

MINUTES OF REGULAR MEETING
DANIA BEACH CITY COMMISSION
TUESDAY, APRIL 12, 2016 – 7:00 P.M.

1. Call to Order/Roll Call

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

Present:

Mayor:	Marco A. Salvino, Sr.
Vice-Mayor:	Albert C. Jones
Commissioners:	Chickie Brandimarte
	Paul Fetscher
	Bobbie H. Grace
City Manager:	Robert Baldwin
City Attorney:	Thomas Ansbro
City Clerk:	Louise Stilson

2. Moment of Silence and Pledge of Allegiance

Mayor Salvino 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 Legislative Update – Senator Eleanor Sobel

Senator Eleanor Sobel provided an overview on the recent legislative session. She thanked the Commission for welcoming the Holocaust Museum to the City. She spoke of Bold Justice, and noted Bright Futures will come back fully funded.

3.2 Creative Arts Council Advisory Board Annual Update – Bo Donly, Chairman

Bo Donly, Chairman of the Creative Arts Council Advisory Board, reported on activities of the Board for the past year. He noted they have an active grants subcommittee that is looking for money to do some of the things they want to do. They are working with the Friends of the Library to create a museum for Dania Beach. They need inter-cooperation with City agencies, and more involvement. They need \$1,000.00 for two projects: hanging hardware for the atrium art and an atrium reception for everyone who has contributed to art in the City. They need a budget for projects such as murals on bare walls, painting bridges, park benches, bus stop art, youth theater and outdoor concerts. He also noted they have not had a budget since their first year, and they need a part-time cultural arts coordinator. Lastly, they need a future funding plan

for art and culture in Dania Beach; a 1-2% charge on commercial development would provide funding.

- 3.3 Special Event request from Adele Beshler, Psy. D. and Hilda Besner, Ph. D. to hold a "Wellness For Your Body and Mind" event at City Hall on May 7, 2016, from 9:00 a.m. - 2:00 p.m. The applicant is requesting the following: Special Event fee waiver of \$150.00, parking for vendors and attendees, and use of the City Commission Chamber, Atrium, and the NW Conference Room.

Commissioner Grace motioned to approve the Special Event request for the Wellness for Your Body and Mind event, including the \$150.00 fee waiver, parking accommodations, and use of City Hall; seconded by Vice-Mayor Jones . The motion carried unanimously.

- 3.4 Approve the Parks, Recreation and Community Affairs Advisory Board recommendation for a rental fee reduction for use of the I. T. Parker Community Center, by the Southern Handcraft Society, on September 28, 2016 - October 1, 2016, from \$4,800.00 to \$1,200.00.

Mertie Murray, president of the Southern Handcraft Society, gave a background of their organization and past use of the community center. She noted many Dania Beach and Hollywood residents attend their show, and described their promotion of, and benefit to, City restaurants and the community.

Commissioner Brandimarte said she did her research on the annual event; the City is out \$35,000.00 over the past seven years, and our administrative costs are not even covered. She noted our residents are required to pay \$100.00 per hour and a \$500.00 deposit for use of the facility. She questioned whether there is a benefit to the City for having the event at the community center.

Commissioner Grace noted she attends the event and supports the request.

Commissioner Fetscher questioned how the rates we charge are determined. City Manager Baldwin explained they are based on the actual cost.

Mark Felicetty, Director of Parks and Recreation, noted the cost is approximately \$400.00 per day.

Mayor Salvino commented the vendors profit from the sales. He recommended we recover our dead cost for this year because they are so far into it this year.

City Manager Baldwin commented staff is preparing a policy with a recommendation for no fee waivers in the future; this will be presented at the next meeting.

Ms. Murray stated they are willing to cover the City's \$1,600.00 costs this year.

Commissioner Brandimarte motioned to approve the use of the I.T. Parker Community Center, by the Southern Handcraft Society, on September 28-October 1, 2016 for a reduced fee of \$1,200.00, plus the actual City cost to be determined by Parks & Recreation Director Felicetty; seconded by Vice-Mayor Jones. The motion carried on the following 4-1 vote:

Commissioner Brandimarte	Yes	Vice-Mayor Jones	Yes
Commissioner Fetscher	No	Mayor Salvino	Yes
Commissioner Grace	Yes		

4. Proclamations

4.1 National Library Week – Carole Morris, Friends of the Dania Beach Library

Tim Bain, Library Manager, and members of the Friends of the Dania Beach Library, read the proclamation for National Library Week, and thanked the Commission for their continued support.

