

MINUTES OF REGULAR MEETING OF
THE CITY COMMISSION, CITY OF
HALLANDALE BEACH, FLORIDA, HELD
ON WEDNESDAY, SEPTEMBER 16, 2009
AT 1:30 P.M., CITY COMMISSION
CHAMBERS 400 S. FEDERAL HIGHWAY
HALLANDALE BEACH, FL 33009

1. CALL TO ORDER

Mayor Cooper called the meeting to order at 1:32 pm

2. ROLL CALL

Commissioners London, Ross and Sanders, Vice Mayor Julian, Mayor Cooper, City Manager Good, City Attorney Jove and City Clerk Buschman- All present

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS AND REPORTS

A. Proclamation Proclaiming October as National Planning Month

Mayor Cooper presented the Proclamation to Richard Cannone, Director, Development Services Department.

B. Recognition of the Police Athletic League Track Team

HEARD AT 7:00 P.M.

Mayor Cooper presented Allen Cleare, City of Hallandale Beach Employee, with a plaque noting his dedication and commitment to PAL and the Track Team.

Jonathan Carrillo, PAL Program Coordinator, recognized the PAL Track Team Coaches, Moms and Athletes.

C. Parks and Recreation Summary Report

Rebecca Munden-Correa, Director, Parks and Recreation, presented the report.

5. PUBLIC PARTICIPATION (to be heard at 1:30 P.M.)

Daniel Broadwater, 629 SW 4th Court, advised that he received a parking citation for parking his recreational vehicle in a residential neighborhood. He advised that the recreational vehicle was classified as a commercial vehicle in the citation. He requested the City Commission reconsider this portion of the City Code of Ordinances and allow recreational vehicles to be parked in residential neighborhoods.

City Manager Good stated that staff will contact Mr. Broadwater to discuss.

6. CONSENT AGENDA (to be heard at 2:00 P.M.)

A. Approval of Draft Minutes - Regular Meeting of September 2, 2009

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER ROSS TO APPROVE THE CONSENT AGENDA. The motion carried on a 4/1 voice vote. (Commissioner London voted no).

7. CITY BUSINESS (Voting on Items Deferred to Evening Consent Agenda to be Heard at 7:15 P.M.)

A. Consideration of Approval of the 2009 Annual Floodplain Management and Hazard Mitigation Plan Evaluation Report. (Staff: Director, Utilities and Engineering) CAD #030/03

City Manager Good provided background information on the item and recommended approval.

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER SANDERS, TO APPROVE THE 2009 ANNUAL FLOODPLAIN MANAGEMENT AND HAZARD MITIGATION PLAN EVALUATION REPORT. The motion carried on a 4/1 voice vote. (Commissioner London voted no).

B. Consideration of Approval of Entering into a Interlocal Agreement (ILA) with Broward County for Public Transportation Services (Staff: Director, Utilities and Engineering) CAD# 026/06

City Manager Good provided background information on the item. He noted that the Third Mini-Bus Route is an important route to the City. He further noted that Broward County has reduced its funding from \$20/hour to \$15/hour and that staff did not expect a reduction in funding from the County and additional funding to cover the shortfall was not included in the Proposed Fiscal Year 2010 Budget. Therefore, he is requesting the City Commission approve the Interlocal Agreement and authorize additional funding from the Transportation Fund in the amount of \$15,000 for the operation of the Minibus Third Route be included in the Fiscal Year 2010 Budget.

MOTION BY COMMISSIONER ROSS, SECONDED BY VICE MAYOR JULIAN TO APPROVE AN INTERLOCAL AGREEMENT (ILA) BETWEEN BROWARD COUNTY AND THE CITY OF HALLANDALE BEACH FOR PUBLIC TRANSPORTATION SERVICES; TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ALL OTHER GRANT RELATED DOCUMENTS, AND TO RENEW AGREEMENT AS NECESSARY IN THE BEST INTEREST OF THE CITY; AND TO AUTHORIZE THE CITY MANAGER TO INCREASE THE FISCAL YEAR 2009-2010 BUDGET BY UP TO \$15,000 FROM THE TRANSPORTATION FUND FOR OPERATION OF THE MINIBUS THIRD ROUTE. The motion carried on a 5/0 voice vote.

