

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

SUBJECT: March 19, 2008 minutes

AFFECTED DISTRICT: n/a

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: March 19, 2008 (Regular Meeting)

REPORT IN BRIEF: Council minutes from the March 19, 2008 Council meeting.

PREVIOUS ACTIONS: n/a

CONCURRENCES:

FISCAL IMPACT: **not applicable**

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve

Attachment(s): March 19, 2008 minutes

**TOWN OF DAVIE
REGULAR MEETING
MARCH 19, 2008**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:05 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Caletka, and Councilmembers Crowley, Luis and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson, and Town Clerk Muniz recording the meeting.

Mayor Truex announced that item 6.5 had been withdrawn and item 4.9 needed to be added

Councilmember Starkey made a motion, seconded by Mayor Truex, to add item 4.9. In a voice vote, all voted in favor. (Motion carried 5-0)

3. SELECTION OF VICE-MAYOR

Later in the meeting, Vice-Mayor Caletka nominated Councilmember Luis as Vice-Mayor. Mayor Truex seconded the nomination. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1 January 16, 2008 (Regular Meeting) (tabled from March 5, 2008)

Resolutions

4.2 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2008-54 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH ACAI ASSOCIATES, INC. FOR MISCELLANEOUS ARCHITECTURAL SERVICES.

4.3 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2008-55 APPROVING THE LEASE OF DESKTOP COMPUTERS FROM DELL FINANCIAL SERVICES L.P. (\$21,165.38/year)

4.4 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A FIELD RENTAL
R-2008-56 AGREEMENT WITH THE DAVIE TACKLE FOOTBALL CLUB FOR USE OF FOUR ATHLETIC FIELDS AT DAVIE PINE ISLAND PARK TO CONDUCT A YOUTH TACKLE FOOTBALL AND

CHEERLEADING PROGRAM AND TO AUTHORIZE A FEE WAIVER FOR SAID USE.

- 4.5
R-2008-57 **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A \$47,050.00 GRANT FROM BROWARD COUNTY AND THE URBAN AREAS INITIATIVE (UASI) WITH THE FINANCIAL ASSISTANCE FROM THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY; AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED. (no matching funds)
- 4.6
R-2008-58 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF LAW ENFORCEMENT TRUST FUNDS IN THE AMOUNT OF \$24,950.00 FOR PROMOTIONAL TESTING AND EVALUATION SERVICES FROM COOPERATIVE PERSONNEL SERVICES D/B/A CPS HUMAN RESOURCE SERVICES FOR THE DAVIE POLICE DEPARTMENT.
- 4.7
R-2008-59 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, = FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS “CHRISTIAN FELLOWSHIP CHURCH”, AND PROVIDING AN EFFECTIVE DATE. (DG 12-1-06, Tuscan Villas, 1380 South Flamingo Road) [see related items 4.8 and 6.6]

Quasi-Judicial Consent Agenda

- 4.8 SP 12-8-06, Tuscan Villas, 1380 South Flamingo Road [see related items 4.7 and 6.6] *Site Plan Committee recommended approval subject to the staff's report and the following: 1) that the applicant shall add lighting to the fountain in the lake; 2) the applicant shall correct the photometric plan to reflect the correct Code requirements; 3) the lot five entrance driveway shall only be located on the eastern half of the lot; 4) lot five shall also adjust the trees shown on the plans for driveway alignment when the driveways are identified; 5) identify CAG-14 on the plant list; 6) entry landscaping shall be supplemented by an additional six double-trunk Vitichia Montgomeryanas; and 7) regarding the landscaping on the frontage of Flamingo Road, the applicant will double the tree count from 23 to 46 and work with staff to place those trees in clusters and to negotiate with staff to reduce the amount of money to be paid into the mitigation agreement by the cost to cover those additional trees*

Item to be added

- 4.9 Women's History Month (March)

Vice-Mayor Caletka pulled items 4.4, 4.7 and 4.8 from the Consent Agenda.
Councilmember Crowley requested that item 9.2 be moved up on the agenda.
Councilmember Starkey pulled item 4.9. Mayor Truex pulled item 4.3.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve the Consent Agenda without items 4.3, 4.4, 4.7, 4.8 and 4.9. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.3 Mayor Truex noted that the Town was not actually buying anything from the State on this contract, but leasing equipment from another company, and asked Mr. Rayson if this was an issue. Mr. Rayson responded that it was not an issue and explained that the company extended the State rate to local governments. Mayor Truex asked why they were buying Windows XP instead of Vista. Information Systems Director Frank Apicella explained that many of their software programs were not compatible with Windows Vista. He advised that Mayor Truex that the estimated life expectancy of the laptops was five years.