5. Citizen Comments

Jim Silvernale, Dania Beach Lions Club, noted they have rescheduled the Classic Car Show for October 15, 2016.

Terry Hale-Hicks, 331 SW 2nd Avenue, thanked the Commission for providing funds to the Aging and Disability Resource Center of Broward County.

Veronica Larkins, 211 NW 12th Avenue, noted there are plans underway to hold a kick ball game, through the Dania Bears, on April 30th at CW Thomas Park; she has not talked to Parks & Recreation Director Felicetty or Jimmy Peterman yet.

Ilene Michelson, 800 SE 3rd Avenue, Ft. Lauderdale, asked the Commission if they would be interested in annexing the property at 1005 E Dania Beach Boulevard into the City. She asked that the Commission place a discussion item on the next agenda.

The Commission consensus was for a discussion item to be placed on the next agenda.

6. Public Safety Reports

Lieutenant Dan Suarez, BSO Fire Rescue, reported the new sprinkler system is up and running at the pier. He noted Chief Brown will be at the next meeting to discuss the SAFER Grant, and Fire Rescue is accepting applications for their summer youth cadet program.

Lieutenant Anthony DeMarco, BSO, reported on criminal activity in the City.

7. Consent Agenda

Items added to Consent Agenda: Revised Resolution #2016-032 for Item #7.9

Items removed from Consent Agenda: #7.4

7.1 Minutes:

Approve Minutes of March 22, 2016 City Commission Meeting

7.2 Travel Requests:

Request from Brad Kaine, Public Services Director, to attend the Florida APWA (American Public Works Association) Expo 2016 in Tampa, Florida, on April 18-22, 2016 (estimated cost \$1,488.94)

Resolutions

7.3 RESOLUTION #2016-026

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, ADOPTING THE 2015 UPDATE OF THE "UNIFIED REGIONAL SEA LEVEL RISE PROJECTION FOR SOUTHEAST FLORIDA" AS THE BASIS FOR SEA LEVEL RISE ADAPTATION PLANNING ACTIVITIES; PROVIDING FOR CONFLICTS; FURTHER PROVIDING FOR AN EFFECTIVE DATE.

7.5 RESOLUTION #2016-028

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING EXECUTION BY THE PROPER CITY OFFICIALS OF THE 2016 AMENDMENT TO AN INTERLOCAL AGREEMENT EXISTING BETWEEN BROWARD COUNTY, FLORIDA AND THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL THREE (3) CENT LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.6 RESOLUTION #2016-029

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING THE EXECUTION BY THE PROPER CITY OFFICIALS OF THE 2016 AMENDMENT TO AN INTERLOCAL AGREEMENT EXISTING BETWEEN BROWARD COUNTY, FLORIDA AND THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL FIVE (5) CENT LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.7 RESOLUTION #2016-030

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, APPROVING EXECUTION BY THE PROPER CITY OFFICIALS OF THE 2016 AMENDMENT TO AN INTERLOCAL AGREEMENT EXISTING BETWEEN BROWARD COUNTY, FLORIDA AND THE CITY OF DANIA BEACH, FLORIDA; PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE SIX (6) CENT LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.8 RESOLUTION #2016-031

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING AND RATIFYING THE EXPENDITURE OF FUNDS FOR MOLD REMEDIATION SERVICES PURCHASED AND TO BE PURCHASED FROM AFFORDABLE RESTORATION, INC. THROUGH THE END OF FISCAL YEAR 2015-2016, INCLUSIVE OF EXISTING PURCHASES THAT EXCEED AN ANNUAL VENDOR TOTAL OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00); PROVIDING THAT SUCH PURCHASES ARE TO BE MADE WITHIN THE RESPECTIVE DEPARTMENTS' APPROVED DEPARTMENT BUDGET APPROPRIATIONS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.9 RESOLUTION #2016-032

Revised Resolution

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT WITH SFM SERVICES, INC. RELATING TO TREE PURCHASES AND INSTALLATION, REMOVAL AND RELOCATION SERVICES, UNDER THE CITY OF MIAMI LAKES, FLORIDA INVITATION TO BID 2016-16 TO BE PERFORMED IN AN ANNUAL AMOUNT EXCEEDING \$25,000.00 WITHIN A SINGLE FISCAL YEAR, SUCH SERVICES BEING LIMITED TO AND PAID FROM ANNUAL BUDGET APPROPRIATIONS FOR LANDSCAPING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.10 RESOLUTION #2016-033

