

**TOWN OF DAVIE
REGULAR MEETING
NOVEMBER 16, 2005**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:06 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Hubert, and Councilmembers Crowley, Paul and Starkey. Also present were Assistant Town Administrator Cohen, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. PRESENTATIONS

3.1. Wild Life Care Center - Councilmember Paul (tabled from November 2, 2005)

Councilmember Paul welcomed a group from the Wildlife Care Center. She introduced Jonathan Lappin, CEO and representative of the Wildlife Care Center. She also introduced Jeff Burnside, board member with Eco-Lodge and producer for NBC 6; Lieutenant Sherry Schlueter, vice-president of the Wildlife Care Center; and Diane Watchinski, director of ethical performance with the Wildlife Care Center.

Mr. Lappin spoke of the history, organization and practices of the Wildlife Care Center. He presented a proposal involving a partnership with the Town along with corporations and businesses, to build a state of the art wildlife habitat, nature center and animal hospital at the Van Kirk parcel. Mr. Lappin requested Council's support to create a partnership agreement and requested to submit a contract proposal.

Councilmember Paul advised of her conversation with the Wildlife Care Center and asked that Council ask questions, research the possibilities and look at the proposal.

Councilmember Starkey spoke of requirements for the grant for the Van Kirk parcel. Councilmember Paul advised that the group had discussed the parameters of the grant and felt comfortable it could work within the criteria.

Councilmember Crowley spoke in favor of the Wildlife Care Center and felt the site was a good choice for the project. Vice-Mayor Hubert was also in favor of the idea. Mayor Truex agreed and requested an opportunity to review the proposal before it came back to Council. Mr. Cohen felt this was a good idea that would work well with the Town's overall plan for the site.

3.2. Relay for Life- Councilmember Starkey

Councilmember Starkey requested that this item be heard at the next meeting.

3.3. JC Nadeau - Councilmember Paul

Councilmember Paul presented J.C. Nadeau with a Certificate of Appreciation for volunteering to help clean up the Bergeron rodeo arena after the hurricane.

Mr. Nadeau commended Council for bringing the coffee industry to Davie. He thanked Council, Mr. Cohen and Mr. Segal for their support.

Mayor Truex announced that staff requested that item 6.1 be tabled. Mr. Cohen advised that staff requested to table items 6.1-6.3.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to table 6.1 to December 7, 2005. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey made a motion, seconded by Councilmember Paul, to table item 6.2 to January 4, 2006. In a voice vote, all voted in favor. (Motion carried 5-0)

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Councilmember Starkey made a motion, seconded by Councilmember Paul, to table item 6.3 to January 18, 2006. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, add item 8.3. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey made a motion, seconded by Vice-Mayor Hubert, to add item 9.2. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1. September 7, 2005 (Regular Meeting)
- 4.2. September 21, 2005 (Regular Meeting)
- 4.3. September 30, 2005 (Special Meeting)
- 4.4. October 18, 2005 (Emergency Meeting)

Parade Permit

- 4.5. Forest Ridge Holly Day Parade Committee (December 3, 2005)

Resolutions

- R-2005-283 4.6. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR ATHLETIC FIELD WEED CONTROL. (\$56,379.80 - Sports Turf Athletic Facilities & Services)
- R-2005-284 4.7. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE FIRM OF BERGERON LAND DEVELOPMENT, INC. TO PROVIDE EMERGENCY DISASTER RECOVERY SERVICES.
- 4.8. **SETTLEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN COUNCIL TO EXECUTE A SETTLEMENT AGREEMENT BETWEEN CARMAX AUTO SUPERSTORES, INC. AND THE TOWN OF DAVIE IN CASE NUMBER 04-011773(08), AND PROVIDING FOR AN EFFECTIVE DATE.
- R-2005-285 4.9. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION, APPROVAL AND EXECUTION OF A GRANT FOR FUNDING FOR THE 2006/2007 CULTURAL YOUNG AT ART PROGRAM ADMINISTERED BY THE BROWARD CULTURAL COUNCIL, EDUCATION AND COMMUNITY DEVELOPMENT PROGRAM IN THE AMOUNT OF \$60,000.
- R-2005-286 4.10. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ENTERING INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND GRANDe CONSULTING, INC. TO REPRESENT THE TOWN OF DAVIE FOR LEGISLATIVE AND GOVERNMENTAL CONSULTING SERVICES. (\$38,000)

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- 4.11. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2005-287 **AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE
TOWN OF DAVIE AND NOB HILL PARTNERS, LLC FOR THE PURCHASE OF
CONDOMINIUM OFFICE SPACE IN THE DEVELOPMENT REFERRED TO AS
THE "DOWNTOWN DAVIE PROJECT."**

Quasi-Judicial Consent Agenda

- 4.12. SPM 10-1-05, Nova Southeastern University/University Associates, Ltd., 3301 College Avenue (RAC-AV)

Mayor Truex pulled items 4.7, 4.11 and 4.12. Councilmember Crowley pulled item 4.8.