Councilmember Crowley made a motion, seconded by Councilmember Luis, to approve.

Mayor Truex said that he would vote in favor of the resolution but he hated “piggyback” contracts. Mr. Apicella staff was doing this is an effort to standardize all the Town computers.

In a voice vote, all voted in favor. (Motion carried 5-0)

4.4 Vice-Mayor Caletka requested that this item be tabled to give him the opportunity to ask the applicant some questions.

Vice-Mayor Caletka made a motion, seconded by Councilmember Crowley, to table this item to their next meeting.

Mayor Truex asked if this was time sensitive. Jay Chimpoulis, representing the applicant, informed Council this was time sensitive because the season started May 1st. Mayor Truex referred to suggestions made by the Parks and Recreation Advisory Board, and Vice-Mayor Caletka said this was not his concern. There had been an allegation that a child enrolled in the program at Western High School had been injured by a Davie Tackle Football Club employee. Mr. Chimpoulis informed him that this person had resigned. The incident had been investigated and no formal action was taken, but to avoid the appearance of impropriety, they had asked this employee to resign. Mr. Chimpoulis confirmed that this person would not be associated with the organization while it was in service in Davie.

Councilmember Crowley withdrew his second of Vice-Mayor Caletka’s motion.

Councilmember Starkey wanted to see a business plan, financial and organizational information, and wanted to allow additional time to allow Mr. Chimpoulis to collect these to present to Council. Mr. Chimpoulis said he had submitted a business plan to the Parks and Recreation Advisory Board.

Michael Bartlett, Parks and Recreation Advisory Board member, said that he had been concerned with how quickly this had come before the Board. He questioned if Council had enough information to make an informed decision.

Parks and Recreation Department Director Dennis Andresky explained that the cost of the program to the Town was \$105,000. The Town had begun this process with Davie Tackle Football Club after the league had made the Town aware that there would be assessments totaling \$15,600 for last year and this year.

Mr. Andresky had seen Davie Tackle Football Club's business plan and he believed the children participating in the program would be safe. Mayor Truex noted how important this program was to the families involved and wanted the Town to be able to offer the program.

Mr. Chimpoulis said they had agreed to the suggestions made by the Parks and Recreation Advisory Board. He provided his proposal to Council.

Vice-Mayor Caletka withdrew his motion to table.

Councilmember Crowley wanted to allow Mr. Rayson and Council to review the documents before Council approved it.

Councilmember Crowley made a motion to table the item to the end of Council's meeting.

Councilmember Starkey wanted to be sure background checks would be conducted on all employees. Mr. Chimpoulis said this was already required by the league.

Vice-Mayor Caletka seconded Councilmember Crowley's motion.

In a voice vote, all voted in favor. (Motion carried 5-0)

Later in the meeting, Mr. Chimpoulis advised Council that in the interim, he had added a few clarifications. Assistant Town Administrator Ken Cohen clarified that there was no contract for the Town to sign.

Mr. Rayson was concerned about the following language: "This shall exclude annual league fees for membership in the AYFL of \$2,500 for the football program and \$800 for the cheerleading program." Mr. Chimpoulis said this was an oversight and agreed to remove it.

Councilmember Starkey was concerned about banner signs, which were prohibited by the Town's Code. Mr. Chimpoulis said these would not be located at the entrance or near the roadway. The signs were interior.

Vice-Mayor Luis made a motion to approve.

Councilmember Caletka said he would oppose this "because of the individuals involved."

Mayor Truex seconded the motion to approve.

Councilmember Starkey stated that the motion should include that the language referring to the annual league fees would be eliminated and the items on the March 19 memo from the Parks and Recreation Advisory Board and the items in Attachment A would be added.