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN AGREEMENT FOR ENGINEERING SERVICES WITH CHEN MOORE AND ASSOCIATES, INC., RELATED TO THE SW 40TH AVENUE SIDEWALK PROJECT IN AN AMOUNT NOT TO EXCEED TWENTY TWO THOUSAND EIGHT HUNDRED SIXTY DOLLARS (\$22,860.00), WHICH WILL EXCEED THE ANNUAL \$25,000.00 CITY THRESHOLD FOR A SINGLE VENDOR WITHIN A SINGLE FISCAL YEAR; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.11 RESOLUTION #2016-034

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY ADMINISTRATION TO PURCHASE SERVICES FROM CHEN MOORE AND ASSOCIATES, INC. AND AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT FOR GENERAL PROFESSIONAL ENGINEERING SERVICES WITH THE COMPANY RELATED TO NPDES PERMITS, IN AN AMOUNT NOT TO EXCEED TWENTY FOUR THOUSAND SEVEN HUNDRED FORTY DOLLARS (\$24,740.00); WAIVING THE CITY PROCUREMENT POLICY REQUIRING THREE (3) WRITTEN QUOTES, FURTHER, EXCEEDING THE ANNUAL \$25,000.00 THRESHOLD FOR A SINGLE VENDOR WITHIN A SINGLE FISCAL YEAR; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.12 RESOLUTION #2016-037

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT AND TO RATIFY RELATED EXPENDITURES INCURRED WITH CARNAHAN, PROCTOR AND CROSS, INC. FOR PROFESSIONAL ENGINEERING SERVICES CONSISTING OF PLAT AND SURVEY REVIEW SERVICES RELATED TO THE DANIA POINTE DEVELOPMENT PROJECT; PROCEEDING WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS, IN AN AMOUNT NOT TO EXCEED TWELVE

THOUSAND DOLLARS (\$12,000.00); PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.13 RESOLUTION #2016-038

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT AND TO RATIFY RELATED EXPENDITURES INCURRED WITH CARNAHAN, PROCTOR AND CROSS, INC. FOR PROFESSIONAL ENGINEERING SERVICES CONSISTING OF CIVIL ENGINEERING REZONING REVIEW SERVICES RELATED TO THE DANIA POINTE DEVELOPMENT PROJECT; PROCEEDING WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS, IN AN AMOUNT NOT TO EXCEED THIRTY FOUR THOUSAND FIVE HUNDRED DOLLARS (\$34,500.00); PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

7.14 RESOLUTION #2016-039

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE PROPER CITY OFFICIALS TO ENTER INTO AN AGREEMENT AND TO RATIFY RELATED EXPENDITURES INCURRED WITH CARNAHAN, PROCTOR AND CROSS, INC. FOR PROFESSIONAL ENGINEERING SERVICES CONSISTING OF TRAFFIC ENGINEERING SITE PLAN REVIEW SERVICES RELATED TO THE DANIA POINTE DEVELOPMENT PROJECT; PROCEEDING WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENT FOR BIDS, IN AN AMOUNT NOT TO EXCEED THIRTY FOUR THOUSAND FIVE HUNDRED DOLLARS (\$34,500.00); PROVIDING FOR FUNDING; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Grace motioned to adopt the Consent Agenda, including revised Resolution #2016-032 for Item #7.9, and with the exception of Item #7.4; seconded by Mayor Salvino. The motion carried unanimously.

7.4 RESOLUTION #2016-027

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY ADMINISTRATION TO PURCHASE AND PROVIDE FOR OVERLAYING AND MILLING ON THE STREETS IMPACTED BY THE BROWARD COUNTY WATER AND WASTEWATER PROJECTS IN THE WESTERN PORTION OF DANIA BEACH IN FISCAL YEAR 2016, IN AN AMOUNT NOT TO EXCEED SEVENTY TWO THOUSAND DOLLARS (\$72,000.00), FROM RIC-MAN CONSTRUCTION FLORIDA, INC. WITHOUT COMPETITIVE BIDDING AND WITHOUT ADVERTISEMENTS FOR BIDS; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2016-027.

Vice-Mayor Jones said he wanted to talk about this project because we have had differences with the County, so we need to get some rules of engagement down.