C. A Resolution of the City of Hallandale Beach, Florida Supporting an Amendment to the Florida Constitution to Provide an Additional Ad Valorem Tax Exemption on Homestead Property for U.S. Service Men/Women on Active Duty Outside the United States (Mayor Joy F. Cooper) CAD #008/09

Mayor Cooper provided background information on the item. She noted that the Resolution is to support those service members on active duty overseas in a combat zone.

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER SANDERS TO APPROVE A RESOLUTION OF THE CITY OF HALLANDALE BEACH, FLORIDA, SUPPORTING AN AMENDMENT TO THE FLORIDA CONSTITUTION TO PROVIDE AN ADDITIONAL AD VALOREM TAX EXEMPTION ON HOMESTEAD PROPERTY FOR U.S. SERVICE MEN/WOMEN ON ACTIVE DUTY OUTSIDE THE UNITED STATES. The motion carried on a roll call vote as follows:

AYES: Commissioners London and Sanders, Vice Mayor Julian and Mayor Cooper

NAYS: Commissioner Ross

D. A Resolution of the City of Hallandale Beach, Florida, Opposing the Legislation by the United States Congress Referred to as The Public Employer-Employee Cooperation Act of 2009 (HR 413) that would Federalize Labor Relations with Public Safety Employees, which has Historically been Reserved to the State and Local Governments. (Mayor Joy F. Cooper) CR #136/09 & CAD #008/09

Mayor Cooper provided background information on the item.

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER ROSS, TO APPROVE A RESOLUTION OF THE CITY OF HALLANDALE BEACH, FLORIDA, OPPOSING THE LEGISLATION BY THE UNITED STATES CONGRESS REFERRED TO AS THE PUBLIC EMPLOYER-EMPLOYEE COOPERATION ACT OF 2009 (HR 413) THAT WOULD FEDERALIZE LABOR RELATIONS WITH PUBLIC SAFETY EMPLOYEES, WHICH HAS HISTORICALLY BEEN RESERVED TO THE STATE AND LOCAL GOVERNMENTS. The motion carried on a roll call vote as follows:

AYES: Commissioners London, Ross and Sanders, Vice Mayor Julian and Mayor Cooper

NAYS: None

E. Discussion of the City's Participation in the South Florida Living Green Fair's Mayors Challenge. (Mayor Joy F. Cooper)

Mayor Cooper provided background information on the item.

David Etzler, South Florida Living Green Fair Founder, spoke about the South Florida Living Green Fair and the Mayor's Challenge and asked for the City's participation in the event. He noted the Mayor's Challenge educates the public and promotes water conservation.

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER SANDERS, TO ENDORSE THE CITY'S PARTICIPATION IN THE SOUTH FLORIDA LIVING GREEN FAIR'S MAYORS CHALLENGE. The motion carried on a 5/0 voice vote.

8. COMMISSIONER REPORTS

The City Commission discussed activities, events and meetings attended as representatives of the City.

9. OTHER

The City Commission discussed other City Business.

Mayor Cooper recessed the meeting at 2:57 PM.

Mayor Cooper reconvened the meeting at 7:05 PM.

10. PUBLIC PARTICIPATION (to be heard at 7:00 P.M.)

Davian McDonald, PAL Track & Field Team Member, led the Pledge of Allegiance.

Rodolfo Valdez, 809 SW 8th Ave, spoke about high taxes and the delinquent fee on late utility bills. He further noted that Florida Power and Light (FP&L) is doing work in his neighborhood and wanted a further explanation.

Joseph Maiuro, 1333 E. Hallandale Beach Blvd, expressed concerns about work being performed at his condominium building, April Breeze Condominium. He noted there are life threatening issues and noted he feels the City has not addressed the issues appropriately.

11. CONSENT AGENDA (to be heard at 7:15 P.M.)

A. Voting on City Business Items Previously Discussed

City Clerk Buschman provided an overview of the Commission's actions from the afternoon portion of the meeting.

12. PUBLIC HEARINGS (to be heard at 7:30 P.M.)

A. A Resolution of the City of Hallandale Beach, Florida Accepting The Gulfstream Point Plat Located at 918 S. Federal Highway. This Resolution is a Result of Application #26-09-P by Hallandale First, LLC.(Staff: Director, Development Services)(See Backup)

On April 22, 2009, the Planning and Zoning Board recommended approval of this item on a majority vote of 5-0.