In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

4.7, 4.8 and 6.6 Mr. Rayson read the resolution by title and swore in the witnesses. Planning & Zoning Deputy Manager David Abramson summarized the planning report.

Vice-Mayor Caletka asked if the site had ever been considered a house of worship. Mr. Abramson explained that the zoning use to be CF and had been rezoned to R-4 in 2006. If a house of worship were located on the site, staff would enforce the 2,500-foot minimum distance separation requirement.

Councilmember Luis asked if the homeowner's association had agreed to maintain the buffer, as staff had requested. Jay Evans, representing the applicant, said they had agreed to all recommendations of staff and the Site Plan Committee. They had also agreed to maintain the surrounding right of ways. He explained why they had moved the landscaping into the right of way in order to meet the intent of the Code.

Mr. Rayson opened the public hearing portion of the meeting. As no one spoke, Mr. Rayson closed the public hearing portion of the meeting.

Council gave their disclosures on this item.

Councilmember Luis made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.8 Mr. Rayson read the resolution by title.

Councilmember Crowley made a motion, seconded by Councilmember Luis, to approve subject to staff and Site Plan Committee recommendations. In a voice vote, with Vice-Mayor Caletka dissenting, all voted in favor. (Motion carried 4-1)

4.9 Councilmember Starkey read the proclamation.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

6. PUBLIC HEARING

Ordinances - Second and Final Reading

- 6.1 **CAPITAL PROJECTS AMENDMENT - AN ORDINANCE OF THE TOWN OF**
2008-11 DAVIE, FLORIDA, AMENDING THE CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2008 - 2012. **{Approved on First Reading March 5, 2008. All voted in favor.}**

Mr. Rayson read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.2 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 6, SECTION 6-9 (a), ENTITLED ESTABLISHMENT OF FINE AND LIEN; PROVIDING FOR INCREASE OF CODE COMPLIANCE FINE PROVISIONS ADMINISTERED BY A CODE ENFORCEMENT BOARD OR SPECIAL MAGISTRATE;**

PROVIDING FOR COST RECOVERY TO REIMBURSE THE TOWN OF DAVIE TO COVER ALL COSTS INCURRED BY THE TOWN IN ENFORCING ITS CODES AND ALL COSTS OF REPAIRS RELATED THERETO; PROVIDING FOR CRITERIA TO BE CONSIDERED BY THE CODE ENFORCEMENT BOARD OR SPECIAL MAGISTRATE IN DETERMINING THE AMOUNT OF CODE ENFORCEMENT FINES; AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on First Reading March 5, 2008. All voted in favor.}**

Mayor Truex opened the public hearing portion of the meeting.

Arthur Joseph strongly favored this amendment and anticipated the increase in fees would allow for the growth of the Code Compliance Division. He remarked on what he felt were increasing Code Compliance issues in the Town.

John LaDue asked if an audit or efficiency study had been done on this Code Compliance Division. He believed that the residents who would be subjected to these new fines might be least able to afford them. Mr. LaDue felt the Codes were out of date regarding truck weights and should be revised prior to increasing fines.

Mayor Truex closed the public hearing portion of the meeting.

Vice-Mayor Luis asked to table this item. He was concerned with the way some of the Code was currently written regarding "dualies."

Code Compliance Official Danny Stallone reported that the current limit for gross vehicle weight was 6,500 lbs, and many "dualies" were at that weight, but he did not recall any citations written against a "dualie". Mr. Stallone said this applied to commercial vehicles only.

Councilmember Crowley seconded the motion to table to allow time to get clarification.

Mr. Stallone said farm vehicles were exempted under the Code.

