHORIZED" TO CLARIFY RULES FOR TEMPORARY USES AND SPECIAL EVENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)** *(Community Development)*

City Attorney Boutsis read the title of Ordinance #2022-004.

Richard Lorber, Planning & Zoning Manager, gave a brief overview of the text amendments.

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

Commissioner Lewellen motioned to adopt Ordinance #2022-004, on second reading; seconded by Commissioner Davis. The motion carried unanimously.

9.3 ORDINANCE #2022-005

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING BY VOLUNTARY PETITION THE ANNEXATION OF LAND (22,425 SQUARE FEET, LOCATED BETWEEN ANGLERS AVENUE ALSO KNOWN AS RAVENSWOOD ROAD AND SW 22ND AVENUE, SW 42ND STREET, AND SW 39TH STREET), WHICH REAL PROPERTY IS OWNED BY SMS OF SOUTH FLORIDA, INC., A FLORIDA CORPORATION, INTO THE CORPORATE LIMITS OF THE CITY OF DANIA BEACH, FLORIDA, PURSUANT TO SECTION 171.044, FLORIDA STATUTES, AND PROVIDING A LEGAL DESCRIPTION OF THE PROPERTY SUBJECT TO THE VOLUNTARY ANNEXATION; PROVIDING FOR PUBLICATION OF NOTICE; PROVIDING FOR FILINGS WITH THE APPROPRIATE GOVERNMENTAL AGENCIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)** *(City Attorney)*

City Attorney Boutsis read the title of Ordinance #2022-005 and gave a PowerPoint presentation which is attached to and incorporated into these minutes.

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

Commissioner Lewellen motioned to adopt Ordinance #2022-005, on second reading; seconded by Commissioner Davis. The motion carried unanimously.

9.4 ORDINANCE #2022-006

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, ADOPTING ARTICLE 826 ENTITLED "OAK HAMMOCK TREE PROTECTION OVERLAY" UNDER THE CITY'S LAND DEVELOPMENT CODE (LDC) OF THE CITY OF DANIA BEACH CODE TO BECOME A PERMANENT ORDINANCE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(SECOND READING)** *(City Attorney)*

City Attorney Boutsis read the title of Ordinance #2022-006 and gave an overview of the creation of an article in the LDC to make the Oak Hammock Tree Protection Overlay district permanent.

Mayor James opened the Public Hearing.

Stephanie Jofe, 5880 SW 37th Terrace, spoke in support of making the tree overlay district ordinance permanent.

Harvey Sepler, 5840 SW 37th Terrace, thanked the Commission and spoke in favor of the ordinance.

Jim Rizzo, 1521 SW 37th Avenue, spoke in support of the tree overlay district ordinance.

Michael Jofe, 5880 SW 37th Terrace, spoke in favor of the ordinance.

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

Commissioner Lewellen motioned to adopt Ordinance #2022-006, on second reading; seconded by Commissioner Odman. The motion carried unanimously.

9.5 ORDINANCE #2022-007

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 28, ENTITLED "LAND DEVELOPMENT CODE (LDC)," PART 7, ENTITLED "CODE ADMINISTRATION", ARTICLE 725 ENTITLED "DEFINITIONS," TO AMEND SECTION 725-30, ENTITLED "TERMS DEFINED," BY AMENDING THE DEFINITION OF FAMILY; AMENDING PART 1 OF THE LDC, ENTITLED "USE REGULATIONS," ARTICLE 105, ENTITLED "USE REGULATIONS FOR RESIDENTIAL AND OPEN SPACE ZONING DISTRICTS," TO CREATE A NEW SECTION 105-250 ENTITLED "REASONABLE ACCOMMODATION PROCEDURES AMENDING CHAPTER 28 ENTITLED "LAND DEVELOPMENT CODE", PART 6, ENTITLED "DEVELOPMENT REVIEW PROCEDURES AND REQUIREMENTS," ARTICLE 610, ENTITLED "PUBLIC HEARING NOTICES," AT SECTION 610-20, ENTITLED "TABLE OF PUBLIC NOTICE REQUIREMENTS." TO INCLUDE THE NOTICE REQUIREMENTS FOR A REASONABLE ACCOMMODATION HEARING BEFORE THE SPECIAL MAGISTRATE; AND AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION;" ARTICLE IV, ENTITLED "CODE ENFORCEMENT;" SECTION 2-84, ENTITLED "POWERS OF SPECIAL MAGISTRATE," TO AMEND THE POWERS OF THE SPECIAL MAGISTRATE TO AUTHORIZE THE SPECIAL MAGISTRATE TO HEAR APPEALS RELATING TO A REASONABLE ACCOMMODATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)** *(City Attorney)*

City Attorney Boutsis read the title of Ordinance #2022-007 and gave a detailed description of the text amendment concerning reasonable accommodation procedures.

Mayor James left the Chamber at 8:08 p.m.

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

Commissioner Lewellen motioned to adopt Ordinance #2022-007, on first reading; seconded by Commissioner Davis. The motion carried unanimously with Mayor James absent.

Mayor James returned to the Chamber at 8:10 p.m.

9.6 ORDINANCE #2022-008

AN ORDINANCE OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 28, ENTITLED THE "LAND DEVELOPMENT CODE", PART 8 ENTITLED "TECHNICAL APPENDIX, ARTICLE 835, ENTITLED "TELECOMMUNICATION TOWERS AND ANTENNAS", OF THE CITY'S CODE OF ORDINANCES, TO UPDATE THE CITY'S TELECOMMUNICATIONS ORDINANCES TO BE CONSISTENT WITH STATE AND FEDERAL LAW; CREATING STANDARDS FOR COMMUNICATIONS FACILITIES' DESIGN, LOCATION AND COLLOCATION; ADDING CRITERIA FOR REVIEW OF TELECOMMUNICATIONS EQUIPMENT AND FACILITIES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. **(FIRST READING)** *(City Attorney)*

City Attorney Boutsis read the title of Ordinance #2022-008 and gave a PowerPoint presentation which is attached to and incorporated into these minutes.

Commissioner Lewellen asked if this would only apply to Dania Beach as some of the light poles in our City, particularly out west, belong to the County.

City Attorney Boutsis responded this would only apply to the light poles that we own.

Commissioner Lewellen asked if we could communicate with the County for the ones that are not ours to see about being consistent.

City Attorney Boutsis said yes that she would like to work with them on that.

Mayor James questioned the one-to-one swap out.

City Attorney Boutsis explained we would be trying to get rid of the boxes and the light poles would be a one-to-one switch out of the poles themselves. The only difference in the shape would be the diameter of the pole itself.

Mayor James spoke of the east side and the low hanging wires. She asked if this was something we could put in with this to clean up the City.

City Attorney Boutsis suggested talking about this afterwards; this may be cable as opposed to telecom.

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

Commissioner Lewellen motioned to adopt Ordinance #2022-008, on first reading; seconded by Commissioner Davis. The motion carried unanimously.

10. Discussion and Possible Action

10.1 City of Dania Beach to host the Broward League of Cities Board of Directors Meeting on March 3, 2022 - Mayor James

Mayor James said she hopes all the Commissioners have their calendars marked as this is a great opportunity for the City. She has worked with numerous departments to provide promotional items.

City Manager Garcia noted this has been a total team effort to promote our City.

Mayor James noted the meeting would be around lunchtime on March 3rd and she would have Senior Administrative Coordinator Singh put it on everyone's calendar.

10.2 Griffin Road Bridge Mural Art Project by runner-up finalist Skyler Nador - Vice-Mayor Salvino

Vice-Mayor Salvino said he was very excited about the art the Commission chose to put on the NW 1st Street bridge. He is asking for permission to look into using the second runner up at the bridge near Federal Highway and Griffin Road.

Mayor James noted she is supportive of the project, but she is concerned about the procurement process and whether we need to choose an artist through competition.

City Manager Garcia said she can double check. We went through the process and had the finalist and the runner up. There was a lot of interest with the second artist, and she recommends we continue to beautify the City and would defer to Frank DiPaolo, Director of Finance, regarding procurement with this vendor.

Finance Director DiPaolo said he sees no issues with that.

Commissioner Davis commented the decision at the last meeting was a difficult decision; she thought Ms. Nador should have been the top pick. Since it was such a hard decision, she thinks it would be a great addition to our City and thanked Vice-Mayor Salvino for bringing it.

Commissioner Lewellen noted she was in favor of moving forward with this artist for this project and thinks it would be a wonderful addition to put in another location in our City.

Mayor James said she likes her design, but she likes more vibrant colors and asked if this would come back to the Commission to approve the design.

City Manager Garcia responded we could have Ms. Nador come back to the Commission with a design with more vibrant colors.

Mayor James asked if we have a funding source for this.

City Manager Garcia said we could go through the Vice-Mayor's funds or City Manager's funds; when we bring it back for approval, we can also bring the funding source.

10.3 Moratorium on development and changing the development code - Commissioner Odman

Commissioner Odman noted this is to avert the problem we have had before at the last meeting and several other previous meetings. This is going to be a long discussion and she thinks everyone agrees we need to have a workshop about this so that we can assess how we feel about current development, to what degree do we want to slow current development down, and what do we want to change and put on paper to alter the way further development will present to us. She posed the question is that something we want to engage in or continue doing as we have been doing.

Vice-Mayor Salvino said he knows the City Attorney has mentioned this and he thinks we should table this until she comes back with her advice on some rules that we may be unfamiliar with. Once she gives us a direction on where we could go with it then we could decide on how to approach it.

City Attorney Boutsis explained Vice-Mayor Salvino is talking about the Bert J. Harris Act, and she would get back to the Commission; she could have it ready by the time of the workshop.

Commissioner Davis wanted to defer this and have a full discussion; she is in favor of a workshop prior to February 8.

Commissioner Lewellen said she wants to make sure she has all the information before the workshop.

City Attorney Boutsis responded she will have the information for the Commission.

Commissioner Odman noted she would like the Commission to think about projects that have come before them that they did not like; what made you not like it, and she suggests they look at other cities in the tri-county area. She also suggested looking at places where you see housing and question why we cannot build it here. She added we can look at dates.

Discussion ensued on a date to schedule a workshop.

The Commission agreed to hold a workshop on January 28th at 10:00 a.m.

10.4 Presentation by Lloyd Goradesky of his Let Love Guide Your Way public art project - Commissioner Davis

Commissioner Davis said the emotional toll of the pandemic has taken so much from individuals and families. She explained how this came about through her partners at WMODA and said this is aligned with our Strategic Plan. She introduced Mr. Goradesky.

Mr. Goradesky, 1112 N 13th Court, Hollywood, gave a PowerPoint presentation which is attached to and incorporated into these minutes.

Commissioner Davis said the 16 x 16 piece is the original piece and something she would like to have here in Dania Beach. This is something that could be unveiled in the month of February for Valentine's Day. She is looking to see if the entire Commission would further the discussion and come up with an action item to see if we want the weathervane here in the City and then speak with the City Manager to see the best way to go about funding it.

City Manager Garcia noted she loves the concept of incorporating it with Sea It, Live It, Love It. This could also be part of RISE and the way we treat each other; to not only beautify the City but to move it forward in a unique way. She discussed funding and the possibility of having a

partnership with our developers, or if all agree, it could come from all the Commissioners' contingency funds.

Mayor James questioned the locations where this could go. On the beach, we need something with our logo where that buoy is. She questioned where it would fit and if it is okay to be on the beach.

Mr. Goradesky said it is okay to be on the beach and explained the design of the piece and how it would hold up outdoors.

Commissioner Davis noted this would be a citywide message and something she would want to see if the entire Commission would want to invest in. Maybe we could see about getting reimbursed from different developers, perhaps Art in Public Places, but she would like to see it as a collaborative thing where we all invest and want to see it in our City.

Mayor James said she definitely wants to see this in our City but wants to work out a location or where it would best fit.

Commissioner Davis commented she is married to the message, not the location.

Commissioner Lewellen said she is good with it too.

Mr. Goradesky noted the location could be anywhere.

Vice-Mayor Salvino said we should move forward with it.

Commissioner Odman questioned if it would come back to us.

City Manager Garcia said we can come back with an item at the second meeting in January and asked Commissioner Davis what the deadline would be for February 14 installation. She thinks if they all support it, we can find the funding.

Mr. Goradesky noted he is ready to move it tomorrow; it is a 3–4-day process.

City Attorney Boutsis said she recommends we put this on the next agenda to have all the i's dotted and t's crossed for an agreement and any costs or insurance associated with it.

Mayor James added we already have some art projects in the queue, so she wants to make sure the other things are not left behind and that everything is aligned in the way that it was brought here.