Later in the meeting, Councilmember Starkey made a motion, seconded by Vice-Mayor Hubert, to approve the Consent Agenda minus items 4.7, 4.8, 4.11 and 4.12. In a voice vote, all voted in favor. (Motion carried 5-0)

8.3 Susan Delegal, special legal counsel, advised that the Broward County State Attorney's Office had issued three felony counts against Town Administrator Chris Kovanes and had issued warrants for his arrest. In light of these findings, she recommended that Mr. Kovanes remain on suspension and that any salary be placed in an escrow account, accessible only to the Town.

Vice-Mayor Hubert felt Mr. Kovanes should be given two weeks to turn himself in and if he did not, then Mr. Cohen should become the Interim Town Administrator. She added that a national search should be conducted to fill the position.

Councilmember Starkey agreed with Ms. Delegal on placing funds in escrow pending further research and was offended that Mr. Kovanes had not reached out to Council. She felt it was important to set a time for a national search to be conducted for the permanent position. Councilmember Starkey added that a forensic review of all the Town's financial policies was important and the Internet policy needed to be reviewed. She spoke of the need to ensure the public's trust.

Councilmember Paul wanted to remind everyone that a person was innocent until proven guilty. She was also disappointed that Mr. Kovanes had not tried to contact her and agreed with Ms. Delegal's recommendation.

Mayor Truex agreed with Ms. Delegal's recommendation.

Councilmember Crowley made a motion, seconded by Mayor Truex, to suspend Town Administrator Kovanes, to place his benefits in an escrow account pending the outcome of his charges, and pending further advice from the Town Attorney. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Councilmember Crowley made a motion, seconded by Mayor Truex, to place Assistant Town Administrator Cohen as Interim Town Administrator.

Mayor Truex stated that he was in favor of a national search. He felt Mr. Cohen had stepped into a difficult scenario right before the hurricane and had stepped up when the Town needed him. Mayor Truex commended Mr. Cohen for the job he did and felt Mr. Cohen's compensation should be in line with his efforts. Mr. Cohen clarified that his title would be Acting Town Administrator until a decision was made about a permanent administrator. Mayor Truex felt it was fair to pay Mr. Cohen the same salary as Mr. Kovanes as he would be doing the job of two people.

Councilmember Crowley expressed his concerns about Mr. Cohen's compensation. Mr. Cohen offered to take a \$30,000 raise, which would be less than Mr. Kovanes' salary. Councilmember Crowley agreed with this raise as Acting Town Administrator. Councilmember Starkey voiced her concerns about

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setting too high a salary rate and benefits package that an outside administrator would begin working at. Mr. Cohen was requesting the raise only during the period when he was Acting Town Administrator and would go back to his former salary if not hired permanently.

Councilmember Paul requested that Mr. Cohen be appointed Acting Town Administrator and that the salary be placed on the next meeting's agenda. Mayor Truex requested a restated motion.

Councilmember Crowley restated his motion, which was seconded by Mayor Truex, to promote Assistant Town Administrator Cohen to Acting Town Administrator, with a salary increase of \$30,000 while he was Acting Town Administrator, not to exceed Mr. Kovanes' salary. Councilmember Starkey wanted to clarify to staff that Mr. Cohen had the authority to hire and fire. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Ms. Delegal requested that counsel be authorized to freeze or recover assets in the bank.

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 Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.7. Mayor Truex felt it was not clear in the resolution that this was a backup contract. Mr. Cohen advised that Council's motion at the special meeting was that should AshBritt not be able to meet their contract requirements, Mr. Bergeron would then be brought in to fill additional requirements. Mayor Truex requested a motion to approve with this additional caveat.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve.