In a voice vote, all voted in favor. (Motion carried 5-0)

6.3 **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2008-12 **APPROVING REZONING PETITION ZB 9-1-07, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE TO INCLUDE THE APPROXIMATE 45,307 SQUARE FEET PARCEL," FROM: A-1 COUNTY TO: TOWN OF DAVIE A-1 AGRICULTURE ONE DWELLING PER ACRE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 9-1-07, Saffie, 10750 SW 58 Street) {Approved on First Reading March 5, 2008. All voted in favor.}**

Mr. Rayson read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor

Luis - out of the room; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4-0)

Ordinances - First Reading (Second and Final Reading to be held April 2, 2008)

6.4 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 5, ENTITLED BUILDING AND BUILDING REGULATIONS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Rayson read the ordinance by title. Mayor Truex announced that a public hearing on the ordinance would be held at the April 2, 2008 meeting.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Mayor Truex noted that they were deleting the section requiring a letter from a homeowners or condo association before a permit was pulled. He asked if this could be left in. Development Services Director Marcie Nolan explained that staff had no ability to enforce it if a homeowner's association said no to the addition. Staff was considering including a notice to the homeowner on the building permit application that if the homeowner was a member of an association, they must comply with association rules, as well as the Town's rules.

Councilmember Starkey wanted notice provided to the homeowner's association. Mayor Truex pointed out that if no notice was provided, the association would not be aware of a project until the workers showed up. Ms. Nolan advised that since 2004, when the South Florida Building Code had become effective, they had not been requiring homeowner's association notice. This was a housekeeping item.

Councilmember Crowley wanted to require notification to the homeowner's association. Ms. Nolan agreed to add language that would satisfy Council's concerns.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve but to continue with the section that homeowners and condominium association notification requirements, and to leave that paragraph in until such time as it is amended by staff and brought back to Town Council. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4-1)

6.5 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 7, FIRE PREVENTION AND PROTECTION, CREATING SECTION 7-51, OF THE DAVIE CODE, TO PROVIDE FOR A COMMUNITY AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM; INCLUDING PROVIDING FOR DEFINITION FOR AUTOMATIC EXTERNAL DEFIBRILLATORS; REQUIRING AUTOMATIC EXTERNAL DEFIBRILLATORS IN CERTAIN OCCUPANCIES, PROVIDING FOR INSTALLATION AND OPERATION, PROVIDING FOR A INSTALLATION FEE AND PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS;**

PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was withdrawn earlier in the meeting.

Quasi Judicial Item

- 6.6 **VARIANCE** - V 5-6-07, Tuscan Villas/1380 South Flamingo Road (R-4) (to reduce the required 10 foot landscape buffer to provide a 0 feet) (tabled from March 5, 2008) [see related items 4.7 and 4.8] *Planning and Zoning Board recommended approval*

Earlier in the meeting, Councilmember Crowley noted that the landscaping was being moved to the Town's right-of-way outside the site. Mr. Abramson reported there was one staff recommendation: that the right-of-way on SW 14th Street must at all times be maintained by the homeowner's association and that this be recorded in the homeowner's association documents.

Councilmember Crowley made a motion, seconded by Councilmember Luis, to approve, subject to the following conditions: that the homeowner's association maintains all adjacent right of ways, and that this is recorded in the homeowner's association documents. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - no; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 4-1)

7. APPOINTMENTS

- 7.1 Mayor Truex

7.1.1 Senior Citizen Advisory Committee (two exclusive appointments - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

7.1.2 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

- 7.2 Vice-Mayor Caletka

7.2.1 Community Redevelopment Agency (one exclusive appointment; term expires April 2012) (members shall either reside or engage in business within the jurisdiction of the Town)

Councilmember Caletka reappointed Terry Santini-Ochs to the CRA.

- 7.3 Councilmember Crowley

7.3.1 Community Redevelopment Agency (one exclusive appointment; term expires April 2012) (members shall either

reside or engage in business within the jurisdiction of the Town)

Councilmember Crowley reappointed Thomas Gill to the CRA.

7.3.2 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

7.3.3 Water and Environmental Advisory Board (one exclusive appointment per Councilmember; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

7.4 Councilmember Starkey

7.4.1 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

7.4.2 Water and Environmental Advisory Board (one exclusive appointment per Councilmember; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

7.5 Community Redevelopment Agency (two non-exclusive appointments; terms expire April 2012) (members shall either reside or engage in business within the jurisdiction of the Town)

Councilmember Starkey felt it a good idea to have a Councilmember on the CRA. Councilmember Crowley wanted to consider this, as he felt Council should be more involved in the CRA. Councilmember Caletka agreed. Councilmember Crowley wanted to be sure this would not preclude a Councilmember from voting on a CRA project.

