

**TOWN OF DAVIE  
REGULAR MEETING  
MARCH 1, 2006  
7:00 P.M.**

**1. PLEDGE OF ALLEGIANCE**

**2. ROLL CALL**

**3. OPEN PUBLIC MEETING**

**4. PRESENTATIONS**

- 4.1. FLORIDA POWER & LIGHT - Ben Wesley
- 4.2. FDOT TURNPIKE & STIRLING ROAD INTERCHANGE - Henry Pinzon, P.E.

**5. APPROVAL OF CONSENT AGENDA**

*Minutes*

- 5.1. January 18, 2006 (Regular Meeting)

*Resolutions*

- 5.2. **SUNRISE WATER SYSTEM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, DISCONTINUING THE PROCESS OF ACQUIRING THAT PORTION OF THE SUNRISE WATER SYSTEM LOCATED IN THE TOWN OF DAVIE. (tabled from February 15, 2006)
- 5.3. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE PLAZA; AND PROVIDING AN EFFECTIVE DATE. (DG 4-1-05, The Plaza, 11200 State Road 84) (tabled from February 15, 2006)
- 5.4. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE NON-VEHICULAR ACCESS LINE OF THE "MEEKS FARMS" PLAT, AND PROVIDING AN EFFECTIVE DATE. (DG 2-2-06, Lakeside Town Shops, 5700 South University Drive)
- 5.5. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BROWARD COUNTY SCHOOL BOARD FOR THE PROVISION OF SUMMER FOOD MEAL SERVICE FOR THE TOWN'S FLORIDA DEPARTMENT OF EDUCATION SUMMER FOOD SERVICE PROGRAM.
- 5.6. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE TOWN COUNCIL TO EXECUTE AN INDEMNIFICATION AND REIMBURSEMENT AGREEMENT BETWEEN THE TOWN OF DAVIE ("Town"), AND WASTE MANAGEMENT, INC. OF FLORIDA ("WMIF"), AND PROVIDING FOR AN EFFECTIVE DATE.

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- 5.7. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH DUNLAP & ASSOCIATES, INC. FOR FINANCIAL CONSULTING SERVICES.
- 5.8. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR REMOVAL OF ARSENIC CONTAMINATED SOIL AT MATH IGLER PROPERTY.
- 5.9. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID, AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A CONTRACT FOR “UPGRADING THE FILTER SYSTEM AT THE PINE ISLAND AQUATIC CENTER.”
- 5.10. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND THE AIR DOCTOR FOR AIR CONDITIONING MAINTENANCE AND REPAIR SERVICES.
- 5.11. **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, GRANTING A 15’ UTILITY EASEMENT FROM TOWN OF DAVIE, PROPERTY OWNER TO CITY OF SUNRISE; AND PROVIDING AN EFFECTIVE DATE.
- 5.12. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE “LORSON ESTATES” AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR’S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 8-3-04, Lorson Estates, 1275 SW 130 Avenue)
- 5.13. **DEVELOPERS AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE WHISPERING PINES RESIDENTIAL ASSOCIATION INC. FOR THE PLACEMENT OF AN ENTRANCE MONUMENT SIGN, LANDSCAPING WITHIN THE TOWN’S RIGHT-OF-WAY; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 9-1-05, Whispering Pines, located along eastern portion of SW 33 Place)
- 5.14. **DEVELOPERS AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO A REGIONAL ROAD CONCURRENCY AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND DIAMOND III LLC, FOR THE CONSTRUCTION OF IMPROVEMENTS RELATING TO THE DIAMOND 5 PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 1-1-06, Diamond III, 10230 West State Road 7)