Deputy City Clerk Canada polled the City Commission regarding Ex-Parte Communications:

Commissioner London advised he attended the Planning and Zoning Board meeting but had no contact regarding this item with the applicant; he further stated that the applicant's law firm had represented him on an unrelated issue some time ago.

Commissioner Ross advised she had no ex-parte communication.

Commissioner Sanders advised he had no ex-parte communication.

Vice Mayor Julian advised he had no ex-parte communication.

Mayor Cooper advised she met with Mr. Alan Rosenthal, attorney representing the applicant, regarding the item.

Deputy City Clerk Canada swore in the applicant and staff.

City Manager Good provided background information on the item and recommended approval of the item.

Richard Cannone, Director, Development Services Department, provided an overview of the project and the process for approval. He noted the item before the Commission is for approval of the Plat and that this is the first step in the development process for the project.

Mayor Cooper opened the Public Hearing. Seeing no speakers, Mayor Cooper closed the Public Hearing.

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER ROSS TO APPROVE A RESOLUTION OF THE CITY OF HALLANDALE BEACH, FLORIDA ACCEPTING THE GULFSTREAM POINT PLAT LOCATED AT 918 S. FEDERAL HIGHWAY, SUBJECT TO THE FOLLOWING CONDITIONS:

1. **PROVIDE A 15-FOOT UTILITY EASEMENT RUNNING ALONG THE EAST (FRONT) PROPERTY LINE;**
2. **PROVIDE A 10-FOOT UTILITY EASEMENT ALONG THE REAR (WEST) PROPERTY LINE;**
3. **SHOW THE NVAL LINE (NON- VEHICULAR ACCESS LINE) AS REQUIRED BY BROWARD COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT);**
4. **APPLICANT SHALL BOND FOR AND CONSTRUCT STREET AND ANY REQUIRED RIGHT OF WAY IMPROVEMENTS INCLUDING BUT NOT LIMITED TO SIDEWALKS, PAVEMENT, CONSTRUCTION, STRIPING, SIGNAGE, LANDSCAPING, AND DRAINAGE IMPROVEMENTS;**
5. **PLAT IS RESTRICTED TO 75,000 SQ FT OF OFFICE, 7,500 SQ. FT. OF COMMERCIAL AND 300 ROOM HOTEL SUBJECT TO COMPLIANCE WITH ALL CITY CODES, CITY'S COMPREHENSIVE PLAN, THE CITYWIDE MASTER PLAN, THE CITY'S DESIGN GUIDELINES AND COMPLIANCE WITH ALL MAJOR DEVELOPMENT REVIEW REQUIREMENTS AT THE TIME OF THE MAJOR DEVELOPMENT APPLICATION IS SUBMITTED FOR THE PROJECT. THE APPROVED DEVELOPMENT LEVELS ON THIS PLAT NOTE ARE**

MAXIMUMS AND DO NOT ENTITLE THE PROPERTY OWNER TO THE NOTED DEVELOPMENT LEVEL UNLESS APPROVED BY THE CITY OF HALLANDALE BEACH CITY COMMISSION;