City Manager Baldwin explained the County repaved half of each street they tore up doing utility work, and refused to pave the whole street. There were a lot of complaints from residents, so we worked out a piggyback arrangement with the County contractor to repave the entirety of those streets impacted. This should have been the County's responsibility; however, our residents are the ones affected and we agreed to pay the cost.

Vice-Mayor Jones felt that unless we get some rules of engagement down, the County can continue to do this in the future. We have to stand our ground and say enough is enough.

Commissioner Brandimarte said the residents should not be held hostage because the County wants to be lousy to Dania Beach.

Vice-Mayor Jones motioned to adopt Resolution #2016-027; seconded by Commissioner Grace.

Mayor Salvino confirmed the County supplies, and charges for, water and sewer service to this area, and questioned why it is our responsibility to pave the streets when they tore them up to deliver their product. Although the County is taking money out of our budget, we should agree to get this done and not hold up the residents, but we should also take legal action against the County to recover the money.

After a brief discussion, members of the Commission felt a letter should be sent to the County expressing our concerns.

Public Services Director Kaine noted an arrangement was worked out and the County is paying 72% of the cost for this project.

The motion carried unanimously.

8. Bids and Requests for Proposals

8.1 RESOLUTION #2016-024

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, ESTABLISHING A RANKING OF UTILITY ANNUAL METER READING SERVICES PROVIDERS; AUTHORIZING THE PROPER CITY OFFICIALS TO AWARD A BID TO U. S. WATER SERVICES CORPORATION AND TO NEGOTIATE AND EXECUTE A FINAL AGREEMENT FOR SERVICES; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2016-024.

Nicki Satterfield, Finance Director, explained that administration recommends awarding a bid to provide water meter reading services because it is in the best interest of the City.

Commissioner Fetscher questioned the annual increase in contract costs, and Finance Director Satterfield responded it will be tied to a not-to-exceed amount of 3%.

Vice-Mayor Jones felt that the single qualified proposer should agree to the \$60,000.00 we have budgeted for the first year, and if they are not willing to do that, we should re-bid.

Commissioner Grace said she is not happy with this proposal because we have qualified employees who can do this job; she wants this done in-house by existing employees. She does not like going outside of the City for vendors to do the different jobs we have when they can be done by City employees.

Discussion ensued regarding the current meter reading operation and outsourcing the function.

Mayor Salvino commented he likes in-house people and suggested that we advertise to fill the vacant position.

Finance Director Satterfield noted the other option that the Commission may want to consider if we do not contract this out is to look at upgrading the position in order to increase the applicant pool.

Vice-Mayor Jones motioned to adopt Resolution #2016-024, at a not to exceed cost of \$65,000.00; seconded by Commissioner Brandimarte. The motion carried on the following 3-2 Roll Call vote:

Commissioner Brandimarte	Yes	Vice-Mayor Jones	Yes
Commissioner Fetscher	Yes	Mayor Salvino	No
Commissioner Grace	No		

8.2 RESOLUTION #2016-035

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,900,000.00 IN AGGREGATE PRINCIPAL AMOUNT OF CITY OF DANIA BEACH, FLORIDA GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016, TO REFUND OUTSTANDING BONDS OF THE CITY DESCRIBED IN THIS RESOLUTION AND PAY COSTS OF ISSUANCE; APPROVING BRANCH BANKING AND TRUST COMPANY AS THE MOST RESPONSIVE AND RESPONSIBLE RESPONDER TO THE CITY'S REQUEST FOR PROPOSALS FOR REFUNDING THE OUTSTANDING BONDS; AUTHORIZING THE NEGOTIATED SALE OF THE BONDS TO BRANCH BANKING AND TRUST COMPANY; APPROVING THE FORM AND EXECUTION OF A LOAN AGREEMENT; AUTHORIZING THE CITY MANAGER AND OTHER OFFICERS TO TAKE ALL NECESSARY STEPS TO PREPARE AND EXECUTE FINAL BOND AND LOAN DOCUMENTS; DESIGNATING THE BONDS TO BE A "QUALIFIED TAX-EXEMPT OBLIGATION" WITHIN THE MEANING OF SECTION 265(B) OF THE INTERNAL REVENUE CODE; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2016-035.