Councilmember Starkey was unhappy with AshBritt and felt the Town was lagging in its debris removal compared to other municipalities and submitted pictures that showed debris in the Town's rights-of-way. She felt the Town needed to have multiple contracts as did other cities that were cleaned up quickly. Mr. Cohen advised that AshBritt had done what they were suppose to do based on Council's decision and based on Public Works/Capital Projects Director Bruce Bernard's determination. Councilmember Starkey found this unacceptable and spoke of the volume of complaints about streets that were still not cleaned up. She spoke of the unsafe conditions where all the debris remained in various districts and felt the Town deserved better.

Mr. Bernard advised that the first pass of debris pickup would be completed by November 21st. He indicated that over 400,000 cubic yards would be collected over the Town's 34 square miles in 18 days. Mr. Bernard felt his crew and AshBritt had done exactly as he asked and felt the work done so far had been satisfactory considering the Town's size and the work needed at the mobile home parks. Mayor Truex asked how much debris AshBritt had been asked to move. Mr. Bernard advised that the Town had asked AshBritt to collect up to 25,000/30,000 cubic yards, which was what they had collected.

Mayor Truex stated that AshBritt had won the bid for the cleanup and the Town was working at capacity per Mr. Bernard's comments. He felt the delay was Council's fault for choosing to start when it did, and not AshBritt's. Mayor Truex was against awarding part of the bid to other companies when the company that won the bid had done everything it was asked to do.

Councilmember Crowley apologized for not being present at the previous meeting to voice his opinion. He voiced his displeasure with insults and threats made by AshBritt to Councilmembers and other vendors. Councilmember Crowley was unhappy with the quality of work and spoke of complaints he had received about destruction of property during cleanup. He felt additional qualified local companies should be considered as backup in such instances.

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Councilmember Paul asked if the Town was at the maximum number of monitors available. Mr. Bernard advised there were 19 monitors in the field and stated currently, there were trucks on top of trucks. He advised that bringing in more trucks would create more problems than the Town could solve.

Councilmember Paul asked if AshBritt carried insurance to repair damaged property. Mr. Bernard advised that AshBritt would repair everything they damaged as this was part of their contract. Councilmember Paul pointed out a misunderstanding of the motion made previously at the special meeting regarding additional monitors going to Mr. Bergeron.

Vice-Mayor Hubert felt Mr. Perkins' comments were misrepresented and was not happy about Mr. Perkins' threat toward Mr. Bergeron.

Councilmember Starkey was not in favor of the motion to use Mr. Bergeron as a backup contract and wanted Council to look at terminating the contract with AshBritt. She spoke of a congressional investigation into AshBritt for non-payment of its subcontractors. Councilmember Starkey would not be in favor of voting for AshBritt based on how it treated the residents and elected officials. She was in favor of terminating AshBritt's contract and holding payment until Council received proof that the company had paid all their subcontractors.

Mayor Truex felt Mr. Bergeron was an important voice in the community. Mayor Truex pointed out that the congressional investigation was to look into how the company won so many bids, not because of any criminal misdeeds. He felt there were two sides to every story and while he did not condone insults, he agreed with Vice-Mayor Hubert that at any given point, many people were unhappy with different Councilmembers. Mayor Truex felt AshBritt would continue to perform as directed and would repair damages as Mr. Bernard assured they would. He requested that Council not switch contracts so close to finishing the project.

Councilmember Crowley indicated that he would support AshBritt for the remainder of the cleanup as the process was almost finished. He reiterated that he was displeased with AshBritt but wanted to re-advertise for local vendors next year.

Mayor Truex wanted to clarify that the resolution stated that if AshBritt did not perform as Council directed, then the backup contractor would be used to assist.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve the resolution for Bergeron Land Development to assist in the hurricane cleanup if needed. Mayor Truex asked if the motion meant that if AshBritt performed as directed then nobody else would be brought in. Councilmember Crowley agreed and felt it was up to Mr. Bernard's discretion.

Councilmember Starkey felt this is what caused the Town's current problems and felt Council should approve the resolution and instruct the contractor to get the job done. Vice-Mayor Hubert stated that Council should not micro-manage the Town's directors who were paid to do their jobs.

Mr. Bernard stated that if AshBritt did not perform as directed, he had no reservations about calling in another vendor.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - no. (Motion carried 4-1)

Councilmember Crowley wished to hear from Mr. Bergeron.