Mayor Truex did not feel it would be advisable for a member of Council to be on the CRA. He feared this could intimidate the other members of the CRA. He favored reappointing the existing members.

7.6 Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager - both members shall be a permanent resident or have their principal place of business within the Town's jurisdiction)

No appointments were made.

- 7.7 Unsafe Structures Board (two non-exclusive appointments; terms expire April 2011) (one appointment shall be an electrical contractor and one appointment shall be a registered architect - both members shall be a permanent resident or have their principal place of business within the Town's jurisdiction)

Councilmember Starkey made a motion, seconded by Mayor Truex, to reappointed Danny Belyeau and Sam Engle. In a voice vote, all voted in favor. (Motion carried 5-0)

8. OLD BUSINESS

8.1 Affordable Housing Incentive Program/Mobile Home Exit Relocation

Mr. Rayson advised that the work group had received input from all parties and had developed an ordinance incorporating many of the proposed changes. The ordinance included a 20% set-aside and an inclusionary formula to encourage developers to incorporate affordable housing as they were constructing new developments. Mr. Rayson indicated that he had deleted the second mortgage assistance program as Council had directed.

Vice-Mayor Luis was concerned that the 20% set-aside was too high. He also wanted developers opting out to get the bonus densities. Mr. Rayson explained that this had been removed because the Broward County Code forbade awarding bonus densities for paying in lieu of.

Councilmember Caletka understood Vice-Mayor Luis' concerns, but acknowledged that if Council did not do this, nothing would change. He stated he was very comfortable with the ordinance.

Councilmember Crowley noted that they would have the opportunity to review the ordinance in a year. He favored moving forward.

Councilmember Starkey noted that in Section 12.585, regarding the Affordable Housing Trust Fund, the \$2,000 relocation assistance had been deleted. Even though they were crafting a separate ordinance regarding mobile home relocation, she believed this should be left in. Mr. Rayson explained that the feeling was that the money in the Trust Fund would be used solely for developing affordable housing. There were also concerns about providing relocation funds to people who chose to move to another state. Mr. Rayson said the work group had provided flexibility by leaving in the clause stating the use of the funds would not be limited to the delineated programs. Councilmember Starkey wanted a policy presented to Council describing how the Trust Fund would be established. She reiterated that she would like the \$2,000 relocation assistance included in the ordinance. Mayor Truex suggested including a requirement that the relocation assistance would only be paid for people relocating within the Town. Councilmember Starkey suggested the following language, "Relocation expenses may be considered, up to a maximum of \$2,000 per displaced mobile home owner, within the Town of Davie." Councilmember Caletka agreed with Mr. Rayson that this could be left to the discretion of the Town Administrator, as it was now written. Mr. Rayson pointed out that the Section unfairly highlighted only one form of tenancy, which was already addressed by State Statute. Leaving the list of uses non-exclusive provided latitude to the Town Administrator to grant relocation money to any resident. Councilmember Starkey believed the State Statute funds were inadequate.

Councilmember Starkey referred to Section C, which indicated that the Town Administrator was responsible for supervising the Trust Fund and she would prefer that the Housing and Development Services Department be responsible. There was also reference to a financial advisory committee and asked who this specifically was. Mr. Rayson said this referred to Budget and Finance Director Bill Ackerman. Mr. Cohen remarked that the ordinance should indicate the responsible party was the Town's Finance and Budget Director. Mr. Rayson agreed to make this change. He explained that all of the Town's ordinances named the Town Administrator or designee was responsible, so this was the proper protocol to follow.

Councilmember Caletka agreed that "financial advisory committee" should be removed. He acknowledged that the designee for oversight of the Affordable Housing Trust would probably be the Housing Director and the designee for the financial status report would be the Finance Director. Mr. Rayson agreed to make this change.

Councilmember Starkey wanted to be sure nothing in the ordinance would conflict with or superseded anything the Town had done regarding benefit for bonuses for affordable housing or other initiatives. Mr. Rayson and Mr. Cohen informed her that staff agreed this would not adversely affect other ordinances.