Commissioner Grace motioned to adopt Resolution #2016-035; seconded by Vice-Mayor Jones. The motion carried on the following 5-0 Roll Call vote:

Commissioner Brandimarte	Yes	Vice-Mayor Jones	Yes
Commissioner Fetscher	Yes	Mayor Salvino	Yes
Commissioner Grace	Yes		

8.3 RESOLUTION #2016-036

A RESOLUTION OF THE CITY COMMISSION OF THE CITY DANIA BEACH, FLORIDA REQUESTING ADVANCE APPROVAL FROM THE CITY COMMISSION FOR ADVERTISEMENT OF THE CAPITAL PROJECT KNOWN AS SOUTHEAST STORMWATER DRAINAGE PROJECT PHASE II AND FURTHER AUTHORIZING THE CITY MANAGER TO PREPARE AND ISSUE A REQUEST FOR PROPOSALS FOR DESIGN-BUILD SERVICES; PROVIDING FOR CONFLICTS; FURTHER PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Ansbro read the title of Resolution #2016-036.

Brad Kaine, Public Services Director, provided an overview of the project.

Vice-Mayor Jones motioned to adopt Resolution #2016-036; seconded by Commissioner Grace. The motion carried on the following 5-0 Roll Call vote:

Commissioner Brandimarte	Yes	Vice-Mayor Jones	Yes
Commissioner Fetscher	Yes	Mayor Salvino	Yes
Commissioner Grace	Yes		

9. Public Hearings and Site Plans

There were no public hearings on this agenda.

10. Discussion and Possible Action

There were no discussion items on this agenda.

11. Commission Comments

11.1 Commissioner Brandimarte

Commissioner Brandimarte expressed condolences to the family of Rae Sandler on the passing of her father and to the family of Bill Wallace.

11.2 Commissioner Fetscher

Commissioner Fetscher had no comments.

11.3 Commissioner Grace

Commissioner Grace thanked the members of the Charter Review Board.

Commissioner Grace spoke of Earth Day at the PATCH on Saturday, and the Bold Justice meeting held last night.

11.4 Vice-Mayor Jones

Vice-Mayor Jones spoke of the Women's Club fashion show, the Seniors lunch, the Plywood Regatta, Family Health and Wellness Day, the new CEO of Memorial Healthcare System, Dr. Von Mizell (Lloyd State Park), and Summer Break Spot.

11.5 Mayor Salvino

Mayor Salvino commented we need to keep the Arts & Seafood Celebration and the Motorcycle Show in the City. He thanked the Casino for their support in these events.

Mayor Salvino said he, along with other City representatives, met with the FAA and they were shocked that Broward County was so far behind on the sound mitigation and insulation program. They promised to have 500 homes done by the end of the year and the remainder by 2018.

Mayor Salvino spoke of the Dania Pointe project, and the softball/baseball/tee-ball program at Frost Park.

12. Appointments

12.1 Creative Arts Council Advisory Board

There were no appointments at this meeting.

13. Administrative Reports

13.1 City Manager

City Manager Baldwin had no comments.

13.2 City Attorney

City Attorney Ansbro discussed the memo that he provided the Commission on options for expediting timely completion of development projects, which is attached to and incorporated into these minutes. This will be a discussion item for the next meeting.

13.3 City Clerk – Reminders

Tuesday, April 26, 2016 - 5:00 p.m.	City Commission Workshop – Charter Review Board Recommendations
Tuesday, April 26, 2016 - 6:00 p.m.	CRA Board Meeting
Tuesday, April 26, 2016 - 7:00 p.m.	City Commission Meeting
Tuesday, May 10, 2016 - 6:00 p.m.	CRA Board Meeting
Tuesday, May 10, 2016 - 7:00 p.m.	City Commission Meeting

14. Adjournment

Mayor Salvino adjourned the meeting at 9:13 p.m.

ATTEST:

CITY OF DANIA BEACH

Louise Stilson

LOUISE STILSON, CMC
CITY CLERK



Marco A. Salvino, Sr.