Ron Bergeron felt the hurricane had turned the community upside down and he was offended by Mr. Perkin's behavior the previous week. Mr. Bergeron pointed out that he was requested to bring in a backup contract and was not hounding AshBritt's contract. He wanted to make it clear that Mayor Truex asked for the package of newspaper clippings on the investigation into AshBritt and felt Council should not condone the behavior of AshBritt.

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Ron Book, legal counsel representing AshBritt, explained that there was no congressional investigation but a congressional review of how the contracts were won. He advised that both he and Mr. Perkins had apologized to Councilmember Starkey the previous week. Mr. Bergeron assured Council that Mr. Perkins had made a comment, which was overheard by Mr. Bergeron's son and mistakenly construed as a threat. Councilmember Starkey stated that her husband had also heard the comment, which was made in front of reporters and printed in the newspapers.

4.8 Councilmember Crowley voiced his concerns about items 9 and 10 on the agreement and objected item 9 - audio announcements being used as there was a residential neighborhood to the south. Regarding item 10, he requested that off-duty police officers be used instead of a temporary security agency. He recommended removing item 9 and adding language to item 10 stating that Davie police officers would provide off-duty service.

Mayor Truex asked how CarMax would accomplish communicating instructions out on the lot. Councilmember Crowley suggested having personnel out on the lot to communicate. Mr. Cohen advised that staff could look further into how this could be accomplished.

Regarding item 15, Vice-Mayor Hubert did not remember agreeing to waive the fees. Mayor Truex felt when a case was settled, part of the inducement was each side paid their own lawyers. Mr. Kiar advised that this was done to conclude the litigation. Councilmember Crowley had no objection to each party paying its own attorney fees.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table to December 7, 2005 to allow time for the creation of new language for the agreement. In a voice vote, all voted in favor. (Motion carried 5-0)

4.11 Mr. Kiar introduced special legal counsel William Crawford. Mr. Crawford spoke of correspondence from Nob Hill Partners to Council and asked that this letter be incorporated in the resolution. He asked that language be added to the resolution indicating that Council had made a finding that entering into this contract served an identifiable municipal purpose including economic redevelopment.

Councilmember Starkey could not locate a performance provision in the contract. Mr. Crawford indicated a clause addressing this issue on page 5. Councilmember Starkey asked if performance dates in the construction phases could be incorporated to keep the project moving forward. Mr. Kiar advised that originally, there was a provision that the developer could take up to seven years to construct the Town's office building. Councilmember Starkey was uncomfortable with not having a date of completion for various phases and an opt-out provision for lack of performance specified in the contract. Mr. Schmidt spoke of the difficulties of putting fixed dates on eight different buildings and different phases. He pointed out that it was to the developer's advantage to perform adequately and assured Council that its money could not be touched by the developer in any way until adequate completion. He added that the Town controlled the permitting and development process, which also created delays. He stated it was impossible to be date specific in a project of this magnitude but felt an outside date was suitable. Councilmember Starkey wanted assurances that the project was moving along in certain phases so the Town could put its staff in. Mr. Schmidt stated he could not be more specific as various decisions were still being made on which phase to build first. He assured Council that the developer would meet the outside deadline date for completion.

Mayor Truex understood Councilmember Starkey's concern but felt what the developer was requesting was a reasonable compromise. Mr. Cohen recalled that the Town had decided to be flexible with Mr. Schmidt and felt the Town had been given a reasonable compromise.

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Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve. Mayor Truex asked if the motion was subject to Mr. Crawford's earlier recommendations. Mr. Crawford repeated his recommendations to: 1) incorporate the October 18, 2005 letter from Nob Hill Partners into the resolution and 2) add language indicating the Town's finding that entering into this contract served an identifiable municipal purpose including economic development. Councilmember Crowley agreed to add items to his motion to approve.

Mayor Truex asked if Nob Hill Partners agreed to these changes. Harvey Mattel, representing Nob Hill Partners, agreed.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Councilmember Crowley requested moving up the discussion on item 9.2. Council agreed.

9.2 Mr. Cohen spoke of a request to locate a facility suitable for the homeless and those residents who were living at McNichol Middle School because of Hurricane Wilma. He indicated that a suitable site had been found which was before Council for review. Mr. Cohen added that staff found the location adequate and felt it was appropriate to go forward with the lease.

Councilmember Crowley asked whose idea this was. Mr. Cohen explained that this had evolved for a few days among different individuals.