Mr. Rayson reported that the work group was crafting the mobile home relocation plan and agreed to provide Council a copy of his draft. Mr. Cohen agreed to provide Council with drafts created by Mitchell Chester and Jamie Ross. Councilmember Starkey also wanted notes on the working version of the document indicating who had made changes and why.

8.2 Stirling Road Equestrian Loop

Don Maines, Southwest Ranches Councilmember, said that the loop had already been approved by the Metropolitan Planning Organization. They intended to take the two north lanes of the bridge and dedicate one for multi-purpose and the other for a horse trail. Councilmember Maines pointed out that this would allow them to reduce the speed limit on the road to 30 miles per hour.

Councilmember Maines confirmed that the Town would bear none of the constructions costs, but would bear the maintenance costs for the approach to the bridge and the County would maintain the bridge. Councilmember Maines said they were here to determine who would maintain the grass near the bridge. He said he would return to Council when they had a final proposal. Mayor Truex wanted community input meetings held. Councilmember Maines stated creating this trail would actually improve traffic in the area.

Vice-Mayor Luis indicated that residents from Ivanhoe had contacted him with concerns and he wanted community participation meetings held.

Councilmember Maines advised that the maintenance costs would be minor and Southwest Ranches would split the costs with Davie. He indicated that this was currently being negotiated.

Councilmember Crowley asked about the entranceway. He wanted to make sure any signage was brought back before Council for review.

Councilmember Starkey made a motion, seconded by Mayor Truex, to move this forward and allow staff the opportunity to work out some details.

Mr. Cohen stated that the developers usually bore the expense of mailing the notices for public participation meetings and that recommended Council request that Southwest Ranches direct their staff to contact the Town's Development Services Department regarding the public notification. Councilmember Starkey amended her motion to include this suggestion.

Mr. Cohen asked that Public Works Director Manny Diez be included in landscape selection. Councilmember Maines agreed and Councilmember Starkey added this to her motion.

Kathy Cox asked to use the Ivanhoe meeting hall for the public meetings, and Mayor Truex agreed.

In a voice vote, all voted in favor. (Motion carried 5-0)

9. NEW BUSINESS

9.1 Sunsetting of Certain Boards - Mayor Truex

Mayor Truex explained that several committees were having difficulty attaining a quorum. He indicated that the ordinance provided that more than 40% of the members must be present for a quorum and suggested changing this to 40% of the members who were appointed. Mayor Truex recommended the Southwest Preservation Board be added to the list of boards that could not be sunsetted. Mayor Truex recommended that the ordinance language be solidified to indicate that if one Boardmember's notice prior to a meeting that he would be unable to attend resulted in the meeting's cancellation for lack of a quorum, this was noted and "held against" the Board member. He agreed to draft some language for staff regarding this.

Mayor Truex and Councilmembers Caletka and Crowley agreed that the Agricultural Advisory Committee should not be disbanded. Councilmember Starkey stated that the Agriculture Advisory Committee was not making progress recently and should be sunsetted. She felt some members could be more effective on the Open Space Advisory Board. Councilmember Starkey said she would like the Budget Advisory Committee to be included in the budget process.

Town Clerk Muniz confirmed that the Water and Environmental Advisory Board had requested to disband because of lack of activity/quorum issues. Councilmember Starkey felt there were important environmental issues to be addressed. Councilmember Crowley pointed out that Council had never sent anything to this Board and their focus had been mainly utilities. He did not object to disbanding this Board. Council agreed to sunset this Board, acknowledging that a task force could be created for an emergency purpose.

Councilmember Starkey said many of her constituents felt the need for a beautification board. Mayor Truex suggested that she create a proposal.

Councilmember Caletka made a motion, seconded by Mayor Truex, to honor the request from the Water and Environmental Advisory Board to disband. In a voice vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Caletka - no; Councilmember Crowley - yes; Councilmember Luis - no; Councilmember Starkey - no. (Motion failed 1-4)

9.2 North New River Canal Annexation

Douglas Bell, attorney for Tyndall Hammock Irrigation and Soil Conservation District, explained that this would extend from 441 to the Sawgrass Expressway. He added that property was a 260-foot strip and the northern boundary was Plantation and Sunrise. Mr. Bell distributed a map describing the area that would be annexed.