City Manager Garcia said we will work with the artist, our attorney, and Commissioner Davis to bring this to the January 25th meeting and then move it the next day. She would like to cover it and have an unveiling but would like to see our logo somewhere on it.

11. Commission Comments

11.1 Commissioner Davis

Commissioner Davis said it is good to be back live. With this new variant, she encourages everyone to be as safe as possible.

11.2 Commissioner Lewellen

Commissioner Lewellen commented she hoped everyone enjoyed the holiday season and the new year is bringing a fresh breath. She said everyone should do what they can do to protect themselves and everyone around them.

11.3 Commissioner Odman

Commissioner Odman said she had asked that Assistant Community Development Director Lajoie bring something forward on the update of the Green building standards and asked if she knows when that would be happening.

Assistant Director of Community Development Lajoie responded she would bring it back at the next meeting.

11.4 Vice-Mayor Salvino

Vice-Mayor Salvino wished everyone a happy new year and asked that everyone stay safe.

11.5 Mayor James

Mayor James welcomed everyone to 2022 and wished everyone a happy new year. She gave a shout out to the IT Department for the success of this hybrid meeting. She thanked all our staff members.

12. Appointments

12.1 Education Advisory Board

Commissioner Davis appointed: Samantha Ellsworth

12.2 General Employees Pension Board – no appointments

12.3 Marine Advisory Board

Commissioner Lewellen appointed: Samantha Ellsworth

Commissioner Lewellen motioned to approve the appointments; seconded by Vice-Mayor Salvino. The motion carried unanimously.

13. Administrative Reports

13.1 City Manager

City Manager Garcia spoke of a segment on 60 Minutes last Sunday regarding people leaving the workforce and she addressed the referral program the City would be bringing forward to fill open positions.

City Manager Garcia reported the following: The lifeguard stands are being revamped; we should have all four of the new stands within the next month. The underground piping at the beach is now complete and we will start working on the landscaping and striping; the King Tides and the rains have been mitigated thanks to this project. She is excited to be working with Parks and Recreation to put shovels in the ground at CW Thomas Park. We have a Construction Manager at Risk, and we are going out for bid on the design to move forward. We will be investing \$45 million in four major parks and are excited to break ground before the end of the year. The SE Drainage Project has begun, and we intend to have a shovel in the ground by the end of this year. A drainage pipe was repaired on NW 1st Street, near Bryan Road. This was completed and we avoided a major problem with the road safety. The 1st Annual RISE luncheon will be rescheduled due to COVID; we will reschedule for a future date. She is looking forward to all these art projects and thanks all departments for their cooperation in putting this meeting together.

Mayor James asked about the West Wing renovation project.

City Manager Garcia said we have already approved the funding and construction and she deferred to Public Services staff for an update.

Deputy Director of Public Services Ozaydin explained we are in the process of getting the Broward County permit as well as the City's permit and the project will start within two weeks.

City Manager Garcia reported the SE 2nd Avenue Water Main Project is 90% complete and the entire project should be completed by the end of this month.

Mayor James said she is excited for this project to be completed because the roads are very difficult to drive. The contractor for NW 1st Street did an amazing job repaving it and she wants to ensure that whoever the contractor is doing the SE Drainage project repaves the road in a manner that is up to the standards of our brand.

13.2 City Attorney

City Attorney Boutsis said she loved her first meeting as City Attorney and appreciates the opportunity. We are finalizing our negotiations with Lucky Fish and will be circulating a draft

contract for review in anticipation of our second meeting in January. She noted we should be getting reimbursement from the 1000 Mermaids project and gave an update on 225 SW 15th Street. She wrote a certified letter to the property owner, and he is somewhat trying to come into compliance; there has been some progress.

13.3 City Clerk - Reminders

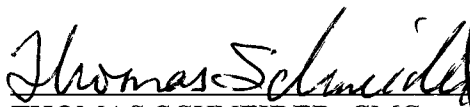
Tuesday, January 18, 2022 - 5:00 p.m.
Tuesday, January 25, 2022 - 7:00 p.m.

CRA Board Workshop - Board Priorities
City Commission Meeting

14. Adjournment

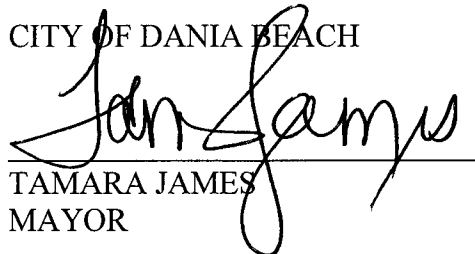
Mayor James adjourned the meeting at 9:24 p.m.

ATTEST:

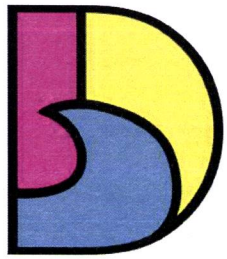

THOMAS SCHNEIDER, CMC
CITY CLERK



CITY OF DANIA BEACH


TAMARA JAMES
MAYOR

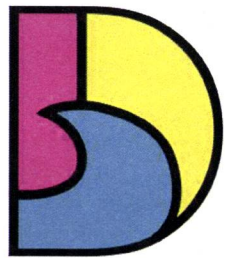
Approved: February 8, 2022



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Regional Activity Center Dwelling Units – Update

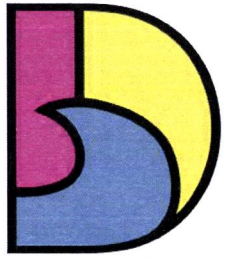
Community Development Department
January 11, 2022



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Regional Activity Center (RAC)





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Site Plans Under Review

Dania Beach RAC units available: 791 du.

Site Plans currently under review: 210 du.

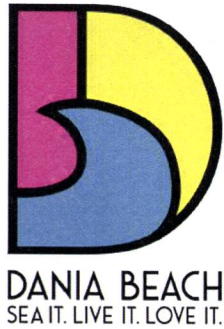
- City Place (affordable housing) 110 d.u.
- Seaview II 100 d.u.

Dania Beach RAC units available: 581 du.*

(*If projects above approved by Commission)

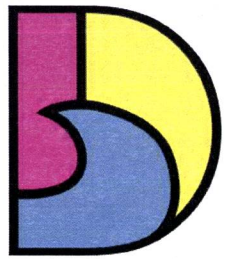
Site Plans discussions but not yet submitted: 1,348 du

- Jaxson's assembly on SW 1 Avenue 250 d.u.
- Ryan & Ryan site on E. Dania Bch. Blvd 354 d.u.
- Neptune Fireworks site on E. Dania Bch. Blvd 517 d.u.
- Mobile home site on S. Federal Highway 227 d.u.



RAC Land Use Amendment

- On October 26, 2021, the City Commission authorized Leigh Robinson Kerr and Associates to prepare a Future Land Use Amendment to the City's Comprehensive Plan to replenish the number of dwelling units within the City's Regional Activity Center (RAC)
- RAC Land Use Amendment status update:
 - 15% of units anticipated to be designated for affordable housing
 - Revisiting restrictions for area east of US1 imposed by Emergency Management staff in 2009/10
 - Airport noise restrictions are being reviewed by BCPC.
 - A draft of the LUPA report is anticipated to be available by January/February.
 - Additional community meetings are needed, following by additional Planning and Zoning Board and City Commission public meetings
- City Consultants are working with SFWMD on the analysis and the final Consumptive Water Use Permit to be submitted February 2022.



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- Staff is available for questions

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Lewellen - Lori - B.</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Dania Beach City Commission</i>	
MAILING ADDRESS <i>4541 SW 27th Terrace Broward</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Dania Beach</i>	COUNTY <i>Broward</i>	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>1/11/2022</i>		NAME OF POLITICAL SUBDIVISION <i>N/A</i>	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTEE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative, or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict.

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Lori Lewellen, hereby disclose that on January 11, 2022.

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Agenda Item 3.6 - Amendment to Special Event Request for the City of Dunter Beach Community Redevelopment Agency to Host Dunter After Dark on December 4, 2021, and on the second Saturday of each month in 2022. I abstained from voting and disclosed that I was a business owner who was impacted by the event since we are located on SW 1st Ave.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

1/18/2022
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

VOLUNTARY PETITION FOR THE
ANNEXATION OF LAND
OWNED BY SMS OF SOUTH
FLORIDA, INC.

The area for annexation consists of 22,425 square feet, located between Anglers Avenue and SW 22nd Avenue, SW 42nd Street, and SW 39th Street), in unincorporated Broward County.



**PROPOSE VOLUNTARY ANNEXATION
ACADEMY BUS**



A – Annexation Area

Prepared by:
Leigh Robinson Kerr & Associates, Inc.
808 E. Las Olas Blvd #104
Fort Lauderdale, FL 33301



Annexation of property by a municipality can be conducted pursuant to Florida Statute Section 171.044, when the property is in an unincorporated area, is contiguous to the municipality and is reasonably compact. These conditions exist with the application of SMS of South Florida, Inc.'s ("SMS") property.

Additionally, under FS 171.043, when the City Commission is considering the proposed annexation, there must be a finding as to the character of the area to be annexed: the property must be contiguous to the municipality's boundaries, is reasonably compact and not part of the area is included within the boundaries of another incorporated area and part or all of the area to be annexed must be developed for urban purposes.



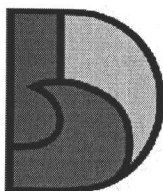
The City, in compliance with state law, noticed the proposed annexation at least once each week for two consecutive weeks in a newspaper of general circulation and provided 10 day prior notice to Broward County Commission, via certified mail.

- ▶ The City is unaware of any property owners within the annexation area that are objecting.
- ▶ Once the ordinance is adopted, it shall be filed with the clerk of the circuit court and the chief administrative officer of the county and with the Department of State within 7 days after the adoption of the ordinance.
- ▶ The ordinance will be accompanied with the required form entitled “Economic Impact Statement.”
- ▶ The ordinance is sent to the Broward County Delegation to take to the State Legislature for the upcoming legislative session, to approve the annexation action, as a special act of the legislature.
- ▶ No local bill for annexation shall be approved without two readings by the Legislative Delegation. The first reading is traditionally a formal reading and no testimony will be required. The second reading will involve the presentation by the bill sponsor, questions from the Delegation and a vote by the Delegation. City representatives shall attend the Delegation meetings.

Budgetary Impact

There would be a positive budgetary impact from the adoption of this ordinance. The City would include the newly annexed land. The Applicant, upon adoption will be seeking to rezone the land, and to expand its bus service business, providing greater tax base to the City.

#9.4



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**REQUEST TO ADDRESS
CITY COMMISSION AT REGULAR
OR SPECIAL
VIRTUAL 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: January 11, 2022

PRINT NAME: Stephanie Jofe

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

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

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:

Tree Protection Ordinance

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

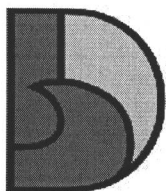
PLEASE NOTE: IF YOU WISH TO SPEAK ON AN ITEM THAT PERTAINS TO A "ZONING" TYPE OF MATTER (FOR EXAMPLE, A SITE PLAN, VARIANCE, SPECIAL EXCEPTION OR SIMILAR TYPE OF ITEM KNOWN AS A "QUASI-JUDICIAL" MATTER, YOU ARE SUBJECT TO BEING ASKED TO SWEAR OR AFFIRM THAT YOU WILL BE TRUTHFUL AS TO YOUR COMMENTS OR 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. (ORDINANCE #2012-019; AMENDED BY ORDINANCE #2019-019)

Stephanie Jofe
Key: 29b8e7c44b2020cd70542d9d1b711b3f

01/04/2022



DANIA BEACH
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REQUEST TO ADDRESS CITY COMMISSION AT REGULAR OR SPECIAL VIRTUAL 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: January 11, 2022

PRINT NAME: Harvey J. Sepler

ADDRESS: 5840 S.W. 37th Terrace

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

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:

2) ☒ PUBLIC HEARINGS – ITEM # ORDINA (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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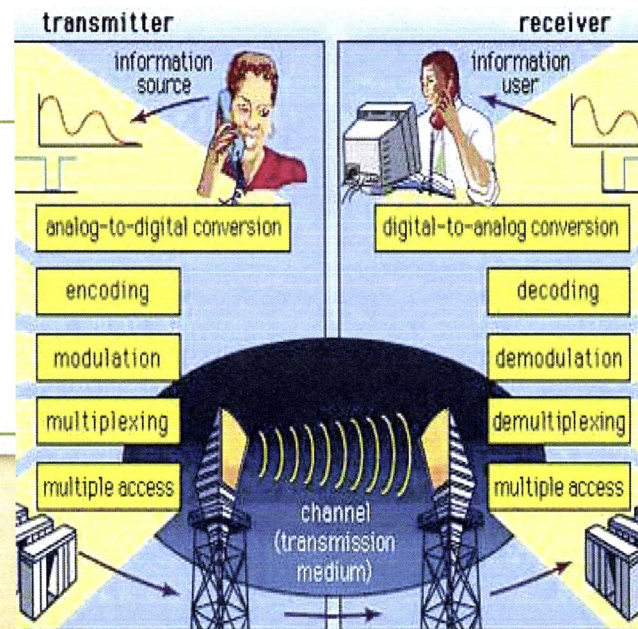
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Harvey Joel Sepler

Key: 29bae7c4b2020cd70d42d9d0b711bXT

01/10/2022

TELECOMMUNICATIONS



edia Britannica, Inc.