Vice-Mayor Hubert wanted to clarify that the Eastside Community Room would be used jointly by Memorial Healthcare and the Police Athletic League (PAL) for their afterschool programs. She wanted to know if PAL objected as it had the first option on the lease.

Donna Evans, representing the PAL, was concerned about the safety of the two-story building being used as it had not been used or cleaned in some time. She also voiced concern about the narrow staircase as she felt it would create a massive amount of liability.

Jon Voight, also representing the PAL, asked for an addendum to the contract regarding location of the program and wanted some type of hold harmless protection and indemnification language in favor of the PAL. He expressed his willingness to work on any needed amendment. Mr. Cohen was willing to work out these addenda to the contract.

Sam Louis, representing Memorial Healthcare, which ran the Children Services Council (CSC) program, was willing to assist in any way to move the program to the Eastside Community Hall.

Councilmember Starkey asked how the facility would be used safely and what the exit plan would be. Mr. Cohen indicated that he would be working with CSC and Memorial Healthcare to accomplish these goals.

Zachary Williams, Assistant County Administrator, pledged Broward County's support to bring resources necessary. Marlene Wilson, Broward County Human Services Director, spoke of the County's efforts to work with the Red Cross on providing shelter and also ensured the County's support in helping work out an exit plan.

Vice-Mayor Hubert asked if Memorial Healthcare and CSC could rent the Holsum Bread Store site for a few months. Mr. Louis stated that he was not familiar with this site and added that his program could not share the same space with the PAL in the Eastside Community Center. Vice-Mayor Hubert felt PAL's program should not be pushed out the door even though it was a smaller program. Mayor Truex suggested that PAL look for other options that would work best according to its needs. He suggested that Council approve subject to PAL's agreement.

Councilmember Paul suggested that room dividers be brought in to the Eastside Community Room. Councilmember Crowley felt it was best to allow staff to work with the PAL to make this work.

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Assistant Town Attorney Andre Parke advised this was a tri-party agreement and if PAL felt their needs were not being met, they could simply not sign the agreement.

Councilmember Starkey voiced her concerns about problems she witnessed at the McNichol shelter. She wanted assurances that the Davie shelter would only be used for displaced Davie hurricane victims. An unidentified man assured that provisions in the contract addressed this.

Dr. George Hanbury, representing Nova Southeastern University (NSU), offered 4,500 square feet of space which could be possibly be used for the PAL. Council thanked Dr. Hanbury for the offer.

Councilmember Starkey asked the Red Cross how soon residents would have to leave. An unidentified man advised that the Red Cross hoped to begin moving residents into the shelter by Friday. He assured Council that the process of finding temporary housing beyond the shelter would move forward.

Vice-Mayor Hubert made a motion, seconded by Mayor Truex, to approve, providing that Mr. Cohen met with PAL, CSC, Memorial Healthcare, and Dr. Hanbury or another representative of NSU, and providing that none of the programs were pushed out. In a voice vote, all voted in favor. (Motion carried 5-0)

4.12 Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mayor Truex advised that he had pulled this item for the benefit of the public but as the meeting was not televised, he requested that Dr. Hanbury simply speak briefly on the project.

Dr. Hanbury gave a brief summary of the project and advised that if approved, construction of phase one would begin in January 2007.

Dr. Hanbury waived his rights to a quasi-judicial hearing.

Councilmember Crowley voiced his concern that there were no lakes on the project. He wanted assurances that Dr. Hanbury would seek conceptual permits from the Center Broward Water Control and South Florida Water Management in the near future before the project went too far. Dr. Hanbury agreed.

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

6. PUBLIC HEARING

Quasi Judicial Items

6.1. STAFF REQUESTING A TABLING TO DECEMBER 7, 2005

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING CODE AMENDMENT APPLICATION ZB(TXT)10-1-05, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, BY AMENDING SECTION 12-286 ENTITLED RURAL LIFESTYLE REGULATION, SUBSECTION (B); PROVIDING SUPPLEMENTAL REGULATIONS FOR FENCES; AMENDING SECTION 12-309(A) ENTITLED REVIEW FOR VARIANCES; PROVIDING FOR FENCE DESIGN VARIANCES IN THE RURAL LIFESTLYE; AMENDING SECTION 12-34 ENTITLED STANDARDS ENUMERATED SUBSECTION (B) ANIMALS ADDING SUBSECTION (12); PROVIDING FOR INTENT SECTION AND REGULATIONS FOR THE MAINTENANCE OF HOBBY FARMS; AND AMENDING SECTION 12-503 ENTITLED DEFINITIONS; PROVIDING FOR DEFINITIONS FOR HOBBY FARMS; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

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6.2. STAFF REQUESTING A TABLING TO JANUARY 4, 2006

V 7-2-05, Nelson, 3778 Gulfstream Way (AG)

This item was tabled earlier in the meeting.