MARCO A. SALVINO, SR.
MAYOR

Approved: April 26, 2016



REQUEST TO ADDRESS CITY COMMISSION AT REGULAR OR SPECIAL MEETINGS

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

DATE OF COMMISSION MEETING: April 12, 2017

PRINT NAME: Jim Silverman, DANIA BEACH LIONS CLUB

ADDRESS: 501 S.W. 4th Ave DANIA BEACH, FL 33004

PHONE NO. (optional): 954-648-6905

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:

Reschedule CLASSIC CAR SHOW DANIA BEACH LIONS

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

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

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

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



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REQUEST TO ADDRESS CITY COMMISSION AT REGULAR OR SPECIAL MEETINGS

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

DATE OF COMMISSION MEETING: _____, 20__

PRINT NAME: TERRY HALE-HICKS

ADDRESS: 3311 SW 2nd Ave

PHONE NO. (optional): _____

PLEASE CHECK ONE OR BOTH OF THE BOXES BELOW:

1) **CITIZEN COMMENTS:**

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PLEASE BRIEFLY DESCRIBE THE SUBJECT MATTER OF YOUR COMMENT:

ADRC Aging & Disability Resource Center
of Broward Co. THANK YOU

2) PUBLIC HEARINGS - ITEM # (AS PRINTED ON AGENDA)

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

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

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

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REQUEST TO ADDRESS CITY COMMISSION AT REGULAR OR SPECIAL MEETINGS

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

DATE OF COMMISSION MEETING: April 12, 2014

PRINT NAME: Veronica Larkins

ADDRESS: 211 NW 12th Ave

PHONE NO. (optional): _____

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 # _____ (AS PRINTED ON AGENDA)**

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

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

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

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REQUEST TO ADDRESS CITY COMMISSION AT REGULAR OR SPECIAL MEETINGS

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

DATE OF COMMISSION MEETING: 4/12, 2016

PRINT NAME: Ilene Michelson

ADDRESS: 800 SE 3rd Ave, 4th Fl, Fort Lauderdale 33316

PHONE NO. (optional): 954-463-6100

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PLEASE BRIEFLY DESCRIBE THE SUBJECT MATTER OF YOUR COMMENT:

1005 East Dania Beach Blvd

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MEMORANDUM

Date: April 11, 2016

To: Marco A. Salvino, Sr., Mayor
Albert C. Jones, Vice Mayor
Chickie Brandimarte, Commissioner
Bobbie H. Grace, Commissioner
Paul Fetscher, Sr., Commissioner

CC: Robert Baldwin, City Manager
Marc LaFerrier, Director, Community Development Department
Corinne Lajoie, Planning and Zoning Manager
Louise Stilson, City Clerk

From: Thomas J. Ansbro, City Attorney 

Subject: Options for Expediting Timely Completion of Development Projects

At a recent City Commission meeting, the Commission expressed concerns with developments which obtain approvals and then fail to begin construction. While it is recognized that market and financial forces are significant factors that remain beyond the control of the City, staff and my office have reviewed and considered several options that are available to the City Commission that may serve to encourage timely development construction after City Commission approval is obtained.

Option 1: Prepare an ordinance amending the City's Land Development Code to reduce the development approval time frame (e.g., reduce it from 18 months to 12 months) as well as provide for reduced extension time frames.

However, one important point to keep in mind is that, generally, once a building permit is obtained, the development approval "clock" stops running for zoning based approvals. The first building permit, typically for site and foundation work, can operate to satisfy the "permit" requirement. Also, permits can be renewed under the Florida Building Code without any work starting. In many instances, building permits can be years old with very little work completed, since owners seek and obtain renewals to keep building permits alive.

A modified alternative to Option 1 would be to require that the total original application fee amount must be paid for each extension and that an extension is only valid for nine (9) months with, e.g., a maximum of two (2) extensions allowed.

Option 2: Prepare an ordinance to prevent “flipping”. The ordinance would stipulate that site plans are “personal” to the applicant. Note that this requirement could be placed in the City Commission development order (resolution), as a condition of approval (i.e., an ordinance is not necessarily required). It is anticipated that applicants will balk at such a condition, claiming it will interfere with financing. However, if an applicant is determined to proceed, financing should likely be able to be secured.

Places like the City of Coral Gables have extremely demanding aesthetic and design requirements, so that a developer/property owner is required to reach a level of preparation of detailed plans (such as a schematic level design) and spend substantial funds just to get plan approvals. That makes the process more expensive and lengthy, but based in reality, it means that applicants are less likely to “flip” a project. However, this has not been the development approval atmosphere within the City and it is difficult to foresee how successful such a demanding approach with applicants will be.

Option 3: Establish a new development application fee schedule that includes a rebate, based upon a pro-rated time schedule for the start of construction. This option would provide a rebate incentive to applicants who or which apply for and are issued building permits in a timely manner. Applicants who or which fail to meet the schedule deadlines would potentially forfeit a portion, or in some cases, all of the development application fee. However, in order for this option to be effective the new development application fees would need to be significantly higher than the existing fee structure currently in place.