Reasons for update of telecommunications ordinance:

- To amend and update the City's ordinance to be consistent with changes in Federal and State law.
- Between 2014 and 2021, the state has continuously revised the requirements relating to telecommunications providers, further limiting the powers of local governments to regulate this industry.
- Florida Statutes Section 337.401, entitled "Use of right-of-way for utilities subject to regulation; permit; fees." now preempts municipal authority, to a great extent, as it relates to the telecommunication industry's use of municipal rights-of-way.

- * Authorizes more as of right-users of the right-of-way: communications services providers, pass through providers and wireless infrastructure providers
 - Limits municipal review time for most wireless facility proposals to a fourteen (14) day application completeness review;
 - A 60 day application compliance review;
 - Authorizing antennas located on utility poles to extend ten (10) feet higher than utility pole height authorized by a municipality.
 - The Federal Communications Commission (FCC) created rules that authorize an additional 10 feet of height, above what the City and state authorize.

- Limits the permitting requirements and fees a municipality may charge to \$100.00.
- Cities precluded from negotiating and entering into franchise agreements, soliciting or requiring in-kind contributions, or obtaining certain other consideration as a condition of communications services providers' use of the public rights-of-way, all as more fully set out in Florida Statutes Section 202.24.
- Limits the City's zoning authority relating to distance requirements, height, and other design elements with respect to small wireless facilities occupying the rights-of-way, but has not precluded all zoning authority of the City.
- Limits the City's authority as to the placement of telecommunications equipment and poles (street furniture) in the public rights-of-way.

- **Section 337.401(3)(a), Florida Statutes provides:** “In order to foster competition federal and state law require municipalities to treat providers in a nondiscriminatory and competitively neutral manner in imposing rules or regulations governing placement or maintenance of utilities in the right-of-way.” (emphasis added).

- In 2018, the State began requiring, if a city has allowed a communications box in the right-of-way, (usually a 6’ by 6’ by 5’ box) that often holds the electrical connections, a generator, and the brain of a telecommunications facility will be required to allow up to an additional **four boxes**, without a public hearing or any ability to object to the boxes installation.

Health risks can not be considered

The 1996 Federal Telecommunications Act (FTA) provides that local governments are **precluded** from regulation radio frequency (RF) emissions of a telecommunications facility – provided the facility complies with FCC regulations. The FCC exempts telecommunications facilities from having to demonstrate compliance with the standards if located 10 meters above ground level. The FCC does not conduct measurements of RF radiation from conventional cellular antennas sites. **The FCC could reverse a zoning decision if there is any evidence showing concern over radiation as the basis, in part, for the decisions.**

Street furniture



SHOT CLOCKS

- The FCC provides a City with (1) 90 days to review a completed application for collocation; and (2) 180 days for other completed applications. Failure to meet these “shot clock” deadlines creates a legal presumption that the zoning agency “failed to act” under federal law and will give an applicant the ability to bring legal action, in an expedited process, within 30 days of the deadline having passed.
- State law, as has further limited the City’s review time, which may limit the applicability of the federal shot clocks.



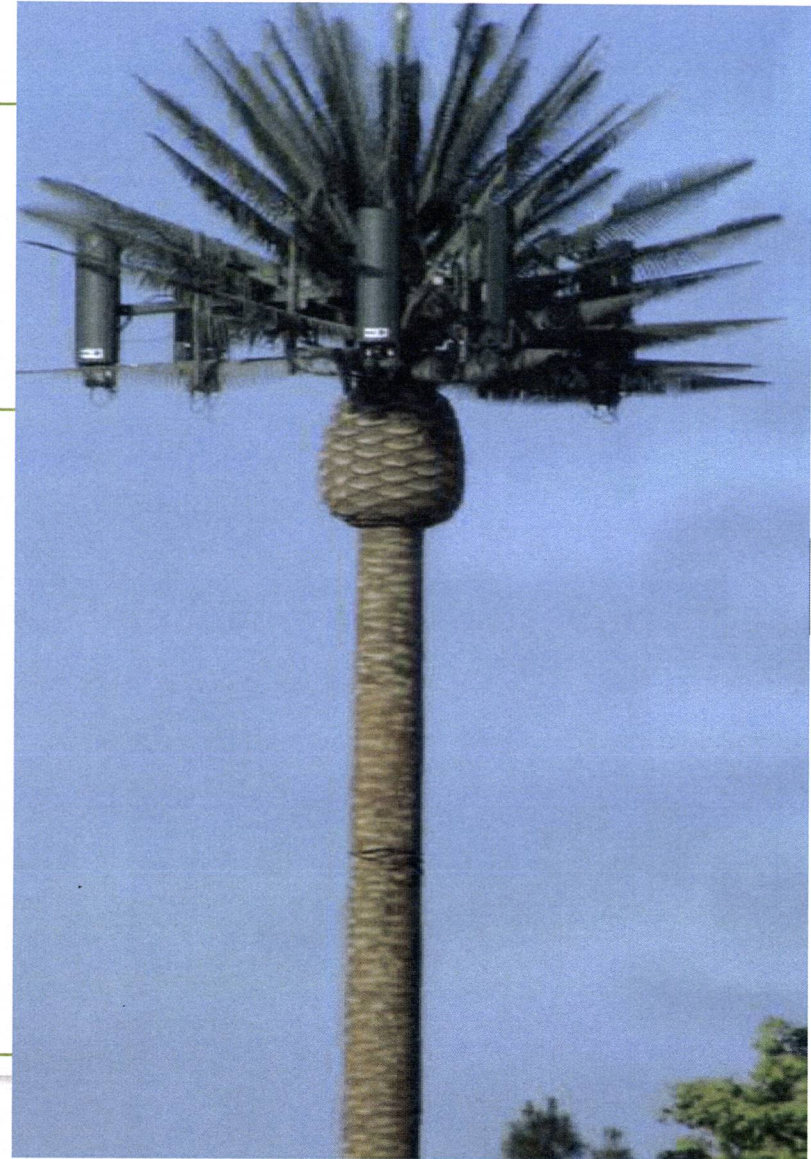
Modifications to the Code:

- **Updated definitions** to include but not be limited to adding the following terms: communication facility providers, pass-through providers, repurposed structures, stealth design and wireless service.
- Provides for a **one-to-one swamp out of light poles** so that the City does not experience any additional street furniture being placed in the right-of-way.
- All providers are required to **register** to place or **maintain** communications facilities in the public right-of-way and they are to annually update the City on all equipment in the City's right-of-way.
- All providers are to provide notice to the City of any **transfer, sale or assignment** of assets that are located in the City's rights-of-way.
- The City requires specific information to be provided as part of the **application process**, including the proposed location of the equipment, the size of the equipment to be installed, proof that collocation cannot occur (although state law no longer requires collocation, It is more difficult to require collocation), and safeguards for the city as to aesthetics, safety, and efficient management of the City's rights-of-way.

- In 2018, the state changed the law to **preclude** the ability for a City to require a **distance separation** between communication facilities. However, all providers must comply with the Americans with Disabilities Act and the Florida Building Code.
- The ordinance also includes **provisions** relating to:
 - the suspension of permits,
 - appeal processes,
 - involuntary termination of registration,
 - rules relating to existing communication facilities in the rights-of-way,
 - insurance,
 - indemnification,
 - construction bonds,
 - enforcement of remedies,
 - abandonment of a communications facility,
 - force majeure,
 - reservation of rights and remedies,
 - removal of obsolete equipment,
 - and establishment of the rate of the communications services tax.
- The ordinance establishes a maximum of **25 feet of height for street furniture** (poles), so that a telecommunications provider does not attempt to put in a 60 foot or higher pole, in the City's right-of-way.



Questions?