- 6. APPROVAL OF THIS PLAT DOES NOT PRECLUDE THE REQUIREMENTS THAT MUST SUBSEQUENTLY BE FOLLOWED FOR THE APPROVAL BY THE CITY OF HALLANDALE BEACH OF A SPECIFIC SITE PLAN FOR THE IMPROVEMENTS TO BE CONSTRUCTED ON THIS SITE. DURING THE SUBSEQUENT SITE PLAN REVIEW PROCESS, THE APPLICANT SHALL BE REQUIRED TO PROVIDE SURVEY DATA TO ACCURATELY REFLECT THE RELATIONSHIP OF THIS PLATTED SITE WITH THE SURROUNDING PROPERTIES AND IMPROVEMENTS. THESE INCLUDE, BUT ARE NOT LIMITED TO, THE LOCATION OF VISIBLE IMPROVEMENTS AND UTILITIES WITHIN THE PUBLIC RIGHT-OF-WAY INCLUDING EDGE OF PAVEMENT, MANHOLE COVERS, ELECTRICAL BOXES, STORM SEWERS, INLETS, EVIDENCE OF BURIED CABLES, UTILITY POLES, STREET LIGHTS, DRIVEWAYS, AVAILABLE WATER SUPPLY AND WASTEWATER DISPOSAL SYSTEMS, FOUND PROPERTY CORNERS, DRIVEWAY INTERSECTION WITH EDGE OF PAVEMENT WITHIN THE RIGHT-OF-WAY ADJACENT TO THE ACCESS STREET, ALL DRAINAGE STRUCTURES, AND PERMANENT REFERENCE MONUMENTS;**
- 7. ADDRESS ALL RECOMMENDATIONS AND CONDITIONS SET FORTH BY THE BROWARD COUNTY DEVELOPMENT MANAGEMENT DIVISION IN THEIR REVIEW OF THE SUBJECT PLAT;**
- 8. PROVIDE AN ELECTRONIC COPY (AUTOCAD) OF THE PLAT AND A MYLAR COPY OF THE FINAL PLAT AS RECORDED, SHALL BE DELIVERED TO THE CITY FOLLOWING RECORDATION AND PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT; AND**
- 9. CORRECTION TO PAGE 1 OF THE PLAT AS FOLLOWS:**
 - A. CITY OF HALLANDALE BEACH COMMISSION CITY CLERK "DENT MCGOUGH" WILL BE CHANGED TO CITY CLERK**

The motion carried on a roll call vote as follows:

AYES: Commissioners Ross and Sanders, Vice Mayor Julian and Mayor Cooper

NAYS: Commissioner London

- B. An Ordinance of the City of Hallandale Beach, Florida, Approving and Authorizing the Lease of up to a 90,000 Square Foot Portion of City Owned Property to Broward County for Library Purposes, Said Property Described as: All of Hallandale Lawn, According to the Plat Thereof, Recorded in Plat Book 7, Page 32 of the Public Records of Broward County, Florida, and Lot 1 and Lot 4, in Block 11 of the Subdivision 27, Township 51 South, Range**

43 East, According to the Plat Thereof, Recorded in Plat Book "B", Page 13, of the Public Records of Dade County, Florida, and including Lots 11-15 Block 3 of the Unrecorded Plat of Federal Park Sub-Division, Said Property Commonly Being Known as the "Annenberg Tract," (Second Reading)(Staff: General Services Director)(See Backup)

The City Commission adopted the Ordinance on First Reading on August 19, 2009 with a vote of 5/0

City Manager Good provided background information on the item, he read an e-mail dated September 15, 2009 from Broward County staff and recommended approval of the Ordinance.

City Manager Good noted that the City and Broward County discussed the termination clause. He noted Broward County would only agree that the County could terminate with a 90-day notice at their convenience; however, this termination clause for the City was not agreed to.

City Manager Good noted that the term of the lease agreement has been shortened from 20 years to 10 years.

City Manager Good recommended approval of the Ordinance and noted that staff will continue to work with the County towards programs and equipment improvements at the library.

Mayor Cooper opened the Public Hearing.

Seeing no speakers, Mayor Cooper closed the Public Hearing.

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER ROSS, TO APPROVE ON SECOND READING AN ORDINANCE OF THE CITY OF HALLANDALE BEACH, FLORIDA, APPROVING AND AUTHORIZING THE LEASE OF UP TO A 90,000 SQUARE FOOT PORTION OF CITY OWNED PROPERTY TO BROWARD COUNTY FOR LIBRARY PURPOSES, SAID PROPERTY DESCRIBED AS: ALL OF HALLANDALE LAWN, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 7, PAGE 32 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, AND LOT 1 AND LOT 4, IN BLOCK 11 OF THE SUBDIVISION 27, TOWNSHIP 51 SOUTH, RANGE 43 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK "B", PAGE 13, OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, AND INCLUDING LOTS 11-15 BLOCK 3 OF THE UNRECORDED PLAT OF FEDERAL PARK SUB-DIVISION, SAID PROPERTY COMMONLY BEING KNOWN AS THE "ANNENBERG TRACT,;" TO AUTHORIZE THE CITY MANAGER TO CONTINUE NEGOTIATIONS WITH BROWARD COUNTY IN THE BEST INTEREST OF THE CITY FOR ENHANCED PROGRAMS AND EQUIPMENT AS ECONOMICALLY FEASIBLE; AND TO AUTHORIZE THE CITY MANAGER TO RENEW FOR A SECOND TEN (10) YEAR TERM IN THE BEST INTEREST OF THE CITY. The motion carried on a roll call vote as follows:

AYES: Commissioners London, Ross and Sanders, Vice Mayor Julian and Mayor Cooper

NAYS: None

- C. An Ordinance of the City of Hallandale Beach, Florida, Amending Chapter 32, Zoning and Land Development Code, Article IV, Development Standards, Division 18, Solid Waste Disposal, Mandating a City Wide Recycling Program in Section 32-631, Definitions; Section 32-632, Removal Required, Adding Recycling to the Required Removal of Garbage and Trash; Section 32-633, Refuse Receptacles; General Specifications; Section 32-634, Number of Containers; Section 32-635; Placement and Standards for Waste and Recycling Containers; Section 32-637, Safety and Sanitation; Section 32-640, Fees for Collection, Subsections (A) (1) and (B), Repealing Section 32-640(L), Separation of Trash, Renumbering 32-640 (M) Deposit Required as 32-640 (L); 32-642, Separation of Newspapers, Subsection (C), Placement of Newspaper for Collection, Subsection (D), Containers for Newspaper Required, Subsection (G), Intermingling Prohibited, 32-648, Code Enforcement Supplemental Jurisdiction, and Amending Private Hauler Recycling Obligations in Section 32-639 (B) Frequency of Pickups, Section 32-639 (E), Permit Required, 32-639(F)(2) Issuance of Hauling Permit and Section 32-639(F)(7)(B) Hauling Permit Fees, 32-639(F)(7)(C) Audit Requirements, and 32-639(J) Disposal Permit; Construction and Demolition Debris, to Require Posting of Disposal Permit, Providing for Severability, and an Effective Date (Second Reading) (Staff: Director, Public Works)(See Backup)**

The City Commission adopted the Ordinance on First Reading on August 26, 2009 with a vote of 5/0

City Manager Good provided background information on the item. He noted the intent of the Ordinance is to require recycling and to clarify the language within the City's Code of Ordinances.

Mayor Cooper opened the Public Hearing.

Luciano Isla, 1790 West 49th Street, Suite 300, Hialeah, advised that he represents the Dade Waste Hauler Council. He questioned the City's ability to implement the Ordinance prior to the start of the fiscal year. He noted that he disagrees with the language regarding a franchise fee on recycling. Finally, he requested the City Commission defer the item and direct the City Manager to meet with the Private Haulers.

Jack Sheffel, 2860 State Road 84 Fort Lauderdale, noted that he is representing several private waste haulers, Choice Environmental, Liberty Recycling, Eco-Waste and Public Waste Services. He spoke in opposition of the Ordinance and requested the City Commission defer the item to provide an opportunity to meet with the City Manager.

Seeing no other speakers, Mayor Cooper closed the Public Hearing.

Vice Mayor Julian noted that the Ordinance is very complex and spoke in support of deferring the item for two weeks and directing the City Manager to meet with the private haulers.

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER LONDON TO DEFER THE ITEM UNTIL THE OCTOBER 7, 2009 CITY COMMISSION MEETING AND TO DIRECT THE CITY MANAGER TO MEET WITH THE PRIVATE WASTE HAULERS. The motion carried on a 4/1 voice vote. (Mayor Cooper voted no).

D. An Ordinance of the City of Hallandale Beach, Florida, Amending Article V of the City Code Entitled, "Water and Wastewater Impact Fees," Sections 30-249, 30-253, 30-254 and 30-259; Providing for the Imposition of Impact Fees on New Wastewater Users for Capital Expansion of the Wastewater Treatment System in Order to Serve New Connections; Updating Payment of Wastewater Impact Fees and Accrued Guaranteed Revenue Charges ("AGRC"); Providing a Fee Schedule; Providing for Severability; and Providing for an Effective Date (Second Reading)(Staff: Director of Utilities and Engineering)(See Backup)CAD #023/06

The City Commission adopted the Ordinance on First Reading on September 2, 2009 with a vote of 4/0.

City Manager Good provided background information on the item and recommended approval.

Mayor Cooper opened the Public Hearing. Seeing no speakers, Mayor Cooper closed the Public Hearing.