Marc LaFerrier has also collected a number of other cities’ site plan expiration regulations for your review and consideration (attached).

TJA/law

Attachment: Site Plan Approvals - Research

SITE PLAN APPROVAL EXPIRATION RESEARCH

DEERFIELD BEACH

Sec. 98-14. - DRC major development review procedures.

- (j) Expiration or extension of site plan approval. A site plan approval shall expire 18 months following the date of approval unless a building permit for a principal building as required by the Florida Building Code, 2004 as amended has been issued to the applicant and kept in force so that work is proceeding towards a completion of the site and project in a commercially reasonable time. A 12-month extension of time may be granted by the city commission when all applicable building, zoning, and engineering regulations remain the same and good cause has been shown by the applicant. The proposed development will be reviewed by the DRC to assure that all applicable building, zoning and engineering regulations have been met. Good cause may include, but shall not be limited to, delay caused by governmental action or inaction or other factors totally beyond the control of the applicant. An extension shall only be granted where an applicant has applied for an extension during the effective period of the development. Only one extension shall be permitted. For site plans approved subsequent to January 1, 2004, and for which construction on a principal building has commenced to the point of passing the tie-beam inspection, the city commission may, on application, either reinstate the approved site plan or extend the site plan for a period of 12 months from the date of the approval of the reinstatement or extension. This extension shall be granted only where the applicant affirms to the city that it has a good faith intention to commence and complete construction during the period of extension and that it has the ability to do so; the city may, in its discretion, require verification of such facts. In no event shall the extension provided by this provision apply to any site plans for which a building permit was first granted subsequent to December 1, 2009.
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SUNRISE

Sec. 16-39. - Master development plan.

(e) Effective period of approval. Approval of a master development plan as provided herein shall be effective for a period of eighteen (18) months. Unless a site plan approval is obtained on or before the last day of the eighteenth month following the date of approval, said approval shall expire. The applicant may request an extension of the approval period by submitting written justification to the department for the proposed extension. The department may grant, in writing, two (2) extensions of one (1) year each for good cause. Thereafter, the applicant must reapply for a new master development plan. Staff may deny an extension due to any changes of the land development code or comprehensive plan, adopted since the master plan approval that renders the master plan inconsistent with the Comprehensive Plan or Code or incompatible with the surrounding properties.

NORTH LAUDERDALE

- Sec. 98-34. - Effective period of approval.

Approval of a master plan as provided in this article shall be effective for a period of 18 months. Within that 18-month period the developer shall apply for and receive a development review certificate and building permit for the project as approved or some portion thereof. Failure to obtain a development review certificate and the maintenance of current building permit on or before the last day of the 18th month following the date of approval shall result in the expiration of the master plan approval.

COCONUT CREEK

SITE PLAN APPROVAL EXPIRATION RESEARCH

Sec. 13-547. - Review procedures.

(e) Expiration or extension of site plan approval. A site plan approval shall expire eighteen (18) months following the date of approval unless a building permit for a principal building as required by the applicable Florida Building Code has been issued to the applicant and kept in force. A twelve-month extension of the site plan approval may be granted by the development services director when all applicable planning, building, zoning, and engineering regulations in effect at the time of the original site plan approval remain unchanged. An extension shall only be granted when an applicant has applied for an extension during the original effective period of the site plan and a determination that the project development is proceeding with due diligence has been made by the development services director. Only one (1) extension shall be permitted.

PARKLAND

G. Effective period of site plan approval. A final site plan which has been approved pursuant to the provisions of this Code shall be void (as shall any variances and conditional uses approved concurrently) after a period of eighteen (18) months following the date of approval unless a building permit for a principal building has been issued and construction (pouring of the foundation) has begun. After the issuance of a building permit for the principal buildings and after construction has begun, the site plan approval shall remain in effect until the completion of the development; provided, however, that the site plan approval shall expire if there are no active building permits in effect for the development for a consecutive period in excess of one (1) year and ninety (90) days. The city commission may grant one (1) extension of the time period of site plan approval of up to eighteen (18) months. At least sixty (60) days prior to the date of expiration of the original site plan approval, the applicant shall submit the extension request. Provided that the city commission finds that the applicant has demonstrated good cause for the delay in obtaining building permits and the applicant is not in violation of any condition of the site plan approval, a six-month extension of the site plan approval period may be granted.