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- 5.15. **AUTHORIZATION OF EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REQUESTING AUTHORIZATION FOR THE EXPENDITURE OF LAW ENFORCEMENT TRUST FUNDS TO PURCHASE SPEED ENFORCEMENT EQUIPMENT (not to exceed \$25,000 for radar units) AND TO COMPENSATE OFFICERS FOR DIRECTED PATROLS AND TRAFFIC ENFORCEMENT ACTIVITIES (\$30,000 in staffing costs).
- 5.16. **SUPPORT PETITION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXPRESSING SUPPORT FOR A PETITION FILED BY THE CITIES OF HOLLYWOOD AND DANIA BEACH FOR THE COURT'S REVIEW OF THE FEDERAL AVIATION ADMINISTRATION'S DECISION TO CHANGE THE CURRENT RUNWAY UTILIZATION PROCEDURES AT THE FORT LAUDERDALE/ HOLLYWOOD INTERNATIONAL AIRPORT TO ALLOW THE INTENSIFICATION OF THE USE OF RUNWAY 13/31 AND RUNWAY 9R/27L WITHOUT CONDUCTING AN ENVIRONMENTAL ASSESSMENT OF THE IMPACTS TO RESIDENTS OF BROWARD COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

*Quasi-Judicial Consent Agenda*

- 5.17. SP 4-10-05, Hollywood Video/Wendy's, 11200 State Road 84 (B-2) (tabled from February 15, 2006) *Site Plan Committee recommended approval based on the planning report with the following recommendations: 1) move the "drop-off" box for Hollywood Video to an area outside the green landscape areas or provide a "hardscape" through the landscape area to the drop-off box; 2) move the sidewalk from the south parking area to the south connector to the Wendy's up against the end parking space and create an island landscape area instead; 3) place the restriction that there will be no interior neon lighting provided on the windows; 4) the windows would not be blocked off with films or graphics; 5) provide a paver or a striped crosswalk going from the rear access service area of Wendy's to the dumpster area; 6) make the raised "finger" area a paved area as well since landscaping would not fit into it due to the crosswalk; and 7) enhance the landscaping with shrubbery at the common entrance feature*
- 5.18. SP 8-12-04, Lorson Estates, 1275 SW 130 Avenue (A-1) *Site Plan Committee recommended approval based on the planning report and the rezoning; that on the site plan, take the entrance feature wall and mirror it on both sides of the entry and increase it to approximately 35-feet long in order to buffer the side entry garages; access lot number four from the side street; label models on the floor plan so that they are clear; readdress the landscaping along the perimeter buffers, specifically SW 14 Street, because it does not appear to be any type of buffer to the neighbors across the street; on model number one, add shutters to the front window, look at the gable over the garage, correct the rear elevation and make it correct to the actual configuration; on model two, look at the front fake balcony as possibly being a real balcony or a large recessed window; show the "box outs" on the floor plan that represent the architectural elements on the front; offer three different colors for the brick pavers for the driveways; add windows with some decoration to each garage; and show the roof slope at "4 to 12" and would recommend a steeper slope to give it more presence*

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**6. DISCUSSION OF CONSENT AGENDA ITEMS**

**7. PUBLIC HEARING**

*Resolution*

- 7.1. **QUIT CLAIM DEED** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXECUTING A QUIT CLAIM DEED TO CONVEY CERTAIN PROPERTY FROM THE TOWN OF DAVIE TO MELVIN AND HELEN HAGGARD; AND PROVIDING AN EFFECTIVE DATE.

*Ordinance - First Reading (Second and Final Reading to be held March 22, 2006)*

- 7.2. **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION PETITION VA 5-1-05 LONG KEY – FLAMINGO PARK, VACATING AND DEDICATING RIGHT-OF-WAYS AS SHOWN ON THE PLAT OF “FLORIDA FRUIT LANDS COMPANY’S SUBDIVISION NO. 1”, AS RECORDED IN PLAT BOOK 2, PAGES 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 5-1-05, Long Key-Flamingo Park, southwest corner of Flamingo Road and SW 36 Street) (tabled from January 4, 2006) *Planning and Zoning Board recommended approval contingent upon meetings with the resident and the retention for Bellsouth, if necessary*

*Ordinances - First Reading (Second and Final Reading to be held at a later date)*

- 7.3. **TRANSMITTAL** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL APPLICATION LA 11-1-05, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM “COMMERCIAL” TO RESIDENTIAL, 16 DU/AC”; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (LA 11-1-05, Herity Realty Group, LLC/Bank of America) *Local Planning Agency recommended denial*
- 7.4. **TRANSMITTAL** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL APPLICATION LABC-05-1A, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY ADDING THE LAND USE CATEGORY “TRANSIT ORIENTED CORRIDOR” AND ADDING NEW POLICIES RELATING TO THE TRANSIT ORIENTED CORRIDOR DESIGNATION; BY CHANGING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN LANDS FROM: “INDUSTRIAL”, “COMMERCIAL”, “COMMERCE/OFFICE”, “COMMUNITY FACILITY”, “RECREATION AND OPEN SPACE”, “TRANSPORTATION”, “UTILITY”, AND “RESIDENTIAL 10 DU/ACRE” TO: “TRANSIT ORIENTED CORRIDOR”; PROVIDING FOR INCLUSION; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE. (tabled from February 15, 2006)

