MINUTES OF REGULAR MEETING
DANIA BEACH CITY COMMISSION
TUESDAY, MARCH 12, 2024 – 7:00 P.M.

1. CALL TO ORDER/ROLL CALL

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

Present:

Mayor:	A. J. Ryan IV
Vice-Mayor:	Lori Lewellen
Commissioners:	Joyce L. Davis
	Tamara James
	Marco A. Salvino, Sr.
City Manager:	Ana M. Garcia, ICMA-CM
City Attorney:	Eve Boutsis
City Clerk:	Elora Riera, MMC

2. MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Mayor Ryan 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 Hot Diggity Dog - 35 Years in Business - *Sponsored by Mayor Ryan*

Mayor Ryan presented a plaque to Rosina Smith for their 35 years in business.

3.2 Recognition in Celebration of Women's History Month - *Sponsored by Vice Mayor Lewellen*

Vice Mayor Lewellen introduced the item and presented certificates to all the women leaders of the City.

3.3 Earth Day Beach / Pier Clean-Up - *Sponsored by Commissioner Davis*

Commissioner Davis introduced the item.

There was consensus to close the pier.

4. PROCLAMATIONS

4.1 Women's History Month - March 2024 - *Sponsored by Vice Mayor Lewellen*

Vice Mayor Lewellen read the proclamation into the record.

4.2 Irish American Heritage Month - March 2024 - *Sponsored by Mayor Ryan*

Mayor Ryan read the proclamation into the record.

5. ADMINISTRATIVE REPORTS

5.1 City Manager

City Manager Garcia presented her managers' report and touched on the following topics:

- State budget funds coming to the City
- Dania After Dark Wine & Seafood Festival and upcoming Festivals for April and May
- I.T. Parker Center
- Covered shade area at Mildred V. Jones Park
- Second addition of the Pioneer Magazine
- Budget for Fiscal Year 24-25
- Citywide Camera Project (last meeting)
- Business card options
    - The Commission agreed to use option 2A for business cards.
- Ocean Park Marina Management

5.2 City Attorney

City Attorney Boutsis noted that the legislative session is over, and the next step is for the Governor to sign bills. As soon as the bills are signed, she will provide a report and an update on those bills.

5.3 City Clerk - Reminders

City Clerk Riera reminded the Commission of the following upcoming meetings:

- March 26, 2024 City Commission Meeting - 7:00 p.m.
- April 8, 2024 Budget Workshop - 4:30 p.m.
- April 9, 2024 CRA Board Meeting - 5:30 p.m.
- April 9, 2024 City Commission Meeting - 7:00 p.m.

6. PUBLIC SAFETY REPORTS

Chief Tarala thanked the city and the Commission for their support with the license plate recognition trailers. He gave an update on recent criminal activity in the city, increased patrols at the beach for spring break, the cleanup of homeless encampments and upcoming traffic enforcement measures for speeding.

Fire Chief Pellecer gave an update on departmental activities including emergency management and attending the Disasters Expo in Miami. He spoke about the Honor Guard visiting the station and training the new firefighters on the proper ways of saluting, standing at attention and marching and turning. He advised the Commission and staff that the Engine Crews are working on Target Hazard Identification and Pre-planning to identify hazards that might present a challenge to them and advised that the Safer Grant application period has opened.

7. CITIZENS' COMMENTS

None.

8. CONSENT AGENDA

Commissioner James made a motion to approve the consent agenda. The motion was seconded by Commissioner Davis which carried unanimously on voice vote.

8.1 Minutes: February 27, 2024 City Commission Meeting

Approved under consent agenda.

8.2 Travel Requests: None.

8.3 RESOLUTION NO. 2023-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE RECEIPT OF GRANT FUNDING FOR THE STREETSCAPE BEAUTIFICATION PROJECT ON NW 1ST STREET, FROM BRYAN ROAD TO STATE ROAD 5/US 1, TO PROVIDE FOR FUNDING FOR SIDEWALK, AND ROADWAY IMPROVEMENTS, AS WELL AS PEDESTRIAN AMENITIES IN THE AMOUNT OF THREE HUNDRED SIXTY-THOUSAND TWO HUNDRED SIXTY-FOUR DOLLARS ($360,264.00);PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

Approved under consent agenda.