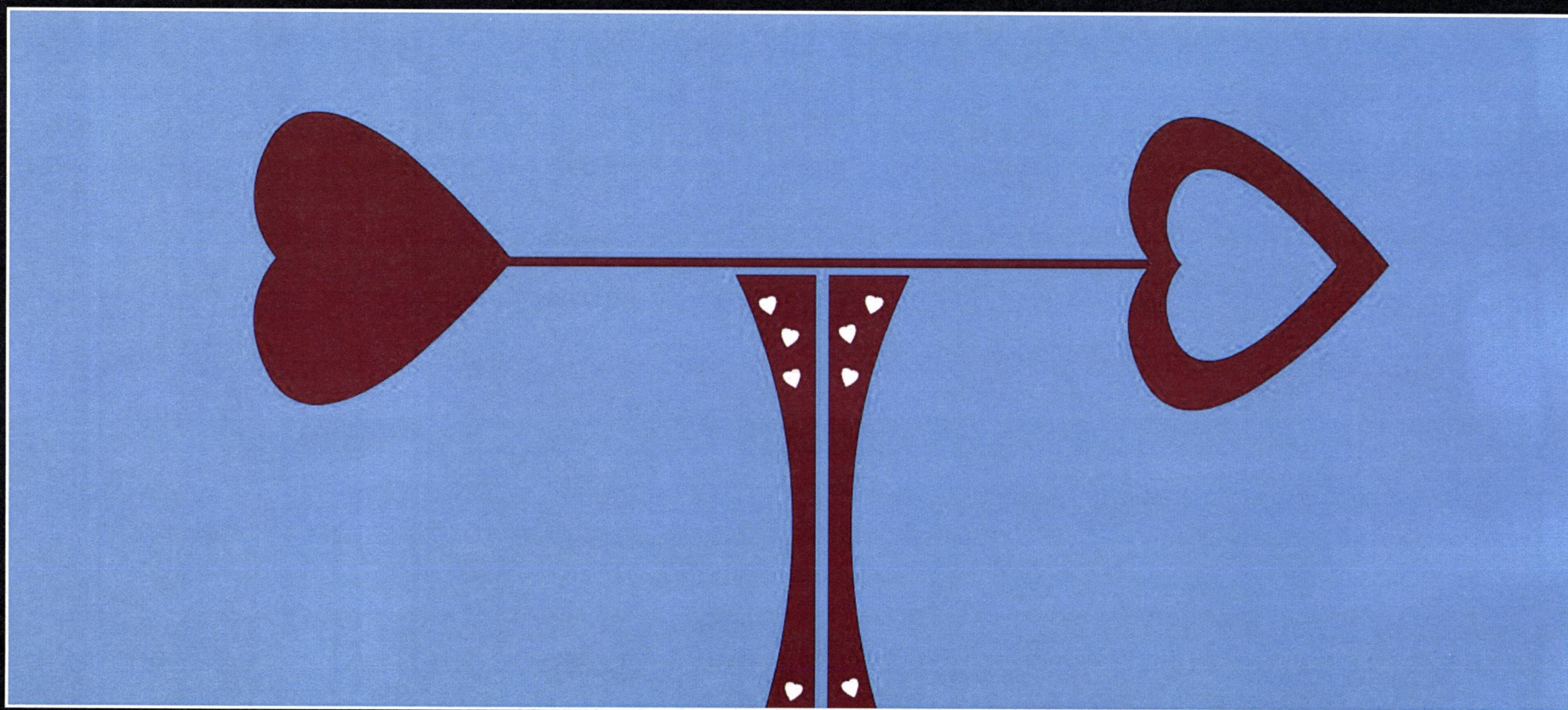


#10.4

LET LOVE LOVE GUIDE YOUR WAY TO **WMODA**
WIENER MUSEUM OF DECORATIVE ARTS

SAT FEB 13 ♥ 10-4

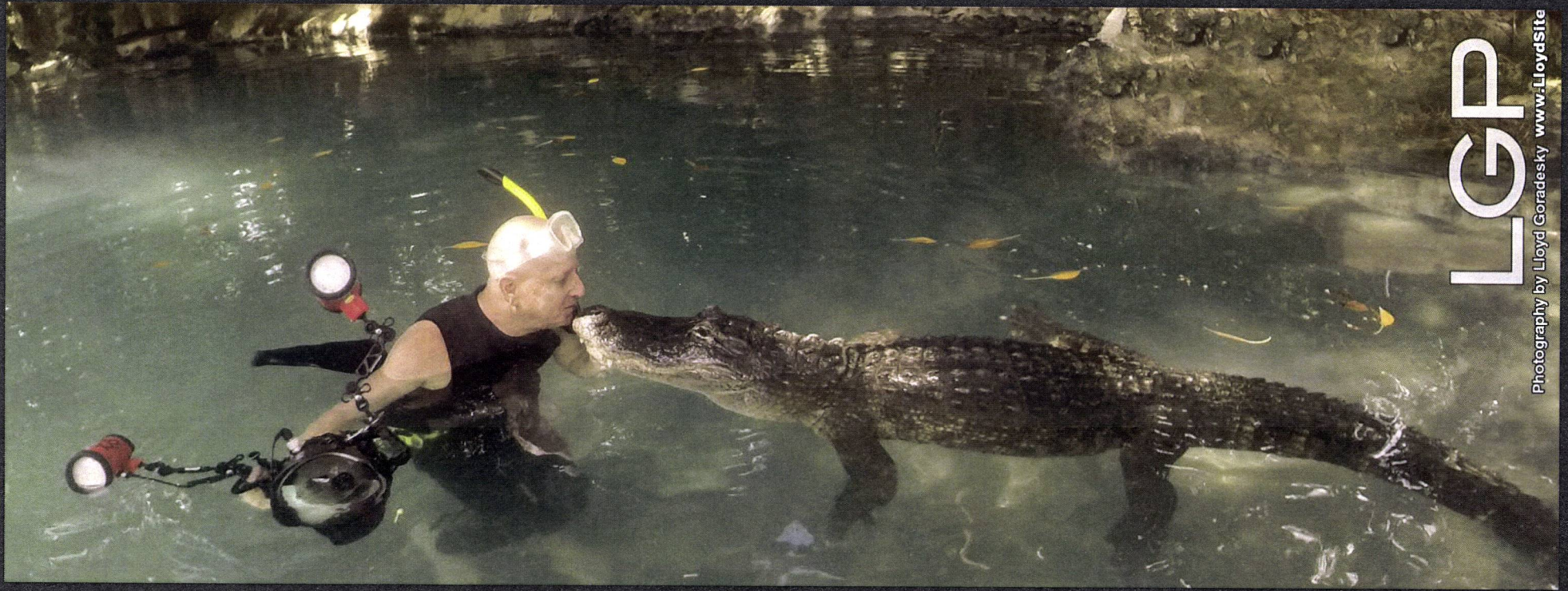




Let LOVE Guide Your Way with Lloyd Goradesky

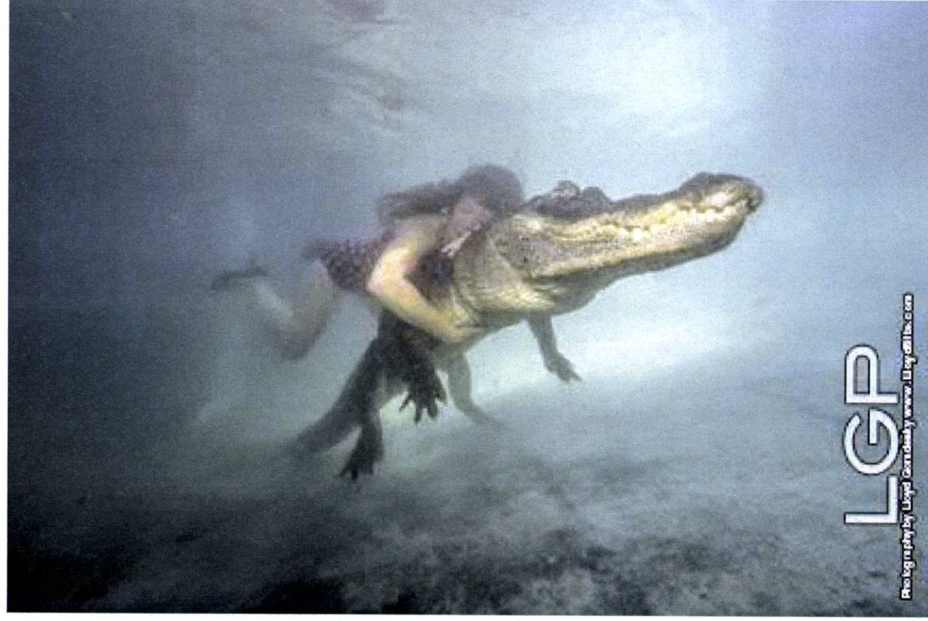


Let LOVE Guide Your Way · Boynton Beach



Lloyd gets up close and personal with a gator!





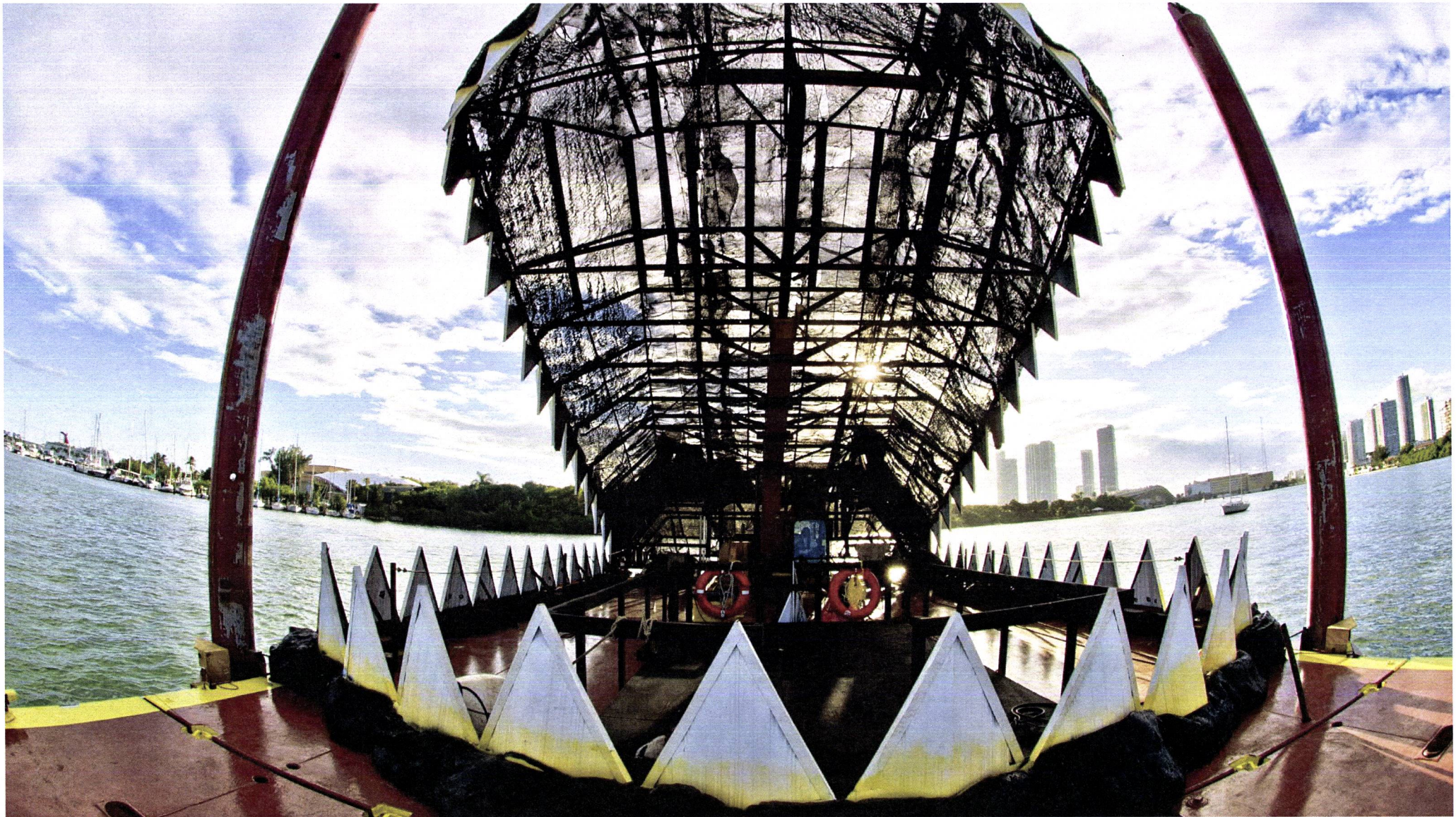
LGP
Photography by Lloyd Carruthers www.lloydthecro.com

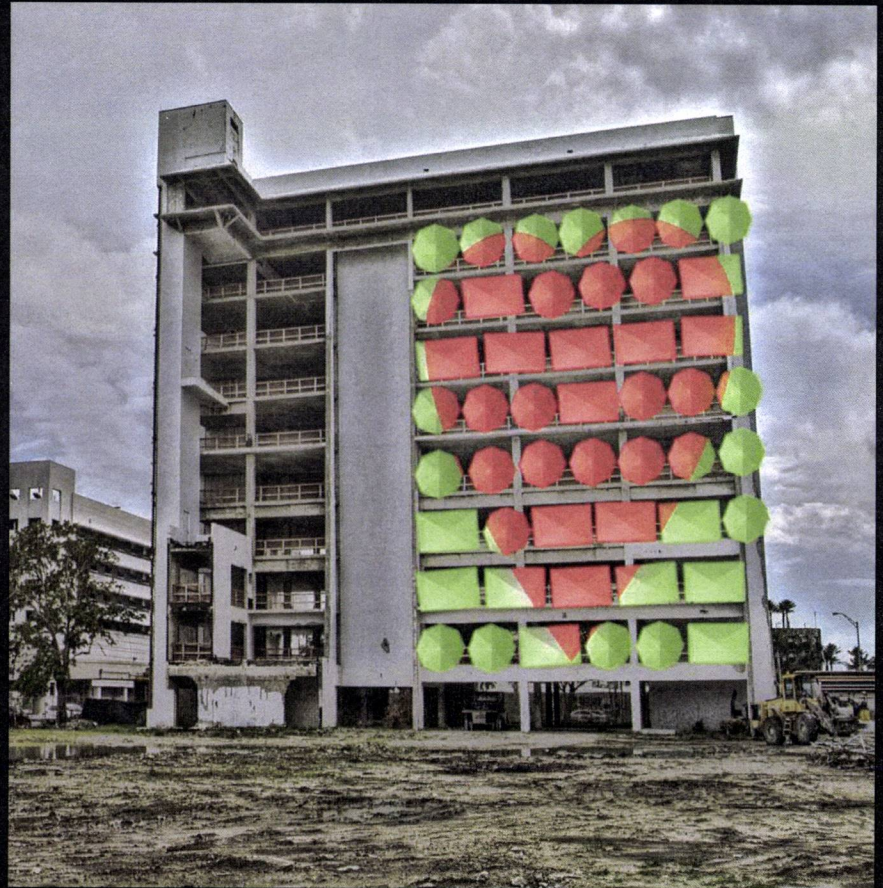


LGP
Photography by Lloyd Goodeaky www.lloydgoodeaky.com



Gator in the Bay · Art Basel





The Parasol Project



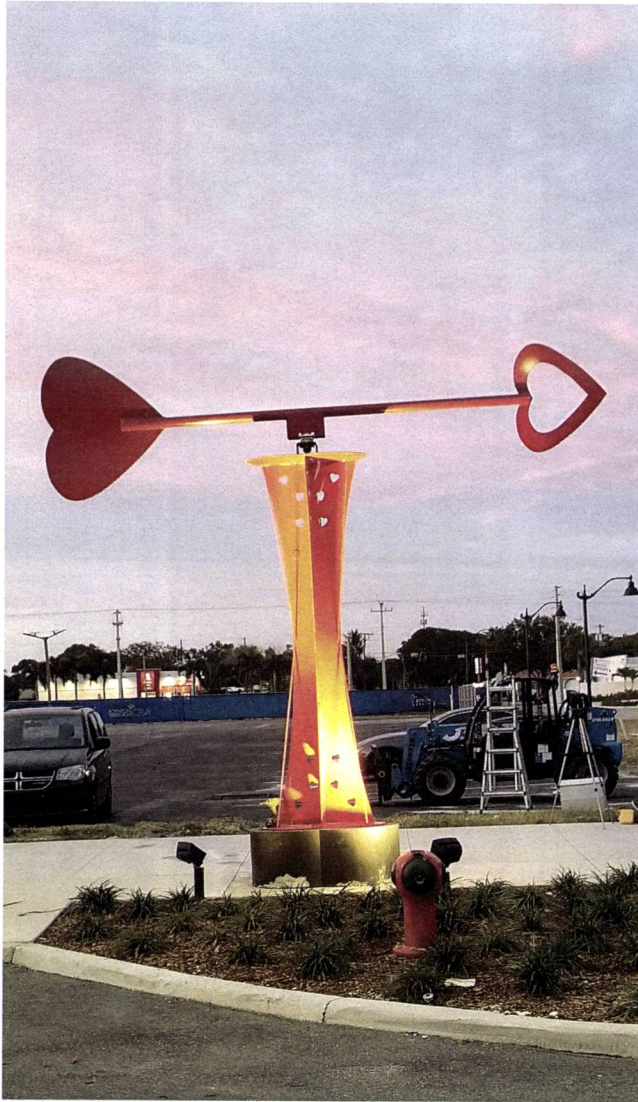
Installing the weathervane in Boynton Beach

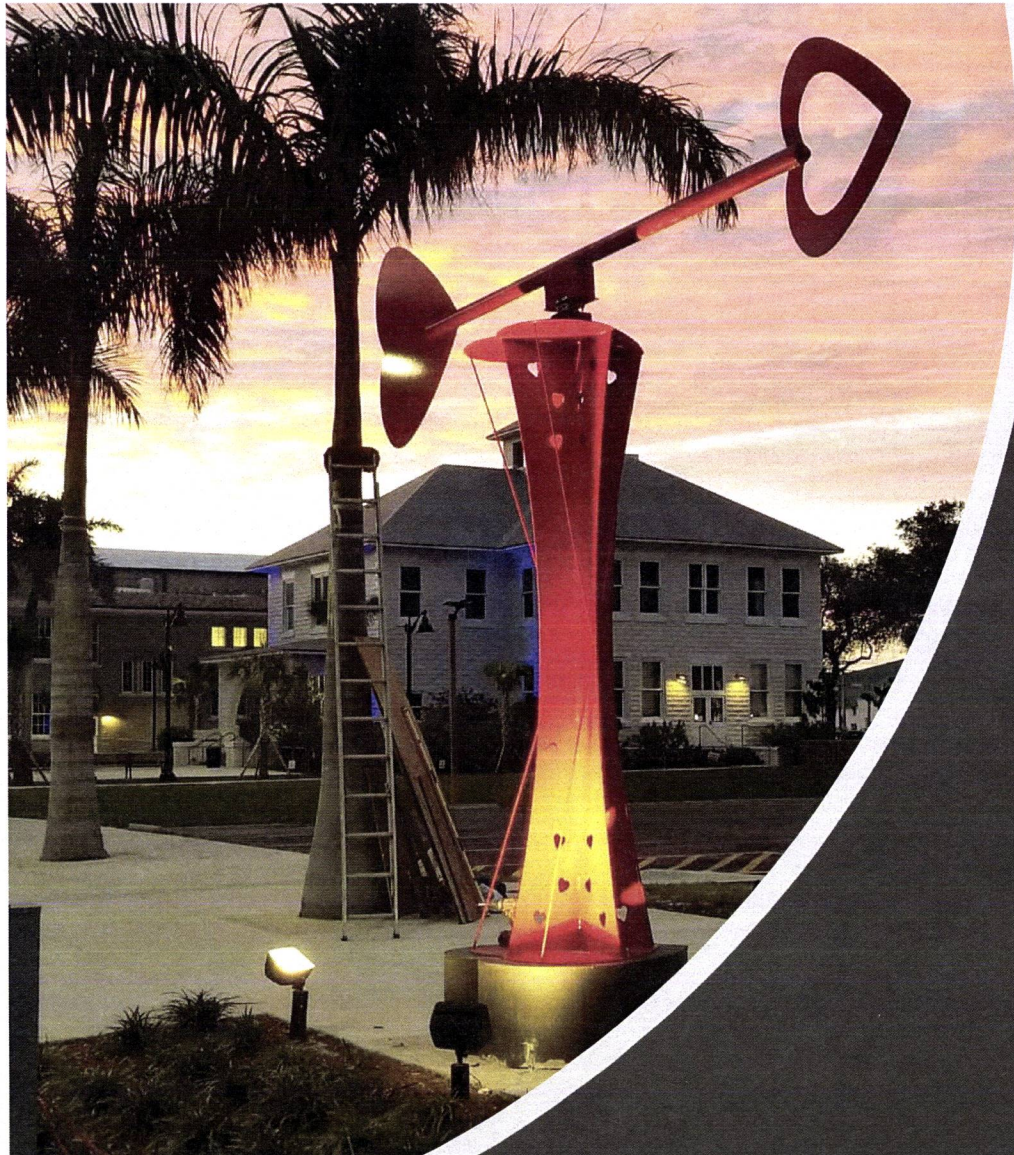


Lloyd Goradesky

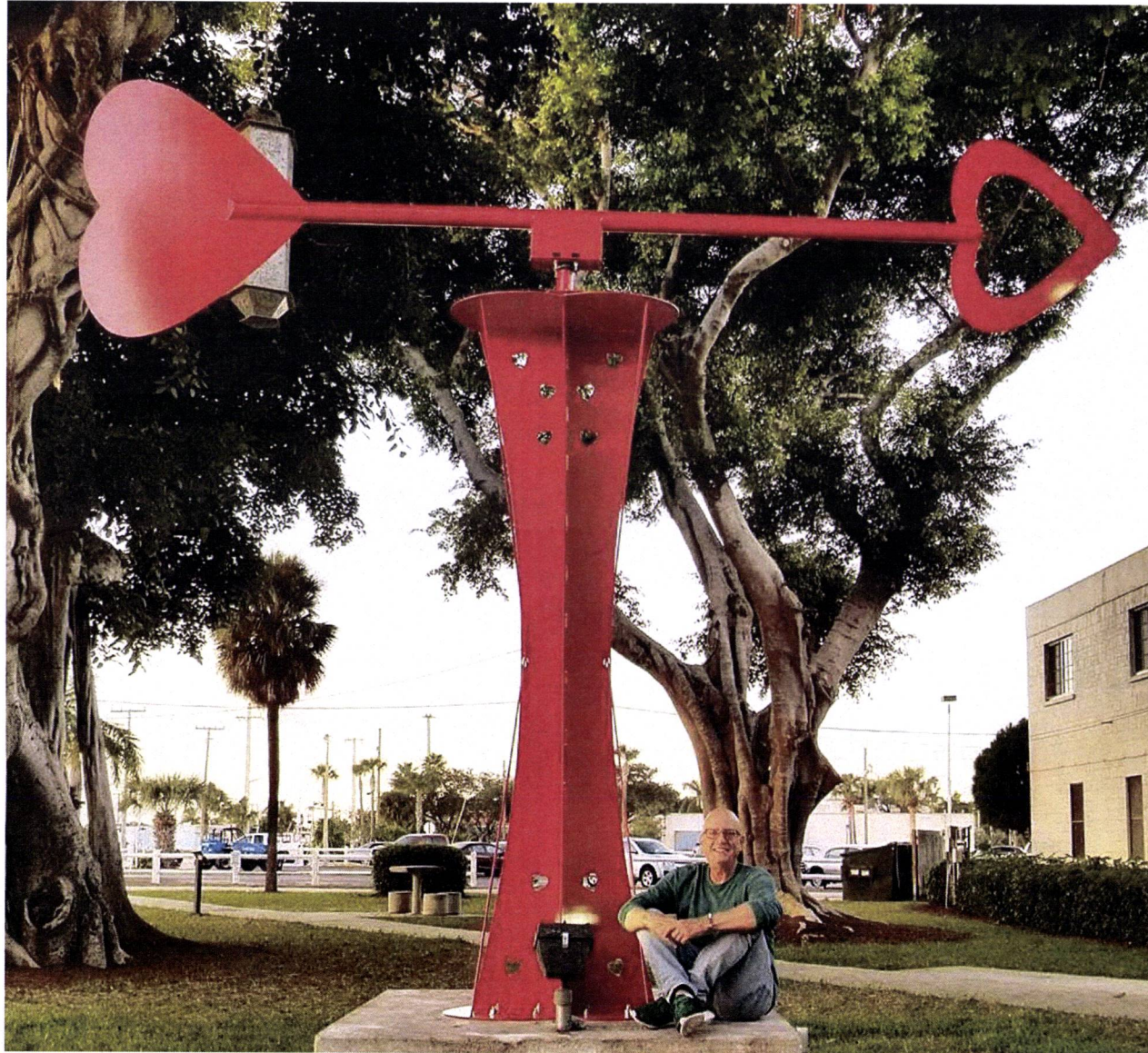


Moving the heart shaped concrete base which weighs 2,100 pounds

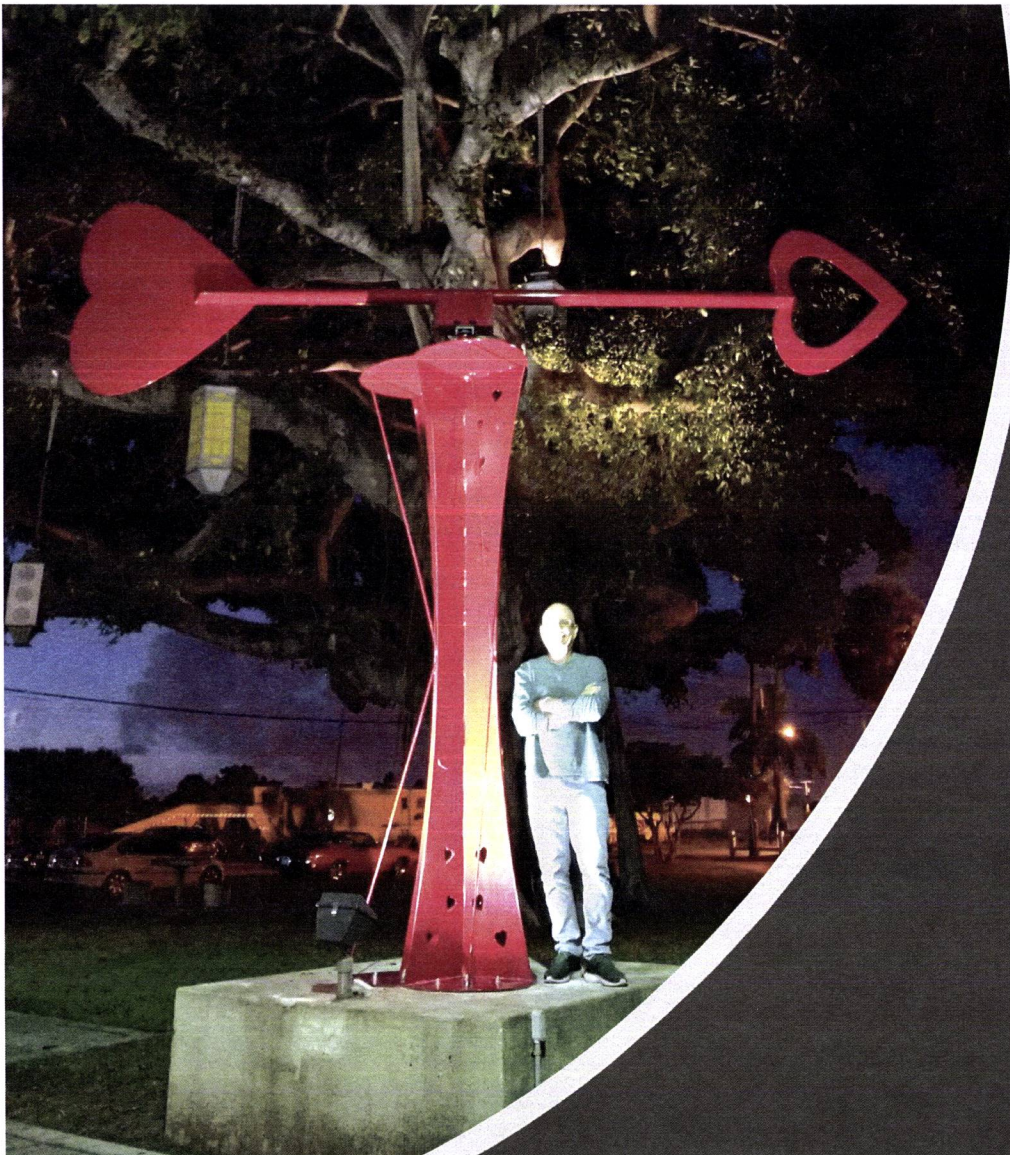




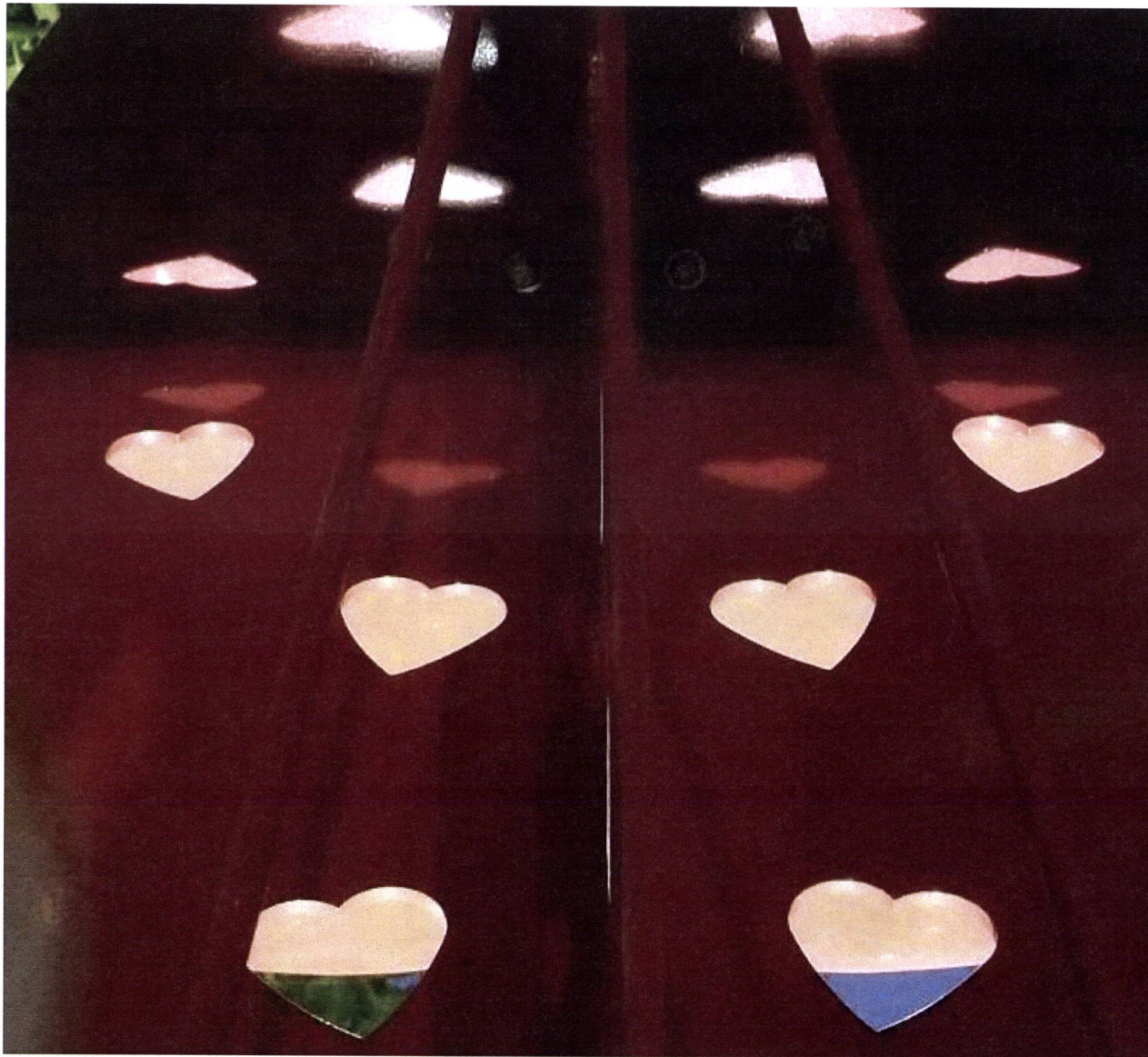
Installing the weathervane