6.3. STAFF REQUESTING A TABLING TO JANUARY 18, 2006

ZB 3-1-05, Landau/Khavanin, 800 South Flamingo Road (from AG to RM-5)

This item was tabled earlier in the meeting.

7. APPOINTMENTS

7.1. Airport Advisory Board (one exclusive appointment - Councilmembers Crowley and Paul; terms expire December 2005)

No appointments were made.

7.2. Community Redevelopment Agency (one exclusive appointment - Councilmember Paul; term expires April 2006) (members shall either reside or engage in business within the jurisdiction of the Town)

No appointment was made.

7.3. Open Space Advisory Committee Agency (one exclusive appointment - Vice-Mayor Hubert; term expires April 2006)

No appointment was made.

7.4. Parks and Recreation Advisory Board Agency (one exclusive appointment - Councilmember Crowley; term expires April 2006) (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.

7.5. School Advisory Board (two exclusive appointments - Vice-Mayor Hubert; terms expire April 2006) (insofar as possible, members are to have experience in educational matters)

No appointments were made.

7.6. Senior Citizen Advisory Committee (two exclusive appointments - Vice-Mayor Hubert; one exclusive appointment - Councilmember Paul; terms expire April 2006) (members shall be a minimum 60 years of age)

No appointments were made.

7.7. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex and Vice-Mayor Hubert; terms expire April 2006) (insofar as possible, one member shall be a licensed engineer)

No appointments were made.

8. OLD BUSINESS

8.1. Broadview Annexation - Mayor Truex

Mr. Cohen gave Council an update on recent developments in the legislature on this issue.

Mayor Truex asked that the previous Broadview Park financial report be updated and provided to Council. Councilmember Paul wanted to see the report first then have a resolution added to an agenda.

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Councilmember Starkey stated that from her communication with residents of Broadview, they were interested in coming to Davie after a straw poll, then filing a 171. Vice-Mayor Hubert stated that she wanted to have Broadview Park in Davie.

8.2. Debris Removal - Councilmember Starkey
This item was discussed earlier in the meeting.

Councilmember Paul distributed copies of her response to Ms. Kaplan's email. Councilmember Paul spoke of her recent meeting with Chief Max Osceola of the Seminole Tribal Council. She advised that Chief Osceola was agreeable to meeting with residents and wanted to be involved in any process to alleviate the noise problem. Councilmember Paul added that Chief Osceola had agreed to place a noise monitor to see how loud the noise was and would recommend increasing the buffer along the Turnpike. She advised that she had forwarded emails from Ms. Nowicki to Chief Osceola, who agreed to look into how these events could be regulated. Councilmember Paul passed on the Chief Osceola's apologies for the delay in meeting with the Town. Mayor Truex asked that if Councilmember Paul had a community meeting on this issue, that it be properly noticed.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, requested that Council place the resolution to begin drafting the interlocal agreement on an agenda.

Vice-Mayor Hubert asked that the resolution be placed on the next agenda. Councilmember Paul stated that the original resolution was to request a meeting and the meeting had been held with Chief Osceola. She said it was unnecessary to prepare a resolution to draft an interlocal agreement and recommended scheduling a resident meeting to establish how to move forward. Councilmember Paul suggested running the noise meters for approximately two weeks.

Ms. Stenzel-Nowicki asked that one noise meter be placed in Silver Lake Park, directly west of the pool area, as that community had lost its buffer.

9. NEW BUSINESS

9.1. Developing Purchase Criteria for Open Space Bond - Councilmember Starkey

Councilmember Starkey felt that established criteria needed to be set and distributed a draft resolution.

Linda Greck, Open Space Advisory Committee member, was in favor of establishing a task force to draft a resolution creating criteria for purchasing parcels. Vice-Mayor Hubert felt residents should be approached about what they wanted in their district. Ms. Greck agreed that each district should be involved.