8.4 RESOLUTION NO. 2023-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, REQUESTING APPROVAL OF A RESOLUTION TO PROCEED WITH THE BID ADVERTISEMENT FOR THE LIFT STATION NO. 11 REHABILITATION PROJECT;

PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.*(Public Services)*

Approved under consent agenda.

8.5 RESOLUTION NO. 2023-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, JOINING WITH THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES ("AFSCME") UNION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING ("MOU") REGARDING ALLOWING EMPLOYEES TO WORK AT AFTERHOURS SPECIAL EVENTS, AND ESTABLISHING A PROCEDURE FOR THE OFFERING AND ACCEPTING OF SUCH WORK BY EMPLOYEES WITHIN THE BARGAINING UNIT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Human Resources)*

Approved under consent agenda.

8.6 RESOLUTION NO. 2023-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE RENEWAL OF EMERGENCY DEBRIS MONITORING AND FEMA GRANT ADMINISTRATION SERVICES CONTRACTS PURSUANT TO REQUEST FOR PROPOSAL NO. 20-003 FOR PRIMARY, SECONDARY AND TERTIARY SERVICES WITH DEBRIS TECH, LLC, ROSTAN SOLUTIONS, LLC, AND BRENCO EMERGENCY MANAGEMENT, LLC, RESPECTIVELY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

Approved under consent agenda.

8.7 RESOLUTION NO. 2023-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE MODIFICATION NUMBER THREE TO THE SUBGRANT AGREEMENT BETWEEN THE CITY OF DANIA BEACH AND THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT FOR AN INCREASE IN FUNDING FOR THE REHABILITATION OF LIFT STATIONS 1, 2 AND 3 PROJECT; PROVIDING FOR CONFLICTS; FURTHER PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

Approved under consent agenda.

8.8 RESOLUTION NO. 2023-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PURCHASE OF PROFESSIONAL SERVICES FROM RAFTELIS FINANCIAL CONSULTANTS, INC., WITHOUT COMPETITIVE BIDDING

AND WITHOUT ADVERTISEMENT FOR BIDS, UTILIZING THE CITY OF DAYTONA BEACH, FLORIDA GENERAL SERVICES CONTRACT NO. 19632; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Finance)*

Approved under consent agenda.

8.9 RESOLUTION NO. 2023-____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, DELINEATING THE CITY COMMISSION'S POLICY RELATING TO CODESIGNATION OF STREETS REQUIRING THE CITY COMMISSION TO COVER ALL COSTS OF CODESIGNATION UP TO TEN THOUSAND DOLLARS ($10,000.00) PER REQUEST; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Commissioner James)*

Approved under consent agenda.

9. BIDS AND REQUESTS FOR PROPOSALS

None.

10. QUASI-JUDICIAL & PUBLIC HEARING ITEMS

10.1 RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, PROVIDING FOR AN AMENDED BUDGET APPROPRIATION FOR FISCAL YEAR 2023-2024 IN THE WATER UTILITY FUND AND SEWER UTILITY FUND; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Finance)*

City Attorney Boutsis read the title of the ordinance.

Chief Financial Officer Frank DiPaolo introduced the item.

Mayor Ryan opened the floor to public comments, there being none, public hearing was closed.

Commissioner James made a motion to approve the ordinance on first reading. The motion was seconded by Commissioner Davis which carried unanimously on voice vote.

10.2 *(FIRST READING)*
ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE EXPENDITURE OF CITY FUNDS EXCEEDING ONE MILLION DOLLARS ($1,000,000.00), TO FUND THE HISTORIC RESTORATION OF THE NYBERG-SWANSON HOUSE PROJECT; PROVIDING FOR CODIFICATION,

PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Public Services)*

City Attorney Boutsis read the title of the ordinance.

Mayor Ryan opened the floor to public comments, there being none, public hearing was closed.

Commissioner James made a motion to approve the ordinance on first reading. The motion was seconded by Vice Mayor Lewellen which carried unanimously on voice vote.

10.3 *(FIRST READING)*
ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE EXPENDITURE OF CITY FUNDS EXCEEDING ONE MILLION DOLLARS ($1,000,000.00), WHICH THE ACTUAL PROJECT COST WILL BE DETERMINED AT BID AWARD TO FUND THE BUILDING DEPARTMENT RENOVATION PROJECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

City Attorney Boutsis read the title of the ordinance.