Town Square Boynton Beach



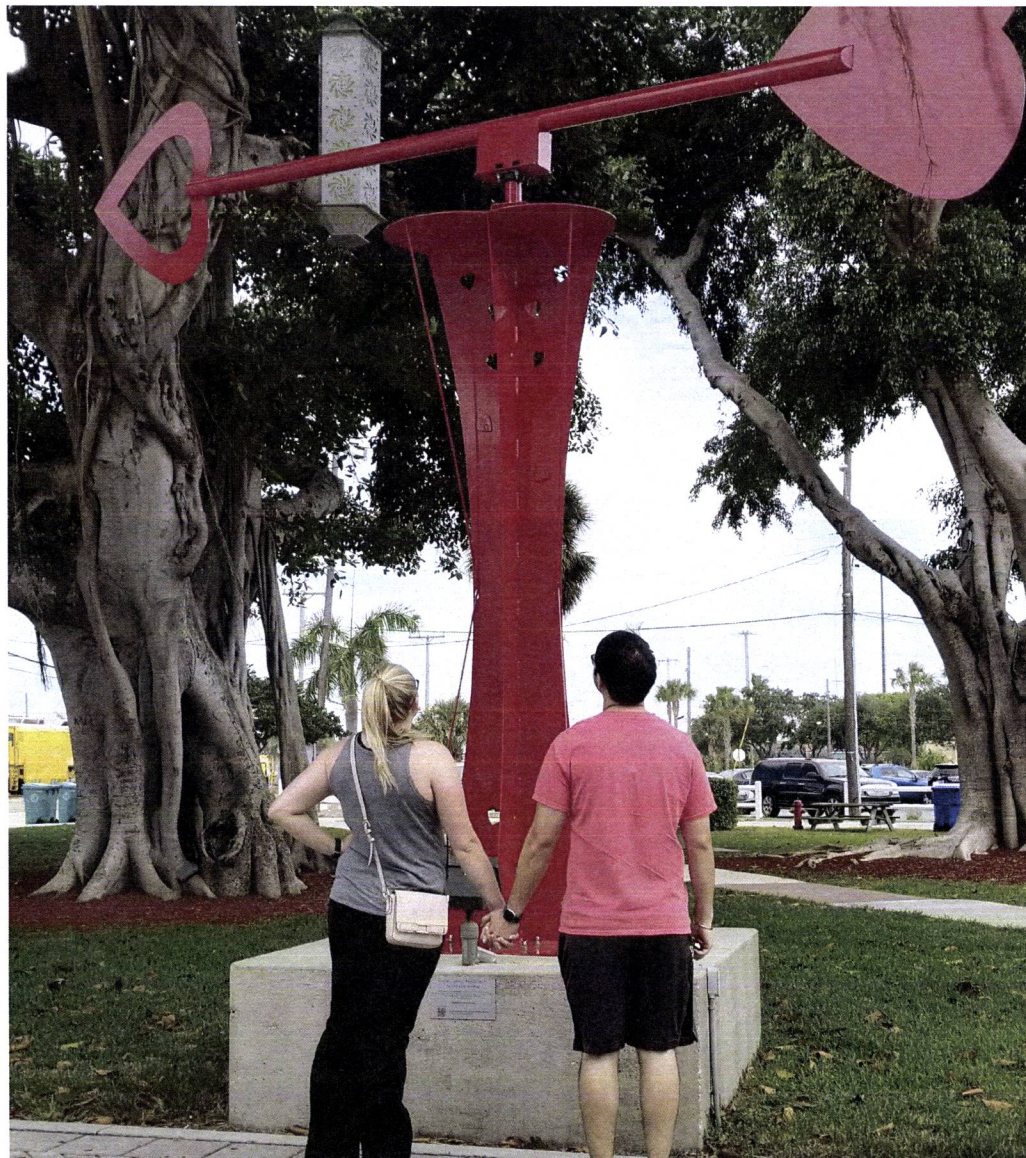
The original
Weathervane in
Dewey Park
Boynton Beach
Florida



The monumental kinetic weathervane is 16 feet tall



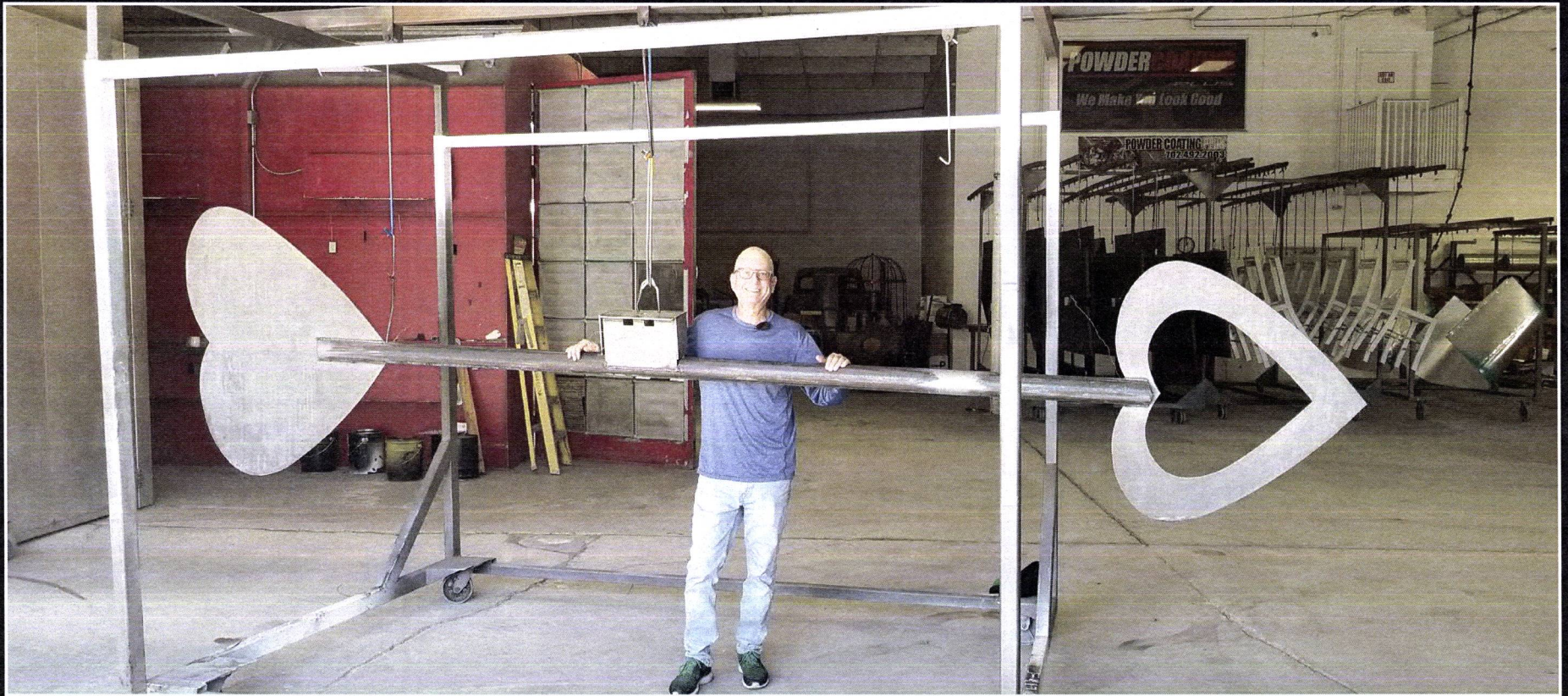
The heart shapes on the base of the Weathervane create interesting illusions.