Mayor Truex did not see how this benefited the Town and wondered why the Town would want the additional responsibility. Councilmember Crowley said they were trying to get all of Tyndall Hammock into the Town.

Fire Chief Joe Montopoli confirmed that the Town would be responsible for responding to accidents that occurred on the bridges over the canals if they annexed the canal.

Councilmember Starkey was concerned about long-term maintenance. She noted that by 2010, all of these areas must be annexed and felt that if they annexed them, they might have more control over FDOT issues.

Councilmember Crowley made a motion to approve. Motion died for lack of a second.

Mr. Bell indicated that Broward County would maintain the bridges over the canal.

Councilmember Luis was opposed to the annexation because it would present a manpower issue for police and fire services. He believed there would be no financial gain for the Town. Mayor Truex agreed.

Councilmember Luis made a motion, seconded by Mayor Truex, to rescind this item. In a voice vote, with Councilmember Crowley and Vice-Mayor Caletka dissenting, all voted in favor. (Motion carried 3-2)

10. SCHEDULE OF NEXT MEETING

Councilmember Caletka announced that his resignation would be effective midnight, November 17, 2008 and suggested rescheduling November 19th to November 17th to ensure there would be a full complement of Councilmembers. Mayor Truex recommended that this issue be discussed after Councilmember Caletka had submitted his resignation.

11. MAYOR/COUNCILMEMBER'S COMMENTS **MAYOR TRUEX**

BOY SCOUT CAMP ISSUE. Mayor Truex advised that the Boy Scouts had been under the impression that permit fees for camp renovations would be approximately \$50,000, but the fees were actually \$358,000.

Jeff Hunt, Executive Director of Boy Scouts of America, explained that the camp had needed restoration since Hurricane Wilma. Since 2006, cost estimates had expanded from \$7 million to \$12 million and described the proposed renovations. He asked for consideration regarding the permit fees.

Mayor Truex noted how important this organization was to the Town, and asked if there was some non-monetary relief the Town could provide that would have no impact on the budget. Councilmember Starkey supported the Scouts as well and wanted to find a way to help.

Councilmember Crowley was concerned that the camp was not open to all Town residents. Mr. Hunt said associations were permitted to use the facility by making

reservations. Mr. Hunt explained that the dining hall would be used as a hurricane relief center available to the entire Town.

Mayor Truex suggested a 10% waiver. Mr. Cohen reminded Council that they were having issues with the General Fund and advised Council to authorize a donation to be utilized to help pay the fees, which would not set a precedent. Councilmembers Caletka and Crowley and Vice-Mayor Luis agreed this should be contributed from the endowment. Mayor Truex and Councilmember Starkey disagreed. Staff agreed to bring a resolution to Council stating the 10% of the estimated \$358,000 permit fees would be donated from the endowment. Council requested a detail of all fees.

DAVIE WATERWAY CLEANUP. Mayor Truex announced that the Davie Waterway Cleanup would take place on April 19th

FAMILY BIKE RALLY. Mayor Truex announced that the Family Bike Rally would be held on April 5th in Shenandoah Park.

COUNCILMEMBER STARKEY

RELAY FOR LIFE. Councilmember Starkey remarked that this had been a wonderful event and encouraged people to donate to Locks of Love.

ROBBINS LODGE RETREAT. Councilmember Starkey stated that the Western High School principal had asked if the fee for Robbins Lodge could be waived for a retreat he had planned on March 28th. Council agreed to waive the fees.

COUNCILMEMBER CALETKA

POLICE ATHLETIC LEAGUE PARTICIPATION. Councilmember Caletka encouraged members of the police force to participate in League.

COUNCILMEMBER CROWLEY

SUNNY LAKE BIRD SANCTUARY FENCE. Councilmember Crowley asked staff to investigate a non-secure fence on the eastern border of the property.

12. TOWN ADMINISTRATOR’S COMMENTS

No comments were provided.

13. TOWN ATTORNEY’S COMMENTS

13.1 Litigation Report

No comments were provided.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:17 p.m.

Approved _____

Mayor/Councilmember

Town Clerk