LAUDERHILL

Sec. 5.1. - Approval of site plan; application for building and engineering permits.

•5.1.3. When a proposed site plan or development plan has been approved by the Planning and Zoning Board of the City, the applicant shall have a period of six (6) months from the date of approval in which to apply for a building permit or permits which would be required for construction of the proposed site plan or development plan. If the applicant shall not apply for said permit or permits within a six-month period, then the applicant may request a six-month extension in which to apply for said building permit or permits from the Director of Community Development. The Director of Community Development shall grant such request if he or she determines that the site plan or development plan has not been modified or altered and still conforms to the original site plan which was approved by the Planning and Zoning Board. If the applicant shall not apply for said permit or permits within the six-month period, or within the twelve-month period if an extension has been granted, then the approval of the Planning and Zoning Board shall be considered null and void and the applicant shall be required to resubmit a proposed site plan or development plan before any building permit can be issued for construction.

5.1.4. If any project shall not be completed within three (3) years after final site plan approval, all permits shall be automatically revoked unless extended by the City Commission by resolution.

SITE PLAN APPROVAL EXPIRATION RESEARCH

TAMARAC

Sec. 10-2. - Site plan review procedures and standards.

(c) Site plan review procedures.

(9) Expiration of site plan approval unless building permit(s) issued within one (1) year. Any site plan approval shall be void one (1) year after the date of approval unless a building permit has been issued for the construction of all facilities provided in the site plan and construction is diligently pursued. If a building permit is issued within one (1) year of approval of the site plan, the building official shall make periodic inspections in order to determine whether or not construction is being diligently pursued. If the building official determines that construction is not being diligently pursued, then he or she shall notify in writing the owner of property and any other interested party who has requested such notice. The site plan approval shall be void six (6) months after the date of such notice unless construction has been diligently resumed within that six (6) month period. Minor construction related work which does not substantially advance the project to completion will not be deemed sufficient to avoid voiding site approval.

HALLANDALE BEACH

Sec. 32-790. - Expiration of approvals.

(a) All minor development, major development and conditional use approvals (hereinafter collectively referred to as "site plan") shall expire, except during the pendency of litigation whereby the time requirements in this ordinance are tolled unless:

(1) A complete application for a building permit for the above-ground principal use as shown on the approved site plan has been submitted within 18 months following the date of approval of the site plan; and

(2) A building permit for such above-ground principal use is issued within 24 months following the date of approval of the site plan.

(3) Such building permit remains valid and in effect until a certificate of occupancy, or other equivalent approval is granted for such principal use.

(b) An approved site plan that includes more than one principal use, shall expire unless:

(1) A complete application and building permit and a certificate of occupancy is issued for one of the above-ground principal structures as provided in subsection (a);

(2) A complete application for a building permit for any subsequent above-ground principal use shown on the approved site plan has been submitted within 18 months following the date of issuance of a certificate of occupancy for the principal use most recently completed; and

(3) A building permit for such above-ground principal use is issued within 24 months following the date of issuance of a certificate of occupancy for the principal use most recently completed;

(4) Such building permit remains valid and in effect until a certificate of occupancy or other equivalent approval is granted for such principal use; and

SITE PLAN APPROVAL EXPIRATION RESEARCH

(5) A complete application is submitted and building permits are issued for each subsequent principal use in accordance with subsection (a) of this section until a certificate of occupancy of its equivalent is issued for all of the principal uses on the approved site plan.

(6) Notwithstanding the provisions of this subsection (b), a site plan that includes more than one principal use shall expire if certificates of occupancy for all principal uses have not been issued within seven years of site plan approval or as negotiated by a development agreement.

(c) If a building permit for construction of an above-ground principal use as provided herein expires, the site plan shall expire and prior to issuance of any additional building permits, the applicant shall be required to submit a new application for and receive approval of a new site plan for such above-ground principal use.

(d) If a site plan expires, the allocation of any commercial flex, residential flex, reserve units or other dwelling units granted for any use that has not received a certificate of occupancy or equivalent certification shall expire at the time the site plan expires.

(e) A six-month extension of time for site plan expiration may be granted by the city manager provided all applicable building, zoning and engineering regulations remain the same and good cause for the delay has been shown by the applicant. Good cause may include, but shall not be limited to, delay caused by governmental action or inaction or other factors totally beyond the control of the applicant. An extension shall only be granted where an applicant has requested an extension in writing during the effective period of the development permit.