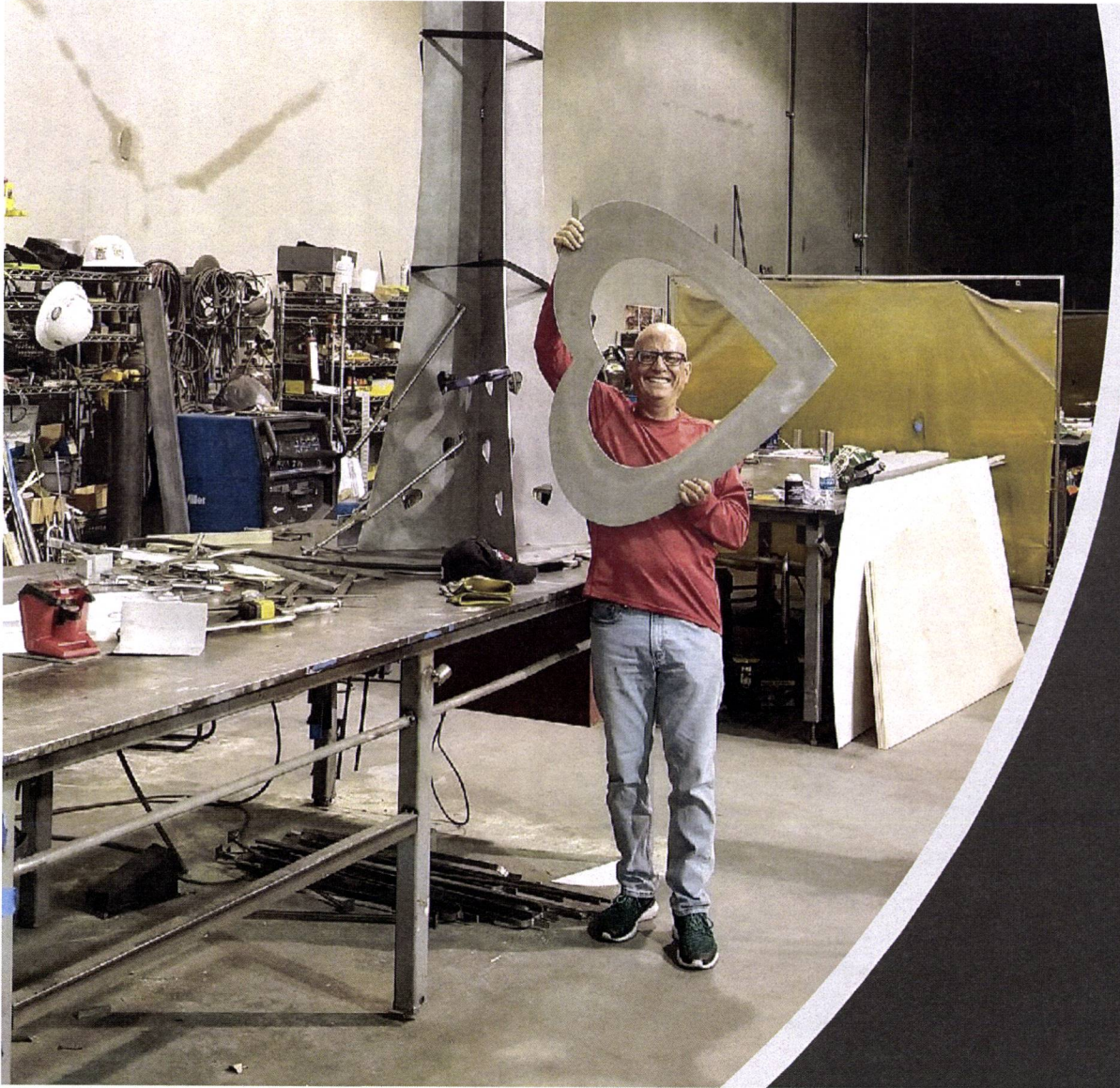
Everyone feels
the LOVE



The Weathervane is a
community meeting
place on St. Patti's Day
2019



Cupid's Arrow is 16 feet long and weighs 850 pounds

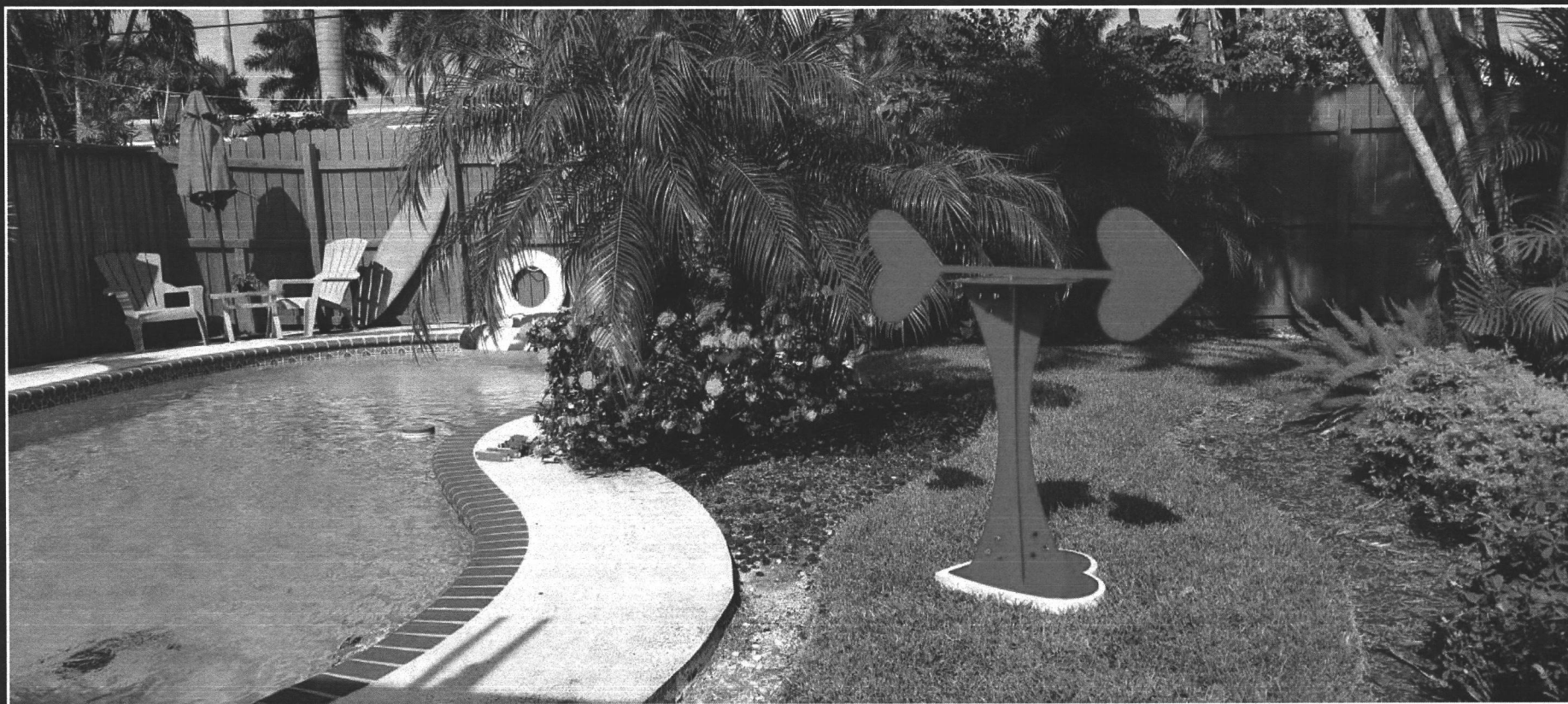


The original Weathervane
was built at Absolute
Metals in Las Vegas
Nevada

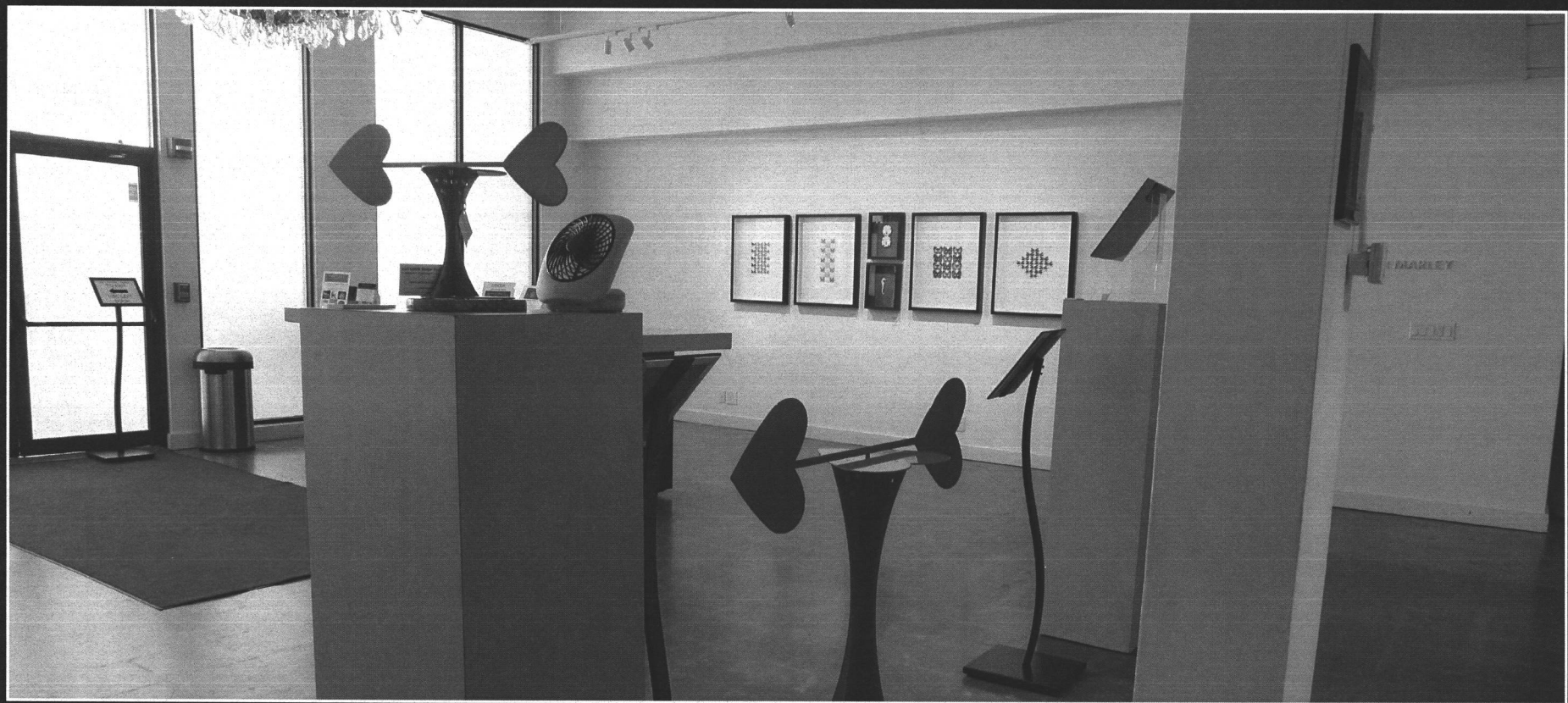




The Garden Weathervane at the Fort Lauderdale Art Fair on the Water



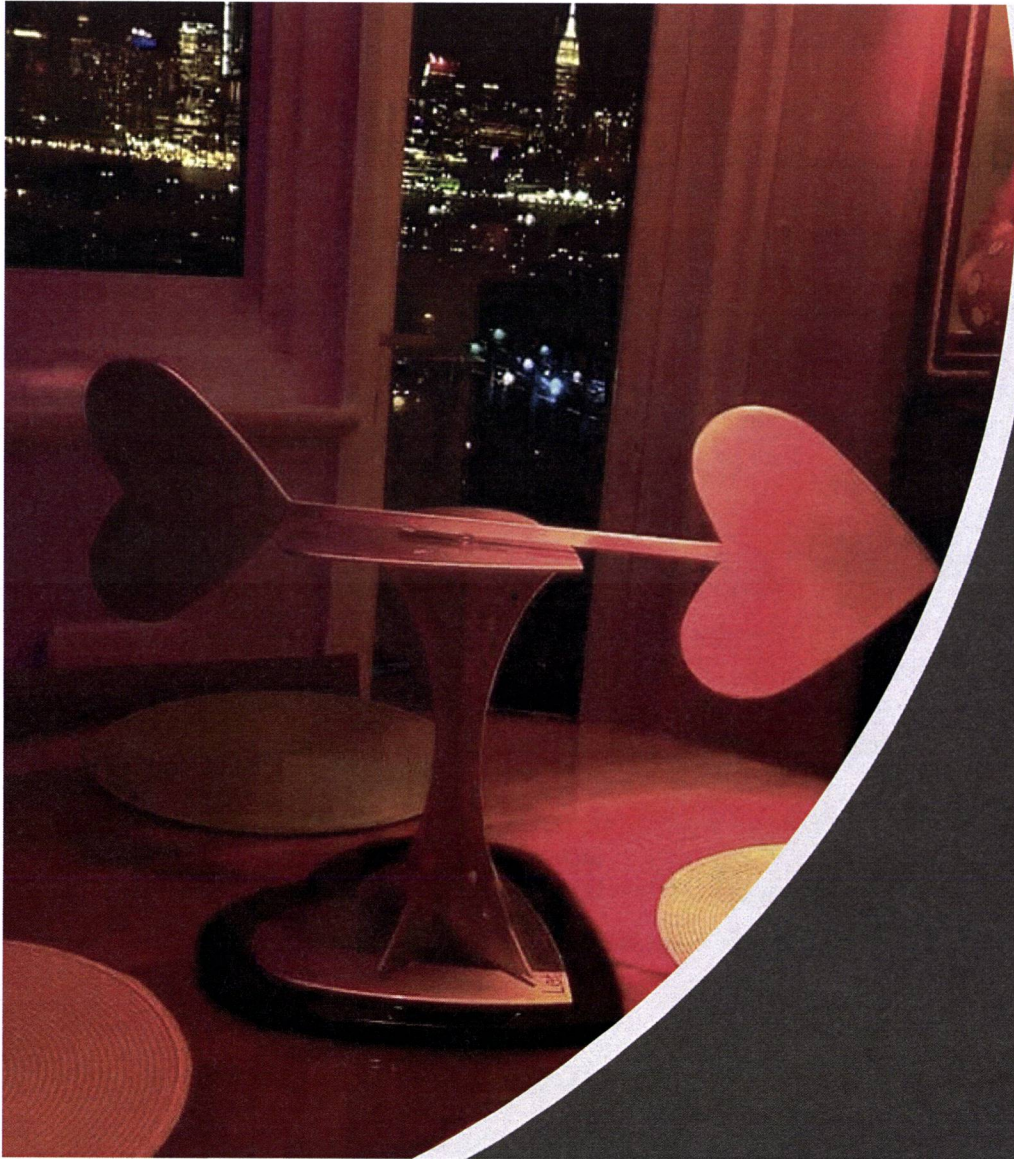
The Garden Weathervane in a private collection