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*Ordinances - First Reading/Quasi Judicial (Second and Final Reading to be held March 22, 2006)*

- 7.5. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 8-2-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO R-5, LOW MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 8-2-04, Lorson One, LLC/POA, Acecon Construction Corp., 1275 SW 130 Avenue) (tabled from February 1, 2006) *Planning and Zoning Board recommended denial for the following reasons: that the proposed change will adversely affect living conditions in the neighborhood. The Board having received substantial credible evidence from those testifying determines that the proposed change will adversely affect the living conditions in this surrounding neighborhood; Subsection (e), the Board having received substantial credible evidence has determined that the proposed change will create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or otherwise affect the public safety; Subsection (i), the Board having received substantial credible evidence from those testifying believes that there is not substantial reasons why the property cannot be used in accord with the existing zoning; therefore, the Board respectfully moves that the rezoning be denied*
- 7.6. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 10-1-05 CHRISTIAN FELLOWSHIP CHURCH PLAT, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: CF, COMMUNITY FACILITIES DISTRICT; TO: R-5, LOW MEDIUM DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

*Quasi Judicial Items*

- 7.7. V 11-1-05, Markovich, 1070 Cedar Creek Way (PRD 3.8) (to reduce the rear setback from 25 feet by 7.5 feet so that an addition may be constructed with a rear setback of 17.5 feet) *Planning and Zoning Board recommended approval subject to verification of approval by the homeowner's association*
- 7.8. V 12-1-05, Lallouz, 3495 Meadowbrook Way (AG) (to reduce the side setback on the south side of the property from 35 feet to 30 feet so that an addition may be constructed in line with the 30 foot side setback of the existing home) *Planning and Zoning Board recommended approval and that before it goes to Council, there be some semblance of a landscape plan to be included in the package and get together with Mr. Abramson to give some idea of the landscaping to place around this project*

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*Item to be tabled*

- 7.9. **LOCAL PLANNING AGENCY TABLE TO FEBRUARY 8, 2006; COUNCIL CAN TABLE TO MARCH 15, 2006**  
Evaluation and Appraisal Report

**8. APPOINTMENTS**

- 8.1. Education, Research and Training Authority (non-exclusive appointment; term expires May 2007)
- 8.2. Open Space Advisory Committee (one exclusive appointment - Vice-Mayor Hubert; term expires April 2006)
- 8.3. Parks and Recreation Advisory Board (one exclusive appointment - Mayor Truex, Councilmember Crowley, and Councilmember Paul; terms expire April 2006) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)
- 8.4. School Advisory Board (one exclusive appointment - Vice-Mayor Hubert, Councilmember Paul and Councilmember Starkey; terms expire April 2006) (insofar as possible, members are to have experience in educational matters)
- 8.5. Senior Citizen Advisory Committee (one exclusive appointment - Mayor Truex and Councilmember Paul; terms expire April 2006) (members shall be a minimum 60 years of age)
- 8.6. Water and Environmental Advisory Board (one exclusive appointment per Councilmember; terms expire April 2006) (insofar as possible, one member shall be a licensed engineer)

**9. OLD BUSINESS**

- 9.1. Community Chest

**10. NEW BUSINESS**

- 10.1. ERTA Board - Margaret Wu

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

**12. TOWN ADMINISTRATOR'S COMMENTS**

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**13. TOWN ATTORNEY'S COMMENTS**

**14. ADJOURNMENT**

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ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THIS BOARD OR COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSES, 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 MADE.

*Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk at 954-797-1023 at least five business days prior to the meeting to request such accommodations. If you are hearing or speech impaired, please contact the Florida Relay Service by using the following numbers: 1-800-955-8700 (voice) or 1-800-955-8771 (TDD).*