Mayor Ryan opened the floor to public comments, there being none, public hearing was closed.

Commissioner James made a motion to approve the ordinance on first reading. The motion was seconded by Vice Mayor Lewellen which carried unanimously on voice vote.

11. FIRST READING ORDINANCES

First reading ordinances under this section are not subject to public hearing and may be taken all at once, unless pulled by the City Commission. A public hearing and discussion will take place at second reading of all ordinances within its respective section of the agenda.

11.1 ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTERS 17, ENTITLED "OFFENSES – MISCELLANEOUS" IN ORDER TO AMEND THE CITY'S EXISTING PROHIBITION ON CAMPING TO ENSURE THAT THE PROHIBITION AND ENFORCEMENT MEASURES CONTAINED IN THE CODE COMPLY WITH CONSTITUTIONAL REQUIREMENTS FOR SUCH ORDINANCES AS SET FORTH BY THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT IN JOEL V. CITY OF ORLANDO, 232 F.3D 1353 (11TH CIR. 2000); AND UPDATING THE CODE VIOLATIONS RELATING TO CAMPING; REPEALING SECTIONS 17.16 "ARREST AND TRIAL," 17.15 "VAGRANTS", AND 17-12.1, "SAME — PROHIBITED GENERALLY", RELATING TO LOITERING PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Vice Mayor Lewellen)*
City Attorney Boutsis read the title of the ordinance.

City Attorney Boutsis read the title of the ordinance.

Commissioner James made a motion to approve the ordinance on first reading. The motion was seconded by Vice Mayor Lewellen which carried unanimously on voice vote.

11.2 ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 16, "VACATION RENTALS", AT SECTION 16-2, ENTITLED "VACATION RENTALS"; AMENDING SECTION 105-110, ENTITLED "PARKING AND STORAGE OF MOBILE LIVING UNITS", AND SECTION SEC. 105-140, ENTITLED "RESTRICTIONS ON PARKING COMMERCIAL AND RECREATIONAL VEHICLES IN RESIDENTIAL AREAS" TO CLARIFY THAT MOBILE HOMES OR RECREATIONAL VEHICLES (MOBILE LIVING UNITS) CANNOT BE LEASED FOR SHORT TERM OR LONG TERM RENTALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; CODIFICATION AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Commissioner James)*

City Attorney Boutsis read the title of the ordinance.

Commissioner James made a motion to approve the ordinance on first reading. The motion was seconded by Vice Mayor Lewellen which carried unanimously on voice vote.

11.3 ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 25, ENTITLED "TRAFFIC", AT ARTICLE III, ENTITLED "PARKING, STOPPING AND STANDING", DIVISION 1, ENTITLED "GENERALLY"; AT SECTION 25-48, ENTITLED " PARKING NOT TO OBSTRUCT TRAFFIC"; SECTION 25-66, ENTITLED "PARKING PROHIBITED AT CERTAIN LOCATIONS"; TO CLARIFY THAT TRAILERS, MOBILE LIVING UNITS, TRUCK OVER ONE TON IN WEIGHT, OR ANY VESSEL PARKED IMPROPERLY SHALL BE SUBJECT TO A GREATER FINE THAN A PERSONAL VEHICLE; AND RESERVING SECTION 25-79, CURRENTLY ENTITLED "FINES"; PROVIDING FOR CODIFICATION, PROVIDING FOR CODIFICATION, CONFLICTS; SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Vice Mayor Lewellen)*

City Attorney Boutsis read the title of the ordinance.

Commissioner James made a motion to approve the ordinance on first reading. The motion was seconded by Vice Mayor Lewellen which carried unanimously on voice vote.

11.4 ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 17, ENTITLED "OFFENSES – MISCELLANEOUS" IN ORDER TO SUBSTANTIALLY MODIFY SECTION 17-11, ENTITLED, "RESERVED TO

PROVIDE FOR REGULATIONS RELATING TO "OBSTRUCTING OF PEDESTRIAN AND VEHICULAR TRAFFIC" IN ORDER TO PROHIBIT SAME; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Vice Mayor Lewellen)*
City Attorney Boutsis read the title of the ordinance.

City Attorney Boutsis read the title of the ordinance.

Commissioner James made a motion to approve the ordinance on first reading. The motion was seconded by Vice Mayor Lewellen which carried unanimously on voice vote.

11.5 ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 16, "VACATION RENTALS", AT SECTION SEC. 16-3. REVOCATION, SUSPENSION OR TRANSFER OF VACATION RENTAL CERTIFICATE," TO PROVIDE AN ADDITIONAL BASIS FOR REVOCATION OR SUSPENSION, AND TO GENERALLY PROVIDE A CLEAN UP OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; CODIFICATION AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Vice Mayor Lewellen)*

City Attorney Boutsis read the title of the ordinance.

Commissioner James made a motion to approve the ordinance on first reading. The motion was seconded by Vice Mayor Lewellen which carried unanimously on voice vote.

11.6 ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 2, ENTITLED "ADMINISTRATION", ARTICLE III, ENTITLED "SUPPLEMENTAL CODE ENFORCEMENT PROCEDURES; CODE ENFORCEMENT CITATION PROGRAM", AT SECTION 2-58, ENTITLED "SCHEDULE OF CODE ENFORCEMENT FINES/CIVIL PENALTIES" TO UPDATE THE SCHEDULE OF FINES; AMENDING ARTICLE IV, "CODE ENFORCEMENT", AT SECTION 2-72, "APPLICABILITY" TO UPDATE THE LIST OF CHAPTERS ENFORCED BY THE SPECIAL MAGISTRATE; PROVIDING FOR CODIFICATION, PROVIDING FOR CODIFICATION, CONFLICTS; SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

City Attorney Boutsis read the title of the ordinance.

Commissioner James made a motion to approve the ordinance on first reading. The motion was seconded by Vice Mayor Lewellen which carried unanimously on voice vote.

11.7 ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTERS 5, 17, 20, 21, AND 25 IN ORDER TO AMEND ALL

CITATIONS REFERENCING CERTAIN MONETARY PENALTIES OR IMPRISONMENT TO REFLECT SECTION 1-8 OF THE CITY'S CODE ENTITLED "GENERAL PENALTY; CONTINUING VIOLATIONS; VIOLATION AS PUBLIC NUISANCE"; AND DELETING OBSOLETE PROVISIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. (Community Development)

City Attorney Boutsis read the title of the ordinance.

Commissioner James made a motion to approve the ordinance on first reading. The motion was seconded by Vice Mayor Lewellen which carried unanimously on voice vote.

12. **SECOND READING ORDINANCES**

12.1 ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 22, OF THE CITY CODE OF ORDINANCES, WHICH CHAPTER IS ENTITLED "STREETS AND SIDEWALKS" AT ARTICLE I, ENTITLED "IN GENERAL" BY AMENDING SECTION 22-7A IN ORDER TO MODIFY THE PETITION REQUIREMENTS, PROVIDING FOR A PENALTY FOR FALSE PETITIONS; PROVIDING FOR ONE APPLICATION, PER YEAR; AND MODIFYING COST COVERAGE BY PETITIONERS TO HAVE THE CITY COVER THE COSTS ASSOCIATED WITH THE PROCESS AND INSTALLATION OF CODESIGNATION SIGNS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Commissioner James)*

City Attorney Boutsis read the title of the ordinance.

Vice Mayor Lewellen would like to see it be 4/5 votes to be consistent with the others.

Mayor Ryan opened the floor to public comments, there being none, public hearing was closed.

Commissioner James made a motion to approve the ordinance on second reading. The motion was seconded by Commissioner Davis which carried 4-1 with Vice Mayor Lewellen voting no.

12.2 ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 20, ENTITLED "POLICE" OF THE CITY'S CODE OF ORDINANCES, ARTICLE IV, ENTITLED "WRECKER AND TOWING SERVICES," TO AMEND AND UPDATE THE TOW TRUCK LIST REQUIREMENTS AND LOCATION OF THE GARAGE TO WITHIN THE CITY LIMITS OF DANIA BEACH; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Mayor Ryan)*

City Attorney Boutsis read the title of the ordinance.

Mayor Ryan opened the floor to public comments, there being none, public hearing was closed.

Commissioner James made a motion to approve the ordinance on second reading. The motion was seconded by Commissioner Davis which carried 4-1 with Vice Mayor Lewellen voting no.

12.3 ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE REQUEST, MADE BY FRANMAR PROPERTIES OF SOUTH FLORIDA LLC FOR PROPERTY LOCATED AT 2171, 2181, AND 2191 SW 42nd STREET IN THE CITY OF DANIA BEACH, FLORIDA, AS LEGALLY DESCRIBED IN EXHIBIT "A", A COPY OF WHICH IS ATTACHED AND INCOPORATE BY REFERENCE INTO THIS ORDINANCE, TO REZONE THE SUBJECT SITE FROM M-2 (GENERAL MANUFACTURING AND INDUSTRIAL, A BROWARD COUNTY ZONING DISTRICT, TO IROM-AA (INDUSTRIAL RESEARCH, OFFICE AND MARINE DISTRICT AND INDUSTRIAL RESEARCH, OFFICE AND MARINE AIRPORT APPROACH DISTRICT) (APPLICATION NO. RZ-081-23), A CITY OF DANIA BEACH ZONING DISTRICT, SUBJECT TO CERTAIN RESTRICTIONS, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

This item was heard after item #12.6.

City Attorney Boutsis read the title of the ordinance and swore in anyone wishing to speak on the item.

Mayor Ryan opened the floor to public comments, and the following spoke:

- David Reich - 4161 SW 42nd Avenue

Commissioner James made a motion to approve the ordinance on second reading. The motion was seconded by Vice Mayor Lewellen which carried 4-0 with Commissioner Salvino absent for the vote.

12.4 ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 28 "LAND DEVELOPMENT CODE"; AT PART 3, "SPECIAL ZONING DISTRICTS"; SUBPART 1 "COMMUNITY REDEVELOPMENT AREA (CRA) FORM-BASED ZONING DISTRICTS" TO PROVIDE SPECIFIC REGULATIONS FOR THE 4,000 RAC UNITS AUTHORIZED BY BROWARD COUNTY TO BE ALLOCATED TO THE CRA FORM BASED CODE ZONING DISTRICT THROUGH THE CITY'S COMPREHENSIVE PLAN AMENDMENT TO BE ADOPTED IN DECEMBER 2023, TO PROVIDE FOR A SPECIFIC FORM BASED REGULATION FOR THE 4,000 NEW RAC UNITS; AND PROVIDING FOR A VESTING OF THE 2010 RAC UNITS APPROVED UNDER ORDINANCE NO. 2010-007 (ADOPTED ON 9/28/10) UNDER THE

REGULATIONS OF THIS SUBPART AS THEY EXISTED IN SUPPLEMENT 154 OF THE DANIA BEACH CODE OF ORDINANCES, DATED NOVEMBER 30, 2022, PUBLISHED BY MUNICIPAL CODE CORPORATION; AND SPECIFICALLY AMENDING THE CRA FORM BASED CODE FOR THE 4,000 UNITS TO ELIMINATE INCENTIVES PROVIDE FOR MANDATORY GREEN CODE REQUIREMENTS AND CLARIFICATIONS, INCLUDING THE FOLLOWING REVISIONS: AMENDING 300-30, ENTITLED "HOW TO DETERMINE THE BUILDABLE AREA OF A LOT, ALLOWABLE DENSITY AND BUILDING HEIGHT"; AMENDING SECTION 300-60, ENTITLED "OTHER DEVELOPMENT REGULATIONS"; AMENDING SECTION 300-80, ENTITLED "INTENT"; AMENDING SECTION 301-20, ENTITLED "APPLICABILITY"; AMENDING SECTION 301-40, ENTITLED "SITE PLAN PROCEDURES"; AMENDING SECTION 301-50, ENTITLED "VARIATIONS IN DESIGN; PROCEDURE FOR REVIEW OF DESIGN VARIATIONS"; AMENDING ARTICLE 303, ENTITLED "DISTRICT DEVELOPMENT STANDARDS"; AMENDING SECTION 303-30, ENTITLED "ILLUSTRATED DEVELOPMENT STANDARD DEFINITIONS; INTERPRETATION"; AMENDING THE FOLLOWING SECTIONS: 303-40, ENTITLED "CITY CENTER (CC) DISTRICT"; SECTION 303-50, ENTITLED "NBHD-MU, NEIGHBORHOOD MIXED-USE DISTRICT"; SECTION 303-60, ENTITLED "EDBB-MU, EAST DANIA BEACH BOULEVARD MIXED-USE DISTRICT"; SECTION 303-70, ENTITLED "GTWY-MU, BEACH GATEWAY MIXED-USE DISTRICT"; SECTION 303-80, ENTITLED "SFED-MU, SOUTH FEDERAL HIGHWAY CORRIDOR MIXED-USE DISTRICT"; SECTION 303-90, ENTITLED "NBHD-RES, NEIGHBORHOOD RESIDENTIAL DISTRICT"; SECTION 303-100, ENTITLED "MARINE DISTRICT"; ARTICLE 304, ENTITLED "BUILDING HEIGHT AND TRANSITION REGULATIONS"; AT SECTIONS 304-10, ENTITLED "GENERALLY"; SECTION 304-20, ENTITLED "RULES OF HEIGHT TRANSITION FROM RESIDENTIAL ZONING DISTRICTS"; STRIKING SECTION 304-30, ENTITLED "RULES OF HEIGHT TRANSITION ADJACENT TO FEC RAILROAD CORRIDOR"; RENAMING ARTICLE 305 FROM "INCENTIVES" TO "SUSTAINABLE BUILDING REQUIREMENTS"; STRIKING SECTION 305-10 "APPLICABILITY"; STRIKING SECTION 305-20 ENTITLED "SCHEDULE OF INCENTIVES"; STRIKING SECTION 305-30 ENTITLED "INCENTIVES FOR PROVIDING PUBLIC OPEN SPACE"; STRIKING SECTION 305-40, ENTITLED "INCENTIVES FOR PROVIDING ATTAINABLE HOUSING"; STRIKING SECTION 305-50, ENTITLED "SUSTAINABLE BUILDING PRACTICES"; CREATING A NEW SECTION 305-10 ENTITLED "APPLICABILITY"; CREATING A NEW SECTION 305-20 ENTITLED "GREEN BUILDING; GREEN BUILDING PRACTICES"; CREATING A NEW SECTION 305-30, ENTITLED "THIRD PARTY CERTIFICATION REQUIRED"; STRIKING SECTION 305-60 ENTITLED "PROVIDE PUBLIC PARKING"; STRIKING SECTION 305-70 ENTITLED "INCENTIVES FOR PUBLIC PARKS"; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS"; PROVIDING FOR SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

City Attorney Boutsis read the title of the ordinance and commented that a new map has been provided to the Commission on the dais and read the proposed amendment into the record as follows:

(D) No variances as to the height restrictions or density shall be authorized.
(E) Utilizing of the 4,000 RAC units from the Comprehensive Plan must be in accordance with the allocation designated by use [Single-Family or Multi-Family], unless the City Commission,

after notice pursuant to Section 610.20, of the Land Development Regulations, holds a public hearing, to authorize a reallocation of the RAC units, by a 4/5 vote of the City Commission.
(F) Of the 15% RAC units approved in 2024 in the City's Comprehensive Plan, which are to be designated for affordable housing, the entire 15% of RAC units shall be used for low or very low-income housing purposes (80% AMI or lower).

Deputy Director of Community Development Corinne Lajoie introduced the item.

Mayor Ryan opened the floor to public comments, and the following spoke:

- Kimberly Ford - 22 SW 5th Avenue
- Kathryn Wilkins Christopher – 55 SW 14th Street
- Jay Turner – 402 Industrial Lane
- Dennis Mele – 200 E Broward Blvd. #1800
- Edwin J. Stacker – 201 E Las Olas Blvd.

Vice Mayor Lewellen commented that the work that went into this was significant. RAC units were running out and there have been changes on the zoning codes. She has concerns about it changing it.

City Attorney Boutsis clarified that the City is not taking property right; this is the new code for the new units. The City is not taking away any of the height or density that they currently have.

Commissioner James made a motion to approve the ordinance on second reading with the proposed amendments. The motion was seconded by Commissioner Davis which carried 5-0 on roll call vote.

12.5 ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 28, "LAND DEVELOPMENT REGULATIONS", OF THE CITY CODE OF ORDINANCES, CREATING ARTICLE 206, "GREEN BUILDING DESIGN STANDARDS", AND CREATING SECTIONS 206.10 THROUGH 206-90, IMPLEMENTING THE GREEN BUILDING STANDARDS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

City Attorney Boutsis read the title of the ordinance.

Mayor Ryan opened the floor to public comments, there being none, public hearing was closed.

Commissioner James made a motion to continue the item to the April 9, 2024 Commission meeting. The motion was seconded by Commissioner Salvino which carried unanimously on voice vote.

12.6 ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, SPECIFICALLY AMENDING A PORTION OF THE CITY OF DANIA BEACH FUTURE LAND USE MAP AS A SMALL-SCALE AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ON PROPERTY LOCATED BETWEEN RAVENSWOOD ROAD AND SW 22ND AVENUE NORTH OF SW 42ND STREET, AS LEGALLY DESCRIBED IN EXHIBIT "A", WHICH CONSISTS OF APPROXIMATELY 0.51 ACRES, CHANGING THE CURRENT FUTURE LAND USE DESIGNATION FROM (BROWARD COUNTY) COMMERCE CATEGORY TO (CITY) INDUSTRIAL CATEGORY; AND CHANGING THE FUTURE LAND USE DESIGNATION FROM (CITY OF HOLLYWOOD) RECREATION AND OPEN SPACE CATEGORY TO (CITY) PARKS AND RECREATION CATEGORY ON PROPERTY AS LEGALLY DESCRIBED IN EXHIBIT "B", WHICH CONSISTS OF APPROXIMATELY 0.204 ACRES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. *(Community Development)*

This item was heard after item #12.2.

City Attorney Boutsis read the title of the ordinance and swore in anyone wishing to speak on the item.

Deputy Director of Community Development Corinne Lajoie introduced the item.

Mayor Ryan opened the floor to public comments, and the following spoke:

- David Reich - 4161 SW 42nd Avenue
- Leigh Kerr - 808 E Las Olas

Vice Mayor Lewellen made a motion to approve the ordinance on second reading. The motion was seconded by Commissioner James which carried 4-1 with Commissioner Davis voting no.

12.7 ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE DANIA BEACH COMPREHENSIVE PLAN TO AMEND THE REGIONAL ACTIVITY CENTER ("RAC") LAND USE CLASSIFICATION AS DESCRIBED IN EXHIBIT "A" ATTACHED TO THIS ORDINANCE, BY REDUCING ACREAGE FOR COMMERCIAL AND INCREASING RESIDENTIAL USES; PROVIDING FOR TRANSMITTAL TO THE BROWARD COUNTY PLANNING COUNCIL AND STATE AGENCIES; PROVIDING FOR ADOPTION PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; REQUESTING RECERTIFICATION FROM THE BROWARD COUNTY PLANNING COUNCIL; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

This item was heard after item #12.3.

City Attorney Boutsis read the title of the ordinance. She clarified that the revised ordinance is on the dais for the Commission as well as a diagram and language clarification.

Deputy Director of Community Development Corinne Lajoie introduced the item.

Mayor Ryan opened the floor to public comments, there being none, public hearing was closed.

Commissioner James would like to see an additional gatekeeping measure. She would like to amend the second part of the ordinance to read, utilization of the 4,000 rack units for the comprehensive plan must be in accordance with the allocation designated by single family or multifamily unless the city commission after notice pursuant to Section 610.20 of the Land Development Regulations holds a public hearing to authorize a reallocation of the rack units by a super majority vote of the commission, which is a 4/5 vote. She would also ask that 15% total be low-income units at the 80% AMI level. After discussion that would be her motion and amendment.

Commissioner Davis feels that 4,000 is too high. She would like to address how the 4,000 units will be managed.

Discussion ensued regarding the 4,000 units and how they will be managed.

City Attorney Boutsis suggested that Commissioner James' amendments go on the next ordinance, item 12.4 for the Land Development Code, Section 300-30 and not this one so it does not have to go back to the State for review.

Vice Mayor Lewellen made a motion to approve the ordinance as is on second reading. The motion was seconded by Commissioner Salvino which carried 3-2 with Commissioner Salvino, Vice Mayor Lewellen and Mayor Ryan voting yes and Commissioner Davis and Commissioner James voting no.

12.8 ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AMENDING CHAPTER 12, ENTITLED, "FLOOD DAMAGE PREVENTION" OF THE CITY'S CODE OF ORDINANCES IN ORDER TO AMEND THE ELEVATION REQUIREMENTS FOR ALL NEW AND SUBSTANTIALLY IMPROVED RESIDENTIAL AND NON-RESIDENTIAL BUILDINGS, STRUCTURES, MANUFACTURED HOMES AND FOR OTHER PURPOSES; AND ADOPTING TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE; PROVIDING FOR SEVERABILITY, CODIFICATION; PROVIDING FOR CONFLICTS; AND FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Community Development)*

City Attorney Boutsis read the title of the ordinance.

Director of Community Development Eleanor Norena introduced the item.

Mayor Ryan opened the floor to public comments, there being none, public hearing was closed.

Commissioner James made a motion to approve the ordinance on second reading. The motion was seconded by Vice Mayor Lewellen which carried unanimously on voice vote.

13. DISCUSSION AND POSSIBLE ACTION

13.1 C. W. Thomas Gymnasium Dedication - Sponsored by Commissioner Salvino

Commissioner Salvino introduced the item.

Commissioner Davis expressed her concerns on dedicating things to people who are still living.

Commissioner James thanked Commissioner Salvino and those involved for the proposed recognition.

There was consensus to move forward.

13.2 RESOLUTION NO. 2024-_____

A RESOLUTION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING PARTICIPATION IN LITIGATION SEEKING A DECLARATION THAT THE PROVISIONS OF SECTION 112.144(1)(d), FLORIDA STATUTES, THAT REQUIRE MUNICIPAL ELECTED OFFICIALS TO FILE FORM 6 FINANCIAL DISCLOSURE FORMS IS UNCONSTITUTIONAL AND INVALID PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Commissioner James)*

City Attorney Boutsis provided some information on the item and answered questions from the Commission.

Commissioner James made a motion to approve the resolution. Vice Mayor Lewellen seconded the motion which carried unanimously.

14. APPOINTMENTS

None.

15. COMMISSION COMMENTS

15.1 Commissioner Davis

Commissioner Davis thanked the Commission for working together and commented that she just returned from a conference in Washinton D.C. for the National League of Cities. She attended a lot of great sessions and will be reaching out to Captain Tarala about some new technology that she would like to bring back to the city. She wished a happy Women's History Month to all.

15.2 Commissioner James

Commissioner James commented that she enjoyed her time at the Seafood and Wine Festival, and she sees it growing, the city will need to ensure we have an adequate amount of space as it expands. She requested permission for a proclamation for the Collins 65th Anniversary Celebration. Consensus was received. She noted there will be two community meetings with the School Board of Broward County and she would like to give the community an opportunity to have a town hall.

15.3 Commissioner Salvino

Commissioner Salvino spoke about the amendment brought forward tonight and noted he feels a sense of accomplishment. He commended Parks & Recreation and Administration on the Seafood and Wine Festival and noted that people outside the community are speaking about the city's events.

15.4 Vice-Mayor Lewellen

Vice Mayor Lewellen congratulated city staff for the work that was put in for the Ordinance to get passed tonight. She commented on the Seafood and Wine Festival and said everyone was really happy with the event.

15.5 Mayor Ryan

Mayor Ryan spoke about being a member of the Solid Waste Executive Committee and the hiring of a new executive director, who he plans to introduce at a future meeting to give the city an update on Solid Waste throughout the County. He met with Oasis Marine, the City's new partnership handling North Beach Park Marina. It was a productive meeting, and he is looking forward to them improving the marina. He spoke about Tyley Huntley Day and thanked him for giving back to the community. He wished everyone a Happy St. Patrick's Day.

16. **ADJOURNMENT**

Mayor Ryan adjourned the meeting at 9:57 p.m.

ATTEST:

ELORA RIERA, MMC
CITY CLERK

CITY OF DANIA BEACH

ARCHIBALD J. RYAN IV
MAYOR

Approved: April 9, 2024