Let Love Guide Your Way at The Gallery of Amazing Things in Dania Beach Florida

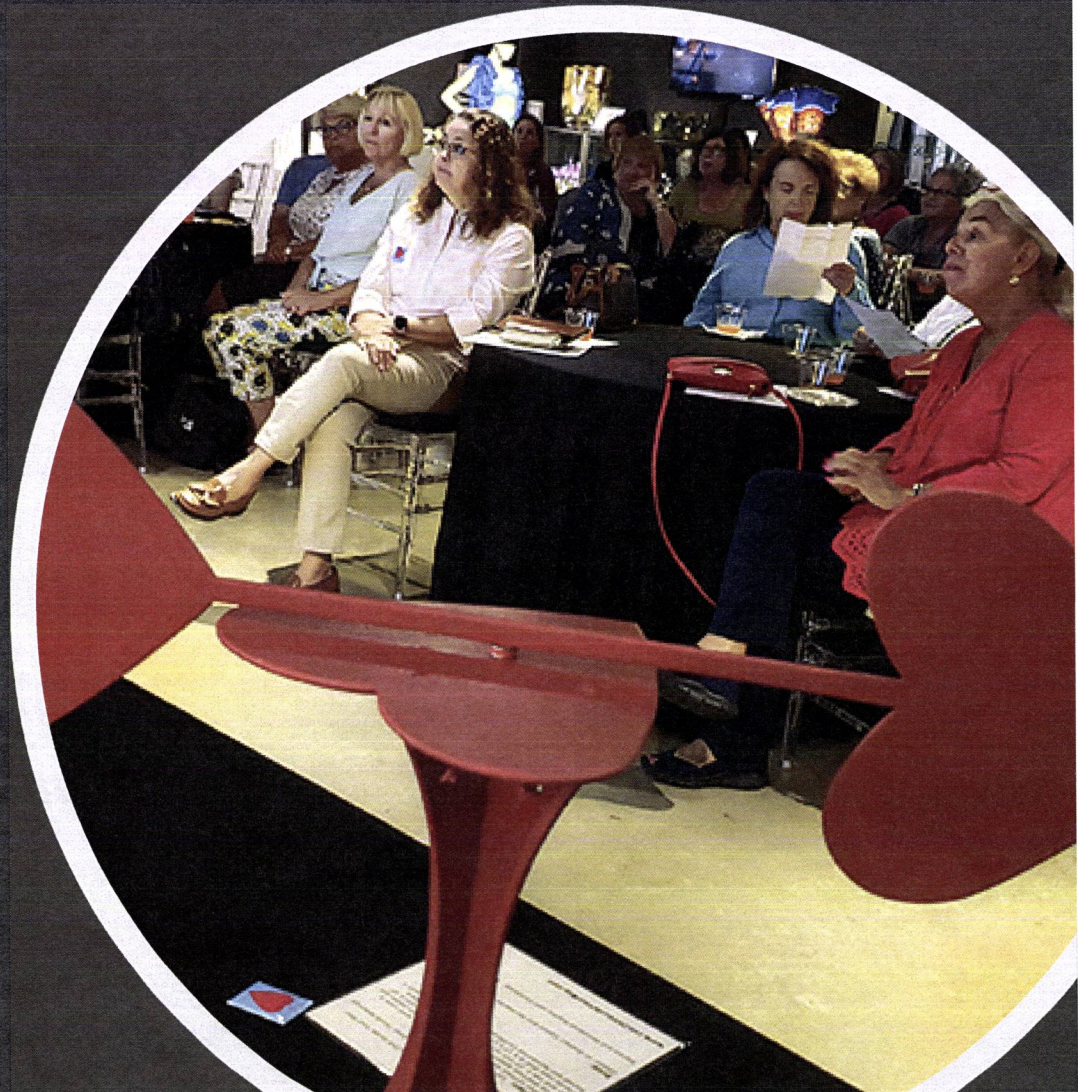


Museum Edition kinetic
sculpture at the Art Fair
on the Water in Fort
Lauderdale



Museum Edition kinetic
sculpture overlooking the
Empire State Building in
New York

The Museum Edition
kinetic sculpture at
WMODA





Lloyd Goradesky at WMODA



Miniature kinetic
sculpture at WOMODA



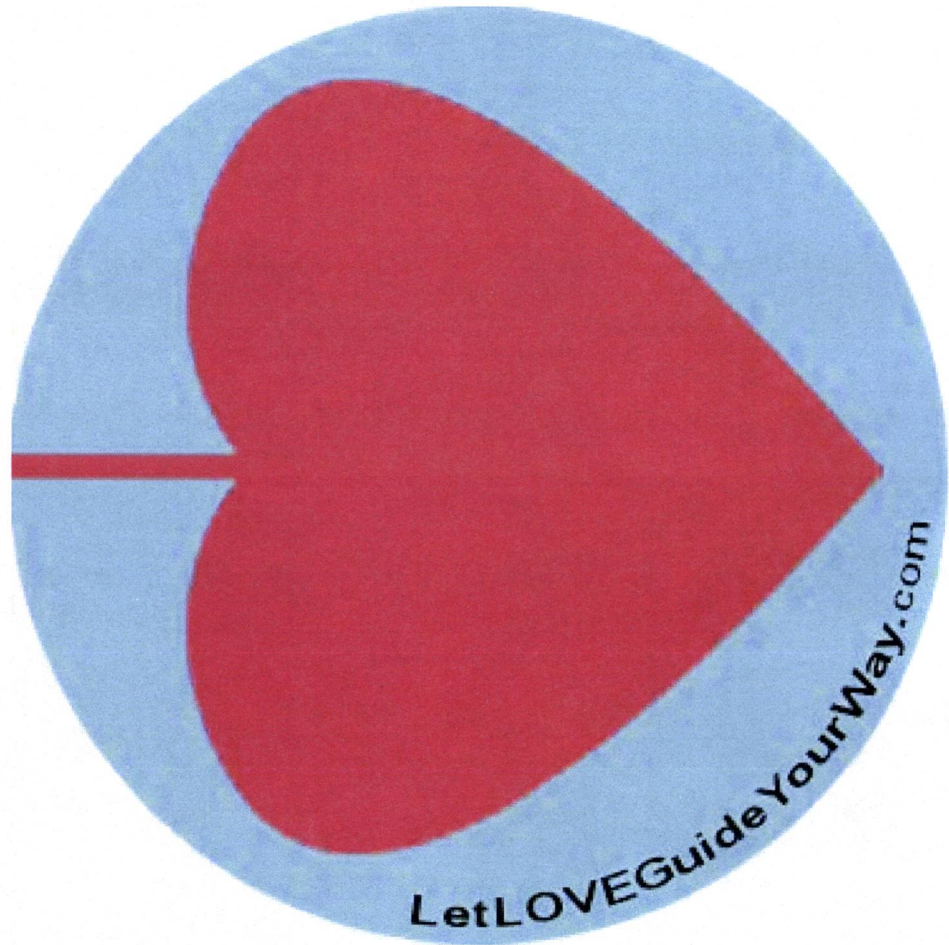






Arthur Wiener, founder of WMODA, with the artist Lloyd Goradesky

Buttons travel
around the
world





LOVE Buttons travel around the world



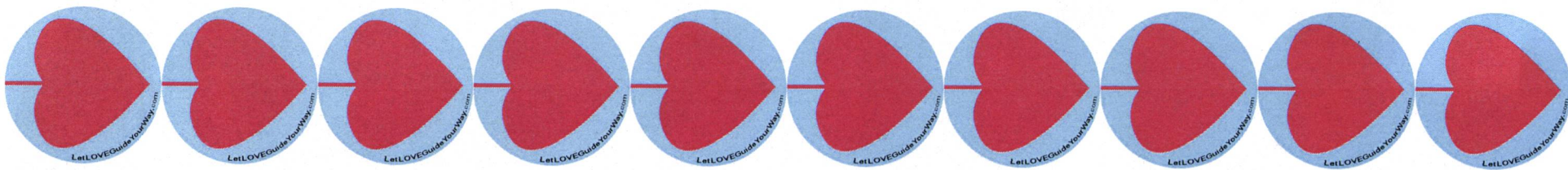
Phone Booth in London England



LOVE Buttons in London
England

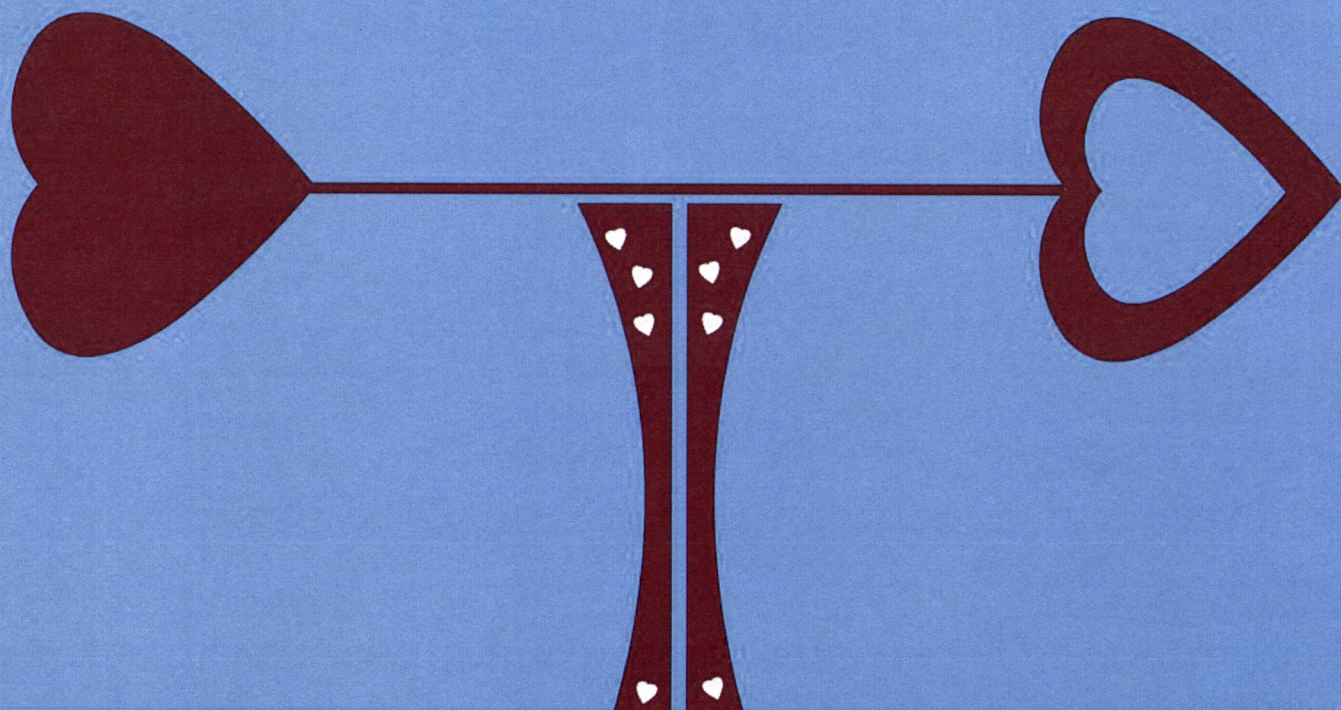
The LOVE button in the
Scottish Highlands





#BeKind





www.LetLOVEGuideYourWay.com