Mayor Truex asked Mr. Cohen why the process was being brought forward this way instead of via a Town committee. Mr. Cohen explained that this was to allow a diverse group with diverse backgrounds to discuss what the final draft would be. He clarified that the task force would not set criteria but rather recommend criteria to Council. Councilmember Starkey added that the Town's advisory boards and staff would be able to set criteria competently. She stated that her goal was to expedite the process of coming up with criteria to direct staff and Council regarding purchases.

Mayor Truex wanted it to be clear that criteria would be recommended to Council and a public hearing would be held. He also wanted it to be clear that the members of the task force would be appointed by the Committees. Ms. Greck explained that she recommended that members from the Open Space Advisory Committee, the Parks and Recreation Advisory Board and the Water and Environmental Advisory Board be appointed. She voiced her concerns about the Budget Advisory Committee's involvement based on its earlier vote against the bond.

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Vice-Mayor Hubert wanted residents to have the final say on the criteria recommended as the bond involved their money. Mayor Truex agreed that public hearings and workshops should be held.

Councilmember Paul requested amending resolution language as follows: in the last “whereas clause,” Section 1, add “the Davie Area Land Trust” and add “identifying that technical assistance from selected staff”; and in Section 2, add language stating “results of the recommendation to Council upon a public hearing or a series of public hearings held by the Task Force.”

Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve the draft subject to language to be provided by Town Clerk Muniz.

Councilmember Crowley suggested adding language stating the chair would be selected by the Committees. Council agreed to add this to the motion.

Councilmember Crowley also suggested adding that the sunset provision be applied to the task force when criteria was adopted by Council. Council agreed to add this to the motion.

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

10. MAYOR/COUNCILMEMBER’S COMMENTS

MAYOR TRUEX

PARK CITY. Mayor Truex advised that Park City had requested that Council sponsor their annual shuffleboard tournament for \$300.

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

BID PROCESS. Mayor Truex spoke of the need for a proposal to revise the Town’s bid process and asked if anyone else shared this concern. Councilmember Paul felt the bid thresholds might need to be examined. Vice-Mayor Hubert shared Mayor Truex’s concern. Councilmember Starkey felt that a forensic review of all the Town’s financial policies and procedures was overdue and was in favor of seeking an outside consultant for this purpose. Councilmember Crowley agreed that an outside consultant was needed. Mayor Truex requested Council’s permission to meet with Mr. Cohen to begin the process of seeking an outside consultant to review the bid procedure. Mayor Truex asked that this issue be put on the next agenda.

COUNCILMEMBER PAUL

136TH STREET. Councilmember Paul asked Police Chief John George to speak about a letter she had received from a resident with concerns about 136th Street. Chief George advised the letter was sent to the District Commander.

REQUEST. Councilmember Paul requested that when she asked for a specific item from staff, she receive the exact item.

COUNCILMEMBER STARKEY

FDOT MEETING. Councilmember Starkey spoke of the public hearing notice about the FDOT meeting to be held on November 29th at the Renaissance Hotel regarding the I-595 transit system. She asked that these be posted throughout the Town and on the Town’s website as she felt it was important for Davie’s residents to attend.

COUNCILMEMBER CROWLEY

MITIGATION PROJECT. Councilmember Crowley asked for an update on the Rolling Hills migration project. Development Services Director Mark Kutney indicated that he would get back to Council on this issue.

**TOWN COUNCIL MINUTES
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MR. COHEN. Councilmember Crowley looked forward to working with Mr. Cohen as Acting Town Administrator.

VICE-MAYOR HUBERT

FOOD DISTRIBUTION. Vice-Mayor Hubert asked Fire Chief Don DiPetrillo and Chief George for their help in distributing food for the holidays. She asked for volunteers to cook turkeys and advised that transportation was available to help residents who needed a meal on that day.

CHRISTMAS PARTY. Vice-Mayor Hubert announced that the Town would host a Christmas Party on December 13th for underprivileged children from all districts.

11. TOWN ADMINISTRATOR'S COMMENTS

BOY SCOUT'S CAMP. Mr. Cohen asked Council for approval for the Boy Scouts to camp out at Robbins Lodge for one night to earn their merit badge. Council agreed.

12. TOWN ATTORNEY'S COMMENTS

HAPPY THANKSGIVING. Mr. Kiar wished everyone Happy Thanksgiving.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:40 p.m.

Approved _____

Mayor/Councilmember

Town Clerk