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER SANDERS, TO APPROVE ON SECOND READING AN ORDINANCE OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING ARTICLE V OF THE CITY CODE ENTITLED, "WATER AND WASTEWATER IMPACT FEES," SECTIONS 30-249, 30-253, 30-254 AND 30-259; PROVIDING FOR THE IMPOSITION OF IMPACT FEES ON NEW WASTEWATER USERS FOR CAPITAL EXPANSION OF THE WASTEWATER TREATMENT SYSTEM IN ORDER TO SERVE NEW CONNECTIONS; UPDATING PAYMENT OF WASTEWATER IMPACT FEES AND ACCRUED GUARANTEED REVENUE CHARGES ("AGRC"); PROVIDING A FEE SCHEDULE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. The motion carried on a roll call vote as follows:

AYES: Commissioners London, Ross and Sanders, Vice Mayor Julian and Mayor Cooper

NAYS: None

E. An Ordinance of the City of Hallandale Beach, Florida Pertaining to Public Health and Safety; Amending Chapter 14 "Minimum Property Maintenance and Occupancy Code" by Creating Article IV, "Lot Maintenance and Clean Up" in Order to Require the Clean-up of Property Under Certain Conditions; Providing the Purpose and Intent of the Revision Providing Definitions; Declaring Certain Conditions on Lots, Parcels, and Tracts Within the City Boundaries to be a Nuisance; Prohibiting the Accumulation of Trash, Junk, or Debris, Living and Nonliving Plant Material, and Stagnant Water; Prohibiting the Excessive Growth of Grass, Weeds, Brush, and Other Overgrowth; Prohibiting the Keeping of Fill on Property that Results in

Certain Conditions; Prohibiting Certain Conditions that Constitute an Imminent Threat to Public Health; Authorizing the City to Undertake Immediate Abatement and Remedy of Imminent Public-Health Threats; Providing for Enforcement of Violations; Requiring Notices to Owners and, if Applicable, Agents, Custodians, Lessees, and Occupants of Property in Violation of this Article; Providing for Appeals of Violation Notices; Authorizing the Imposition and Levy of Special Assessments if Costs are Incurred by the City and not Reimbursed by the Property Owner and, if Applicable, the Property Agent, Custodian, Lessee, or Occupant; Requiring Notices of Assessment; Creating Assessments for the Cost of Lot Clean-up; Establishing the City as a Special Assessment District; Authorizing the Levy of Non-Ad Valorem Assessment in Connection with Violations of this Article; Providing for Collection of Non-Ad Valorem Assessments; Authorizing an Agreement with the Broward County Property Appraiser and Tax Collector; Authorizing and Requiring the Adoption of a Resolution Regarding the City's Use of the Uniform Method of Collecting Non-Ad Valorem Assessments; Providing for Annual Non-Ad Valorem Assessment Rolls; Providing Transition Provisions and Ratifying Assessments to Recover Costs Incurred by the City to Remedy Violations Prior to the Ordinance's Enactment; Repealing all Ordinances Inconsistent with this Ordinance; Providing for Severability; Providing and Effective Date. (Second Reading) (Staff: Director, Development Services) (See Backup)

The City Commission adopted the Ordinance on First Reading on August 26, 2009 with a vote of 4/0

City Manager Good provided background information on the item and recommended approval.

Mayor Cooper opened the Public Hearing. Seeing no speakers, Mayor Cooper closed the Public Hearing.

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER ROSS, TO APPROVE ON SECOND READING AN ORDINANCE OF THE CITY OF HALLANDALE BEACH, FLORIDA, PERTAINING TO PUBLIC HEALTH AND SAFETY; AMENDING CHAPTER 14 "MINIMUM PROPERTY MAINTENANCE AND OCCUPANCY CODE" BY CREATING ARTICLE IV, "LOT MAINTENANCE AND CLEAN UP" IN ORDER TO REQUIRE THE CLEAN-UP OF PROPERTY UNDER CERTAIN CONDITIONS; PROVIDING THE PURPOSE AND INTENT OF THE REVISION PROVIDING DEFINITIONS; DECLARING CERTAIN CONDITIONS ON LOTS, PARCELS, AND TRACTS WITHIN THE CITY BOUNDARIES TO BE A NUISANCE; PROHIBITING THE ACCUMULATION OF TRASH, JUNK, OR DEBRIS, LIVING AND NONLIVING PLANT MATERIAL, AND STAGNANT WATER; PROHIBITING THE EXCESSIVE GROWTH OF GRASS, WEEDS, BRUSH, AND OTHER OVERGROWTH; PROHIBITING THE KEEPING OF FILL ON PROPERTY THAT RESULTS IN CERTAIN CONDITIONS; PROHIBITING CERTAIN CONDITIONS THAT CONSTITUTE AN IMMINENT THREAT TO PUBLIC HEALTH; AUTHORIZING THE CITY TO UNDERTAKE IMMEDIATE ABATEMENT AND REMEDY OF IMMINENT PUBLIC-HEALTH THREATS; PROVIDING FOR ENFORCEMENT OF VIOLATIONS; REQUIRING NOTICES TO OWNERS AND, IF APPLICABLE, AGENTS, CUSTODIANS, LESSEES, AND OCCUPANTS OF PROPERTY IN VIOLATION OF

THIS ARTICLE; PROVIDING FOR APPEALS OF VIOLATION NOTICES; AUTHORIZING THE IMPOSITION AND LEVY OF SPECIAL ASSESSMENTS IF COSTS ARE INCURRED BY THE CITY AND NOT REIMBURSED BY THE PROPERTY OWNER AND, IF APPLICABLE, THE PROPERTY AGENT, CUSTODIAN, LESSEE, OR OCCUPANT; REQUIRING NOTICES OF ASSESSMENT; CREATING ASSESSMENTS FOR THE COST OF LOT CLEAN-UP; ESTABLISHING THE CITY AS A SPECIAL ASSESSMENT DISTRICT; AUTHORIZING THE LEVY OF NON-AD VALOREM ASSESSMENT IN CONNECTION WITH VIOLATIONS OF THIS ARTICLE; PROVIDING FOR COLLECTION OF NON-AD VALOREM ASSESSMENTS; AUTHORIZING AN AGREEMENT WITH THE BROWARD COUNTY PROPERTY APPRAISER AND TAX COLLECTOR; AUTHORIZING AND REQUIRING THE ADOPTION OF A RESOLUTION REGARDING THE CITY'S USE OF THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS; PROVIDING FOR ANNUAL NON-AD VALOREM ASSESSMENT ROLLS; PROVIDING TRANSITION PROVISIONS AND RATIFYING ASSESSMENTS TO RECOVER COSTS INCURRED BY THE CITY TO REMEDY VIOLATIONS PRIOR TO THE ORDINANCE'S ENACTMENT; REPEALING ALL ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING AND EFFECTIVE DATE. The motion carried on a roll call vote as follows:

AYES: Commissioners London, Ross and Sanders, Vice Mayor Julian and Mayor Cooper

NAYS: None

F. An Ordinance of the City of Hallandale Beach, Florida, Amending the Comprehensive Plan by Adopting the Evaluation and Appraisal Report (EAR) Based Amendments; Providing for the Transmittal of the City's EAR Based Amendments Pursuant to Chapter 163, Florida Statutes, as Amended; Providing for Conflicts; Providing for Severability; Providing for an Effective Date (Second Reading)(Staff: Director, Development Services)(See Backup)CAD# 13A/05

The Planning and Zoning Board Recommended Approval at the meeting of November 20, 2008 by a vote of 5-0.

The City Commission adopted the Ordinance on First Reading on December 3, 2008 with a vote of 4/1

City Manager Good provided background information on the item and recommended approval.

Robert Collins, Michael Miller and Associates, City Consultant, provided a summary of the comments to the EAR and the City's response.

MOTION BY VICE MAYOR JULIAN, SECONDED BY COMMISSIONER SANDERS, TO APPROVE ON SECOND READING AN ORDINANCE OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN BY ADOPTING THE EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS; PROVIDING FOR THE TRANSMITTAL OF THE CITY'S EAR BASED AMENDMENTS PURSUANT TO CHAPTER 163, FLORIDA STATUTES, AS

AMENDED; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. The motion carried on a roll call vote as follows:

AYES: Commissioners Ross and Sanders, Vice Mayor Julian and Mayor Cooper

NAYS: Commissioner London

There being no further business before the Commission, Mayor Cooper adjourned the meeting at 10:03 PM.

RESPECTFULLY SUBMITTED,

Mayor

ATTEST:

City Clerk

RECORDING SECRETARY:

Shari Canada

APPROVED BY COMMISSION:
