

REGULAR MEETING

MAY 16, 2007

7:00 PM

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. APPROVAL OF CONSENT AGENDA

Minutes

3.1 March 22, 2007 (Regular Meeting)

3.2 April 4, 2007 (Regular Meeting)

Proclamation

3.3 Emergency Medical Services Week (May 20-26, 2007)

Resolutions

3.4 **ASSET VALUATION SERVICES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF AMERICAN APPRAISAL ASSOCIATES, INC. TO PROVIDE ASSET VALUATION SERVICES FOR GASB 34 COMPLIANCE AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.

3.5 **ELECTRICAL ENGINEERING SERVICES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF GLE ASSOCIATES, INC. TO PROVIDE ELECTRICAL ENGINEERING SERVICES FOR THE GENERATORS, PHASE II PROJECT AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.

3.6 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN LONG LAKE RANCHES WEST HOMEOWNERS ASSOCIATION, INC. AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.

3.7 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AFFIRMING IT'S INTENT TO ENTER INTO AN AGREEMENT WITH THE FRIENDS OF THE FARM PARK, INC. FOR THE PURPOSE OF COOPERATIVE JOINT EFFORT IN THE DEVELOPMENT AND OPERATION OF THE DAVIE FARM PARK.

- 3.8 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2007 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT, AND PROVIDING FOR AN EFFECTIVE DATE.
- 3.9 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2007 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE.
- 3.10 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2007 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY “ADDITIONAL” LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE.
- 3.11 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH SAPOZNIK INSURANCE & ASSOCIATES, INC. FOR HEALTH INSURANCE CONSULTANT SERVICES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
- 3.12 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND NOVA SOUTHEASTERN UNIVERSITY FOR COMMUNITY ORIENTED POLICE OFFICERS.
- 3.13 **GRANT APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE FDOT INTERMODAL DEVELOPMENT PROGRAM ON BEHALF OF NOVA SOUTHEASTERN UNIVERSITY FOR SIGNAGE AND KIOSKS AND AUTHORIZING THE TOWN TO ACT AS THE GOVERNMENTAL SPONSOR FOR SUCH APPLICATION.
- 3.14 **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE “M & U PROPERTIES” 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 11-1-05, M & U Properties Plat, 8280 Griffin Road) (B-2) *Planning and Zoning Board recommended approval*

- 3.15 **PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE “ROUNTREE PLAT” 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 6-3-06, Rountree Plat, Linda Strutt Consulting, Inc./200 Harvard Corp., 4561, 4575, and 4595 Oakes Road and 3520 and 3540 Burris Road) (B-2) *Planning and Zoning Board recommended approval [see related item 5.6]***

4. DISCUSSION OF CONSENT AGENDA ITEMS

5. PUBLIC HEARING

Ordinances - Second and Final Reading

- 5.1 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AMENDING THE TOWN CODE OF ORDINANCES TO REPLACE THE TERM “OCCUPATIONAL LICENSE” WITH “BUSINESS TAX”; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE. {Approved on First Reading on May 2, 2007. The vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley – out of room; Councilmember Luis - yes; Councilmember Starkey - yes}**

- 5.2 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, BOARDS AND COMMITTEES OF THE CODE OF ORDINANCES, ADDING A NEW SECTION 2-77 TO AUTHORIZE CANCELLATION OF BOARDS/COMMITTEES MEETINGS WHEN NO ITEMS ARE ON THE BOARDS/COMMITTEES’ CURRENT AGENDA OR WHERE THE BOARDS/COMMITTEES MEETING’S START TIME IS DELAYED MORE THAN THIRTY (30) MINUTES DUE TO A LACK OF QUORUM; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading on May 2, 2007. All voted in favor}**

Ordinances – First Reading (Second and Final Reading to be held June 6, 2007)

- 5.3 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE II, SECTION 12-24, STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS; ARTICLE III, SECTION 12-32, TABLE OF PERMITTED USES; SECTION 12-33 GENERAL REGULATIONS; SECTION 12-34, DETAILED USE REGULATIONS – STANDARDS ENUMERATED; ARTICLE V, SECTION 12-83, COMMERCIAL CONSERVATION STANDARDS; ARTICLE VI, SECTION 12-107, LANDSCAPING STANDARDS FOR LOTS AND SITES; ARTICLE VII, SECTION 12-208, REQUIREMENTS FOR OFF STREET PARKING; ARTICLE XI, ADDING SECTION 12-349 REVIEW OF APPLICATIONS FOR DEVELOPMENT OF LAND FORMERLY IN HACIENDA VILLAGE OR UNINCORPORATED BROWARD COUNTY CURRENTLY USED FOR RECYCLING, SCRAP METAL PROCESSING, AND AUTOMOBILE WRECKING YARD; AND AMENDING ARTICLE XIV, SECTION 12-503, DEFINITIONS; AMENDING RECYCLING, SCRAP METAL PROCESSING, AND AUTOMOBILE WRECKING YARDS AS EXISTING LEGAL USES IN THE M-3 ZONING DISTRICT WHEN THE PROPERTY WAS DESIGNATED FOR JUNKYARD USE UNDER HACIENDA VILLAGE OR**

BROWARD COUNTY CODES AND THE EXISTING USE IS LEGALLY PERMITTED; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from April 4, 2007) *Local Planning Agency recommended approval subject to the amendments previously set forth which were: 1) an amendment to Subsection (U), page 4, four lines up from the bottom of the page, it should read “...practices otherwise conform to generally accepted Recycling, Scrap Metal Processing and Automobile Wrecking Yard business practices, the operation does not emit noxious odors, is in conformance with all applicable environmental regulations, and otherwise conforms with the nuisance standards as defined by the Town code.”; 2) page 5, with (HH), add to the end of the last sentence: “...which shall not be deemed to include the permanent storage of said inventory or material.”; and 3) in the same definition as (HH) after the previously added wording, add the sentence: “This definition shall not be deemed to include the reduction of concrete to a powder like form.” (Motion carried 5-0)*

- 5.4 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 25 OF THE TOWN CODE ENTITLED “UTILITIES“, BY AMENDING SECTION 32 ENTITLED “WATER CONSERVATION” BY REVISING THE MONTHLY WATER RATE CHARGES AND BLOCK ADJUSTMENTS AND PROVIDING FOR YEAR ROUND WATER CONSERVATION, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Ordinances - First Reading/Quasi-Judicial Items (Second and Final Reading to be held June 6, 2007)

- 5.5 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 1-2-06, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM MH-1, MOBILE HOME RESIDENTIAL DISTRICT TO R-1, ESTATE DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 1-2-06, Brennand, 12700 SW 14 Place) *Planning and Zoning Board recommended approval*

- 5.6 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 6-1-06, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-3 HACIENDA VILLAGE TO M-3, PLANNED INDUSTRIAL PARK DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 6-1-06, Linda Strutt Consulting, Inc./200 Harvard Corp., 4561, 4575, and 4595 Oakes Road and 3520 and 3540 Burris Road) *Planning and Zoning Board recommended approval [see related item 3.15]*

Quasi-Judicial Item

- 5.7 V 12-02-06, Pico, 15031 Brighton Lane (PUD, County) (reduce the required west side setback from 15 feet to 10 feet in order to install a dock in the rear of the yard) *Planning and Zoning Board recommended approval subject to compliance with all of staff's comments including the engineering requirements of obtaining a marine engineer that would provide marine engineering plans to the Town of Davie for approval*

6. APPOINTMENTS

- 6.1 Mayor Truex
 - 6.1.1 Mobile Home Task Force (one exclusive appointment - representing a mobile home park owner/manager)
 - 6.1.2 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)
 - 6.1.3 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)
 - 6.1.4 Water and Environmental Advisory Board (one exclusive appointment; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)
 - 6.1.5 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)
- 6.2 Vice-Mayor Caletka
 - 6.2.1 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)
- 6.3 Councilmember Luis
 - 6.3.1 Airport Advisory Board (two exclusive appointments; terms expire December 2007)
- 6.4 Councilmember Starkey
 - 6.4.1 Airport Advisory Board (one exclusive appointment - terms expire December 2007)
- 6.5 Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

7. OLD BUSINESS

- 7.1 Response to FAA's and Broward County's Draft EIS
- 7.2 Bid Specifications for Legal Services
- 7.3 Naming of Basketball Court (Mayor Truex)

8. NEW BUSINESS

- 8.1 Selection of Auditing Service
- 8.2 Increase in Police Off-Duty Detail Fee (Vice-Mayor Caletka)
- 8.3 Downtown Davie Project - Request for Assistance

9. MAYOR/COUNCILMEMBER'S COMMENTS

10. TOWN ADMINISTRATOR'S COMMENTS

11. TOWN ATTORNEY'S COMMENTS

12. ADJOURNMENT

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).

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assisatnt Town Clerk (954) 797-1023

PREPARED BY: Barbara McDaniel, MMC, Assisatnt Town Clerk

SUBJECT: March 22, 2007 Minutes

AFFECTED DISTRICT: not applicable

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: March 22, 2007 (Regular Meeting)

REPORT IN BRIEF: Council minutes from the March 22, 2007 Council meeting.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve

Attachment(s): Minutes

**TOWN OF DAVIE
REGULAR MEETING
MARCH 22, 2007**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:35 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

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

3. INVOCATION

Pastor Daryl Sturenberg, from Gloria Day Lutheran Church, led the Council in the invocation.

4. CERTIFICATION OF RESULTS - March 13, 2007

Town Clerk Muniz read the results into the record: By virtue of running unopposed, Vice-Mayor Crowley retained his seat in District 2. Councilmember Starkey was re-elected in District 3, receiving 36.32 % of the vote. Marlon Luis was elected in District 4, receiving 62.96% of the vote.

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

5. OUTGOING COUNCILMEMBER'S MESSAGE - Councilmember Paul

Mayor Truex presented Councilmember Paul with a plaque in recognition of her service to the Town as a member of Council. Councilmember Paul said she had spent the morning at the Broward County School Board Site Selection Committee meeting and announced that the Committee had not selected the site in Davie for a new high school.

Councilmember Paul advised that she intended to stay active with the preservation issue, which was important to her. She thanked Town employees who had made the past nine years wonderful for her, stating that their attentiveness to her needs and their desire to serve their community through her was outstanding. Councilmember Paul stated she was proud of her record, and hoped to be remembered by one of her campaign slogans: "Promises made are promises kept" or "Being a voice of the people."

Councilmember Paul said she had tried to stay true to their mission statement, the Town's comprehensive plan, and the future land use map. She noted she had been on the losing side of a vote many times, but she had never let this deter her from her mission: she loved Davie, she had great hopes for Davie for the future and she loved all of the people who made it a great place to live.

Councilmember Paul wished Mr. Luis success and reminded him to be true to his heart, and be a man of his word, use common sense and sound judgment, and remember that his allegiance was to his constituents.

Councilmember Paul thanked everyone for nine great years, and said she was looking forward to her future as an activist.

6. RECESS

Mayor Truex recessed the meeting at 7:40 p.m. and reconvened at 7:55 p.m.

7. OATH OF OFFICE

Doug Bell of the Central Broward Water Control district swore in Mr. Crowley. Judge Dishowitz swore in Ms. Starkey. Ms. Paul swore in Mr. Luis.

8. SELECTION OF VICE-MAYOR

Vice-Mayor Crowley nominated Councilmember Caletka for the position. Councilmember Luis seconded the nomination. In a voice vote, with Mayor Truex and Councilmember Starkey dissenting, all voted in favor. (Motion carried 3-2)

9. INCOMING COUNCILMEMBER'S COMMENTS

Councilmember Crowley jokingly remarked that it had been a tough campaign and thanked residents for their faith in him to elect him for another three years. He thanked, and said goodbye as well, to Ms. Paul.

Councilmember Starkey said that the District 3 race had been "spicy" and thanked everyone who had worked in the campaigns.

Councilmember Luis thanked his friends and the residents who had supported him and shared their ideas, frustrations and hopes for a better Davie. He promised to incorporate those ideas into his approach to his new position. Councilmember Luis said he had learned much from Ms. Paul and hoped to maintain her high standards of providing service to her constituents. Councilmember Luis thanked many who had helped in his campaign and supported him, and said he looked forward to working with his new colleagues.

Mayor Truex advised that there had been a request to table item 10.7.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to table to the second meeting in April [April 18, 2007]. In a voice vote, all voted in favor. (Motion carried 5-0)

10. APPROVAL OF CONSENT AGENDA

Minutes

- 10.1 December 20, 2006 (Regular Meeting) (tabled from March 7, 2007)
- 10.2 January 3, 2007 (Special Executive Session)
- 10.3 January 3, 2007 (Regular Meeting)

Resolutions

- R-2007-84 10.4 **LEASE AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LEASE AMENDMENT TO AN EXISTING LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND AMERICAN TOWER CONCERNING THE MONOPOLE TELECOMMUNICATIONS TOWER LOCATED AT 3600 FLAMINGO ROAD; AND PROVIDING FOR AN EFFECTIVE DATE.** (tabled from February 21, 2007)
- R-2007-85 10.5 **CONTRACT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND ARCHIVESONE FOR OFF-SITE RECORD STORAGE SERVICES.** (\$5,600 storage fees)
- R-2007-86 10.6 **CONTRACT RENEWAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A RENEWAL TO THE CONTRACT AWARDED BY BROWARD COUNTY, CONTRACT E-7-04-156-M1-1, FOR MAINTENANCE OF GENERATORS.** (All Power Generators Corp. - \$60/visit plus \$35/hour labor)

10.7 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GYM-BAZ, LLC TO PROVIDE A GYMNASIAC PROGRAM AT THE DAVIE PINE ISLAND MULTIPURPOSE CENTER. (not budgeted - instructor to be compensated 75% of the fee)

10.8 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2007-87 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE FLORIDA POWER AND LIGHT (FP&L) COMPANY FOR THE EASTSIDE STREET LIGHTING PROJECT TO BE FUNDED THROUGH THE TOWN'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM; AUTHORIZING THE MONTHLY MAINTENANCE FEE OF \$1,227.40 FROM THE TOWN'S GENERAL FUND; AND AUTHORIZING AN EFFECTIVE DATE.

Temporary Use Permit

10.9 TU 2-1-07, Rick Case, R+R Davie LLC, 3550 Weston Road (2 tent sales events)

Master Site Plan Amendment

10.10 Nova Southeastern University, 3301 College Avenue, Davie Florida

11. DISCUSSION OF CONSENT AGENDA ITEMS

Councilmember Starkey pulled items 10.4 and 10.10 from the consent agenda.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve the consent agenda minus items 10.4 and 10.10. In a voice vote, all voted in favor. (Motion carried 5-0)

10.4 Councilmember Starkey did not agree with co-locating any cell tower co-providers on this monopole because the Town was considering redesigning the Fire Station 68 site or finding a new site. She felt there were other options, such as disguising it as a flagpole. Mr. Shimun confirmed for Mayor Truex that co-locating was the preferred alternative, and he thought it would be similar to what was already there.

Councilmember Crowley assumed the item had been tabled a couple of times to iron out some potential issues. He wanted to hear explaining what issues existed. Chief Don DiPetrillo said there were several issues. First, the existing site was not being maintained properly. This amendment presented an opportunity to get the owner to do what was necessary.

Program Manager Phillip Holste said American Tower was not interested in relocating the tower, and the Town would have to bear that expense. He informed Vice-Mayor Caletka that the Town realized \$60,000 in revenue each year from this and the additional co-location would add \$12,000.

Mayor Truex felt Council should approve it, but wanted to find a way to ensure that it was maintained. Mr. Cherof said this was possible, but it was not currently a provision of the contract. They could add this to the amendment, but it would then become negotiable. Mayor Truex thought this should be added. Mr. Holste explained that the amendment included bringing the site up to code regarding the landscape buffer and similar issues. There was a 10-day deadline for this, and if they failed to comply, the Town could make the improvements and charge the tower owner for the work.

Councilmember Starkey made a motion to deny. Motion died for lack of a second.

Councilmember Crowley made a motion, seconded by Vice-Mayor Caletka, to approve. In a voice vote, with Councilmember Starkey dissenting, all voted in favor. (Motion carried 4-1)

10.10 John Santulli, Vice President of Nova Southeastern University (NSU), introduced Kona Gray from EDSA, and Adolpho Kotia from Akai Associates, and presented the annual update to the campus Master Plan.

Mr. Gray explained they had created a campus within a campus for the K-12 Program for safety. Mr. Kotia presented the rendering for the Center for Collaborative Research and described its configuration.

Councilmember Starkey asked about tax revenues the Town would receive from the private school. Mr. Santulli stated that the taxable portion was the academical village, which would begin construction in approximately one year. Mr. Santulli informed Councilmember Luis they would apply for permitting in approximately one year for the academical village and the research building. For the university school buildings, they would apply in approximately eight months.

Councilmember Crowley asked Mr. Santulli if the Town had indicated they could meet the new building's water needs. Mr. Santulli believed the Town currently had the capacity, but reminded Councilmember Crowley that the infrastructure agreement Council had approved two weeks ago included a provision allowing the school to build the Town's capacity if it impeded the NSU from moving forward, and to be reimbursed when other projects tied in. Councilmember Crowley thought the water might not be available and wanted to know whether the Town would be able to provide the water before large developments such as this moved forward.

Councilmember Starkey remembered discussions with NSU regarding plans for the taxing district so it would not cost the Town to build the water infrastructure for the not-for profit and university schools. Mr. Santulli said the Community Development District would be brought forward next month, and that would play a role in this. The infrastructure agreement also included road improvement projects, water and sewer improvements and a new lift station.

Development Services Director Mark Kutney confirmed for Mayor Truex that the agreements Council had already approved were the product of several months' negotiations, and included contingencies stipulating that if there were a problem, Nova would assist the Town.

Regarding the water issue, Mr. Shimun informed Council that staff recognized that within the next three years, they would need to come up with something, and were actively seeking alternative sites. Councilmember Crowley felt this indicated that when a master plan such as this came before them, staff must work closely in a partnership with the applicant.

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

12. PUBLIC HEARING

Ordinance - Second and Final Reading

2007-6 12.1 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE XII., DIVISION 3 SITE PLAN REQUIREMENTS AND PROCEDURES, SECTION 12-373, EXPIRATION OF SITE PLANS; SECTION 12-380 EFFECTIVE PERIOD OF APPROVAL; EXTENDING SITE PLAN AND MASTER PLANNED DEVELOPMENT APPROVAL EXPIRATION TO EIGHTEEN (18) MONTHS; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Planning and Zoning Board recommended approval* {**Approved on First Reading on March 7, 2007. The vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - no; Councilmember Starkey - yes**}**

Mr. Cherof 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.

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

Resolution

12.2 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2007-88 AUTHORIZING THE MAYOR AND APPROPRIATE TOWN OFFICIALS TO EXECUTE THE PURCHASE AND SALE AGREEMENT WITH DAVIE 2005 LLC FOR THE PROPERTY KNOWN AS THE OLD DAVIE SCHOOL ADDITION; AND PROVIDING FOR AN EFFECTIVE DATE. (not budgeted - \$2,283,827)
(Supermajority vote required)

Mr. Cherof read the resolution by title.

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

Councilmember Crowley believed the price was “up in the double digits as far as percentage over the average appraised value.” He wanted staff to negotiate further with the owner and offer 6% above the average appraised value.

Councilmember Crowley made a motion, seconded by Mayor Truex, to direct staff to offer the owner 6% above the average appraised value of the property.

Councilmember Starkey agreed, noting that funds from Tallahassee would be difficult to come by this year. She advised staff to also work with the Trust for Public Lands, which might intercede in the purchase. Mayor Truex said this additional staff direction would be added to the motion.

Mr. Cherof recommended that Council approve the contract with an adjusted purchase price, to recalculate the price to 6% over the appraised value, and return the contract to them with that figure. Councilmember Crowley amended his motion to include Mr. Cherof’s recommendation, and Mayor Truex agreed. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

13. APPOINTMENTS

13.1 Mayor Truex

13.1.1 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.

13.1.2 Senior Citizen Advisory Committee (two exclusive appointments - terms expire April 2008) (members shall be a minimum 60 years of age)

Mayor Truex reappointed Betty Gemma.

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

No appointment was made.

- 13.1.4 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.

13.2 Councilmember Luis

Councilmember Luis stated that he had served on a number of advisory boards and obtaining a quorum was one of the major issues. He suggested that if a board member was absent and a quorum could not be reached, this would count as an absence. Mayor Truex questioned how this would work if the meeting was cancelled because of no quorum prior to the meeting being held. Town Clerk Muniz advised that staff currently did not include absences when meetings were cancelled. Mayor Truex asked that staff look into how to implement Councilmember Luis' suggestion.

- 13.2.1 Airport Advisory Board (two exclusive appointments; terms expire December 2007)

No appointments were made.

13.3 Councilmember Starkey

- 13.3.1 Airport Advisory Board (one exclusive appointment; term expires December 2007)

No appointment was made.

- 13.3.2 Mobile Home Task Force (one exclusive appointment - representing a mobile home park owner/manager)

No appointment was made.

- 13.3.3 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.

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

No appointments were made.

- 13.5 Broward League of Cities (appointment of Director, Alternate and Second Alternate; term is October 2007 - September 2008)

Vice-Mayor Caletka made a motion, seconded by Councilmember Starkey, to appoint Councilmember Crowley the Director, Councilmember Starkey the alternate, and Vice-Mayor Caletka the second alternate. In a voice vote, all voted in favor. (Motion carried 5-0)

14. OLD BUSINESS

14.1 SW 8 Street Park Site Fencing

Parks and Recreation Director Dennis Andresky reminded Council of their discussion to identify a funding source and advised that open space bond funds were available for that district. He explained that the fence was needed to prevent people visiting the site at night and creating a neighborhood nuisance.

Councilmember Starkey said there was a law enforcement issue in the park. She objected to spending so much money on such a small park, and felt Council should include this in the capital plan instead of utilizing bond money. Councilmember Crowley agreed this should be part of the capital project plan, and they should wait to fence it until there were improvements on the parcel. Mr. Andresky noted that fencing would prevent vehicles from entering the area.

Councilmember Starkey made a motion to approve this with the fencing, along with the other improvements in funding in the capital project. Mr. Andresky reminded Council that a portion of the bond fund was for parks improvements. Councilmember Starkey asked Mr. Andresky if this could be part of a FRDAP grant. Mr. Andresky responded in the affirmative. Councilmember Starkey said she did not object to the funds coming from the district bond money and then pursuing a FRDAP grant as soon as possible.

Councilmember Starkey clarified her motion, seconded by Councilmember Crowley, to use the district fund money, and allow it to be reimbursed through the FRDAP grant, and to apply for that as soon as possible. In a voice vote, all voted in favor. (Motion carried 5-0)

15. NEW BUSINESS

There was no new business discussed.

16. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR TRUEX

SILVER RIDGE ELEMENTARY. Mayor Truex reported that the school had an ecology project, and wanted to start recycling at Bamford Park. He indicated that he had spoken with a representative from Waste Management, who informed him it was possible, but noted that in his experience, this was often unsuccessful. Mayor Truex still wanted to do it, but wanted to get the students involved in a public awareness program. Council agreed that Mayor Truex should work with the school's ecology club to work toward this.

PROPERTY TAX SITUATION IN THE LEGISLATURE. Mayor Truex said he had not attended Broward Days, but he understood the Senate would take this issue, and he would travel to Tallahassee then to lobby on behalf of the Town. He felt it was not too early to be concerned and felt they must prepare alternative budget scenarios.

AIRPORT MITIGATION. Mayor Truex said that he and Councilmember Starkey had recently attended a Broward County Commission meeting where airport expansion mitigation was discussed. He said many of the proposals would displace people, and would dramatically impair the quality of life in Town.

TOWN ATTORNEY. Mayor Truex stated that he would like to see Council appoint Mr. Cherof as the permanent town attorney. Mayor Truex said he was favorably impressed with Mr. Cherof and his firm's performance, and noted this position was not something the Town was required to bid. He asked if Council wanted to place this issue on an agenda.

Vice-Mayor Caletka wanted to examine hiring an in-house attorney and he thought Mr. Cherof was "doing a fine job." Vice-Mayor Caletka also wanted Councilmember Luis to have the opportunity to provide input as well. Councilmember Crowley also wanted Councilmember Luis to have some input and wanted the item put on the agenda as well. He agreed that Mr. Cherof was doing an excellent job.

Councilmember Starkey agreed they should get the figures for hiring an in-house attorney and agreed that Mr. Cherof was doing an excellent job. She also wanted this issue on a future agenda.

Councilmember Luis said he had met with Mr. Cherof and was very impressed, and agreed they should “look at the numbers” before a decision was made.

Council agreed to put this item on the agenda in one month.

COUNCILMEMBER LUIS

COUNCIL. Councilmember Luis said he was looking forward to working with Council.

COUNCILMEMBER STARKEY

PROPERTY TAX ISSUE. Councilmember Starkey discussed the property tax debate being discussed in Tallahassee and thanked staff for providing her with an impact analysis that she presented to the legislators. She said that the House intended to move forward with their proposal, but there would be no consensus until after the holiday. Councilmember Starkey felt the Town must prepare for the “worst case scenario” regarding the budget because it would be a very tight budget year in Tallahassee.

HOUSE BILL 259 - MOBILE HOMES. Councilmember Starkey said she had worked with the Bill’s creator, Representative Frank Atkinson, who pledged to work with the Town. Councilmember Starkey said Senator Baker would present a companion bill and he was leaning toward what Representative Atkinson would provide.

Councilmember Starkey said the committee was chaired by Representative Mike Davis, and she had provided testimony on behalf of the Town based on the Town’s moratorium issue. She reported that the bill had passed “with those concerns and possible bifurcating the financial impacts and letting it go forward allowing the cities to conduct studies of how individually...from one city around this state to the next that it would provide an impact, they would have to have an impact study.” Councilmember Starkey said that the legislators had understood that the relocation amount could not relocate a mobile home.

Councilmember Starkey stated that she would provide a written report to Council and agreed to brief Mr. Shimun further on what the Town needed to do.

DAVIE POLICE/FIRE MEMORIAL. Councilmember Starkey stated that she had been proud to unveil the memorial and asked everyone to visit the statue. She was pleased to see children visiting the memorial and hoped it would inspire them to become public servants in the future.

COUNCILMEMBER CROWLEY

LOBBYIST REPORT. Councilmember Crowley hoped the Town’s lobbyists would provide a written report within the next two weeks on their activities in Tallahassee.

FDOT PRESENTATION. Councilmember Crowley asked if the presentation on the I-595 Corridor improvements had been scheduled yet. Town Engineer Larry Peters confirmed that FDOT would give a presentation on April 18th.

WATER RESTRICTION ENFORCEMENT. Mr. Peters confirmed for Councilmember Crowley that Code Enforcement would handle enforcement of water restrictions.

TREE LEGACY PROGRAM. Councilmember Crowley wanted an update on this item. Mr. Peters said Urban Forester Tim Lee would manage this program.

VICE-MAYOR CALETKA

BROWARD DAYS. Vice-Mayor Caletka said he had represented the Town at Broward Days and thanked Councilmember Starkey for recommending that he become involved with the Broward League of Cities. He said his goal had been to bring home appropriations related to water, but had been informed that no appropriations would be approved this year.

CONGRATULATIONS TO. Vice-Mayor Caletka congratulated Councilmembers Crowley, Starkey, and Luis on their elections.

17. TOWN ADMINISTRATOR’S COMMENTS

BROWARD DAYS. Mr. Shimun thanked Councilmember Starkey and Vice-Mayor Caletka for attending Broward Days.

PROPERTY TAX ISSUES. Mr. Shimun said he had experience managing in a municipality that had rather draconian tax laws, and he referred to this as “managing under decay.” He described how this decay progressed and hoped the Legislature would lead by example and examine their own budget and spending history over the last several years, and would take a path that made sense.

18. TOWN ATTORNEY’S COMMENTS

WAL-MART. Mr. Cherof reported that special counsel Andy Maroudis had been successful, and the court had ruled in the Town’s favor.

19. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 9:48 p.m.

Approved _____

Mayor/Councilmember

Town Clerk

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assisatnt Town Clerk/(954) 797-1023

PREPARED BY: Barbara McDaniel, MMC, Assisatnt Town Clerk

SUBJECT: April 4, 2007 Minutes

AFFECTED DISTRICT: not applicable

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: April 4, 2007 (Regular Meeting)

REPORT IN BRIEF: Council minutes from the April 4, 2007 Council meeting.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve

Attachment(s): Minutes

**TOWN OF DAVIE
REGULAR MEETING
APRIL 4, 2007**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:01 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

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

3. OPEN PUBLIC MEETING

Mayor Truex explained the procedures for the open public hearing.

Damiano Pignato, 6920 SW 56 Court, reported that the Parks and Recreation Advisory Board had voted to request Council to allow Camp Integration for autistic children to be held at Robbins Lodge from July 29th to August 3rd at a rate of \$150 per day, or the resident rate. He introduced Melissa Tobin and Julia Harper, to describe the camp.

Ms. Tobin explained that she and Ms. Harper had created the camp two years ago, and their mission was to provide intense occupational, physical, speech and behavior therapy to children with autism, learning disabilities, and other exceptionalities. Ms. Harper explained that this camp allowed kids to combine a camp experience with the intensive therapy to prepare them to be functional before the school year began. Ms. Tobin said they were applying for non-profit status, and in the future, they could request a donation for the camp. She asked to be able to use Robbins Lodge at the reduced rate so the costs would not need to be passed on to the parents. Ms. Tobin stated they were pursuing grants for funding.

Mayor Truex recommended that staff create a resolution for the next meeting agenda. Councilmember Starkey felt this was a special category, and noted the scarcity of programs like this for autistic kids. Ms. Harper explained that all of their licensed therapists carried liability insurance, and they would also purchase insurance to cover Robbins Lodge.

Linda Owen described the EASE Foundation and thanked Council for all their help over the years. The Foundation had allowed Davie families to be provided with food and financial assistance.

Todd Bothelm, Executive Director of the Old Davie School, invited everyone to the April 13th Art Social student show opening titled "Everglades Eyes." He also advised that the School's "Generations of Taste" event, featuring pioneer home-cooking recipes, would be held on April 14th.

Mr. Bothelm said he had been in Tallahassee the previous week for the General Operating Support Grant Panel Review, and the Old Davie School ranked fourth in the State for small museums.

Judy Paul, 14421 SW 24 Street, discussed their intent to create a trail on the section of SW 6 Street located west of 148th. She had spoken with one property owner, who was amenable to the proposal, and Ms. Paul hoped that at least this section could be done.

Ms. Paul was hopeful that the firefighters' contract situation would soon be resolved. She was concerned about the water usage situation and wanted to know what measures the Town was taking to ensure compliance with the restrictions.

John Pisula congratulated Councilmembers on their elections. Mr. Pisula stated that he was concerned with access to Western High School fields and felt that the Town had some recourse regarding their lighting expenditure. He hoped the Broward County School Board would grant them use of the field. Regarding Shenandoah Park, Mr. Pisula hoped to arrange a meeting in that park with Councilmembers within two weeks to show them the dilapidated state of the fields there.

Mr. Pisula said the Youth Education and Safety Board had discussed education, and wanted Davie to more assertive in getting things accomplished. Residents were especially concerned about sexual predator notifications.

Councilmember Luis advised that he had an appointment to meet someone at Shenandoah Park.

Mayor Truex asked staff to prepare an explanation of the lighting issue brought up by Mr. Pisula for Council's next meeting.

Councilmember Starkey asked to make sure the sexual predator link was still on the Town's website. She pointed out that the Town needed a middle school and asked Mr. Pisula to have the Youth Education and Safety Board look into this.

Don Lunny, representing Steven, Amanda and Travis Rodriguez, explained that the Rodriguez's driveway led onto SW 13th Street, and they had purchased their section of the road from the previous owner. During permitting to rebuild their home, they had been informed that they were responsible to build the roadway up to public standard, or to move the driveway. Mr. Lunny had met with Town staff and adjacent owners to try resolve the situation. An arrangement had been devised to give government access and give licenses to adjacent homeowners to use their land. He asked Council to allow Mr. Rodriguez to obtain the certificate of occupancy.

Councilmember Crowley asked staff if Mr. Lunny's proposal was feasible. Development Services Director Kutney explained the problem and the request, noting that staff had no discretion because of how the Code was currently written. He requested Council's direction. Mayor Truex wanted Mr. Cherof's input before giving any direction, and Councilmember Crowley agreed.

Mr. Cherof said he would review this issue and felt amending the code might be a solution. He recommended placing this issue on Council's next agenda.

David Sigerson, the Town's lobbyist, provided an interim report on legislative issues. He noted that the property tax problem was the biggest issue in Tallahassee now and explained that the rollback would not affect voter-approved debt, only ad valorem taxes. The rollback would calculate from 2002, using a strict growth plus CPI only growth in revenue. The constitutional amendment piece included an additional statewide penny sales tax to replace the local effort toward school tax, and the options to enact an additional penny, and/or half-penny local sales tax county by county. Mr. Sigerson felt the House and Senate would not settle this issue prior to the end of this regular session.

Mayor Truex asked how the "replacement sales tax" would come back to the Town. Mr. Sigerson explained the different sales tax incomes in different areas of the State, and said the redistribution formula was still being negotiated.

Councilmember Starkey advised staff to work with the Budget Advisory Committee to keep them apprised of the situation, and of the possible impact the changes would have on the Town's budget. She felt the public should be involved in the process as well. Mr. Shimun said they were tracking the budget process, and would have a good idea of what was going on by the end of the session.

Vice-Mayor Caletka was concerned about taxing a fluctuating item as opposed to property, and about giving the control of the tax to the State instead of to local government. Mr. Sigerson agreed with Vice-Mayor Caletka's concerns. Mr. Sigerson felt the Senate realized how complex the property tax system was, and that it would take years to resolve the situation.

Mr. Sigerson said the mobile home relocation bill was of great concern to Davie as well. The current bill would require the municipality or county allowing the rezoning to pay the shortfall in relocation costs between what was now allowed and actual costs. Mayor Truex remarked on the dearth of parks to which a mobile park owner could relocate, and Mr. Sigerson agreed this was a severe problem with the bill. He and Councilmember Starkey had discussed this with the bills' sponsor, and they were disappointed that the sponsor believed municipalities should be responsible for relocation costs, which could total \$15,000. Mr. Sigerson estimated that the Town's liability would total approximately \$70,000,000.

Regarding the Town's Community Budget request, Mr. Sigerson said there was \$450,000 available for Davie water projects.

Mr. Sigerson said Davie's report on the mobile home park rezoning issue was appreciated in Tallahassee, and the staff and consultants should be commended.

Councilmember Starkey said the governor would remove the cap on the Sadowski funds, and these could be used for additional relocation funding. Mr. Sigerson said using these funds and SHIP funds toward the relocation costs could be allowed by Statute, but this would probably not happen.

Mayor Truex felt property owners would argue that they had a right to the rezonings, and he wanted the State to allow municipalities more discretion to deny the rezonings. Councilmember Starkey said this was one of the options being considered. Mr. Shimun noted the inequity of making municipalities responsible, since school and special districts benefited without paying for any of the benefits.

Mr. Cherof said there was a bill pending that determined a moratorium exceeding one year fell under the Burt J. Harris claims procedure, and said this was a bill that should be followed. Mr. Sigerson had discussed adding a provision to a bill that would recognize a municipality's right to a moratorium under certain conditions.

Mr. Shimun said the true benefactor would be the developer, and wondered why they did not model Davie's conversion plan that required developers to present a relocation plan. Mr. Sigerson said the answer was politics, and developers' influence over the legislation.

Mayor Truex said staff requested item 6.4 be tabled to May 16, 2007.

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

Mayor Truex said 4.20 and 4.21 needed to be added to the agenda.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to add items 4.20 and 4.21. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1 January 17, 2007 (Regular Meeting)

4.2 February 7, 2007 (Regular Meeting)

Parade Permit (5K Run)

4.3 A Child is Missing, Inc. (April 29, 2007)

Resolutions

R-2007-89 4.4 **TRUSTEE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPOINTING MERRILL LYNCH BANK & TRUST CO., FSB AS TRUSTEE FOR THE TOWN OF DAVIE DEFERRED COMPENSATION PLAN; AND PROVIDING AN EFFECTIVE DATE.**

R-2007-90 4.5 **GRANT AWARD CALCULATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE FLORIDA COMMUNITIES TRUST GRANT AWARD CALCULATION STATEMENT FOR THE DAVIE FARM PARK PROJECT.**

- 4.6
R-2007-91 **DECLARATION OF RESTRICTIVE COVENANTS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A DECLARATION OF RESTRICTIVE COVENANTS WITH THE FLORIDA COMMUNITIES TRUST FOR THE DAVIE FARM PARK PROJECT SITE.**
- 4.7
R-2007-92 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR 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. (\$13,000)**
- 4.8
R-2007-93 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, ADOPTING THE LOCAL HOUSING ASSISTANCE PLAN (LHAP) FOR 2007/08 TO 2009/10 UNDER THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM; AUTHORIZING THE MAYOR TO EXECUTE THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR THE ESTABLISHMENT AND ADMINISTRATION OF A JOINT LOCAL HOUSING ASSISTANCE PROGRAM FOR 2007/2008; APPROVING DAVIE'S SHIP HOUSING DELIVERY GOALS/BUDGET STRATEGIES FOR FY 2007/08; AND PROVIDING FOR AN EFFECTIVE DATE.**
- 4.9
R-2007-94 **CONTRACT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND FIRST AMERICAN TELECOMMUNICATIONS FOR PAY TELEPHONES. (\$332.50/month less revenues)**
- 4.10
R-2007-95 **CONTRACT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION TO THE CONTRACT BETWEEN THE TOWN AND ZAMBELLI FIREWORKS, MANUFACTURING CO., INC. d/b/a ZAMBELLI FIREWORKS INTERNATIONALE FOR AN INDEPENDENCE DAY FIREWORKS DISPLAY. (\$20,000)**
- 4.11
R-2007-96 **CONTRACT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND LARUE PLANNING AND MANAGEMENT SERVICES, INC. FOR MISCELLANEOUS PLANNING SERVICES.**
- 4.12
R-2007-97 **CONTRACT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND DUNCAN ASSOCIATES FOR MISCELLANEOUS PLANNING SERVICES.**
- 4.13
R-2007-98 **CONTRACT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND ILER PLANNING GROUP FOR MISCELLANEOUS PLANNING SERVICES.**

- 4.14 R-2007-99 **ARCHITECTUAL SERVICES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRMS OF CPZ ARCHITECTS, INC. AND ACAI ASSOCIATES, INC. TO PROVIDE MISCELLANEOUS ARCHITECTURAL SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AGREEMENTS FOR SUCH SERVICES.
- 4.15 R-2007-100 **RELEASE OF SECURITY LIEN** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A RELEASE OF LIEN RELEASING A SECURITY LIEN TO SECURE THE REQUIRED SUBDIVISION IMPROVEMENTS FOR THE DASILVA PLAT; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.16 R-2007-101 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR A TRAILER MOUNTED SEWAGE PUMP. (\$49,856 - Premier Pump, LLC)
- 4.17 **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE “STONE BRIDGE 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 3-2-06, Stonebridge Estates, generally located on the southwest corner of SW 26 Street and Flamingo Road) **[see related items 4.19 and 6.1]** *Planning and Zoning Board recommended approval subject to the understanding that the Board was not making a judgment on the appropriateness of the SW 26 Street access*

Quasi-Judicial Consent Agenda

- 4.18 SPM 12-03-06, Garden Mausoleum #3, Forest Lawn Memorial Gardens South, 2401 SW 64 Avenue (A-9, Cemetary District - Broward County) *Site Plan Committee approved subject to the planning report*
- 4.19 MSP 11-2-05, Stonebridge Estates, generally located on the southwest corner of SW 26 Street and Flamingo Road (AG) **[see related items 4.17 and 6.1]** *Site Plan Committee recommended approval based on the seven items left over from the last meeting and the following: 1) that the applicant provide tree wells or retaining walls as required for the trees which were to remain and which the applicant would build around; 2) that the entrance road would not have any driveways connected onto it (just for that length of road that comes from Flamingo Road down to the loop); 3) check with Central Broward Water Control District on the berm and drainage easement; 4) add the sidewalk on the west side of the entrance road that enters the loop; 5) add 2x4 wood barricades for tree protection on all trees slated to remain on the tree landscape plan; 6) have a minimum Code black vinyl chain-link fence that separates the recreation trail from the site to be constructed before land development and to have gates from each lot into that pedestrian trail; 7) that the sheet L-1, dated 3/6/07 mitigation, will be done before the first certificate of occupancy is issued at this project; 8) that the southern property line and a portion of the western property line be cleaned up and the fence repaired (clean up is defined as removing the “invasive and exotics” on the applicant’s property and those that have fallen onto the applicant’s property); 9) that on each of the seven southern lots*

and when the landscaping was installed for the house that was being built, that four Oak trees 14-feet tall, be planted on each of those lots in addition to the Code requirement; and 10) that if the Central Broward Water Control District does not grant the variances that are needed, return to show the revisions to the Committee

Items to be added - Proclamations

4.20 Water Conservation Month (April 2007)

4.21 Aids Walk Ft. Lauderdale

Vice-Mayor Caletka pulled items 4.2, 4.7, 4.13 and 4.14. Councilmember Crowley pulled items 4.11, 4.17 and 4.19. Councilmember Starkey pulled item 4.12. Mayor Truex pulled items 4.10, 4.18, 4.20 and 4.21.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve the Consent Agenda less items 4.2, 4.7, 4.10, 4.11, 4.12, 4.13, 4.14, 4.17, 4.18, 4.19, 4.20 and 4.21. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.2 Vice-Mayor Caletka asked to table this item, as he wanted to be sure the concessions offered by the developer had been included.

Vice-Mayor Caletka made a motion, seconded by Councilmember Crowley, to table to their next meeting [April 18, 2007]. In a voice vote, all voted in favor. (Motion carried 5-0)

4.7 Vice-Mayor Caletka recused himself from this item.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, with Vice-Mayor Caletka abstaining, all voted in favor. (Motion carried 4-0)

4.10 Mayor Truex was not sure he favored this \$20,000 expenditure this year, given the uncertainty of the upcoming budget year.

Councilmember Crowley supported this yearly planned event for the residents. Councilmember Starkey supported it as well. Councilmember Luis supported it, but feared it might be the last time it was included in their budget.

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

4.11 Councilmember Crowley objected to the increase from the existing \$125 per hour to \$140 per hour.

Councilmember Crowley made a motion, seconded by Vice-Mayor Caletka, to approve based on the existing \$125 per hour price, with no increase.

Councilmember Starkey said that Council had not received all of the paperwork regarding insurance and corporate information that they requested be attached to these items. Mr. Kutney could not state that this had been researched, because the Finance Department had done this last year, and he could not be sure. Mayor Truex recommended that Council approve subject to this being done.

Mr. Kutney referred to the original rate and price schedules from 2004, and noted that staff did not find a problem with the increases for LaRue and Iler because neither had asked for increases to which they had been entitled for the past four contract years. Mr. Kutney noted that Duncan and Associates had been receiving \$175 since 2004, and the LaRue and Iler increases did not approach this amount.

Vice-Mayor Caletka said he took serious objection to staff's determination that this was a reasonable increase, especially to Iler's request in item 4.13, which represented a 45% increase. Mr.

Kutney said this was reasonable because they had not requested an increase earlier, and because the request was still not even close to the Duncan Associates' price. Vice-Mayor Caletka thought staff should not recommend increases that exceeded 3% per year. Mr. Kutney asked Council for specific guidelines in this regard, stating they had been trying to be fair in this case.

Mr. Kutney reminded Council that the Town had yet to actually use Duncan to work on a project as yet. He noted that Duncan was a very well-regarded firm and this was one reason they recommended keeping the contract. The Town used Iler and LaRue because they were local, and therefore more accessible. Mr. Kutney stated that this was the last extension year for LaRue, and if Council did not agree to their rate, the Town would not use them.

Councilmember Crowley added the conditions regarding insurance and SunBiz information to his motion. In a voice vote, with Mayor Truex dissenting, all voted in favor. (Motion carried 4-1)

4.12 Councilmember Starkey noted that this item lacked the backup they had requested as well.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve subject to the research through SunBiz, licensing and insurance. In a voice vote, all voted in favor. (Motion carried 5-0)

4.13 Vice-Mayor Caletka made a motion, seconded by Councilmember Crowley, to approve subject to no increase, and to check SunBiz and insurance. In a voice vote, with Mayor Truex dissenting, all voted in favor. (Motion carried 4-1)

Mayor Truex wondered what would happen if the two firms to whom they had denied increases declined the contract. He felt it was a good idea to have multiple firms.

4.14 Vice-Mayor Caletka noticed there was a tie for second place and he had hoped to get a copy of all proposals for those two companies to review. He referred to a letter from a vendor claiming she had been shut out of the process for perhaps being one minute late. Vice-Mayor Caletka wondered how they could agree on the time, or argue over one minute.

Councilmember Crowley had received a letter from the vendor as well, and said he did not want to micro-manage, but suggested that the 5:00 p.m. closing time be adopted as the deadline. He noted that the highest-rated architect had been rated first by every staff member, so there was no question about that firm's selection.

Councilmember Starkey said notice of another bid acceptance she received yesterday used the words "on or about two o'clock" she did not know if other bid notifications were more specific. She agreed that changing the deadline to close of business would help resolve the issue.

Councilmember Luis said it was common for bids to be rejected for lateness. He noted that after the deadline, bids were opened. He did not favor changing the time.

Mr. Shimun pointed out that there was a difference between the "drop dead" time for receipt of the bid, and the bid opening time. This might be the explanation for the "on or about" time to which Councilmember Starkey referred.

Mr. Cherof said deadlines were appropriate, legal, and defensible. He explained to Councilmember Crowley that the deadline was for handing the package over to the correct person.

Vice-Mayor Caletka did not like having the two contracts under one agenda item for approval. He reiterated his request to table the item to their next meeting.

Vice-Mayor Caletka made a motion, seconded by Councilmember Crowley, to table.

Mr. Shimun clarified for Councilmember Crowley that Council could confirm just the highest-ranked firm and wait on the second. Vice-Mayor Caletka amended his motion to approve only the first-ranked firm. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Caletka made a motion, seconded by Councilmember Crowley, to table approval of the second-ranked firm to the next meeting. In a voice vote, with Mayor Truex dissenting, all voted in favor. (Motion carried 4-1)

4.17 and 4.19 Councilmember Crowley asked to table 4.17 and 4.19 to the first meeting in May to allow the applicant to request variances from the Water Management District and to review the tree survey. He wanted to hear the rezoning item this evening, pointing out that two hearings were required.

Rhon Ernest-Jones, representing the applicant, said there were a number of issues other than water management that required review. He described problems experienced with plan review and stated it had taken 18 months to complete a process that should have taken 6 months, and another delay would “kill it.”

Councilmember Starkey said she wanted to discuss aspects of the site plan and Councilmember Crowley said he could wait until after Council and public comment to move to table the item.

Vice-Mayor Caletka felt it should go to the Water Management District prior to a Council vote.

Councilmember Crowley recommended moving 4.17 and 4.19 to be heard with item 6.1 and withdrew his request to table. (Items 4.17 and 4.19 were subsequently tabled to May 2, 2006.)

4.18 Mayor Truex apologized for having pulled this item in error.

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

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

4.21 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

Ordinance - First Reading/Quasi Judicial Item (Second and Final Reading to be held April 18, 2007)

6.1 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 11-1-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO R-1, ESTATE DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 11-1-05, Rhon Ernest-Jones Consulting Engineers/Nichols Associates, Ltd., southwest corner of Flamingo Road and SW 26 Street) (tabled from April 4, 2007) [see related items 4.17 and 4.19] *Planning and Zoning Board recommended approval*

Mr. Ernest-Jones agreed to hearing all three items [items 4.17, 4.19 and 6.1] together.

Mr. Cherof swore in witnesses and explained the rules of evidence.

Mr. Cherof read the resolution and ordinance by title. Ms. Nolan summarized the planning report.

Mike Woodman, the applicant’s engineer, said site access was an issue. He advised that they had held the first community meeting in January 2006, where they proposed an access through SW 26 Street.

Mr. Woodman stated that the residents had expressed concern that SW 26 Street would “punch through” to their neighborhood, and the plan was revised for access from Flamingo Road. This had been based on a verbal commitment from FDOT for a secondary access in that area. This change had been acceptable to the residents and the applicant had agreed to petition the Town to vacate SW 26 Street and rededicate that area as open space. FDOT later informed the applicant that they would not allow the access point from Flamingo Road and they must access it from SW 26 Street. Mr. Woodman believed they had complied with outstanding Development Review Committee’s comments, and concurred with the Site Plan Committee and Planning and Zoning Board conditions.

Mr. Ernest-Jones reiterated that they had not been trying to deceive the neighbors about FDOT and the Flamingo Road access. He acknowledged the neighbors’ concern about SW 26 Street and agreed to do anything reasonable to protect their interests, including adding a plat note restricting access. They would also vacate the right-of-way through Broward County’s vacation process to alleviate concern about the County/Town vacation. Mr. Ernest-Jones offered to make this a private ingress/egress easement, but the lake right-of-way must be public per rural lifestyle regulations.

Councilmember Luis was concerned that SW 26 Street not open all the way through and asked if vacation from the County would protect them from SW 26 Street’s ever opening up. Mr. Cherof said this would protect them and this could be addressed through plat notes.

Councilmember Starkey had been concerned about this as well and wanted this added to the plat, with the assurance that vacated area west of the access point would be dedicated to the Town for a trail and open space. She thought Council should also dedicate it as a conservation area.

Mr. Ernest-Jones felt that making the road private would further allay the fears of residents to the west, as this would prevent future public access. Councilmember Starkey noted the costs of maintaining a public road.

Councilmember Starkey wanted flat stones used instead of the current construction of the culvert, and for its elevation to be increased. Mr. Ernest-Jones said this was possible. Councilmember Starkey was concerned about the landscaping buffer versus property owners’ desire to fence in entire lots. After discussing this with Acting Planning and Zoning Manager Marcie Nolan, Councilmember Starkey said Council’s only alternative to avoid this problem in the future was a text amendment to allow a fence to be constructed through the landscaping easement.

Ms. Nolan said the fence problem affected this site plan’s northeast corner only. She explained that the landscape buffer was exclusive of the lot lines and became a common area, in which the Code did not allow property owners to erect a fence. This caused resentment on the part of the property owners. Ms. Nolan said staff was willing to amend this provision to allow the owner to fence through a landscape buffer, if this was the desire of the homeowner’s association, or to not fence it if the homeowner’s association would take full responsibility. She reiterated that this provision only went into effect when property was adjacent to a right-of-way.

Councilmember Starkey asked about the south lots. Mr. Ernest-Jones said the carrot wood trees formed the buffer here, but these would be removed as the lots were developed. They had agreed to put four additional oak trees on all of the south lots.

Mr. Ernest-Jones informed Mayor Truex he did not anticipate the need for any variances.

Councilmember Crowley asked about the success rate of relocating the oak trees. Mr. Ernest-Jones said his experience moving trees had a very high success rate.

Mr. Ernest-Jones said the applicant understood and had no problem with the Planning and Zoning Division’s 11 comments. He said the Division had advised them not to change the plans submitted to Council because they wanted Council to see the same plans the Site Plan Committee had seen. Councilmember Crowley said there were also nine comments from Engineering. Mr. Ernest-Jones stated the nine engineering comments had already been addressed.

Ms. Nolan said the second review by the Site Plan Committee was specifically for the tree mitigation plan and tree survey. The applicant must address all of these conditions prior to achieving staff sign off. Ms. Nolan stated that the applicants bonded the large tree removals for five years, for up to \$50,000. If a tree died before the five-year mark, the money was provided to the Town to plant mitigation trees.

Mr. Ernest-Jones agreed to all the Site Plan Committee recommendations. He said they also proposed a guardrail at strategic locations around the lake. Councilmember Starkey wanted to be sure the trees were bonded and any trees that died would be replaced with a tree of comparable size. Mr. Ernest-Jones said they had no choice. He also agreed to the stonework on the culvert to make it look like a bridge. Councilmember Crowley was concerned about one particular tree on one lot, and Mr. Ernest-Jones agreed to create a special layout for this lot to work around the tree.

Mr. Cherof opened the public hearing portion of the meeting.

Judy Paul, 14421 SW 24 Street, advised that she had discussed the tree situation with the applicant. She was concerned that SW 26 Street never be allowed to go through as well, and said this should be included in all motions. Ms. Paul suggested that pavers be included where the trail crossed the road, and that horse-crossing signs be used to alert motorists and pedestrians to the trail. She asked that a see-through guardrail be used where needed around the lake.

Mr. Cherof closed the public hearing.

Council disclosed communications they had regarding this item.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table item 4.17 to May 2, 2006, incorporating many of the suggestions Council had given. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table item 4.19 to May 2, 2006 to include the comments Council made. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve the ordinance on first reading, with the conditions that were stipulated and the restrictions on the plat. Councilmember Crowley indicated that the second reading would be held on May 2, 2007. Council clarified that the conditions included: the Planning and Zoning Division and Site Plan Committee recommendations; redesigning lot 6, the one with the oak tree in the center; protection of vehicles from the lake; the stonework along the bridge; higher access; bonding for the trees; brick pavers suggested by Ms. Paul; and the decorative guardrail. Mr. Cherof said that Council also expected to see the revised plat for review.

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

Quasi-Judicial Items

6.2 **VARIANCE** - V 12-1-06, Moses, 2353 SW 132 Way (A-1) (to reduce the south side setback from 30 feet to 25 feet in order to accommodate an addition to the existing home) *Planning and Zoning Board recommended approval*

Mr. Cherof referred to a memorandum he had created outlining the requirements for a variance and reminded Council that every question in his memo must be answered in the affirmative to grant the variance.

Acting Deputy Planning and Zoning Manager David Abramson summarized the planning report.

Thomas Moses, the applicant, stated that they wanted to improve their home without introducing a jog in the building to accommodate the addition. They were trying to make the addition appear original to the home.

Councilmember Starkey asked Mr. Abramson if the new Code revisions required the variance. Mr. Abramson explained that the new requirements added five feet to each property's setback. Councilmember Starkey said she preferred maintaining the house line. Mr. Kutney said the test of whether the hardship was self-created was whether the addition could be made without the variance. In this case, the owner could construct an addition on the house without the variance, regardless of the new regulations. Mr. Cherof agreed and said variances should be granted only when denial of the variance would deny the owner use of the property. Councilmember Starkey noted that there were cases such as this that when the owner purchased the property this would have been allowed, but subsequent Code changes necessitated the variance. She felt these changes should be applied to new development only and wondered if the Code should be changed to reflect this. Mr. Cherof said he had pointed out in his memo that these types of issues should be addressed in the Code because granting a variance to a single property owner could appear to be favoritism.

Mr. Abramson confirmed for Councilmember Luis that the Planning and Zoning Board and homeowner's association had both approved the variance. Adjacent neighbors to the north and south approved as well. Councilmember Luis said he had no problem with the request.

Councilmember Crowley said he appreciated the memo, and asked if "by law," Council could approve the variance if it did not meet the requirements. Mr. Cherof explained that if Council answered any question in his memo with a "no," they should deny the variance. If this were followed, any variance they granted could be defended. If they granted variances where the seven standards were not met, it would be difficult to defend. Mr. Cherof said Council could request that staff examine the variance section of the Code and create "something perhaps a little bit more forgiving and a little bit more benign to give you the flexibility that I'm hearing you'd like to have."

Mayor Truex and Councilmember Crowley felt all the criteria had been met.

Councilmember Starkey felt they should look at the rural lifestyle amendments to "eliminate the need for all of these various variances that we could look at easily to fix."

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

Council had no disclosures on this item.

Vice-Mayor Caletka felt this request met all the criteria, and that "a legal argument is considerably weakened if they don't actually come out to protest this variance in the first place."

Councilmember Starkey made a motion, seconded by Councilmember Luis, to approve adding that they wanted to be very careful that they were not opening up that as well, and to allow Mr. Cherof to look into a better way to handle this, especially if it came to the support of the community and homeowner's association. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.3 **SPECIAL PERMIT - SE 9-1-06, Stiles Corporation d/b/a Stiles Landscape Company, 2100 SW 154 Street (A-1) (to allow the installation of a modular trailer to be used as a storage and shelter office and to allow the staging of mulch on the subject property)** *Planning and Zoning Board recommended approval subject to the posting of a sufficient bond to be set by Town Council for pest removal and road repairs if required; and a note to Council - it was the consensus of the Board that the special permit was not required for the "use"*

Ms. Nolan summarized the report.

Councilmember Starkey said there were Code violations throughout the Town for excessive mulching and wondered why staff would support something like this. Mr. Kutney acknowledged there were several Code violation cases proceeding, but advised Council to weigh the evidence in this specific case. Councilmember Starkey felt this was a compatibility issue and an environmental problem. Mr. Kutney said if this site were operated as proposed, it would be appropriate. Councilmember Starkey asked him to “go over some of the ideas for when it wouldn’t be appropriate, because I do believe that these are incompatible, especially in residential areas, and I have a problem with mulching.” Ms. Nolan explained that this was an agricultural zoning district, in which staff wanted to encourage agricultural activities. She indicated that the land was being looked at for nursery business activities, which was different from many of the cases to which Councilmember Starkey referred. Ms. Nolan added that the applicant was here to allow Council to apply conditions which they could then regulate. Based on the applicant’s written commitments, staff had found the use could be compatible with the surrounding uses. Councilmember Starkey noted that the Agricultural Advisory Board had recommended changes to the Code regarding mulching issues. Mr. Kutney stated that this was based on people’s attempt to use the agricultural exemption to perform activities that did not truly qualify for the agricultural exemption. That was not true in this case.

Councilmember Luis asked if the special permit could be revoked in six months if the owner was not honoring the conditions. Ms. Nolan responded that the special permit was only valid for 18 months, whereupon the applicant must return to Council to request renewal. She felt Council could put a condition on the approval that any violation would be brought to Council to decide what to do about the license.

Don Winset, president of Stiles Landscaping, agreed to all of the conditions, and to providing a bond for any possible damage.

Councilmember Crowley asked about traffic issues. Mr. Winset said a truck would deposit the mulch three or four times per week. Councilmember Crowley said he had passed by the site and it appeared very clean. He had no objection, but suggested Council review the permit renewal in one year instead of 18 months and that the applicant post a \$20,000 bond for damage.

Mr. Cherof opened the public hearing portion of the meeting.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, felt that the agricultural use of mulching was the concern, not the exemption. She noted the continuing Code enforcement problem between 58th and 61st Avenues at another landscape nursery. Ms. Stenzel-Nowicki pointed out that mulching could present a very serious problem far beyond the boundaries of the property on which it was allowed. Councilmember Crowley reminded Ms. Stenzel-Nowicki that this request was to store mulch, not to create it, which Mr. Winset confirmed.

Council had no disclosures on this item.

Vice-Mayor Caletka said he would vote against this, as he believed it was not in line with the surrounding neighborhoods. Councilmember Starkey said she would vote against it because of the mulch itself, not the nursery use. Councilmember Crowley said he would oppose a site that made mulch, but this was not that type of operation. Councilmember Luis had received calls from neighbors who were only concerned with whether mulch was made at the property and were not concerned with mulch being stored there.

Ms. Nolan confirmed that all of the conditions would be contained in the special permit order.

Councilmember Crowley made a motion, seconded by Councilmember Luis, to approve the request, subject to a one-year renewal that came back to Council, and a \$25,000 bond for street repair. 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 - no. (Motion carried 3-2)

Items to be tabled

6.4 **STAFF REQUESTING A TABLING TO MAY 16, 2007**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE II, SECTION 12-24, STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS; ARTICLE III, SECTION 12-32, TABLE OF PERMITTED USES; SECTION 12-33 GENERAL REGULATIONS; SECTION 12-34, DETAILED USE REGULATIONS – STANDARDS ENUMERATED; ARTICLE IV, SECTION 12-54, NON-RESIDENTIAL PERFORMANCE STANDARD – COMMERCIAL CONSERVATION; ARTICLE V, SECTION 12-83, COMMERCIAL CONSERVATION STANDARDS; ARTICLE VI, SECTION 12-107, LANDSCAPING STANDARDS FOR LOTS AND SITES; ARTICLE VII, SECTION 12-208, REQUIREMENTS FOR OFF STREET PARKING; ARTICLE XII, SECTION 12-375, MASTER PLANNED DEVELOPMENTS; AND ARTICLE XIV, SECTION 12-503, DEFINITIONS; AMENDING RECYCLING, SCRAP METAL PROCESSING , AND AUTOMOBILE WRECKING YARDS AS EXISTING LEGAL USES IN THE M-3 ZONING DISTRICT WHEN THE UNDERLYING LAND USE CLASSIFICATION IS INDUSTRIAL AND THE EXISTING USE IS LEGALLY PERMITTED; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

7. APPOINTMENTS

7.1 Mayor Truex

7.1.1 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)

Mayor Truex appointed Doug Notman.

7.1.2 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

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

No appointment was made.

7.1.4 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 Councilmember Luis
7.2.1 Airport Advisory Board (two exclusive appointments; terms expire December 2007)

No appointments were made.

- 7.3 Councilmember Starkey
7.3.1 Airport Advisory Board (one exclusive appointment; terms expire December 2007)

Councilmember Starkey appointed Sidney Calloway.

- 7.3.2 Mobile Home Task Force (one exclusive appointment - representing a mobile home park owner/manager)

No appointment was made.

- 7.3.3 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)

Councilmember Starkey appointed John Pisula.

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

No appointments were made.

8. OLD BUSINESS

There was no old business to be discussed.

9. NEW BUSINESS

There was no new business to be discussed.

10. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER LUIS

BOARD ATTENDANCE. Councilmember Luis agreed with the suggestion last month that absence from a meeting that resulted in lack of a quorum should be considered an absence. Assistant Town Clerk McDaniel said that staff had requested a legal opinion on this issue and on a few other issues which should make the boards work better.

COUNCILMEMBER CROWLEY

WATER RESTRICTIONS. Councilmember Crowley felt residents must be kept aware of this serious problem and felt the Town must scrutinize developments and encourage them to use best management practices to conserve water. He wanted the Town to be the first in Broward County to institute year-round restrictions and asked staff to create some pros and cons and to place this item on an upcoming agenda.

VICE-MAYOR CALETKA

PLANNING AND ZONING BOARD APPOINTMENTS. Vice-Mayor Caletka asked if there were any members of the Planning and Zoning Board who “ruffled feathers.” He was checking on an appointment of his who had been considered contentious and whom he wanted to re-appoint.

GREEN BUSES. Vice-Mayor Caletka wanted to create a resolution to encourage the Broward County Commission to consider green buses for any future acquisitions.

WATER RESTRICTIONS. Vice-Mayor Caletka supported increased water restrictions.

MAYOR TRUEX

SALES TAX PRESENTATION. Mayor Truex said Bob Legg wanted to give a presentation regarding sales taxes.

MAYORS’ INITIATIVE ON GLOBAL WARMING PRESENTATION. Mayor Truex said the Broward County Audubon Society wanted to give a presentation of the Mayors’ Initiative on Global Warming and the creation of a “green committee” to discuss and create green policies.

MOBILE HOME ORDINANCE. Mayor Truex asked if staff had addressed the question of whether the mobile home ordinance would prevent someone from installing a new mobile home or a shed. Mr. Kutney said this should be addressed by the Housing and Community Development Department or by the Town Attorney. He agreed to let Council know if there were any issues they should address.

ILLEGAL ATV USE. Mayor Truex asked how the Town was dealing with the use of these vehicles. Police Captain James Moyer explained that depending on the situation, the vehicle could be towed and a citation issued. Mayor Truex felt the vehicles should be impounded or towed to serve as a deterrent.

11. TOWN ADMINISTRATOR’S COMMENTS

GOAL SETTING SESSION. Mr. Shimun advised that two Councilmembers had a conflict with the proposed April 13th goal setting session and asked for direction. After a brief discussion, Council agreed to the session being held in the afternoon.

CONFERENCE. Mr. Shimun advised that the ICMA was sponsoring a post-disaster recovery conference May 2-4, 2007 and he asked approval for Mr. Cohen to take his place at the Council meeting. Council had no objections.

12. TOWN ATTORNEY’S COMMENTS

No comments were provided.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:55 p.m.

Approved _____

Mayor/Councilmember

Town Clerk

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers
FROM/PHONE: Donald DiPetrillo, Fire Chief 954-797-1213
PREPARED BY: Julie Downey, Assitant Chief, 954-797-1189
SUBJECT: EMS Week Proclamation
AFFECTED DISTRICT: N/A

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: PROCLAMATION CELEBRATING EMERGENCY MEDICAL SERVICES (EMS) FOR THE WEEK OF MAY 20-26, 2007

REPORT IN BRIEF: TheEMS week theme for 2007 is "Extraordinary People, Extraordinary Service". This slogan celebrates the expectional service being provided to countless patients every day, often under incredibly challenging circumstances. They are selfless professionals who put their own lives on hold, day after day, to respond to the emergency needs of others.

PREVIOUS ACTIONS:

CONCURRENCES:

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Approve Proclamation

Attachment(s):
Proclamation

PROCLAMATION

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency Physicians, emergency nurses, emergency medical technicians, Paramedics, firefighters, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; and

NOW THEREFORE BE IT PROCLAIMED, that the Mayor and Town Council of the Town of Davie, commend the Town of Davie Firefighter's and Emergency Medical Personnel for their efforts and do hereby proclaim the week of May 20-26, 2007, as

EMERGENCY MEDICAL SERVICES WEEK

With the theme, Extraordinary People, Extraordinary Service and I encourage the community to observe this week with appropriate programs, ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of May, 2007.

Tom Truex, Mayor

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers

FROM/PHONE: Herb Hyman/797-1016

PREPARED BY: Herb Hyman/797-1016

SUBJECT: Resolution

AFFECTED DISTRICT: All

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF AMERICAN APPRAISAL ASSOCIATES, INC. TO PROVIDE ASSET VALUATION SERVICES FOR GASB 34 COMPLIANCE AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.

REPORT IN BRIEF: The Town solicited competitive sealed proposals for asset valuation services for GASB 34 compliance. RFP documents were sent to eighteen (18) prospective proposers. Additionally, the bid was advertised state-wide in Florida Bid Reporting and nationally in BidNet and also posted on the Town's web site. The Town received three responses (two (2) proposals and one (1) "no bid" response). The selection committee invited both submitting firms to make an oral presentation. American Appraisal Associates, Inc. made their presentation. However, Accountable Assets, Inc. failed to appear at their scheduled time. When contacted, Accountable Assets claimed that they weren't aware that they were scheduled to make a presentation although the letter that the Town sent was never returned by the US Postal Service. The selection committee was completely comfortable with the qualifications of American Appraisals and although the specifics of a contract could not be negotiated until the Town Council approved this selection, preliminary discussions indicate that American Appraisal Associates' fees will be well within the budgeted amount for this project. Following oral presentations, the selection committee ranked the firms. The recommendation is for American Appraisal Associates, Inc. as the top ranked firm in accordance with the ranking totals attached hereto.

PREVIOUS ACTIONS: Not applicable.

CONCURRENCES: The firm of American Appraisal Associates, Inc. was chosen by the selection committee.

FISCAL IMPACT: Yes

Has request been budgeted? Yes

If yes, expected cost: To be negotiated with the highest ranked firm.

Account Name: Budget & Finance Department-Contractual Services Account

RECOMMENDATION(S): Motion to approve the resolution.

Attachment(s):

Procurement Authorization
Selection Committee Rankings
Incorporation information

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF AMERICAN APPRAISAL ASSOCIATES, INC. TO PROVIDE ASSET VALUATION SERVICES FOR GASB 34 COMPLIANCE AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.

WHEREAS, the Town solicited proposals for asset valuation services for GASB 34 compliance;
and

WHEREAS, the selection committee has selected American Appraisal Associates, Inc. as the firm best qualified to provide the required services; and

WHEREAS, it is in the Town's best interest to execute a contract for such services.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie does hereby accept the selection of American Appraisal Associates, Inc. as the firm best qualified to provide the required services and authorizes the Town Administrator or his designee to negotiate an agreement for such services and present that contract for approval at a future meeting date. Should no agreement be reached with the highest ranking firm, then the Town Administrator or his designee shall negotiate with the next ranked firm and present that agreement for approval.

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007

	A	B	C
1			
2			
3			
4			
5			
6	COMMITTEE MEMBER	ACCOUNTABLE ASSETS	AMERICAN APPRAISALS
7			
8			
9	C. MENKE	N/A	1
10	R. MUNIZ	N/A	1
11	M. KUTNEY	ABSENT	1
12	L. PETERS	N/A	1
13	K. COHEN	N/A	1
14	B. TAYLOR	ABSENT	1
15	D. DIPETRILLO	N/A	1
16	I. DEGROOT	N/A	1
17	H. HYMAN	N/A	1
18			
19	TOTAL	N/A	7

TOWN OF DAVIE PROCUREMENT AUTHORIZATION

ACCOUNT NUMBER. 001-0221-513-0306 **BUDGET ITEM & DESCRIPTION** ASSET VALUATION SERVICES **APPROXIMATE COST** 400,000
B + F - CONTRACTUAL SVCS.

- METHOD OF PROCUREMENT** (check the one that applies)
- Open Competitive Bidding
 - Piggyback on Contract Number _____
 - Sole Source
 - Request For Proposals

SPECIFICATIONS & LIST OF VENDORS MUST BE ATTACHED

Signed *W. F. Underwood*
 Department Head

Have Funds been Reserved RES. 35622

Date 2/20/17 Signed *AD*

Signed *Darryl Shuman*
 Town Administrator

VENDOR	BIDS SUBMITTED	COST
<u>AMERICAN APPRAISALS INC.</u>	<u>RANKED</u>	<u>1ST</u>
<u>ACCOUNTABLE ASSETS, INC.</u>	<u>RANKED</u>	<u>2ND</u>
<u>Mc MAHON TRANSPORTATION ENGINEERS</u>	<u>NO BID</u>	

Signed *[Signature]*
 Procurement Manager

BID SPECIFICATION COMMITTEE'S RECOMMENDATION

Vendor	Cost
<u>AMERICAN APPRAISALS, INC.</u>	<u>RANKED 1ST</u>

Form W-9
(Rev. November 2006)
Department of the Treasury
Internal Revenue Service

**Request for Taxpayer
Identification Number and Certification**

Give form to the requester. Do not send to the IRS.

Name (as shown on your income tax return)
American Appraisal Associates, Inc.

Business name, if different from above

Check appropriate box: Individual/ Sole proprietor Corporation Partnership Other

Address (number, street, and apt. or suite no.)
411 East Wisconsin Ave. Suite 1900

City, state, and ZIP code
Milwaukee, WI 53202

List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I Instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3. Note: If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number
| | | | + | | | | |
or
Employer identification number
3 9 1 1 3 7 7 8 4

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest and dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. person (including a U.S. resident alien).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, (item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the Instructions on page 4.)

Sign Here *Susan M Sheaffer* Signature of U.S. person Date *5/18/06*

Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

U.S. person. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee.

In 3 above, if applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

For federal tax purposes, you are considered a person if you are:

- An individual who is a citizen or resident of the United States,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or
- Any estate (other than a foreign estate) or trust. See Regulations sections 301.7701-6(a) and 7(a) for additional information.

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

**Town of Davie
Vendor/Bidder Disclosure**

I, Paula D. Bost, being first duly sworn state that:
The full legal name and business address of the person(s) or entity contracting with the
Town of Davie ("Town") are as follows (Post Office addresses are not acceptable):

Name of Individual, Firm, or Organization: American Appraisal Associates, Inc.
Address: 411 East Wisconsin Avenue #1900
Milwaukee, WI 53202
FEIN 39-1137784
State and date of incorporation Delaware - February 25, 1970

OWNERSHIP DISCLOSURE AFFIDAVIT

1. If the contract or business transaction is with a corporation, the full legal name and business address shall be provided for each officer and director and each stockholder who directly or indirectly holds five percent (5%) or more of the corporation's stock. If the contract or business transaction is with a trust, the full name and address shall be provided for each trustee and each beneficiary. All such names and address are as follows (Post Office addresses are not acceptable):

Full Legal Name	Address	Ownership
AA Management Group, Inc.	Same as Above	100 %
_____	_____	_____ %
_____	_____	_____ %
_____	_____	_____ %

2. The full legal names and business addresses of any other individual (other than subcontractors, materialmen, suppliers, laborers, and lenders) who have, or will have, any legal, equitable, or beneficial interest in the contract or business transaction with the Town are as follows (Post Office addresses are not acceptable):

Full Legal Name	Address
N/A	_____
_____	_____
_____	_____
_____	_____

By: Paula D. Bost
Signature of Affiant

Date: 3-19-07

Paula D. Bost, Corporate Secretary
Print Name

SUBSCRIBED AND SWORN TO or affirmed before me this 19TH day of
March 2007, by Paula D. Bost, he ~~she~~ is
personally known to me or has presented _____ as
identification.

Lori A. Patenaude

Notary Public, State of ~~Florida at Large~~
Wisconsin

Lori A. Patenaude

Print or Stamp of Notary

Serial Number _____

My Commission Expires: 8-24-08



Elaine F. Marshall
Secretary

North Carolina
DEPARTMENT OF THE SECRETARY OF STATE

PO Box 29622 Raleigh, NC 27626-0622 (919)807-2000

CORPORATIONS

- Corporations Home
- Search By Corporate Name
- Search For New Corporation
- Search By Registered Agent
- Important Notice
- Corporations FAQ
- Tobacco Manufacturers
- Dissolution Reports
- Non-Profit Reports
- Verify Certification
- Online Annual Reports

LINKS & LEGISLATION

- KBBE B2B Annual Reports
- SOSID Number Correction
- 2001 Bill Summaries
- 1999 Senate Bills
- Annual Reports 1997
- Corporations 1997
- Register for E-Procurement
- Dept. of Revenue

ONLINE ORDERS

- Start An Order
- New Payment Procedures

CONTACT US

- Corporations Division
- Secretary of State's web site

TOOLS

- Secretary of State Home
- Secretary of State Site Map
- Printable Page

Date: 5/2/2007

Click here to:

- [View Document Filings |](#)
- [Print apre-populated Annual Report Form | Annual Report C](#)
- [Annual Report |](#)

Corporation Names

Name	Name Type
NC American Appraisal Associates, Inc.	Legal

Business Corporation Information

SOSID:	0003562
Status:	Current-Active
Date Formed:	3/17/1976
Citizenship:	Foreign
State of Inc.:	DE
Duration:	Perpetual

Registered Agent

Agent Name:	CT Corporation System
Registered Office Address:	225 Hillsborough Street Raleigh NC 27603
Registered Mailing Address:	225 Hillsborough Street Raleigh NC 27603
Principal Office Address:	411 E Wisconsin Ave Ste 1900 Milwaukee WI 53202
Principal Mailing Address:	411 E Wisconsin Ave Ste 1900 Milwaukee WI 53202

Stock

Class	Shares	No Par Value	F
99 SEE CERT	0		C

* * * * *

THIS PAGE
INTENTIONALLY
LEFT BLANK

* * * * *

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Herb Hyman/797-1016

PREPARED BY: Herb Hyman/797-1016

SUBJECT: Resolution

AFFECTED DISTRICT: All

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF GLE ASSOCIATES, INC. TO PROVIDE ELECTRICAL ENGINEERING SERVICES FOR THE GENERATORS, PHASE II PROJECT AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.

REPORT IN BRIEF: The Town solicited competitive sealed proposals for electrical engineering services for the generators, phase II project. RFP documents were sent to twenty (20) prospective proposers. Additionally, the bid was advertised state-wide in Florida Bid Reporting and nationally in BidNet and also posted on the Town's web site. The Town received two (2) proposals. The selection committee heard oral presentations from both firms. Following oral presentations, the selection committee ranked the firms. The recommendation is for GLE Associates, Inc. as the top ranked firm in accordance with the ranking totals attached hereto.

PREVIOUS ACTIONS: Not applicable.

CONCURRENCES: The firm of GLE Associates, Inc. was chosen by the selection committee.

FISCAL IMPACT: Yes
Has request been budgeted? Yes

If yes, expected cost: To be negotiated with the highest ranked firm.
Account Name: Capital Improvement-Generators Account

Additional Comments:

RECOMMENDATION(S): Motion to approve the resolution.

Attachment(s):
Procurement Authorization
Selection Committee Rankings
Incorporation information

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF GLE ASSOCIATES, INC. TO PROVIDE ELECTRICAL ENGINEERING SERVICES FOR THE GENERATORS, PHASE II PROJECT AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.

WHEREAS, the Town solicited proposals for electrical engineering services for the generators, phase II project; and

WHEREAS, the selection committee has selected GLE Associates, Inc. as the firm best qualified to provide the required services; and

WHEREAS, it is in the Town's best interest to execute a contract for such services.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie does hereby accept the selection of GLE Associates, Inc. as the firm best qualified to provide the required services and authorizes the Town Administrator or his designee to negotiate an agreement for such services and present that contract for approval at a future meeting date. Should no agreement be reached with the highest ranking firm, then the Town Administrator or his designee shall negotiate with the next ranked firm and present that agreement for approval.

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007

TOWN OF DAVIE PROCUREMENT AUTHORIZATION

030-3404-541-6111

<u>ACCOUNT NUMBER.</u>	<u>BUDGET ITEM & DESCRIPTION</u>	<u>APPROXIMATE COST</u>
030-0402-515-0478	Town Wide Generators - Phase II	\$48,000.00
<i>CAPITAL EMP GENERATORS</i>		

METHOD OF PROCUREMENT (check the one that applies)

- Open Competitive Bidding
- Piggyback on Contract Number _____
- Sole Source
- Request For Proposals

SPECIFICATIONS & LIST OF VENDORS MUST BE ATTACHED

Signed *[Signature]*
Department Head

Have Funds been Reserved PER. 35624

Date 2/22/07 Signed *[Signature]*

Signed *[Signature]*
Town Administrator

	<u>BIDS SUBMITTED</u>	<u>COST</u>
<u>GLE ASSOCIATES, INC.</u>	<u>RANKED 1ST</u>	
<u>TEAMWORK NET, INC.</u>	<u>RANKED 2ND</u>	

Signed *[Signature]*
Procurement Manager

<u>BID SPECIFICATION COMMITTEE'S RECOMMENDATION</u>	
<u>Vendor</u>	<u>Cost</u>
<u>GLE ASSOCIATES, INC.</u>	<u>RANKED 1ST</u>

	A	B	C
1			
2			
3			
4			
5			
6	COMMITTEE MEMBER	TEAMWORKNET	GLE
7		INC.	ASSOCIATES
8			
9	C. MENKE	ABSBWT	
10	R. MUNIZ	2	1
11	M. KUTNEY	ABSBWT	
12	F. PETERS L. NEWBY	2	1
13	K. PURSELL	2	1
14	H. HYMAN		
15			
16	TOTAL	8	4

**Town of Davie
Vendor/Bidder Disclosure**

I, Thais Howard, PE, being first duly sworn state that:
The full legal name and business address of the person(s) or entity contracting with the
Town of Davie ("Town") are as follows (Post Office addresses are not acceptable):

Name of Individual, Firm, or Organization: GLE Associates, Inc.
Address: 1000 NW 65th St., Ste. 100
Ft. Lauderdale, FL 33309
FEIN: 59-2975164
State and date of incorporation: Florida; September 12, 1989

OWNERSHIP DISCLOSURE AFFIDAVIT

1. If the contract or business transaction is with a corporation, the full legal name and business address shall be provided for each officer and director and each stockholder who directly or indirectly holds five percent (5%) or more of the corporation's stock. If the contract or business transaction is with a trust, the full name and address shall be provided for each trustee and each beneficiary. All such names and address are as follows (Post Office addresses are not acceptable):

Full Legal Name	Address	Ownership
Robert B. Greene, President /	3109 W. MLK Blvd., Ste. 550, Tampa, FL /	100 %
R. Quinn Turner, VP /	1320 N. Semoran Blvd., Ste. 203, Orlando, FL /	0 %
_____	_____	%
_____	_____	%

2. The full legal names and business addresses of any other individual (other than subcontractors, materialmen, suppliers, laborers, and lenders) who have, or will have, any legal, equitable, or beneficial interest in the contract or business transaction with the Town are as follows (Post Office addresses are not acceptable):

Full Legal Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

By: Thais Howard Date: March 23, 2007
Signature of Affiant
Thais Howard, PE
Print Name

SUBSCRIBED AND SWORN TO or affirmed before me this 23 day of
March 2007 by Ginny Lemen he/she is
personally known to me or has presented _____ as
identification.

Ginny C. Lemen
Notary Public, State of Florida at Large

Print or Stamp of Notary

Serial Number

My Commission Expires :



Ginny C. Lemen
My Commission DD355596
Expires November 05, 2008

**Request for Taxpayer
 Identification Number and Certification**

Give form to the requester. Do not send to the IRS.

Name (as shown on your income tax return)
G.L.E. Associates, Inc.

Business name if different from above

Check appropriate box: Individual/ Sole proprietor Corporation Partnership Other Exempt from backup withholding

Address (number, street, and apt. or suite no.)
3109 W. Dr. Martin Luther King Jr. Boulevard, Suite 550

City, state, and ZIP code
Tampa, Florida 33607

Requester's name and address (optional)

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 4.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number								
OR								
Employer identification number								
5	9	2	9	7	5	1	6	4

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. person (including a U.S. resident alien).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

Sign Here Signature of U.S. person King C. Lane Date 3/23/07

Purpose of Form
 A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

U.S. person. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee.

In 3 above, if applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

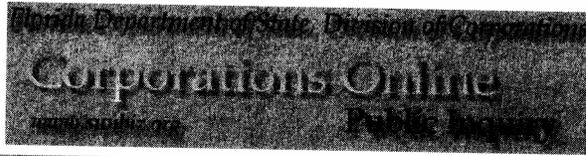
For federal tax purposes, you are considered a person if you are:

- An individual who is a citizen or resident of the United States,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or
- Any estate (other than a foreign estate) or trust. See Regulations sections 301.7701-6(a) and 7(a) for additional information.

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,



Florida Profit

G.L.E. ASSOCIATES, INC.

PRINCIPAL ADDRESS

3109 DR. MARTIN LUTHER KING JR BLVD
 STE 550
 TAMPA FL 33607 US
 Changed 05/29/2002

MAILING ADDRESS

3109 DR. MARTIN LUTHER KING JR BLVD
 STE 550
 TAMPA FL 33607 US
 Changed 05/29/2002

Document Number L15949	FEI Number 592975164	Date Filed 09/12/1989
State FL	Status ACTIVE	Effective Date NONE
Last Event AMENDMENT	Event Date Filed 07/09/2002	Event Effective Date NONE

Registered Agent

Name & Address
GREENE, ROBERT B PRES 3109 DR. MARTIN LUTHER KING JR BLVD STE 550 TAMPA FL 33607
Name Changed: 01/19/2004
Address Changed: 01/19/2004

Officer/Director Detail

Name & Address	Title
GREENE, ROBERT B 3109 MARTIN LUTHER KING JR BLVD, STE 550	PDTS

<http://www.sunbiz.org/scripts/cordet.exe?a1=DEFIL&n1=L15949&n2=NAMFWD&n3=...> 4/25/2007

TAMPA FL 33607	
TURNER, R. QUINN 3109 MARTIN LUTHER KING JR BLVD, STE 550	VP
TAMPA FL 33607	

Annual Reports

Report Year	Filed Date
2005	03/07/2005
2006	02/08/2006
2007	02/07/2007

[Previous Filing](#)

[Return to List](#)

[Next Filing](#)

[View Events](#)
[View Name History](#)

Document Images

Listed below are the images available for this filing.

- [02/07/2007 -- ANNUAL REPORT](#)
- [02/08/2006 -- ANNUAL REPORT](#)
- [03/07/2005 -- ANNUAL REPORT](#)
- [01/19/2004 -- ANNUAL REPORT](#)
- [02/28/2003 -- ANNUAL REPORT](#)
- [07/09/2002 -- Amendment](#)
- [05/29/2002 -- ANNUAL REPORT](#)
- [04/23/2001 -- ANNUAL REPORT](#)
- [10/25/2000 -- Amendment](#)
- [05/11/2000 -- ANNUAL REPORT](#)
- [08/06/1999 -- Amendment](#)
- [02/20/1999 -- ANNUAL REPORT](#)
- [05/05/1998 -- ANNUAL REPORT](#)
- [05/13/1997 -- ANNUAL REPORT](#)
- [05/01/1996 -- ANNUAL REPORT](#)
- [05/01/1995 -- ANNUAL REPORT](#)

THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF QUESTION OR CONFLICT

[Corporations Inquiry](#)

[Corporations Help](#)

http://www.sunbiz.org/scripts/cordet.exe?a1=DEFIL&n1=L15949&n2=NAMFWD&n3=... 4/25/2007

* * * * *

THIS PAGE
INTENTIONALLY
LEFT BLANK

* * * * *

**TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT**

TO: Mayor and Councilmembers
FROM/PHONE: Chief John George/(954) 693-8320
PREPARED BY: Nina B. Valdez
SUBJECT: Resolution
AFFECTED DISTRICT: District 3

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN LONG LAKE RANCHES WEST HOMEOWNERS ASSOCIATION, INC. AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.

REPORT IN BRIEF: Long Lake Ranches West Homeowners Association, Inc. would like to enter into an agreement with the Town of Davie Police department, wherein the owner/association specifically grants the Town power and authority to enforce traffic control on the property of the owner/association, which is required by law to enable enforcement of traffic laws on private roadways and streets within this community.

PREVIOUS ACTIONS:

CONCURRENCES:

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S):

Attachment(s):

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN LONG LAKE RANCHES WEST HOA, INC. AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.

WHEREAS, Long Lake Ranches West HOA, Inc. and the Davie Police Department would like to enter into an “Agreement for Traffic Control” and

WHEREAS, Long Lake Ranches West HOA, Inc. has the authority to sign said agreements, and have done so; and

WHEREAS, the Davie Police Department requests the Mayor add his signature to said Agreement;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA

SECTION 1. The Town Council of the Town of Davie hereby authorizes the Mayor to execute the “Agreements for Traffic Control,” attached hereto as Exhibit A.

SECTION 1. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ day of _____, 2007

MAYOR/COUNCIL MEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____ 2007



DAVIE POLICE DEPARTMENT
 1230 South Nob Hill Road
 Davie, FL 33324
 (954) 693-8200
 FAX: (954) 693-8399 (Road Patrol)



AGREEMENT FOR TRAFFIC CONTROL

The Town of Davie, Florida, a municipal corporation of the State of Florida, (hereinafter referred to as the "Town"), and Long Lake Ranches West Homeowners Assoc hereinafter referred to as the "Owner", agree on this 9 day of February, 2007 to enter into the following Traffic Jurisdiction Agreement.

WHEREAS, the Owner currently holds legal title to that parcel of real property which is the subject of this Agreement, as more particularly described on Exhibit "A" attached hereto (the "Property" or "Common Areas"); and

WHEREAS, the Town, its duly appointed officers, employees and agents, recognizes that it has full power and jurisdiction to enforce all laws of the nation, state, county and city, duly enacted, excluding those traffic control and enforcement of same on the private property of Owner; and

WHEREAS, the Owner wishes to specifically grant the Town the power and authority to enforce traffic control on the Property and to grant an easement for ingress and egress for said purpose; and

WHEREAS, pursuant to Florida Statutes §316.006(2)(b), Owner wishes to have the Town exercise jurisdiction for traffic regulation over a private or limited access road or roads (the "Roads"), owned or maintained by Owner upon the property.

WITNESSETH

NOW, THEREFORE, for and in consideration of the mutual covenants and undertakings of the parties hereto, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto covenant and agree as follows:

1. The foregoing recitals are true and correct and are incorporated herein by reference.
2. The Owner agrees that the Town shall have jurisdiction to enforce state, county and city traffic regulations over any Roads within the private property.
3. The Town hereby agrees to exercise jurisdiction for traffic control purposes over any Roads within the private property.
4. Either party may terminate this Agreement upon sixty (60) days written notice to the other party.
5. The Owner, in further consideration for the above stated commitments of the Town, does hereby declare, establish, provide, give and grant to the Town, its successors, administrators and assigns, a non-exclusive easement for ingress and egress over the private property for the purpose of providing traffic control.

6. The Owner agrees to indemnify and hold the Town of Davie, its officers and elected officials, its employees, assigns and agents, the Town of Davie Police Department, its employees, agents and assigns, and the Police Chief, his heirs and assigns, harmless from and against any and all claims or causes of action resulting from personal injury or damage to property caused by or arising from any lawful action(s) effectuated by members of the Town of Davie authorized by this Agreement. Nothing in this Agreement shall be construed to effect in any way the Town's rights, privileges and immunities as set forth in Florida Statute §768.28.
7. The Owner agrees to reimburse the Town of Davie for any actual costs of traffic control and enforcement necessitated by this Agreement over and above the normal costs of traffic control and enforcement typically incurred by the Town of Davie in exercising such control over all streets and highways located within its boundaries, such as additional costs related to signage conforming with state law.
8. Any notices required under this Agreement shall be deemed to have been duly given on the date said notice was mailed by United States Certified Mail, Return Receipt Requested, postage prepaid, and addressed to the Town or the Owner, as the case may be, at the address set below for each such party, or to such other address as any party may, from time to time, specify by written notice to all other parties.
9. No change or modification of this Agreement shall be valid unless in writing and signed by all parties hereto.
10. The Owner expressly understands and agrees that nothing contained herein is intended or should be construed as creating or establishing a duty or obligation of the Town to provide traffic jurisdiction to the private property. The Town's presence on, or use of the premises, does not in any way create or establish in favor of Owner a level of prevention or the enforcement of traffic laws greater than the Town owes to the general public.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals for the purposes herein expressed on the day and year first above written.

WITNESSES:

THE TOWN OF DAVIE, FLORIDA

Signature BY: _____ Signature

Print Name TITLE: _____

Signature ADDRESS: _____

Print Name ATTESTED BY _____

TOWN ATTORNEY
Approved as to form and legality for the use and
reliance of the Town of Davie, Florida, only

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this ____ day of _____, 200__,
by _____, of the Town of Davie, Florida, a municipal
corporation of the State of Florida, who is _____ personally known to me, or who has produced
_____ as identification, and who did/did not take an oath.

NOTARY PUBLIC, State of Florida

Type, Stamp, Print Name

MY COMMISSION EXPIRES:

3.

WITNESSES:

[Signature]
Signature

Danielle Tojello
Print

[Signature]
Signature

Paul Gallo
Print

OWNER:

BY: [Signature]
Signature

Steven Osber
Print

ADDRESS: Long Lake Ranches West HOA
110 Miami Management, LLC

1145 Sawgrass Corp. Pkwy
Sunrise, FL 33323

954-846-7545
Phone Number

THE FOREGOING INSTRUMENT MUST BE NOTARIZED OR ATTESTED TO BY A CERTIFIED POLICE OFFICER (F.S. 117.10)

STATE OF FLORIDA
COUNTY OF BROWARD
(AFFIX SEAL)

The foregoing instrument was acknowledged before me this 13 day of March, 2007 by Steven Osber, who is personally known to me, or who has produced _____ as identification.

Notary Public: [Signature]

The foregoing instrument was sworn and Subscribed before me:

[Signature]
Signature of Attesting Officer, I.D. #

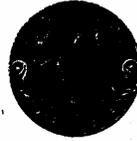
Helena Krotenberg
Print Name

Date: 3/13/07





DAVIE POLICE DEPARTMENT
 1230 South Nob Hill Road
 Davie, FL 33324
 (954) 693-8200
 FAX: (954) 693-8399 (Road Patrol)



AUTHORITY TO ENTER PREMISES AGREEMENT

Long Lake Ranches West Homeowners Assoc., a Corporation/ Owner,
 (Name of Corporation/Name of Owner)
40 Miami Management, Inc.
 located at 1145 Sawgrass Corporate Parkway, Sunrise, FL 33323 hereby
 (Corporate/Owner Mailing Address & Phone Number)

authorizes the Town of Davie Police to enter the below described property, located in the Town of Davie, Broward County, Florida, without limitations or restrictions and at their discretion to enforce municipal traffic laws, criminal state statutes and municipal ordinances and perform any and all police-related activity.

Please Give Physical Address Below and

Attach a copy of the Legal Description of the Property (See example of Legal

Description – “Exhibit A” attached)

DBA: _____
3180 Birch Terrace, Davie, FL
 (Address of Property)

Long Lake Ranches West HOA, expressly understands and agrees that
 (Name of Corporation/Owner)

since the above-described property is privately owned, the Town of Davie Police Department may choose not to conduct routine patrol upon said property nor accepts the obligation to conduct routine police-related activities on said property.

The Town of Davie Police may arrest, at its discretion, those person(s) believed to be trespassing or committing other criminal violations on said property.

Upon an arrest for a criminal violation, Long Lake Ranches West HOA agrees to
(Name of Corporation/Owner)

assist in the criminal prosecution of said offender.

Long Lake Ranches West HOA hereby agrees to communicate the terms
(Name of Corporation/Owner)

and conditions of this agreement to any and all parties present on the above described property by reason of lease, rental, assignment, contract, invitation, employments, etc.

Long Lake Ranches West, HOA further agrees to notify the Town of Davie
(Name of Corporation/Owner)

through the Chief of Police for the Town of Davie Police Department ninety (90) days prior to the sale, transfer or assignment of the property or any portion thereof. This notification must be accomplished through the United States Mail, certified, return receipt requested.

Long Lake Ranches West HOA agrees to indemnify and hold the Town of
(Name of Corporation/Owner)

Davie, its employees, assigns and agents, the Town of Davie Police Department, its officers, employees, agents and assigns, and Police Chief John A. George, his heirs and assigns, harmless from and against any and all claims or causes of action resulting from personal injury or loss to property caused by or arising from an arrest(s) or other lawful action(s) effectuated by members of the Town of Davie Police Department.

Nothing in this agreement shall be construed to effect in any way the Town's rights, privileges and immunities as set forth in Florida Statutes 768.28.

Long Lake Ranches West, HOA expressly understands and agrees that
(Name of Corporation/Owner)

nothing contained herein is intended or should be construed in any way as creating or establishing the duty or obligation of the Town of Davie to provide security or protection to the above-described property. Long Lake Ranches West HOA
(Name of Corporation/Owner)

further understands and agrees that nothing contained herein is intended or should be

construed in any way to obligate the Town of Davie Police Department to perform routine patrol or other police-related functions on or about the above-described property.

The Town of Davie's presence on, or use of the premises, does not in any way create or establish in favor of Long Lake Ranches West HOA a level of
(Name of Corporation/Owner)

prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the State greater than the Town of Davie owes to the general public.

Either party to this agreement may terminate this agreement at will providing that sixty (60) days written notice establishing such intent is served upon the other party by certified mail, return receipt requested.

WITNESSES:
[Signature]
Signature
Danielle Torello
Print
[Signature]
Signature
Paul Gato
Print

OWNER: [Signature]
BY: Pres LRLW
Signature
Steven Osber
Print
Long Lake Ranches West HOA
ADDRESS: 90 Miami Management, Inc.
1145 Sawgrass Corporate Pkwy
Sunrise, FL 33525
954-846-7545
Phone Number

THE FOREGOING INSTRUMENT MUST BE NOTARIZED OR ATTESTED TO BY A CERTIFIED POLICE OFFICER (F.S. 117.10)

STATE OF FLORIDA
COUNTY OF BROWARD
(AFFIX SEAL)

The foregoing instrument was acknowledged before me this 13 day of March, 2007 by Steven Osber, who is personally known to me, or who has produced _____ as identification.

Notary Public: [Signature]

The foregoing instrument was sworn and Subscribed before me:

[Signature]
Signature of Attesting Officer, I.D.#
Helena Krotenberg
Print Name

Date: 3/13/07



3.

Does this property conduct business under any other names? If yes, please list below the DBAs:

N/A

Print Names and List Phone Numbers of EMERGENCY CONTACTS:

- ③ Steven Osber, Pres.
- ① Danielle Lorello, Prop. Mgr. ^{C-954} 305.5501
- ② Scott Leon, VP 305.439.8800



Florida Non Profit

LONG LAKE RANCHES WEST HOMEOWNERS ASSOCIATION, INC.

PRINCIPAL ADDRESS

1600 SAWGRASS CORP PKWY STE 300
FORT LAUDERDALE FL 33323
Changed 04/20/2006

MAILING ADDRESS

1600 SAWGRASS CORP PKWY STE 300
FORT LAUDERDALE FL 33323
Changed 04/20/2006

Document Number N04000003372	FEI Number 200962001	Date Filed 04/01/2004
State FL	Status ACTIVE	Effective Date NONE
Last Event AMENDMENT	Event Date Filed 01/03/2005	Event Effective Date NONE

Registered Agent

Name & Address
HELPMAN, STEVEN M 1600 SAWGRASS CORP PKWY STE 300

<http://sunbiz.org/scripts/cordet.exe?a1=DETFIL&n1=N04000003372&n2=NAMFWD&n3...> 4/25/2007

FORT LAUDERDALE FL 33323

Address Changed: 04/20/2006

Officer/Director Detail

Name & Address	Title
RICKEL, ROBERT 1600 SAWGRASS CORP PKWY FORT LAUDERDALE FL 33323	PD
DEPLAZA, MARCIE 1600 SAWGRASS CORP PKWY FORT LAUDERDALE FL 33323	VD
MENENDEZ, N. MARIA 1600 SAWGRASS CORP PKWY FORT LAUDERDALE FL 33323	STD

Annual Reports

Report Year	Filed Date
2005	04/04/2005
2006	04/20/2006

[Previous Filing](#)

[Return to List](#)

[Next Filing](#)

[View Events](#)

No Name History Information

Document Images

Listed below are the images available for this filing.

04/20/2006 -- ANNUAL REPORT

04/04/2005 -- ANNUAL REPORT

01/03/2005 -- Amendment
04/01/2004 -- Domestic Non-Profit

**THIS IS NOT OFFICIAL RECORD; SEE DOCUMENTS IF
QUESTION OR CONFLICT**



<http://sunbiz.org/scripts/cordet.exe?a1=DETFIL&n1=N04000003372&n2=NAMFWD&n3...> 4/25/2007

2006 NOT-FOR-PROFIT CORPORATION ANNUAL REPORT

FILED
Apr 20, 2006 8:00 am
Secretary of State

04-20-2006 90190 026 ****61.25

DOCUMENT # N04000003372			
1. Entity Name LONG LAKE RANCHES WEST HOMEOWNERS ASSOCIATION, INC.			
Principal Place of Business 1401 UNIVERSITY DRIVE, SUITE 200 CORAL SPRINGS, FL 33071-6039		Mailing Address 1401 UNIVERSITY DRIVE, SUITE 200 CORAL SPRINGS, FL 33071-6039	
2. Principal Place of Business 1600 Sawgrass Corp Pkwy Suite, Apt. #, etc. Suite 300 City & State Sunrise FL Zip 33323		3. Mailing Address 1600 Sawgrass Corp Pkwy Suite, Apt. #, etc. Suite 300 City & State Sunrise FL Zip 33323	
4. FEI Number 20-0962001		Applied For <input type="checkbox"/> Not Applicable	
5. Certificate of Status Desired <input type="checkbox"/>		\$8.75 Additional Fee Required	
6. Name and Address of Current Registered Agent HELFMAN, STEVEN M 1401 UNIVERSITY DRIVE, SUITE 200 CORAL SPRINGS, FL 33071-6039		7. Name and Address of New Registered Agent Name: Helfman, Steven M Street Address (P.O. Box Number is Not Acceptable) 1600 Sawgrass Corp Pkwy Suite 300 City: Sunrise FL Zip Code: 33323	
8. The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida. I am familiar with, and accept the obligations of registered agent.			
SIGNATURE: 		DATE: 4/16/06	
Filing Fee is \$61.25 Due by May 1, 2006		9. Election Campaign Financing Trust Fund Contribution. <input type="checkbox"/> \$5.00 May Be Added to Fees	
		Make check payable to Florida Department of State	
10. OFFICERS AND DIRECTORS		11. ADDITIONS/CHANGES TO OFFICERS AND DIRECTORS IN 10	
TITLE NAME STREET ADDRESS CITY - ST - ZIP	PD RICKEL, ROBERT 1401 UNIVERSITY DRIVE, SUITE 200 CORAL SPRINGS, FL 330716039	<input type="checkbox"/> Delete	<input checked="" type="checkbox"/> Change <input type="checkbox"/> Addition
TITLE NAME STREET ADDRESS CITY - ST - ZIP	VD DEPLAZA, MARCIE 1401 UNIVERSITY DRIVE, SUITE 200 CORAL SPRINGS, FL 330716039	<input type="checkbox"/> Delete	<input checked="" type="checkbox"/> Change <input type="checkbox"/> Addition
TITLE NAME STREET ADDRESS CITY - ST - ZIP	STD MENENDEZ, N. MARIA 1401 UNIVERSITY DRIVE, SUITE 200 CORAL SPRINGS, FL 330716039	<input type="checkbox"/> Delete	<input checked="" type="checkbox"/> Change <input type="checkbox"/> Addition
TITLE NAME STREET ADDRESS CITY - ST - ZIP		<input type="checkbox"/> Delete	<input type="checkbox"/> Change <input type="checkbox"/> Addition
TITLE NAME STREET ADDRESS CITY - ST - ZIP		<input type="checkbox"/> Delete	<input type="checkbox"/> Change <input type="checkbox"/> Addition
TITLE NAME STREET ADDRESS CITY - ST - ZIP		<input type="checkbox"/> Delete	<input type="checkbox"/> Change <input type="checkbox"/> Addition
12. I hereby certify that the information supplied with this filing does not qualify for the exemptions contained in Chapter 119, Florida Statutes. I further certify that the information indicated on this report or supplemental report is true and accurate and that my signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 617, Florida Statutes; and that my name appears in Block 10 or Block 11 if changed, or on an attachment with an address, with all other like empowered.			
SIGNATURE: 		DATE: 3/21/06 DAYTIME PHONE #: 954-423-1300	

40054901



03152006 Chg-NP CR2E037 (11/05)

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers
FROM/PHONE: Dennis Andresky, Parks & Recreation Director 797-1150
PREPARED BY: Dennis Andresky, Parks & Recreation Director
SUBJECT: Partnership Agreement, T.O.D./Friends Of The Farm Park, Inc.

AFFECTED DISTRICT: 4

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AFFIRMING IT'S INTENT TO ENTER INTO AN AGREEMENT WITH THE FRIENDS OF THE FARM PARK, INC. FOR THE PURPOSE OF COOPERATIVE JOINT EFFORT IN THE DEVELOPMENT AND OPERATION OF THE DAVIE FARM PARK

REPORT IN BRIEF: The Town of Davie has acquired a 53 acre site for development and use as a Farm Park. A citizen group known as The Friends of the Farm Park is currently in the process of obtaining 501c not for profit incorporation status and seeks to form an agreement with the Town to assist in the parks development and operation. The groups mission is: to preserve and protect the past, present and future of Davie's agriculture and natural resources through education and demonstration. The group has been instrumental in providing formative planning and direction for site developmment and is actively working to obtain key sponsorships of material goods and human services. The expected benefits to the Town from this agreement include a reduction in cost to the Town for site development and long term operation; increased civic pride from direct citizen involvement and participation, a sharing of roles and responsibilities and assistance in obtaining and utilizing human, financial, technological, material and structural resources. Staff recommends approval of the resolution as presented.

PREVIOUS ACTIONS: n/a

CONCURRENCES:

FISCAL IMPACT: Yes

Has request been budgeted? n/a

If yes, expected cost: Fiscal impact is a significant though yet undetermined savings in development and operational cost for this park.

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Approval of Resolution

Attachment(s):

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AFFIRMING IT'S INTENT TO ENTER INTO AN AGREEMENT WITH THE FRIENDS OF THE FARM PARK, INC. FOR THE PURPOSE OF COOPERATIVE JOINT EFFORT IN THE DEVELOPMENT AND OPERATION OF THE DAVIE FARM PARK

WHEREAS, the Town of Davie has acquired a fifty-three acre park for development and use as the Davie Farm Park; and

WHEREAS, a citizen group known as The Friends of the Farm Park seeks to form an agreement with the Town for the specific purpose of assisting the Town in the development and operation of said park; and

WHEREAS; The Friends of the Farm Park group is in the process of obtaining 501C Not For Profit Incorporation status; and

WHEREAS, the Town of Davie recognizes the value and benefit such cooperative effort will have in the success of the Davie Farm Park and in the growth of civic pride; and

WHEREAS, the Town wishes to enter into such an agreement with The Friends of the Farm Park for the purpose so stated.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Administrator is hereby authorized to negotiate an agreement with The Friends of the Farm Park to assist the Town with the development and operation of the Davie Farm Park.

SECTION 2. The Town Administrator shall upon completion, present the final agreement to the Town of Davie Town Council for execution.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2007

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2007

* * * * *

THIS PAGE
INTENTIONALLY
LEFT BLANK

* * * * *

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers
FROM/PHONE: Gary P. Shimun, Town Administrator
PREPARED BY: Russell C. Muniz, MBA, CMC, Town Clerk
SUBJECT: Resolution

AFFECTED DISTRICT: Town-Wide

ITEM REQUEST: Schedule for Council Meeting

TITLE OF AGENDA ITEM: : A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2007 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT, AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: Broward County collects and distributes the fifth cent additional local option gas tax. Proceeds are distributed at a ratio of 48% for Broward County and 52% for county municipalities. Of the 52% distributed to municipalities 26% is based on population and 26% is distributed by grant agreement for community shuttle services through Broward County. Funding distribution formula for the Town of Davie reflects a population increase of 5,910 and an increase in percentage from 1.267083% to 1.343139%.

PREVIOUS ACTIONS: R-2004-099, R-2005-147, and R-2006-149.

CONCURRENCES: Requires execution by the County.

FISCAL IMPACT: Yes

Has request been budgeted? n/a

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments: Motor fuel for transit gas taxes are used to support to the Town's mini bus transit system.

RECOMMENDATION(S): Motion to approve the resolution.

Attachment(s): Resolution, 2007 Amendment to Interlocal Agreement

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2007 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 13, 2000, the Board of County Commissioners enacted Ordinance No. 2000-25, effective January 1, 2001, through December 31, 2031, pursuant to Section 336.025 (1)(b), Florida Statutes, extending the levy of the fifth-cent local option gas tax for thirty years and providing for a method of distribution of the proceeds of the tax; and

WHEREAS, it is necessary for the Town of Davie to approve the execution of the attached amendment to the interlocal agreement in order to receive its eligible distribution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

Section 1. The appropriate Town officials are hereby authorized to execute the Amendment to the Interlocal Agreement, attached hereto as Exhibit "A".

Section 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007.

2007 AMENDMENT

to

INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

Town of Davie

providing for

DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM
THE BROWARD COUNTY FIFTH CENT ADDITIONAL
LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT

This 2007 Amendment to Interlocal Agreement made and entered into by and between: BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY,"

AND

Town of Davie, a municipal corporation, existing under the laws of the state of Florida, hereinafter referred to as "MUNICIPALITY."

WHEREAS, Section 336.025(1)(b), Florida Statutes, authorizes the counties to extend the levy of the five (5) cent local option gas tax upon every gallon of motor fuel and special fuel sold in Broward County for a period not to exceed thirty (30) years on a majority vote of the governing body of the COUNTY; and

WHEREAS, on June 13, 2000, the Board of County Commissioners enacted Ordinance No. 2000-25, effective January 1, 2001, through December 31, 2031, pursuant to Section 336.025(1)(b), Florida Statutes, extending the levy of the fifth-cent local option gas tax for thirty years and providing for a method of distribution of the proceeds of the tax; and

WHEREAS, pursuant to said Ordinance, the method for distribution of the proceeds is the execution of an Interlocal Agreement with one or more of the municipalities representing a majority of the population of the incorporated area within the County which establishes the distribution formulas for dividing the proceeds of the tax among the County and all eligible municipalities within the County; and

WHEREAS, paragraph 4 of the Interlocal Agreement, requires annual adjustment of the population of the individual municipalities and unincorporated Broward County in accordance with the population figures set forth in the most current edition of "Florida Estimates of Population," published by the Bureau of Economics and Business Research, Population Division, University of Florida; NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth and pursuant to Section 336.025(1)(b), Florida Statutes, for transportation expenditures set forth in Section 336.025(7)(a), Florida Statutes, the COUNTY and MUNICIPALITY agree as follows:

1. Paragraph 2 of the Interlocal Agreement, is hereby amended to read as follows:

2.1 Forty-eight percent (48%) of said proceeds shall be distributed to the COUNTY. The remaining Fifty-two percent (52%) shall be distributed to the eligible municipalities in the following manner:

2.1.1 Twenty-six percent (26%) shall be distributed to the eligible municipalities based on population as follows:

Population of Individual CITY

Total incorporated area Population X 26.0000%

Recipient	FY 2008 Population	FY 2008 Percent Share of Proceeds
Coconut Creek	48,300	0.723745%
Cooper City	29,993	0.449426%
Coral Springs	129,615	1.942200%
Dania	28,555	0.427879%
Davie	89,636	1.343139%
Deerfield Beach	75,603	1.132864%
Fort Lauderdale	175,836	2.634792%
Hallandale	35,844	0.537100%
Hillsboro Beach	2,234	0.033475%
Hollywood	143,287	2.147066%
Lauderdale-by-the-Sea	5,831	0.087374%
Lauderdale Lakes	32,161	0.481912%
Lauderhill	66,776	1.000597%
Lazy Lake	41	0.000614%
Lighthouse Point	10,899	0.163315%
Margate	55,332	0.829115%
Miramar	110,322	1.653106%
North Lauderdale	41,584	0.623110%
Recipient	FY 2008 Population	FY 2008 Percent Share of Proceeds
Oakland Park	42,427	0.635742%
Parkland	22,293	0.334047%
Pembroke Park	5,740	0.086010%
Pembroke Pines	151,786	2.274418%
Plantation	84,891	1.272038%
Pompano Beach	101,103	1.514965%

Sea Ranch Lakes	730	0.010939%
Southwest Ranches	7,415	0.111109%
Sunrise	89,669	1.343634%
Tamarac	59,259	0.887959%
Weston	61,629	0.923472%
West Park	13,804	0.206844%
Wilton Manors	12,546	0.187994%
Total Incorporated	1,735,141	26.000000%

Unincorporated Area	18,021
----------------------------	---------------

Total County	1,753,162
---------------------	------------------

The population figures set forth above are based on the figures contained in the document referred to as the "Florida Estimates of Population," published on an annual basis by the Bureau of Economic and Business Research, Population Division, of the University of Florida. The population figures to be utilized in the formula described in this section, for the distribution of the Fifth Cent, shall be adjusted annually based on the current Florida Estimates of Population.

2.1.2 Twenty-six percent (26%) shall be distributed by COUNTY to the Municipalities by grant agreement for Community Shuttle Services.

2. This 2007 Amendment to Interlocal Agreement shall become effective on the date last executed by the parties hereto provided that those eligible municipalities representing a majority of the incorporated area population and Broward County have executed this Interlocal Agreement prior to June 1, 2007.

3. In the event this 2007 Amendment to Interlocal Agreement or a portion of this 2007 Amendment to Interlocal Agreement is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective unless COUNTY or MUNICIPALITY elects to terminate this Agreement. The election to terminate this Agreement based upon this provision shall be made within seven (7) days after the finding by the court becomes final.

4. All provisions of the Interlocal Agreement and any prior Amendment, not in conflict with this 2007 Amendment to Interlocal Agreement, shall remain in full force and effect.

5. This 2007 Amendment to Interlocal Agreement may be executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

[THE REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the parties have made and executed this 2007 Amendment to the Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action, and MUNICIPALITY, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

County Administrator and Ex-Officio
Clerk of the Board of County
Commissioners of Broward County,
Florida

By _____
_____, Mayor

_____ day of _____, 2007.

Approved as to form by
Office of County Attorney
Broward County, Florida
JEFFREY J. NEWTON, County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-6968

By _____
Al A. DiCalvo
Assistant County Attorney

2007 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND TOWN OF DAVIE PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT

MUNICIPALITY

WITNESSES:

Town of Davie

By _____
Mayor

____ day of _____, 2007.

ATTEST:

Town Clerk

By _____
Town Administrator

____ day of _____, 2007.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____
Town Attorney

AAD

4/12/2007

GASTAX5_2007.doc«Municipality»

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers
FROM/PHONE: Gary P. Shimun, Town Administrator
PREPARED BY: Russell C. Muniz, MBA, CMC, Town Clerk
SUBJECT: Resolution

AFFECTED DISTRICT: Town-Wide

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: : A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2007 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: Broward County collects local option gasoline taxes and distributes these funds between Broward County and eligible municipalities at a ratio of 62.5% County and 37.5% Municipal. The Municipal distribution is calculated in accordance with the population figures set forth in the most current edition of "Florida Estimates of Population", published by the Bureau of Economics & Business Research, Population Division, University of Florida. The current incorporated area population formula reflects a population increase in the Town of Davie of 5,910 and an increased distribution percentage from 1.827524 to 1.937220.

PREVIOUS ACTIONS: R-2004-097, R-2005-145, and R-2006-150

CONCURRENCES: Requires execution by the County.

FISCAL IMPACT: Yes

Has request been budgeted? n/a

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments: Gas tax funds support roadway construction and maintenance operations within the Town.

RECOMMENDATION(S): Motion to approve the resolution.

Attachment(s): Resolution, 2007 Amendment to Interlocal Agreement

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2007 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 14, 1988, the Broward County Board of County Commissioners approved a 30 year extension of the six cent Local Option Gas Tax; and

WHEREAS, the distribution of these funds is adjusted annually to reflect Population changes; and

WHEREAS, it is necessary that the Town of Davie approve the execution of the 2007 Amendment to receive a distribution of these funds.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

Section 1. The appropriate Town officials are hereby authorized to execute the Amendment to the Interlocal Agreement, attached hereto as Exhibit "A".

Section 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007.

2007 AMENDMENT
to
INTERLOCAL AGREEMENT
between
BROWARD COUNTY
and
Town of Davie
providing for

DIVISION AND DISTRIBUTION OF THE
PROCEEDS OF THE LOCAL OPTION GAS
TAX IMPOSED BY THE BROWARD COUNTY
LOCAL OPTION GAS TAX ORDINANCE

This is the 2007 Amendment to Interlocal Agreement, made and entered into by and between: BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY,"

AND

Town of Davie, a municipal corporation, existing under the laws of the state of Florida, hereinafter referred to as "MUNICIPALITY."

WHEREAS, Section 336.025(1)(a), Florida Statutes, authorizes the counties to extend the levy of the six (6) cent local option gas tax upon every gallon of motor fuel and special fuel sold in Broward County for a period not to exceed thirty (30) years on a majority vote of the governing body of the COUNTY; and

WHEREAS, on June 14, 1988, the Board of County Commissioners enacted Ordinance No. 88-27, effective September 1, 1988, through August 31, 2018, pursuant to Section 336.025(1)(a), Florida Statutes, extending the levy of the six cent local option gas tax for thirty years and providing for a method of distribution of the proceeds of the tax; and

WHEREAS, pursuant to the ordinance, the method for distribution of the proceeds is the execution of an interlocal agreement with one or more of the municipalities representing a majority of the population of the incorporated area within the county which establishes the distribution formulas for dividing the proceeds of the tax among the county and all eligible municipalities within the county, as set forth in Section 336.025(3)(a)1, Florida Statutes; and

WHEREAS, paragraph 4 of the Interlocal Agreement, as amended by the Addendum to the Interlocal Agreement and the prior amendments, requires annual adjustment of the population of the individual municipalities and unincorporated Broward County in accordance with the population figures set forth in the most current edition of "Florida Estimates of Population," published by the Bureau of Economics and Business Research, Population Division, University of Florida; NOW, THEREFORE,

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, COUNTY and MUNICIPALITY agree as follows:

1. Paragraph 2 of the Interlocal Agreement, as amended by the Addendum thereto and the prior amendments, is amended to read as follows:

2. Sixty-two and Five tenths percent (62.5%) of said Local Option Gas Tax proceeds shall be distributed to the COUNTY, and the remaining Thirty-seven and Five tenths percent (37.5%) shall be divided among and distributed to the eligible municipalities within the COUNTY as follows:

Population of Individual Municipality x 37.5% = Total Incorporated Area Population

Recipient	FY 2008 Percent Share of Proceeds
Coconut Creek	1.043863%
Cooper City	0.648210%
Coral Springs	2.801249%
Dania	0.617133%
Davie	1.937220%
Deerfield Beach	1.633938%
Fort Lauderdale	3.800181%
Hallandale	0.774663%
Hillsboro Beach	0.048281%
Hollywood	3.096730%
Lauderdale-by-the-Sea	0.126020%
Lauderdale Lakes	0.695066%
Lauderhill	1.443168%
Lazy Lake	0.000886%
Lighthouse Point	0.235550%
Margate	1.195839%
Miramar	2.384288%
North Lauderdale	0.898717%
Oakland Park	0.916936%
Parkland	0.481798%
Pembroke Park	0.124053%
Pembroke Pines	3.280411%
Plantation	1.834671%
Pompano Beach	2.185046%
Sea Ranch Lakes	0.015777%
Southwest Ranches	0.160254%
Sunrise	1.937933%
Tamarac	1.280710%
Weston	1.331931%
West Park	0.298333%
Wilton Manors	0.271145%
Total Incorporated	37.500000%

2. The population figures set forth herein are based on the most current edition of Florida Estimates of Population, published by the Bureau of Economics and Business Research, Population Division, University of Florida. In accordance with the population figures, paragraph 3 of the Interlocal Agreement, as amended by the Addendum thereto and the prior amendments, is amended to read as follows:

Recipient	FY 2008 Population
Coconut Creek	48,300
Cooper City	29,993
Coral Springs	129,615
Dania	28,555
Davie	89,636
Deerfield Beach	75,603
Fort Lauderdale	175,836
Hallandale	35,844
Hillsboro Beach	2,234
Hollywood	143,287
Lauderdale-by-the-Sea	5,831
Lauderdale Lakes	32,161
Lauderhill	66,776
Lazy Lake	41
Lighthouse Point	10,899
Margate	55,332
Miramar	110,322
North Lauderdale	41,584
Oakland Park	42,427
Parkland	22,293
Pembroke Park	5,740
Pembroke Pines	151,786
Plantation	84,891
Pompano Beach	101,103
Sea Ranch Lakes	730
Southwest Ranches	7,415
Sunrise	89,669
Tamarac	59,259
Weston	61,629
West Park	13,804
Wilton Manors	12,546
Total Incorporated	1,735,141
Unincorporated Area	18,021

Total County	1,753,162
---------------------	------------------

3. Except to the extent amended, the Agreement shall remain in full force and effect. In the event of any conflict between the terms of this 2007 Amendment and the prior amendments, the parties hereby agree that this document shall control.

4. This 2007 Amendment shall become effective on the date last executed by the parties hereto provided that those eligible municipalities representing a majority of the incorporated area population and Broward County have executed this 2007 Amendment prior to June 1, 2007.

5. This 2007 Amendment may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

6. In the event a portion of this 2007 Amendment is found by a court of competent jurisdiction to be invalid, the remaining portions shall continue to be effective.

IN WITNESS WHEREOF, the parties have made and executed this 2007 Amendment to the Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action, and MUNICIPALITY, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

County Administrator and Ex-Officio
Clerk of the Board of County
Commissioners of Broward County,
Florida

By _____
Mayor

_____ day of _____, 2007.

Approved as to form by
Office of County Attorney
Broward County, Florida
JEFFREY J. NEWTON, County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-6968

By _____
Al A. DiCalvo
Assistant County Attorney

* * * * *

THIS PAGE
INTENTIONALLY
LEFT BLANK

* * * * *

2007 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND TOWN OF DAVIE PROVIDING FOR DIVISION AND DISTRIBUTION OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE

MUNICIPALITY

WITNESSES:

Town of Davie

By _____
Mayor

____ day of _____, 2007.

ATTEST:

By _____
Town Clerk

Town Administrator

____ day of _____, 2007.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____
Town Attorney

AAD:dmv
4/12/2007
GASTAX6_2007.doc«Municipality»

* * * * *

THIS PAGE
INTENTIONALLY
LEFT BLANK

* * * * *

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers
FROM/PHONE: Gary P. Shimun
PREPARED BY: Russell C. Muniz, MBA, CMC, Town Clerk
SUBJECT: Resolution

AFFECTED DISTRICT: Town-Wide

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2007 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY "ADDITIONAL" LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: In 1993 Broward County adopted a supplemental "Additional" Local Option Gasoline Tax Ordinance that collects gasoline taxes and originally distributed funds between Broward County and eligible municipalities at a ratio of 62.5% County and 37.5% municipal. In 1997, the Board of County Commissioners approved a policy providing for increases in the Cities share of the "additional" local option gas taxes to take into account the population shift resulting from annexation. The 2007 amendment addresses the new distribution ratio of 48.74% to the County and 51.26% to the municipalities. In 2006, the distribution ratio had been 49.51% to the County and 50.49% to the municipalities. The funding distribution formula for municipalities reflects a population increase of 5,910 for the Town of Davie and increased our distribution percentage from 2.460579 to 2.648051.

PREVIOUS ACTIONS: R-2004-098, R-2005-146, and R-2006-151

CONCURRENCES: Requires execution by the County.

FISCAL IMPACT: Yes

Has request been budgeted? n/a

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments: Gas tax funds support roadway construction and maintenance operations within the Town.

RECOMMENDATION(S): Motion to approve the resolution.

Attachment(s): Resolution, 2007 Amendment to Interlocal Agreement

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND EXECUTING THE 2007 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY "ADDITIONAL" LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on September 1, 1993, the Board of County Commissioners Imposed an "additional" local option gas tax on motor fuel; and

WHEREAS, the distribution of these funds is adjusted annually to reflect population changes; and

WHEREAS, it is necessary that the Town of Davie approve the execution of the attached Amended Interlocal Agreement to receive a distribution of these funds; and

WHEREAS, the Interlocal Agreement shall be effective September 1, 1993, through December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

Section 1. The appropriate Town officials are hereby authorized to execute the Amendment to the Interlocal Agreement, attached hereto as Exhibit "A".

Section 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007.

2007 AMENDMENT

to

INTERLOCAL AGREEMENT

between

BROWARD COUNTY

and

Town of Davie

providing for

DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY
ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE

This 2007 Amendment to Interlocal Agreement made and entered into by and between: BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY,"

AND

Town of Davie, a municipal corporation, existing under the laws of the state of Florida, hereinafter referred to as "MUNICIPALITY."

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth and pursuant to the authorization of paragraph (1)(b)(2) of Section 336.025, Florida Statutes, the COUNTY and MUNICIPALITY agree as follows:

1. Paragraph 2 of the Interlocal Agreement, as previously amended, is hereby amended to read as follows:

2. Forty-eight and Seventy-four One-hundredths percent (48.74%) of the total proceeds from the Broward County Additional Local Option Gas Tax on Motor Fuel Ordinance shall be distributed to the COUNTY and the remaining Fifty-one and Twenty-six One-hundredths percent (51.26%) of the total proceeds shall be divided among and distributed to the eligible municipalities within the COUNTY as follows:

Population of Individual Municipality x 51.26% =
Total Incorporated Area Population

Recipient	FY 2008 Percent Share of Proceeds
Coconut Creek	1.426892%
Cooper City	0.886061%
Coral Springs	3.829121%

Dania	0.843579%
Davie	2.648051%
Deerfield Beach	2.233484%
Fort Lauderdale	5.194594%
Hallandale	1.058913%
Hillsboro Beach	0.065997%
Hollywood	4.233023%
Lauderdale-by-the-Sea	0.172261%
Lauderdale Lakes	0.950109%
Lauderhill	1.972714%
Lazy Lake	0.001211%
Lighthouse Point	0.321981%
Margate	1.634633%
Miramar	3.259162%
North Lauderdale	1.228486%
Oakland Park	1.253390%
Parkland	0.658586%
Pembroke Park	0.169573%
Pembroke Pines	4.484103%
Plantation	2.507873%
Pompano Beach	2.986812%
Sea Ranch Lakes	0.021566%
Southwest Ranches	0.219056%
Sunrise	2.649026%
Tamarac	1.750645%
Weston	1.820660%
West Park	0.407801%
Wilton Manors	0.370637%
Total Incorporated	51.260000%

2. Paragraph 3 of the Interlocal Agreement, as previously amended, is hereby amended to read:

3. The population figures set out herein are based on the figures contained in the document referred to as the "Florida Estimates of Population," published on an annual basis by the Bureau of Economics and Business Research, Population Division, University of Florida. The population figures to be utilized in the formula described in Paragraph 2 of this Interlocal Agreement, for the division and distribution of the proceeds from the Broward County Additional Local Option Gas Tax on Motor Fuel Ordinance, shall be adjusted annually based on the current "Florida Estimates of Population."

For the purpose of this Agreement, the following population figures are hereby agreed upon:

Recipient	FY 2008 Population
Coconut Creek	48,300
Cooper City	29,993
Coral Springs	129,615
Dania	28,555
Davie	89,636
Deerfield Beach	75,603
Fort Lauderdale	175,836
Hallandale	35,844
Hillsboro Beach	2,234
Hollywood	143,287
Lauderdale-by-the-Sea	5,831
Lauderdale Lakes	32,161
Lauderhill	66,776
Lazy Lake	41
Lighthouse Point	10,899
Margate	55,332
Miramar	110,322
North Lauderdale	41,584
Oakland Park	42,427
Parkland	22,293
Pembroke Park	5,740
Pembroke Pines	151,786
Plantation	84,891
Pompano Beach	101,103
Sea Ranch Lakes	730
Recipient	FY 2008 Population
Southwest Ranches	7,415
Sunrise	89,669
Tamarac	59,259
Weston	61,629
West Park	13,804
Wilton Manors	12,546
Total Incorporated	1,735,141
Unincorporated Area	18,021
Total County	1,753,162

3. This 2007 Amendment to Interlocal Agreement shall become effective on the date last executed by the parties hereto provided that those eligible municipalities representing a majority of the incorporated area population and Broward County have executed this Interlocal Agreement prior to June 1, 2007.

4. In the event this 2007 Amendment to Interlocal Agreement or a portion of this 2007 Amendment to Interlocal Agreement is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective unless COUNTY or MUNICIPALITY elects to terminate this Agreement. The election to terminate this Agreement based upon this provision shall be made within seven (7) days after the finding by the court becomes final.

5. Except to the extent amended, the Agreement shall remain in full force and effect. In the event of any conflict between the terms of this 2007 Amendment and the Agreement and/or any prior Amendment to the Agreement, the parties hereby agree that this document shall control.

6. This 2007 Amendment to Interlocal Agreement may be executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

[THE REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the parties have made and executed this 2007 Amendment to the Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action, and MUNICIPALITY, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

County Administrator and Ex-Officio
Clerk of the Board of County
Commissioners of Broward County,
Florida

By _____
Mayor

____ day of _____, 2007.

Approved as to form by
Office of County Attorney
Broward County, Florida
JEFFREY J. NEWTON, County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-6968

By _____
Al A. DiCalvo
Assistant County Attorney

2007 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND TOWN OF DAVIE PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE.

MUNICIPALITY

WITNESSES:

Town of Davie

By _____
Mayor

____ day of _____, 2007.

ATTEST:

By _____
Town Clerk

_____ Town Administrator

____ day of _____, 2007.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____
Town Attorney

AAD:dmv
4/12/2007
GASTAX3_2007.doc«Municipality»

* * * * *

THIS PAGE
INTENTIONALLY
LEFT BLANK

* * * * *

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Alan, Director of Human Resources Management (954) 797-1169

PREPARED BY: Mark Alan, Director of Human Resources Management

SUBJECT: Health Insurance Consultant Services Agreement

AFFECTED DISTRICT: not applicable

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH SAPOZNIK INSURANCE & ASSOCIATES, INC. FOR HEALTH INSURANCE CONSULTANT SERVICES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: Town Council, during the May 02, 2007, Town Council Meeting, directed staff to negotiate an agreement with Sapoznik Insurance & Associates, Inc. for Health Insurance Consultant Services. Said agreement and associated resolution is provided under separate cover.

PREVIOUS ACTIONS: not applicable

CONCURRENCES: not applicable

FISCAL IMPACT: Yes

Has request been budgeted? n/a

Cost is described in agreement

From what account will funds be appropriated?: Self-Insurance Fund

Attachment(s):

Resolution
Health Insurance Consultant Services Agreement

* * * * *

THIS PAGE
INTENTIONALLY
LEFT BLANK

* * * * *

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers
FROM/PHONE: John A. George, Chief of Police 954-693-8320
PREPARED BY: Angela Rodgers
SUBJECT: Resolution
AFFECTED DISTRICT: Town Wide

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND NOVA SOUTHEASTERN UNIVERSITY FOR COMMUNITY ORIENTED POLICE OFFICERS.

REPORT IN BRIEF: Nova Southeastern University has contracted with the Town of Davie Police Department to provide community oriented policing for their main campus located in Davie. This contract provided two officers to patrol the NSU main campus providing a variety of law enforcement functions. This contract has allowed the Police Department to effectively patrol the campus and service both NSU and the student community it embodies. Both the Town of Davie Police Department and NSU have been pleased with the agreement and wish to renew this contract. A renewal of this contract will allow for a continuous assignment of the officers who have become very familiar with campus needs and have made their policing assignments more effective.

Per the agreement, Nova Southeastern University will pay an amount to offset the salaries/benefits cost of two (2) assigned officers. This agreement is self renewing commencing October 1. Representatives from both entities are able to meet to determine changes, increases in staffing or amendments to the contract sixty days prior to the renewal date of October 1.

PREVIOUS ACTIONS: Community oriented police officers have previously been approved for Nova Southeastern University with resolution R-2001-330 and R-2001-352.

CONCURRENCES:

FISCAL IMPACT: No
Has request been budgeted? n/a

Additional Comments: Revenues will be collected through Town of Davie Finance Department.

RECOMMENDATION(S): Motion to approve resolution

Attachment(s): Resolution, Contract

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND NOVA SOUTHEASTERN UNIVERSITY FOR COMMUNITY ORIENTED POLICE OFFICERS.

WHEREAS, Town Council has shown support in the past for the community oriented police officers program; and

WHEREAS, Nova Southeastern University has committed to provide as outlined in the attached agreement, funding for the use of two community oriented policing officers; and

WHEREAS, the goals and objectives of Nova Southeastern University are consistent with the Town of Davie Police Department's philosophy to enhance community policing efforts in the Town of Davie; and

WHEREAS, the agreement between the Town of Davie and Nova Southeastern University outlines the responsibilities of each agency regarding this program.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie hereby authorizes the Mayor to execute the agreement between the Town of Davie and Nova Southeastern University to utilize community oriented police officers.

SECTION 2. Town Council authorizes the Budget and Finance Department to complete and submit all invoices and receive collection of payment.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007.

Contract is currently being reviewed by Nova Southeastern University.

The contract will be provided under separate cover.

* * * * *

THIS PAGE
INTENTIONALLY
LEFT BLANK

* * * * *

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, Development Services Director/954-797-1101

PREPARED BY: Marcie O. Nolan, Acting Planning and Zoning Manager

SUBJECT: Resolution

AFFECTED DISTRICT: 2

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE FDOT INTERMODAL DEVELOPMENT PROGRAM ON BEHALF OF NOVA SOUTHEASTERN UNIVERSITY FOR SIGNAGE AND KIOSKS AND AUTHORIZING THE TOWN TO ACT AS THE GOVERNMENTAL SPONSOR FOR SUCH APPLICATION.

REPORT IN BRIEF: Nova Southeastern University (NSU) is seeking grant funding from the Florida Department of Transportation (FDOT) for the second phase of the recently constricted bus transit terminal. The proposed project includes development and implementation of a signage program throughout the NSU campus. This program will include entry signs, transit signs, pedestrian signs, and parking signs at strategic locations including entry points to the campus and along public streets such as University Drive, SW 30th Street, and College Avenue. The Town will be involved with the siting and design of those signs planned to be installed along public rights-of-way.

NSU has identified the FDOT Intermodal Design Program as a potential funding source. Since only public agencies are able to apply for this funding, NSU has requested that the Town act as governmental sponsor for the project and submit the funding request on NSU's behalf.

NSU is requesting \$150,000 from FDOT and will supply a \$284,000 match. If FDOT approves the request, agreements with FDOT and NSU will need to be approved by Council to accept and implement the funding. The project will also need to go through all appropriate local review processes, such as master signage plan review and building permit review, and permitting.

PREVIOUS ACTIONS: N/A

CONCURRENCES: N/A

FISCAL IMPACT: Yes

Has request been budgeted? No

If yes, expected cost:

Account Name:

If no, amount needed: \$ \$150,000

What account will funds be appropriated from:

Additional Comments: This project has not been budgeted for the current 2006/07 fiscal year as either an expenditure or revenue account and will require a budget adjustment of \$150,000 to the Planning and Zoning Grants revenue account number 001-0403-341-08-24 with an equal recognition of \$150,000 to Planning and Zoning Contractual Services/Grants account number 001-403-515.03-06 (or other appropriate expenditure account).

RECOMMENDATION(S): Motion to approve subject to the approval of a subagreement between NSU and the Town governing NSU procurement procedures and other administrative activities.

Attachment(s): Resolution, Copy of NSU request to FDOT

R-2007-_____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE
FDOT INTERMODAL DEVELOPMENT PROGRAM ON BEHALF OF
NOVA SOUTHEASTERN UNIVERSITY FOR SIGNAGE AND KIOSKS
AND AUTHORIZING THE TOWN TO ACT AS THE
GOVERNMENTAL SPONSOR FOR SUCH APPLICATION.

WHEREAS, Nova Southeastern University (NSU) wishes to seek funding from the Florida Department of Transportation (FDOT) for design and implementation of a master signage program for the NSU campus; and

WHEREAS, only public agencies may submit applications to the targeted funding program; and

WHEREAS, the Town of Davie desires to assist NSU to secure grant funds for this project by acting as the local governmental sponsor for the application and submitting the funding request on behalf of NSU.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1: The Town Council of the Town of Davie hereby authorizes the Town of Davie to be the governmental sponsor applicant for the NSU master signage program to be funded by the Florida Department of Transportation.

SECTION 2: The Town Council of the Town of Davie authorizes the Mayor and/or Town Administrator to submit a request for funding on behalf of NSU to the FDOT Intermodal Department Program, for the design and implementation of a master signage plan for the NSU campus.

SECTION 3: This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007

* * * * *

THIS PAGE
INTENTIONALLY
LEFT BLANK

* * * * *

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: Ingrid Allen, Planner II

SUBJECT: Plat, P 11-1-05 / M&U Properties / 8280 Griffin Road / Generally located on the South side of Griffin Rd between S.W. 82nd Ave and S.W. 83rd Terr.

AFFECTED DISTRICT: 2

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "M & U PROPERTIES" 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.

REPORT IN BRIEF: The petitioner requests approval of the plat known as "M & U Properties". The plat consists of 1.727 net acres (75,246 square feet) and is restricted to 25,000 square feet of commercial use. Access onto the site is provided along Griffin Road. The proposed plat for commercial use can be considered compatible with both existing and allowable uses on the adjacent properties. To the north is C-11 Canal; to the south is mobile home residential; to the west are warehouses; and to the east is a commercial use.

PREVIOUS ACTIONS: None

CONCURRENCES: At the April 11, 2007 Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Ms. Turin, to approve P 11-1-05. (Motion carried 4-0. Vice-Chair McLaughlin abstained).

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration subject to the following conditions:

1. Sufficient capacity of the regional road network, as determined by Broward County. In the event that sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.
2. Provide the Planning and Zoning Division a mylar copy of the plat upon recordation.
3. Enter into a Water & Sewer Service Agreement (prior to Water & Sewer Plan Approval)

Attachment(s): Resolution, Planning Report, Plat

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "M & U PROPERTIES" 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.

WHEREAS, the proposed plat to be known as the "M & U Properties" was considered by the Town of Davie Planning and Zoning Board on April 11, 2007:

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The plat known as the "M & U Properties" is hereby approved subject to the conditions stated on the planning report which is attached hereto as Exhibit "A" and made a part hereof.

SECTION 2. The Mayor is authorized to sign said plat on behalf of the Town and the Town Clerk is directed to affix the Town seal to said plat.

SECTION 3. Any improvements required to satisfy Traffic Concurrency should be located within the Town of Davie.

SECTION 4. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007.

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Petitioner:

Name: McLaughlin Engineering Co.
Address: 400 N.E. 3rd Avenue
City: Fort Lauderdale, FL 33301
Phone: 954-763-7611

Owner:

Name: M&U Properties, LLC
Address: 423 Front Street, 2nd Floor
City: Key West, FL 33040
Phone: 305-294-7906

Background Information

Application History: No deferrals have been requested

Application Request: Approval of plat known as "M&U Properties"

Address: 8280 Griffin Road

Location: South side of Griffin Rd between S.W. 82nd Ave and S.W. 83rd Terr.

Future Land Use

Plan Map Designation: Commercial

Existing Zoning: B-2, Community Business

Existing Use: Vacant/ Old commercial building (1 story)

Proposed Use: Commercial building (2 story)

Net Parcel Size: 1.727 acres (75,246 square feet)

Gross Parcel Size: 2.0 acres (87,136 square feet)

Surrounding Land

Surrounding Uses:

North: C-11 Canal
South: Mobile Homes

Use Plan Map Designations:

North: Recreation/Open Space
South: Residential 10 DU/AC

East: Commercial, Mobile Homes
West: Vacant, Warehouse

East: Commercial/Residential 10DU/AC
West: Commercial/Industrial

Surrounding Zoning:

North: RS, Recreation & Open Space

South: MH-5, Mobile Home Residential District

East: B-2, Community Business District & MH-5/Mobile Home Residential District

West: MH-1/Mobile Home Residential District & B-2 Community Business District

Zoning History

Related Zoning History: No record of any zoning changes

Previous Requests on same property: During the period beginning April 1997 through August 1998, the FDOT, through their Representative Ron Ernest Jones-Engineering, submitted a Cure Plan for consideration by the Town Staff. The FDOT at that time was widening Griffin Road and a Cure Plan represents a proposal of how the impacts of the roadway expansion can be reconciled on a particular property. Since FDOT filed the plan (not the owner), there was no formalized application that was ultimately reviewed and approved for final consideration. However, the Town Staff, as part of the review, issued a letter on August 21, 1998 that indicated its opinion as it related to the Cure Plan proposed by FDOT. A copy of that correspondence is attached for your information (see Exhibit 4).

Concurrent requests on same property: Not applicable.

Application Details

The applicant's SUBMISSION indicates the following:

1. *Site:* The subject site consists of 1.727 net (75,246 square feet).
2. *Restrictive Note:* The plat is restricted 25,000 square feet of commercial use.
3. *Access:* Griffin Road, principal arterial.
4. *Trails:* There are no existing or proposed trails adjacent to the site.
5. *Easements and Reservation:* No existing easements.
6. *Dedications:* There is a 10-foot utility easement proposed along the perimeter of the plat.
7. *Drainage:* The subject property lies within Central Broward Water Control District, and approval from this agency has been obtained.
8. *Local Concurrency:* As required by the Land Development Code, Section 12-323, Adopted Level of Services, building permits shall not be obtained unless there is sufficient available capacity to sustain the level of service for Potable Water, Sanitary Sewer, Transportation, Drainage System,

Solid Waste, Recreation, Police and Fire. The parcel will also need to comply with Broward County's Transit Oriented Concurrency Standards.

9. *Compatibility:* The proposed plat for commercial use can be considered compatible with both existing and allowable uses on the adjacent properties. To the north is C-11 Canal; to the south is mobile home residential; to the west are warehouses; and to the east is a commercial use.

Applicable Codes and Ordinances

Article XII of the Land Development Code, Subdivisions and Site Plans.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 10. This Planning Area is generally located north of Stirling Road, south of Griffin Road, east of Pine Island Road, and west of SW 76 Avenue. Pine Island Road, a major north/south arterial, on the western limits of this planning area provides through access from Griffin Road to Stirling Road. Commercial development of retail centers and office buildings line the University Drive corridor. Commercial development also exists along Griffin Road within this planning area.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2: The (re)zoning, (re)planning, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Uses portion of the Implementation Section.

Future Land Use Plan, Policy Group 7: Commercial Use, Policy 7-1: The Town shall endeavor to expand its economic base through expansion of the commercial sector its economy.

Future Land Use Plan, Policy Group 7: Commercial Use, Policy 7-4: Commercial land uses shall generally be located with access to primary transportation facilities including interstates, highways and arterials. Commercial uses located on arterials not designated by the Future Land Use Map as commercial corridors should be limited to the intersection of two arterials or arterials and interstates. Consistent with Policy 7-1, vacant land with such access shall be evaluated for potential commercial use.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Significant Development Review Committee (DRC) Comments

These following comments represent significant comments made by the Development Review Committee as part of the review process. All comments have been addressed unless otherwise indicated.

Utilities Department:

1. Enter into Water & Sewer Service Agreement (must be executed prior to water and sewer plan approval.)

Engineering:

1. Provide 10-foot utility agreement on south limits of plat.
-

Staff Analysis

The subject site was originally platted according to the Newman Survey as recorded in Plat Book 2, Page 26 of the public records of Dade County, Florida. The proposed "M&U properties" plat is required by Broward County since the petitioner desires to demolish the existing one-story commercial building and replace it with a larger two-story commercial building. The proposed plat is consistent with the Comprehensive Plan and Land Development Code as it relates to access, location, size, and use. Development as this site as proposed does not exceed what was anticipated by the Future Land Use Map designation. Broward County requires that the owner pay Transit Oriented Concurrency Fees to mitigate the peak hour traffic impact of the plat.

Findings of Fact

Staff finds that the plat is in conformance with all applicable Codes and Ordinances. The proposed use can be considered compatible with the surrounding properties.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions shall be met:

1. Sufficient capacity of the regional road network, as determined by Broward County. In the event that sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.
 2. Provide the Planning and Zoning Division a mylar copy of the plat upon recordation.
 3. Enter into a Water & Sewer Service Agreement (prior to Water & Sewer Plan Approval)
-

Planning and Zoning Board Recommendation

At the April 11, 2007 Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Ms. Turin, to approve P 11-1-05. (Motion carried 4-0. Vice-Chair McLaughlin abstained).

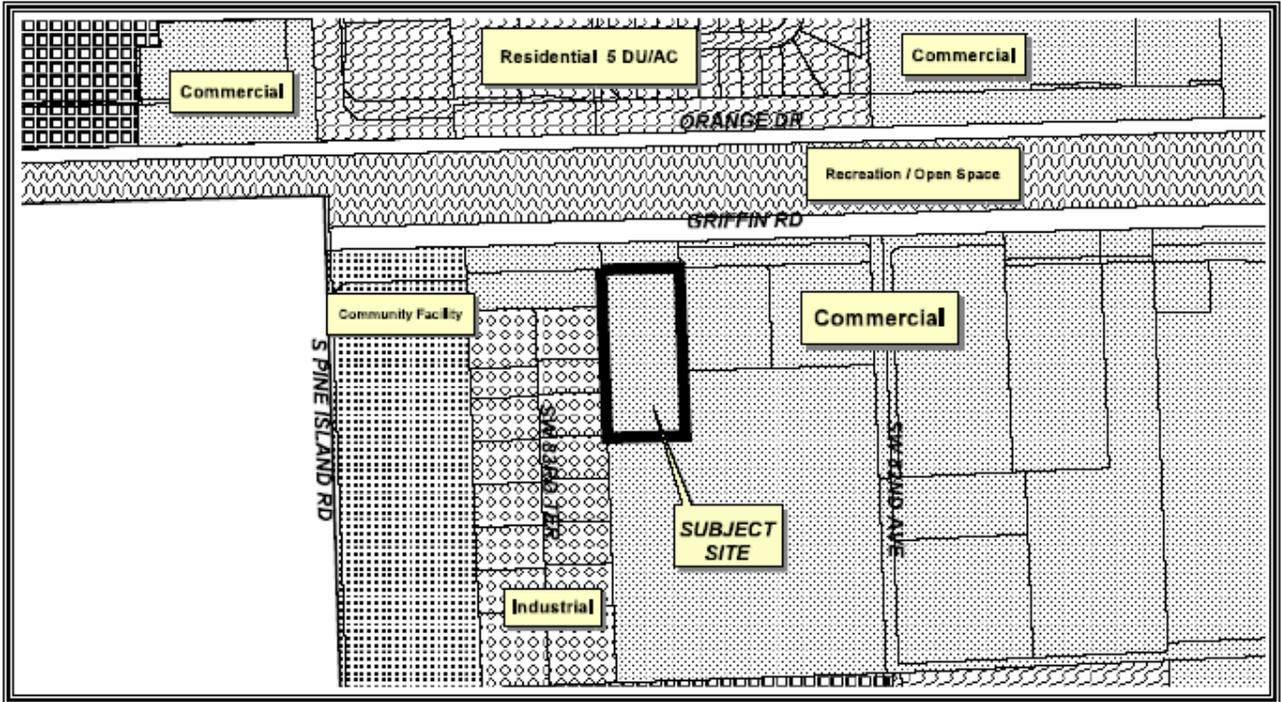
Town Council Action

Exhibits

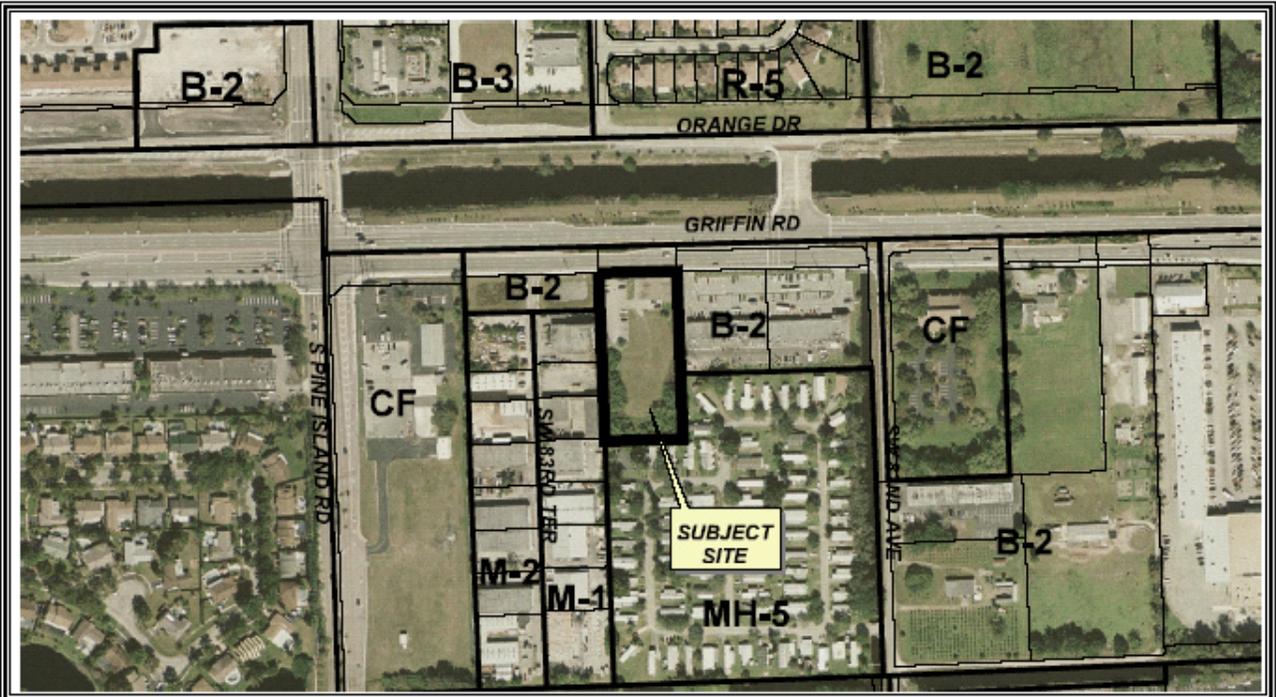
1. Future Land Use Plan Map
2. Zoning and Aerial Map
3. Conceptual site plan
4. Cure Plan Letter
5. Plat

Prepared by: _____

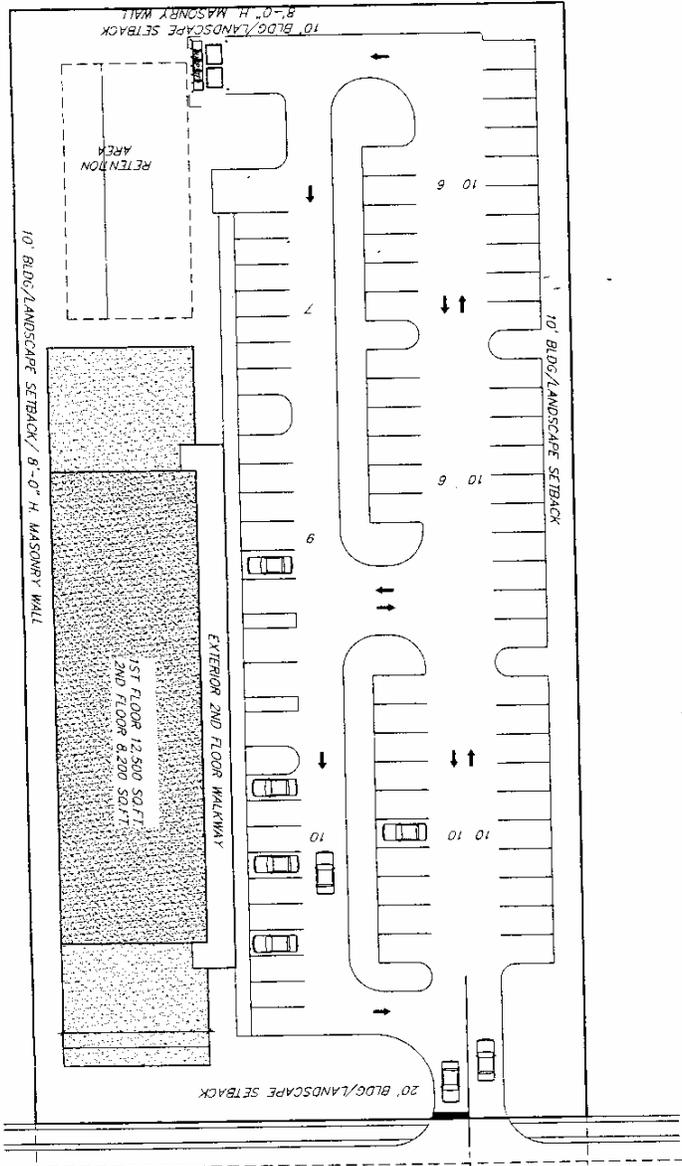
Reviewed by: _____



<p>Prepared by the Town of Davie GIS Division</p>		<p>PLAT P 11-1-05 Future Land Use Map</p> <p>Prepared By: ID Date Prepared: 3/21/06</p>
---------------------------------------------------	--	------------------------------------------------------------------------------------------------------------



<p>Date Flown: 12/31/04</p> <p style="text-align: center;">N</p>  <p style="text-align: center;">300 0 300 600 Feet</p> <p style="text-align: center;">Prepared by the Town of Davie GIS Division</p>		<p>PLAT P 11-1-05 Zoning and Aerial Map</p> <p><small>Prepared By: ID Date Prepared: 3/21/06</small></p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------





DEVELOPMENT SERVICES DEPARTMENT 797-1111

Administration
Planning & Zoning
Building & Occupational Licensing
Code Enforcement
Engineering
Housing & Community Development

TOWN OF DAVIE 6591 ORANGE DRIVE, DAVIE, FLORIDA 33314-3399 (954) 797-1000

August 21, 1998

Rhon Ernest-Jones, P.E., AICP
Rhon Ernest -Jones Consulting Engineers, Inc.
2930 University Drive
Coral Springs, FL 33065

Dear Mr. Ernest-Jones:

In response to your letter of August 3, 1998, staff has reviewed the revised cure for Parcel 104 located at 8280 Griffin Road.

Based on the plan received by the Town on August 6, 1998, staff has determined that two variances would be required and staff would recommend approval of the submitted site plan.

Please note that staff's recommendation is only preliminary and **SUBJECT TO** the following conditions.

1. Provision of landscape material as required by Code and noted on the attached comments.
2. Provision of a 10 by 12 foot dumpster enclosure, as required by Southern Sanitation.
3. Staff recommendation applies only to the FDOT cure plans submitted on the above date.
4. Submitted site plans have been reviewed based on current Code requirements only.
5. Staff approval of the submitted plans is only a recommendation.
6. All site plans must be approved by Town Council.
7. The Griffin Road Corridor Study, currently underway, may have an impact on future criteria used to review site plans in this corridor and, therefore, may change staff's recommendation.

If you require further information, or have any questions, please do not hesitate to call me at 797-1101.

Sincerely,

Michele Melgren, AICP
Director
Development Services Department

PZC 08-98-54

SEARCHED
SERIALIZED
INDEXED
FILED

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director / (954) 797-1101

PREPARED BY: David M. Abramson, Acting Deputy Planning and Zoning Manager

SUBJECT: Plat Application, P 6-3-06/06-79/Rountree Plat/Generally located on the northeast corner of Oakes and Burris Road

AFFECTED DISTRICT: District 1

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "ROUNTREE PLAT" 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.

REPORT IN BRIEF: The petitioner requests approval of the plat known as the "Rountree." The subject site consists of 6.61 acres (288,083 square feet) and restricted to 3,000 square feet of office 40,280 square feet of industrial use (15,280 square feet existing and 25,000 square feet proposed). The proposed plat provides vehicular access onto the subject site off Oaks and Burris Road. There are two (2) access points off Oaks Road located along the southern boundary line. There are two (2) access points off Burris Road located along the western boundary line.

The proposed "Rountree Plat" is required since the petitioner desires to construct additional structures on the subject site. The subject site was originally platted according to the Newman Survey as recorded in Plat Book 2, Page 26 of the public records of Dade County, Florida. This proposed plat is consistent and does not exceed what was anticipated in the Comprehensive Plan as it was intended industrial uses. The traffic generated by this development can be accommodated by an abutting roadway (Oaks Road).

Staff finds that the proposed "Rountree Plat" is in accordance with the Comprehensive Plan and Land Development Code as it relates to access, location, and size. The proposed additional industrial uses may be considered compatible with existing and future uses with surrounding properties.

PREVIOUS ACTIONS: None

CONCURRENCES: At the April 11, 2007 Planning and Zoning meeting, Mr. Stevens made a motion, seconded by Ms. Turin, to approve plat application, P 6-3-06/Rountree. (**Motion carried 4-0**)

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S):

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions shall be met:

1. Shall be subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.
2. Provide the Planning and Zoning Division a Mylar copy of the plat upon recordation.
3. Contingent upon approval of the following development applications:
 - a. *Rezoning Application (ZB 6-1-06), Rountree Plat*

Attachment(s): Resolution, Planning Report, Plat

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "ROUNTREE PLAT" 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.

WHEREAS, the proposed plat to be known as the "Rountree Plat" was considered by the Town of Davie Planning and Zoning Board on April 11, 2007;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The plat known as the "Rountree Plat" is hereby approved subject to the conditions stated on the planning report which is attached hereto as Exhibit "A" and made a part hereof.

SECTION 2. The Mayor is authorized to sign said plat on behalf of the Town and the Town Clerk is directed to affix the Town seal to said plat.

SECTION 3. Any improvements required to satisfy Traffic Concurrency should be located within the Town of Davie.

SECTION 4. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2007.

Exhibit “A”

Application: P 6-3-06/06-79/Rountree Plat

Original Report Date: 4/2/07

Revision(s): 4/16/07

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division
Staff Report and Recommendation

Applicant Information

Owner:

Name: Ray Parker
200 Harvard Corp.
Address: 810 Northeast 20th Avenue
City: Fort Lauderdale, Florida 33304
Phone: (954) 768-0274

Petitioner:

Name: Linda Strutt
Linda Strutt Consulting, Inc.
Address: 227 Goolsby Boulevard
City: Deerfield, Florida 33442
Phone: (954) 426-4305

Background Information

Application Request: Approval of the plat known as the “Rountree Plat”
Location: Generally located on the northeast corner of Oakes and Burris Road
Future Land Use Plan Map: Industrial
Existing Zoning: M-3, Hacienda Village
Proposed Zoning: M-3, Planned Industrial Park
Existing Use(s): Industrial Use
Parcel Size: 6.61 Acres (288,083 square feet)
Proposed Use(s): Additional structures for existing industrial use of property

<u>Surrounding Use(s):</u>		<u>Surrounding Land</u>
		<u>Use Plan Map Designation(s):</u>
North:	Industrial Use	Industrial
South:	Industrial Use (<i>Alder Oaks & McKenzie Tank Line</i>)	Industrial
East:	Industrial Use (<i>F Group & United Davie</i>)	Industrial
West:	Industrial Use (<i>Dixie Southland & Ryder Rental</i>)	Industrial

Surrounding Zoning(s):
North: M-3, Hacienda Village
South: M-3, (County)
East: M-3, Hacienda Village

West: M-3, Hacienda Village

Zoning History

Related Zoning History:

Previous Request(s) on same property: n/a

Concurrent Request on same property:

Rezoning Application (ZB 6-1-06), the petitioner requests to rezone the approx. 6.61 acre subject site from: M-3, Hacienda Village to: M-3, Planned Industrial Park.

Application Details

The applicant's SUBMISSION indicates the following:

1. *Site:* The subject site consists of 6.61 Acres (288,083 square feet).
2. *Restrictive Note:* The proposed plat is restricted to 3,000 square feet of office 40,280 square feet of industrial use (15,280 square feet existing and 25,000 square feet proposed)
3. *Access:* The proposed plat provides vehicular access onto the subject site off Oaks and Burris Road. There are two (2) access points off Oaks Road located along the southern boundary line. There are two (2) access points off Burris Road located along the western boundary line.
4. *Trails:* There are no existing or proposed trails adjacent to the proposed plat.
5. *Easements and Reservation:* The following easements are proposed by this plat:
 - a. Five (5) foot right-of-way easement along the southern boundary line.
 - b. Twenty-five (25) foot drainage easement along the eastern boundary line.
6. *Dedications:* There are no dedications associated with this proposed plat.
7. *Drainage:* Approval from the appropriate water control district shall be obtained prior to issuance of any site development permit.
8. *Local Concurrency:* As required by the Land Development Code, Section 12-323, Adopted Level of Services, building permits shall not be obtained unless there is sufficient available capacity to sustain the level of service for Potable Water, Sanitary Sewer, Transportation, Drainage System, Solid Waste, Recreation, Police and Fire.
9. *Compatibility:* The proposed plat for additional industrial uses is considered compatible with both existing and allowable uses on and adjacent to this property. The proposed additional industrial use is consistent with the Town of Davie Comprehensive Plan and Land Development Code as it relates to access, location, and size.

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Article XII Subdivisions and Site Plans.

Land Development Code (Section 12-360(B)(1)) platting requirements.

Land Development Code (Section 12-366.1 (A) thru (D)) submission requirements for plats.

Land Development Code, Article XII of the Land Development Code, Subdivisions and Site Plans.

Land Development Code (Section 12-24), (I) (9) Planned Industrial Park (M-3) District, The M-3 District is intended to implement the industrial classification of the Town of Davie Comprehensive Plan by providing for planned industrial parks which can accommodate light, medium or selected heavier industrial uses in an open, uncrowded and attractive manner through limitations on setbacks and coverage. M-3 districts are not intended for locations abutting residential property.

Land Development Code (Section 12-83) Conventional Non-Residential Development Standards, Minimum parcel requirements, Minimum lot area: 43,560 sq. ft., Minimum Lot Frontage/Width: 150 ft., Minimum Lot Depth: n/a, Maximum building height: 35 ft., Maximum building coverage: 40%, Minimum open space: 20%, Building setbacks: (g): twenty-five (25) feet from all street lines; fifty (50) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated residential; ten (10) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated for nonresidential uses; two hundred (200) feet from all property lines for the manufacture, storage or processing of concrete, cement and lime, and for heavy manufacturing, fabrication and industrial uses.

Comprehensive Plan Considerations

Planning Area:

The subject property falls within Planning Area 6. Planning Area 6 includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flexibility has been applied to parcels on Nova Drive.

Broward County Land Use Plan:

The subject site falls within Flexibility Zone 58.

Applicable Goals, Objectives & Policies:

These following comments represent significant comments made by the Development Review Committee as part of the review process. All comments have been addressed unless otherwise indicated.

Planning and Zoning Division:

1. Proposed restriction note shall be amended on plat.

Engineering Division:

1. Show proposed points of access to the traffic way.
-

Staff Analysis

The proposed "Rountree Plat" is required since the petitioner desires to construct additional structures on the subject site. The subject site was originally platted according to the Newman Survey as recorded in Plat Book 2, Page 26 of the public records of Dade County, Florida. This proposed plat is consistent and does not exceed what was anticipated in the Comprehensive Plan as it was intended industrial uses. The traffic generated by this development can be accommodated by an abutting roadway (Oaks Road). Additionally, the plat meets the Land Development Code as it relates to lot size, width, depth, and intent.

Staff Findings of Fact

Staff finds that the proposed "Rountree Plat" is in accordance with the Comprehensive Plan and Land Development Code as it relates to access, location, and size. The proposed additional industrial uses may be considered compatible with existing and future uses with surrounding properties.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions shall be met:

4. Shall be subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the plat shall be deemed denied by the Town of Davie.
 5. Provide the Planning and Zoning Division a Mylar copy of the plat upon recordation.
 6. Contingent upon approval of the following development applications:
 - a. *Rezoning Application (ZB 6-1-06), Rountree Plat*
-

Planning and Zoning Board Recommendation

At the April 11, 2007 Planning and Zoning meeting, Mr. Stevens made a motion, seconded by Ms. Turin, to approve plat application, P 6-3-06/Rountree. **(Motion carried 4-0)**

Town Council Action

Exhibits

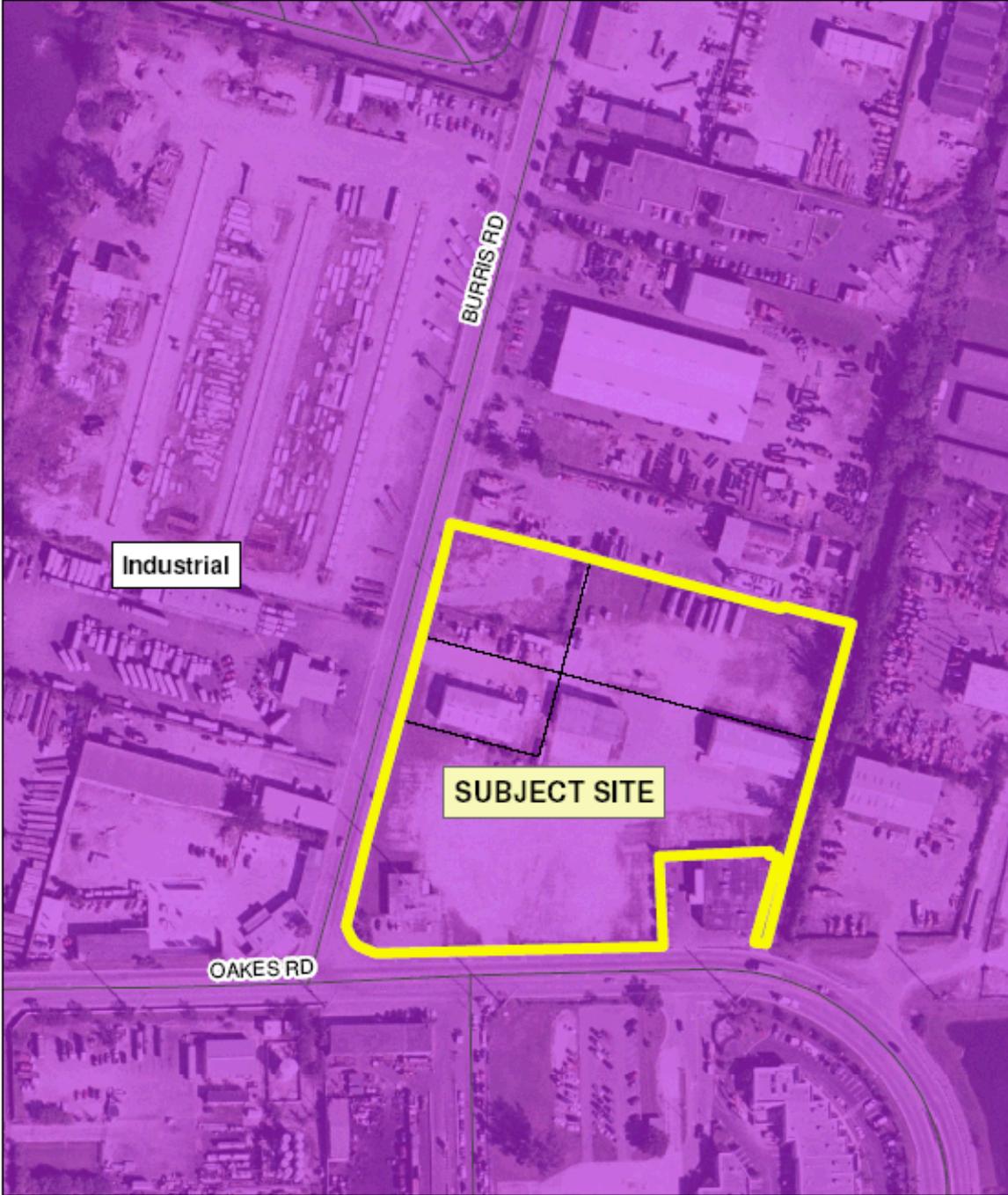
6. Future Land Use Plan Map
 7. Zoning and Aerial Map
-

Prepared by: _____

Reviewed by: _____

File Location: P&Z\David Abramson\Applications\P_Plat\P_06\P 6-3-06 Rountree Industrial

Exhibit 1 (Future Land Use Plan Map)



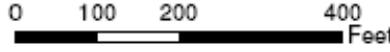
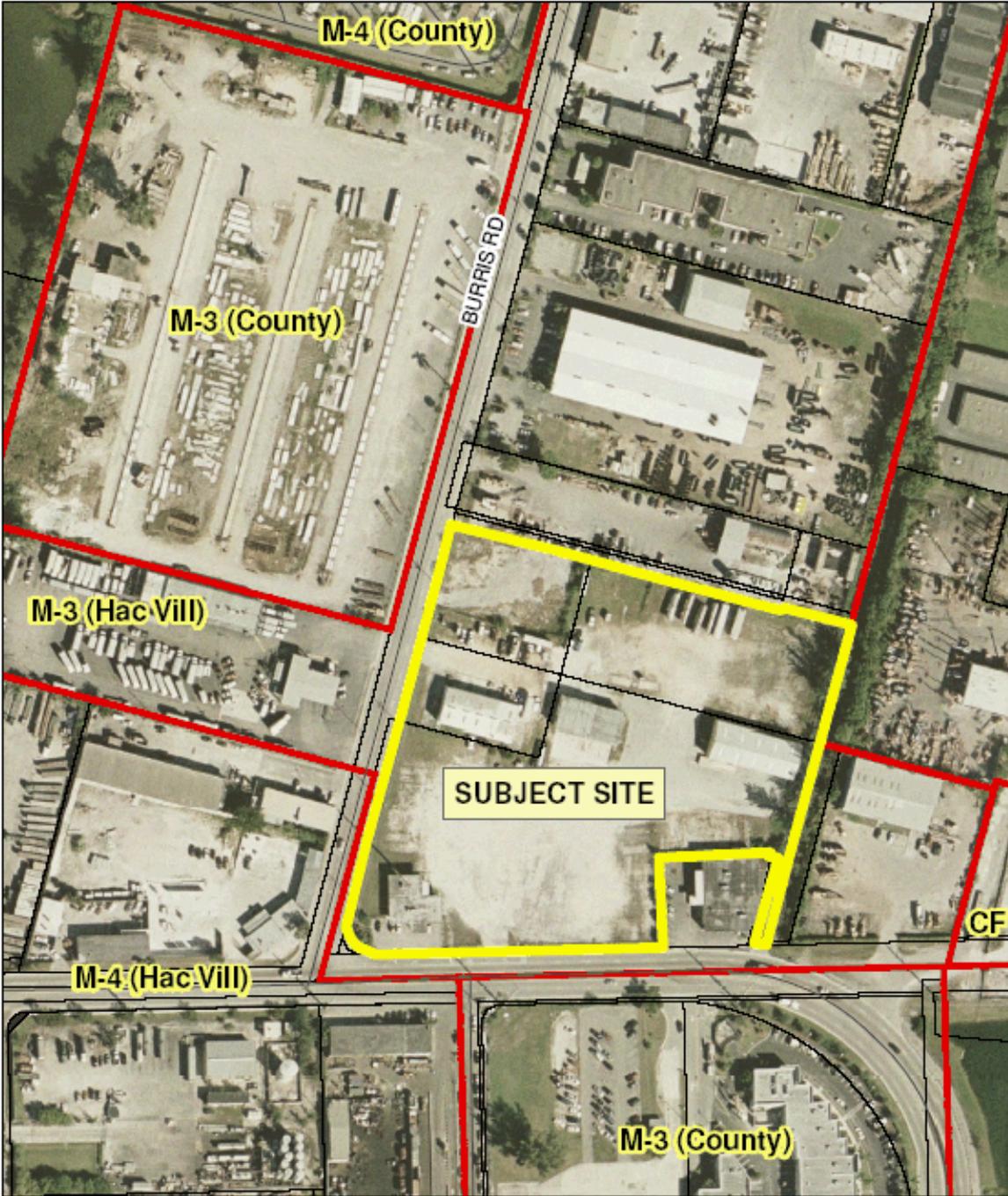
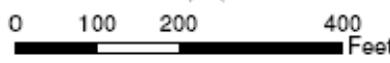
	<p>Date Flown: 12/2004</p>   <p>Prepared by the Town of Davie GIS Division</p>	<p>Roundtree Industrial Future Land Use Map</p> <p>Prepared by: ID Date Prepared: 3/16/07</p>
-------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------

Exhibit 2 (Aerial, Zoning, and Subject Map)



	<p>Date Flown: 12/2004</p>   <p>Prepared by the Town of Davie GIS Division</p>	<p>Roundtree Industrial Zoning and Aerial Map</p> <p>Prepared by: ID Date Prepared: 3/16/07</p>
-------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------

* * * * *

THIS PAGE
INTENTIONALLY
LEFT BLANK

* * * * *

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, Development Services Director

PREPARED BY: Marcie Nolan, Acting Planning and Zoning Manager

SUBJECT: Ordinance of the Town of Davie amending the Town Code of Ordinances

AFFECTED DISTRICT: Townwide

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AMENDING THE TOWN CODE OF ORDINANCES TO REPLACE THE TERM “OCCUPATIONAL LICENSE” WITH “BUSINESS TAX”; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

REPORT IN BRIEF: The Florida Legislature enacted Chapter 2006-152 changing the term “Occupational License” to “Business Tax”. Due to this change, all local governments were required to revise their applications and other forms to reflect the new term “business tax” and “business tax receipt”. The ordinance was drafted by the Town Attorney.

The proposed ordinance directs the publisher of the Town Code of Ordinances to replace, as necessary, the former term “occupational license” with “business tax” and “business tax receipt” as appropriate.

PREVIOUS ACTIONS:

CONCURRENCES:

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council.

Attachment(s): Ordinance

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AMENDING THE TOWN CODE OF ORDINANCES TO REPLACE THE TERM “OCCUPATIONAL LICENSE” WITH “BUSINESS TAX”; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the 2006 State of Florida legislature enacted Chapter 2006-152, Laws of Florida, which provides for the change of the term “Occupational License” to “Business Tax”; and

WHEREAS, the Town Administration has heretofore implemented the legislative mandate; and

WHEREAS, the Town Council has determined that, in order to be consistent with State Statutes that it is necessary to revise the Town’s Code of Ordinances to change the term “Occupational License” to “Business Tax”.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

Section 1. The foregoing “Whereas” clause is hereby ratified and confirmed as being true and correct and is incorporated herein by this reference.

Section 2. The Town of Davie, Florida Code of Ordinances is hereby amended to provide that all references to the term “Occupational License” shall be replaced with “Business Tax”.

Section 3. The Town Clerk is directed to forward a copy of this Ordinance to the publisher of the Town Code of Ordinances and to instruct the publisher to change every reference within the Code of Ordinances from “Occupational License” to “Business Tax”.

Section 4. Each and every other provision of the Code of Ordinances not herein specifically amended, shall remain in full force and effect as originally adopted.

Section 5. All laws and ordinances applying to the Town of Davie in conflict with any provisions of this ordinance are hereby repealed.

Section 6. Should any section or provision of this Ordinance or any portion thereof be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the remainder of this Ordinance.

Section 7. Authority is hereby given to codify this Ordinance.

Section 8. This Ordinance shall become effective immediately upon adoption.

Passed on the first reading, this ____ day of _____, 2007.

Passed on the second reading, this ____ day of _____, 2007.

MAYOR/COUNCIL MEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2007

H:\2006\060723 Davie\Ordinance\Business tax.doc

* * * * *

THIS PAGE
INTENTIONALLY
LEFT BLANK

* * * * *

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers
FROM/PHONE: Russell Muniz, CMC, Town Clerk/954-797-1023
PREPARED BY: James Cherof, Town Attorney
SUBJECT: Board meetings (cancellation and quorum)
AFFECTED DISTRICT: n/a

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, BOARDS AND COMMITTEES OF THE CODE OF ORDINANCES, ADDING A NEW SECTION 2-77 TO AUTHORIZE CANCELLATION OF BOARDS/COMMITTEES MEETINGS WHEN NO ITEMS ARE ON THE BOARDS/COMMITTEES' CURRENT AGENDA OR WHERE THE BOARDS/COMMITTEES MEETING'S START TIME IS DELAYED MORE THAN THIRTY (30) MINUTES DUE TO A LACK OF QUORUM; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: At its March 22, 2007 Council meeting, Council discussed recording the lack of a quorum toward the attendance of board/committee members. Currently, attendance is not recorded against a member and this ordinance will provide the ability to do so. The ordinance allows the meeting to be cancelled due to the lack of a quorum after waiting thirty minutes for members to arrive.

The proposed ordinance also allows the Town Clerk, or designee, and/or the Chairperson to cancel a scheduled meeting should there be items on the agenda for the board/committee consideration

PREVIOUS ACTIONS:

CONCURRENCES:

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

Additional Comments:

RECOMMENDATION(S): Motion to approve

Attachment(s): Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, BOARDS AND COMMITTEES OF THE CODE OF ORDINANCES, ADDING A NEW SECTION 2-77 TO AUTHORIZE CANCELLATION OF BOARDS/COMMITTEES MEETINGS WHEN NO ITEMS ARE ON THE BOARDS/COMMITTEES' CURRENT AGENDA OR WHERE THE BOARDS/COMMITTEES MEETING'S START TIME IS DELAYED MORE THAN THIRTY (30) MINUTES DUE TO A LACK OF QUORUM; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie finds it necessary to give the Town Clerk and/or the Boards/Committees' Chairpersons the authority to cancel a meeting previously scheduled where certain factors exist; and

WHEREAS, Chapter 2, Article V of the Town's Code of Ordinances establishes the authority and rules of operation for the Town's Advisory Boards and Committees; and

WHEREAS, the Town Council finds that it is beneficial that a meeting of a Town Board/Committee may be cancelled when there is no item on that Board/Committee's agenda for the next regularly scheduled meeting; and

WHEREAS, the Town Council finds that a meeting of a Town Board/Committee should be cancelled when the Board/Committee meetings start time has been delayed for at least thirty (30) minutes due to the lack of a quorum; and

WHEREAS, any board member tardiness or absence that results, all or in part, in the cancellation of such meeting will result in an absence being recorded against the subject board/committee member and such absence shall be grounds for dismissal pursuant to Chapter 2, Article V of the Town's Code of Ordinances; and

WHEREAS, considerable effort and costs are associated with maintaining and administering Town Boards and Committees, and the Council finds that granting the Town Clerk and/or the Chairpersons of the Boards and Committees the authority to cancel a meeting would lessen the administrative burden expended to support an unnecessary board meeting.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The foregoing “Whereas” clause is hereby ratified and confirmed as being true and correct and is incorporated herein by this reference.

SECTION 2. Chapter 2, Article V, entitled “Boards and Committees” of the Town of Davie Code of Ordinances is hereby amended as follows:

CHAPTER 2

ARTICLE V. BOARDS AND COMMITTEES

DIVISION 1

* * *

Sec. 2-77. Cancellation of Meeting

- (a) Prior to a regularly scheduled board/committee meeting, the Town Clerk, his/her appointed designee, and/or the Chairperson of that board/committee may cancel a meeting of the subject board/committee when it is determined that there are no business items for board/committee consideration.
- (b) The Town Clerk, or his/her designee, and/or the Chairperson of the subject board/committee, shall cancel a previously scheduled and noticed meeting where the meeting’s start time has been delayed for thirty (30) minutes due to the lack of a quorum.
- (c) As provided for in Section 2-72(d) contained herein, where a board/committee member who is more than thirty (30) minutes late to a meeting of his/her board/committee, and whereas the meeting of that board/committee has been cancelled, due to, all or in part, of the board/committee member’s tardiness, an absence shall be recorded against the subject board/committee Member by the board/committee liaison or secretary and such absence shall be considered grounds for removal pursuant to the provisions of this Article.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2007

PASSED ON SECOND READING THIS ____ DAY OF _____, 2007

MAYOR/COUNCIL MEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2007

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers
FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101
PREPARED BY: Ingrid Allen, Planner II
SUBJECT: ZB (TXT) 4-1-06/Junkyards

AFFECTED DISTRICT: 1

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE II, SECTION 12-24, STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS; ARTICLE III, SECTION 12-32, TABLE OF PERMITTED USES; SECTION 12-33 GENERAL REGULATIONS; SECTION 12-34, DETAILED USE REGULATIONS – STANDARDS ENUMERATED; ARTICLE V, SECTION 12-83, COMMERCIAL CONSERVATION STANDARDS; ARTICLE VI, SECTION 12-107, LANDSCAPING STANDARDS FOR LOTS AND SITES; ARTICLE VII, SECTION 12-208, REQUIREMENTS FOR OFF STREET PARKING; ARTICLE XI, ADDING SECTION 12-349 REVIEW OF APPLICATIONS FOR DEVELOPMENT OF LAND FORMERLY IN HACIENDA VILLAGE OR UNINCORPORATED BROWARD COUNTY CURRENTLY USED FOR RECYCLING, SCRAP METAL PROCESSING, AND AUTOMOBILE WRECKING YARD; AND AMENDING ARTICLE XIV, SECTION 12-503, DEFINITIONS; AMENDING RECYCLING, SCRAP METAL PROCESSING, AND AUTOMOBILE WRECKING YARDS AS EXISTING LEGAL USES IN THE M-3 ZONING DISTRICT WHEN THE PROPERTY WAS DESIGNATED FOR JUNKYARD USE UNDER HACIENDA VILLAGE OR BROWARD COUNTY CODES AND THE EXISTING USE IS LEGALLY PERMITTED;

PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF: This is a request by the petitioner, Pillar Consultants Inc., to amend the Land Development Code of the Town of Davie. The proposed amendment would allow existing "Recycling, Scrap Metal Processing and Automobile Wrecking Yard" uses to become legal uses in the M-3 zoning district if the property was designated for junkyard use under Hacienda Village or Broward County codes. According to the petitioner, the intent of the text amendment is not to increase the number of additional non-conforming uses allowed in the Town, only to allow certain uses to become legal conforming uses that were legal under the Hacienda Village or Broward County codes and became legal non-conforming uses when the Town annexed the properties. Although both the petitioner's and staff's intent is to ensure compatibility of the proposed uses with the surrounding environment, considerable differences remain.

Staff has submitted concurrently with the petitioner's proposed text amendment an alternative ordinance. Please see attached memo.

PREVIOUS ACTIONS: At the March 7, 2007 Town Council meeting, ZB(TXT) 4-1-06 was tabled to the April 4, 2007 meeting (Motion carried 5-0).

At the April 4, 2007 Town Council meeting, ZB (TXT) 4-1-06 was tabled to May 16, 2007 meeting (Motion carried 5-0).

CONCURRENCES: At the February 14, 2007 Local Planning Agency meeting, Ms. Turin made a motion, seconded by Mr. Busey, to table to March 14, 2007 Local Planning Agency meeting. (Motion carried 3-0).

At the March 14, 2007 Local Planning Agency meeting, Mr. Stevens made a motion, seconded by Vice-Chair McLaughlin, to table to April 11, 2007. (Motion carried 5-0).

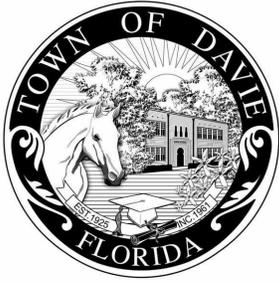
At the April 11, 2007 Local Planning Agency meeting, Mr. Stevens made a motion, seconded by Ms. Turin, to approve subject to the amendments previously set forth which were: 1) an amendment to Subsection (U), page 4, four lines up from the bottom of the page, it should read "...practices otherwise conform to generally accepted Recycling, Scrap Metal Processing and Automobile Wrecking Yard business practices, the operation does not emit noxious odors, is in conformance with all applicable environmental regulations, and otherwise conforms with the nuisance standards as defined by the Town code."; 2) page 5, with (HH), add to the end of the last sentence: "...which shall not be deemed to include the permanent storage of said inventory or material."; and 3) in the same definition as (HH) after the previously added wording, add the sentence: "This definition shall not be deemed to include the reduction of concrete to a powder like form." (Motion carried 5-0)

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Staff recommends denial of the proposed Ordinance based on the issues noted in the staff report.

Attachment(s): Staff memo and alternative ordinance, staff report on petitioner's ordinance, petitioner's ordinance



Development Services Department
Planning & Zoning Division

6591 ORANGE DRIVE Y DAVIE, FLORIDA 33314-3399

Memorandum

PZ 5-3-07

TO: Mayor and Councilmembers

THROUGH: Gary Shimun, Town Administrator
Mark Kutney, AICP, Development Services Director
Marcie Nolan, AICP, Acting Planning and Zoning Manager

FROM: David Abramson, Acting Deputy Planning and Zoning Manager
Lise Bazinet, Planner II

SUBJECT: Alternative ordinance related to “Automotive Wrecking”

The Town of Davie, Development Services Department, Planning and Zoning Division is proposing an alternative ordinance to ZB(TXT) 4-1-06/Junkyards (original ordinance). The original ordinance was submitted by Pillar Consultants, Inc. (petitioner) to allow a business owner in the Town to continue an “Automotive Wrecking” use.

The Town’s Code of Ordinances presently does not list “Automotive Wrecking” as a permit use under §12-32 Business Park and Industrial. Therefore, the petitioner submitted an amendment to the Land Development Code providing a new use defined as “Recycling, Scrap Metal Processing and Automobile Wrecking Yards.” Staff notes the original ordinance as presented will create confusion and conflicts with the Land Development Code. (See memo)

Staff presently considers “Automotive Wrecking” to be a beneficial use. Therefore, staff has proposed an alternative ordinance that clarifies the existing definition of “Automotive Wrecking,” as well as conditionally permitting the use in M-3, Planned Industrial Park zoning district with specific regulations and design standards.

Staff has researched many other municipalities regulations and studies relating to “Automotive Wrecking” in the creation of this alternative ordinance. The sources used vary in location across the Country (City of Grand Prairie, Texas; County of Fresno, California; Charleston, Illinois; and Tomkins County, Delaware) with several identified in the State of Florida (City of Miramar; City of Hollywood; and Polk County). These ordinances were created to deal with transition and compatibility of the same use in an urban area. Additionally, staff used sections of the University of Florida, Environmental Impacts of Autosalvage Facilities Study.

Staff also took into consideration the “Transit Oriented Corridor” (TOC) in the creation of this alternative ordinance. The overall intent of the TOC is to provide for increased compatible economic development through a mixed of office, industrial, retail, and residential uses. Furthermore, this alternative ordinance was created as “Form-based code.” Form-based codes are a method of regulating development to achieve a specific urban form by controlling physical form primarily, and land uses secondarily. Lastly, staff included within the alternative ordinance environmental compliance by requiring that all “Automotive Wrecking” uses obtain and maintain Green Yard Certification. (See attachment)

Staff finds the alternative ordinance consistent with the Comprehensive Plan and compatible with existing and future land uses.

RECOMMENDATION:

Staff recommends approval of the alternative ordinance related to “Automotive Wrecking.”

Attachments:

Alternative Ordinance, Department of Environmental Protection (Green Yards)

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE II, SECTION 12-24, STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS; ARTICLE III, SECTION 12-32, TABLE OF PERMITTED USES; SECTION 12-34, DETAILED USE REGULATIONS – STANDARDS ENUMERATED; AND AMENDING ARTICLE XIV, SECTION 12-503, DEFINITIONS; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Development Services Department, Planning and Zoning Division has proposed a text amendment; and

WHEREAS, the Land Development Code shall provide regulations concerning “Automotive Wrecking” defined herein, as a conditionally permitted use in the M-3 zoning district; and

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing on April 11, 2007 to amend the Land Development Code to provide for “Recycling, Scrap Metal Processing and Automobile Wrecking Yards”; and

WHEREAS, the Town Council of the Town of Davie held a public hearing, duly advertised as required by State Statutes, on May 16, 2007, and on the date of adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. Section 12-32, Table of Permitted Uses, of the Town code is amended to read as follows:

(C) BUSINESS PARK AND INDUSTRIAL GENERAL USE	DISTRICTS BP	M-1	M-2	M-3
<u>Automotive Wrecking</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>*</u>

* = Conditionally permitted subject to detailed use regulations (section 12-34).

SECTION 2. That Section 12-34, Detailed Use Regulations – Standards Enumerated, of the Town code is amended to read as follows:

(HH) AUTOMOTIVE WRECKING.

Intent. It is the intent of this section to regulate all activities generally associated with recycling, scrap metal processing, vehicle dismantling and crushing, and fluid recycling and reclamation related to automobiles, trailers, and vessels, but shall not include the permanent on-site storage of said inventory or materials. The purpose of this section is as follows:

- (a) Promote the safety, health, and welfare of the public from nuisances and hazards.
- (b) Protect property values and preserve the character and integrity of the Town.
- (c) Ensure consistency with the Town of Davie existing and future land uses.
- (d) Enhance the architectural site design and building(s) associated with industrial uses.

(e) Establish a meaningful design guide for development and redevelopment of industrial uses.

(1) Site Environmental Monitoring:

- (a) Facilities shall provide environmental monitoring as required by Broward County, the Florida Department of Environmental Protection (DEP), and any other Environment Protection Agencies.
- (b) Facilities must obtain and maintain DEP Green Yards Certification.

(2) Disposal of fluids: Disposal of all toxic chemicals, automobile fluids, and petroleum waste must be safely contained and properly disposed.

- (a) The draining of fluids must be placed into containers or other storage devices eliminating the release of fluids to the ground.
- (b) Facilities shall provide a fluid spill control system such as catch basins, absorbents, built in fluid collection systems, or other environment control systems.

(3) Additional Development Standards:

- (a) All activities, processes, and/or operations related to recycling, scraping of metal, vehicle dismantling and crushing, and fluid recycling and reclamation shall be fully enclosed in a building that complies with Section 12-83 Non-residential Development Standards.
- (b) There shall be a minimum distance separation of five hundred (500) feet from any existing residential property.
- (c) The number of automotive wrecking facilities in the Town of Davie shall be limited to a maximum of three (3).
- (d) The automotive wrecking facilities shall be designed in an aesthetically pleasing manner incorporating the following guidelines:

(1) Scale and Massing:

- (a) The design shall provide a relationship between the office portion and other sections and/or building(s).
- (b) Building(s) with a monolithic appearance are discouraged. Facades shall have vertical and horizontal articulation.
- (c) Pre-cast concrete panels shall have patterns and reveals to provide visual interest.
- (d) The design shall consider the use of building massing, varied roof-escapes, window design, ornamentation, and color.
- (e) The South Florida climate shall influence shape and orientation of building(s), nature of roofs and overhangs, and the location and size of windows.
- (f) Exterior building walls visible from rights-of-way and other uses shall have a maximum length of two hundred (200) feet with a minimum break of fifty (50) feet.

(2) Building Materials:

- (a) The design of the offices shall be differentiated by using glazing, distinctive materials, and colors.
- (b) Building(s) shall provide a softened color palette.
- (c) The use of manufactured or natural stone, concrete, metal roofs, and glass is encouraged.

(3) Entrances:

- (a) Building entrances shall be clearly defined with canopies, porticoes, and variations in the parapet design, color elements, change of building materials, or another form of architectural detail.

(b) Site entrances shall be easy to identify providing an architectural feature such as a building(s) recess, or tower element.

(4) Screening:

(a) All mechanical equipment (including roof-mounted equipment) shall be screened with materials consistent with those used in the design of the building(s).

(b) The screening material and structure shall be architecturally compatible with the building.

(c) A ten (10) foot high concrete screen wall shall be provided along the inside of the landscape buffer except where broken by a building or a driveway. This screen wall shall also be architecturally compatible with the building(s). The wall shall incorporate a minimum of 10% decorative fenestrations for security and safety,

(5) Windows: Facility building exterior walls adjacent to rights-of-way and other different uses shall provide a minimum of fifteen percent (15%) glazing.

(6) Parking:

(a) Employee and customer parking shall not be visible from rights-of-way.

(b) Employee and customer parking are not required to be enclosed in a building

(c) All required pervious areas for employee and customer parking may be calculated into the required open space.

(d) Parking requirements shall comply with Section 12-208. All buildings use for storage, including vehicles, shall not require parking.

(7) Outside storage:

(a) Outside storage shall be limited to automotive vehicles.

(b) Outside storage shall be located interior to the site.

(c) Outside storage shall be limited to non-stacked, non-totaled, drivable vehicles.

(d) No parts shall be removed from outside stored vehicles.

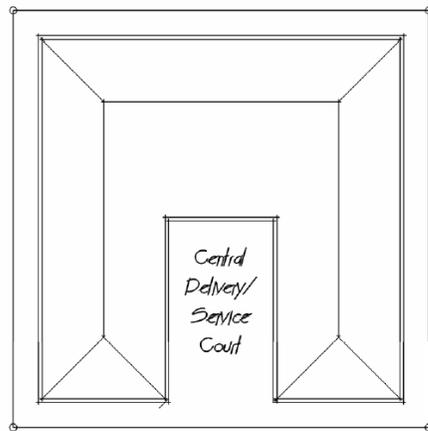
(e) Outside storage of vehicles shall be designed in an organized manner, with the cars aligned in rows.

(f) Outside storage shall not exceed twenty five percent (25%) of the total net area.

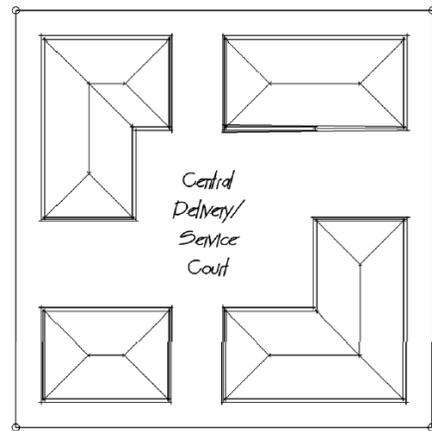
(8) Central Delivery/Service Court:

(a) If there is one building on-site, that building shall be design to screen loading operations from all rights-of-way and other different uses. (Figure 1(a))

(b) If there is more than one building on-site, buildings shall be grouped around a central delivery courtyard so that loading operations are screened from all rights-of-way and other different uses. (Figure 1(b))



(a) One building on-site



(b) More than one building on-site

Figure 1(a) & (b): Typical loading area design for one or more buildings

(9) Site Landscaping:

- (a) Landscaping shall conform to Section 12-107, landscaping standards commercial and industrial district over 20,000 square feet as amended herein.
- (b) A minimum fifteen (15) foot landscape buffer is required at all street frontages.

(10) Site Open Space: Any required open space shall be outside the ten (10) foot high concrete screen wall.

(4) Hours of Operation: In order to control potential impacts resulting in automotive wrecking activities, the hours of operation shall be conducted from 7:00 a.m. to 7:00 p.m., Monday through Friday, and from 7:00 a.m. to 5:00 p.m., Saturday and Sunday, and shall be in conformance with the noise standards in Chapter 15 of the Town code.

(5) Threshold for Compliance: No facilities shall continue as non-conforming for more than five (5) years after the effective date of this ordinance, except when granted an approved special use permit by the Town.

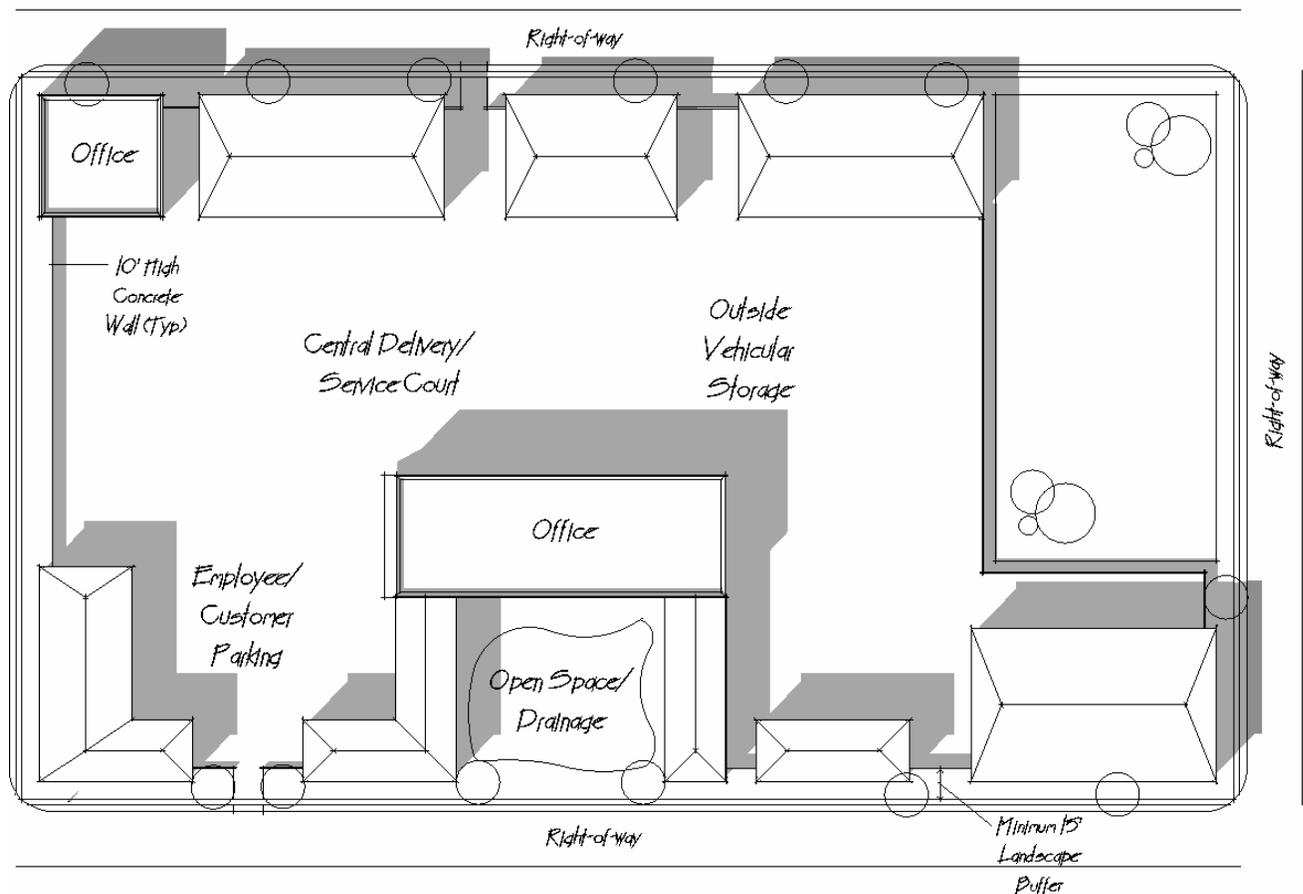


Figure 2: Typical facility layout

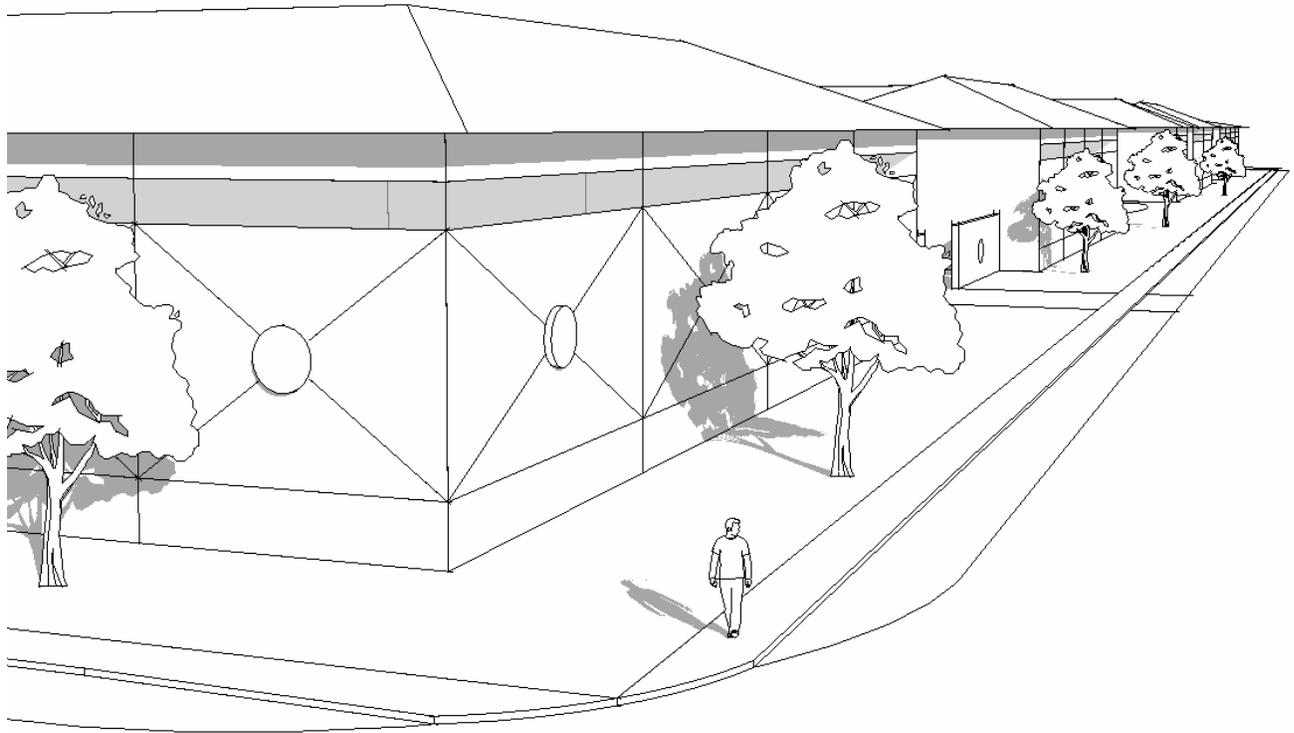


Figure 3: Perspective View

SECTION 3. The Section 12-503, Definitions, is amended to read as follows:

Automotive wrecking. The dismantling or disassembling of ~~used~~ motor vehicles, ~~or~~ trailers, and vessels or any parts thereof, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Junk. Any old rags, paper, rubber, refrigerators, stoves, household or other appliances or equipment, building materials, or other trash.

Junkyard. Any land or structure used for a ~~salvaging~~ the operation, including, but not limited to, the storage and sale of junk as defined in this section. ~~waste paper, rags, scrap metal, house wrecking and structural steel materials and discarded lumber, and other materials, and the collection, dismantlement, storage and salvage of two (2) or more inoperative vehicles.~~ This designation does not apply to pawnshops and other establishments for the sale of usable secondhand goods. ~~or the processing of salvaged materials that are to be used as part of manufacturing processes.~~

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 6. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2007

PASSED ON SECOND READING THIS _____ DAY OF _____, 2007

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007

Auto Salvage Yards to Clean up their Acts

DEP's Green Yards program gives yard operators a choice – assistance or enforcement

ORLANDO – On June 25, the Florida Department of Environmental Protection (DEP) initiated an innovative pilot project aimed at the environmentally troubled auto salvage yards industry. The pilot, dubbed "Green Yards," has made great strides since it was introduced to salvage yards in Orange County. At that time, 63 of 78 salvage yards in Orange County took advantage of free environmental training offered by DEP. Of the 63 yards, 57 have signed formal intents to reduce pollution, comply with regulations and become certified Florida Green Yards.

"We want the entire industry to use 'best management practices'," said DEP's Lu Burson, spearhead of Green Yards. "These practices safeguard the environment against releases of motor oil, battery acid, gasoline, antifreeze, freon, and mercury."

The salvage yard industry has long been suspected of industry-wide pollution problems. From 1996-98, inspections at 37 salvage yards revealed that just 8% complied with all regulations on the handling of hazardous waste. In 1998-99, a project focused on 21 yards found the following concerns:

66% of the yards could not document freon recovery (a threat to the ozone layer)

60% could not document antifreeze recovery (could pollute stormwater runoff)

60% could not document battery disposal (lead and acid could cause groundwater contamination)

In 2001, the Florida Legislature directed funding toward assistance for the salvage yard industry to address such concerns. DEP awarded the funding to its Central District based on their experience with the industry in Orange County. Then, Green Yards was developed in cooperation with the Florida Auto Dismantlers and Recyclers Association (FADRA) and with James Environmental (under contract with DEP).

Each candidate Green Yard receives training and an easy-to-understand environmental compliance manual. The manual was developed with FADRA and James Environmental. In addition, FADRA members offer to "mentor" candidate yards based on their own experiences with environmental compliance. Mentoring is offered regardless of whether or not the candidate is a FADRA member.

"We're excited about this effort with the salvage yard industry," said Lu Burson, "We're getting after some long standing environmental problems and FADRA helps lead the way."

Each month, candidate Green Yards must certify their efforts to implement safeguards outlined in the Green Yards manual. All the safeguards must be in place by January 31, 2003. Then, DEP will verify the safeguards. Auto salvage yards with verifiable success will be certified Florida Green Yards.

Unsuccessful salvage yards that cooperate will be put on "return to compliance" schedules. Salvage yards that choose not to cooperate will be targeted for inspections and could face enforcement action. Orange County Environmental Protection Department and EPA have agreed to initiate enforcement with DEP.

Next year, lessons learned in Orange County may be applied to the salvage yard industry statewide. For more on Florida's Green Yards program for auto salvage yards, please contact David Herbster (407 893-3982, or dave.herbster@dep.state.fl.us) "To view the Salvage Yards Compliance Workbook, visit the Central District website"



Development Services Department
Planning & Zoning Division

6591 ORANGE DRIVE Y DAVIE, FLORIDA 33314-3399
PHONE: 954.797.1103 Y FAX: 954.797.1204 Y WWW.DAVIE-FL.GOV

PZ 4-20-07

TO: Mayor and Councilmembers

THRU: Marcie Nolan, Acting Planning and Zoning Manager

FROM: Ingrid Allen, Planner II

SUBJECT: ZB(TXT) 4-1-06/06-58"Recycling, Scrap Metal Processing and Automobile Wrecking Yard"

AFFECTED DISTRICT: 1

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE II, SECTION 12-24, STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS; ARTICLE III, SECTION 12-32, TABLE OF PERMITTED USES; SECTION 12-33 GENERAL REGULATIONS; SECTION 12-34, DETAILED USE REGULATIONS – STANDARDS ENUMERATED; ARTICLE V, SECTION 12-83, COMMERCIAL CONSERVATION STANDARDS; ARTICLE VI, SECTION 12-107, LANDSCAPING STANDARDS FOR LOTS AND SITES; ARTICLE VII, SECTION 12-208, REQUIREMENTS FOR OFF STREET PARKING; ARTICLE XI, ADDING SECTION 12-349 REVIEW OF APPLICATIONS FOR DEVELOPMENT OF LAND FORMERLY IN HACIENDA VILLAGE OR UNINCORPORATED BROWARD COUNTY USED FOR RECYCLING, SCRAP METAL PROCESSING, AND AUTOMOBILE WRECKING YARD; AND AMENDING ARTICLE XIV, SECTION 12-503, DEFINITIONS; AMENDING RECYCLING, SCRAP METAL PROCESSING, AND AUTOMOBILE WRECKING YARDS AS EXISTING LEGAL USES IN THE M-3 ZONING DISTRICT WHEN THE PROPERTY WAS DESIGNATED FOR JUNKYARD USE UNDER HACIENDA VILLAGE OR BROWARD COUNTY CODES AND THE EXISTING USE IS LEGALLY PERMITTED; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

The petitioner (Pillar Consultants, Inc.) proposes a text amendment to the Land Development Code amending "Recycling, Scrap Metal Processing and Automobile Wrecking Yard" uses as existing legal uses in the M-3 zoning district when the property was designated for junkyard use under Hacienda Village or Broward County codes. According to the petitioner, the intent of the text amendment is not to increase the number of additional non-conforming uses allowed in the Town, only to allow certain uses

that were legal under the Hacienda Village or Broward County codes and became legal non-conforming uses when the Town annexed the properties, to become legal conforming uses.

The proposed ordinance defines “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” as an establishment or place of business which is maintained, used or operated for recycling, processing, storing, keeping, buying or selling junked, dismantled or wrecked automobiles, vehicles and vessels or any parts thereof, including, but not limited to, oils, gasoline and other fluids and materials salvaged therefrom; and old or scrap batteries, construction and demolition debris, rubber, plastic, copper, brass, aluminum, iron, steel, and other old or scrap organic, ferrous or nonferrous material, but shall not include the processing of concrete for the purpose of reducing to a powder-like form. To follow, under ‘Proposal Analysis’, is a comparison of the proposed revisions, by Section, to the Land Development Code verses current code language.

HISTORY/BACKGROUND:

Many of the existing “Junkyards” were initially annexed into the Town of Davie with a Broward County zoning designation of M-4 (County), Limited Heavy Industrial District. The M-4 (County) zoning designation is not a valid Town of Davie zoning district. As a result, not only are these parcels required to rezone to a valid Town of Davie zoning district, but they are considered legal nonconforming lots. According to Ordinance 2003-21 (adopted June 4, 2003), it is required that all parcels annexed into the Town with Broward County zoning designations be rezoned to a valid Town of Davie zoning district prior to site plan approval or modification to a development order. Currently, the Town’s M-3 zoning district does not permit “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” uses although these uses are permitted under the M-4 (County) zoning designation. The proposed ordinance would allow “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” uses that were previously designated for junkyard use under Hacienda Village or Broward County codes to be permitted under the Town’s M-3 zoning district.

The Town adopted the Transit Oriented Corridor (TOC) redevelopment plan on March 1, 2006. This plan calls for mixes of uses to be redeveloped including residential.

PROPOSAL ANALYSIS:

Statement of purpose and intent of zoning districts:

PROPOSED: The Planned Industrial Park (M-3) District is intended to provide for “Recycling, Scrap Metal Processing, and Automobile Wrecking Yard” uses.

CURRENT: The Planned Industrial Park (M-3) District is not intended for “Recycling, Scrap Metal Processing, and Automobile Wrecking Yard” uses.

Permitted uses:

PROPOSED: Within the Business Park and Industrial General Use category, “Recycling, Scrap Metal Processing, and Automobile Wrecking Yard” uses (as defined above) will be permitted in the M-3 zoning district.

CURRENT: “Recycling, Scrap Metal Processing, and Automobile Wrecking Yard” uses are not listed as a Business Park and Industrial general use. However, Junkyard (which is listed as a Business Park and Industrial general use) is not a permitted use in the M-3 zoning district.

Fences, Walls and Hedges:

PROPOSED: All yards used for storage within industrial use areas shall be enclosed with a continuous wall of masonry or pre-cast concrete, no less than eight (8) feet and no more than ten (10) feet high to screen the contents of such yard from the view of the surrounding property. All masonry screen walls erected in the Town shall be finished on both sides with two (2) coats of cement stucco or be constructed of pre-cast concrete and painted on both sides.

CURRENT: All yards used for storage within industrial use areas shall be enclosed with a continuous wall of masonry eight (8) feet high to screen the contents of such yard from the view of the surrounding

property. All masonry screen walls erected in the Town shall be finished on both sides with two (2) coats of cement stucco and painted on both sides.

Nuisances:

PROPOSED: “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” businesses operating under a Town license shall not be deemed a public or private nuisance solely because of the keeping, depositing or the storing within the perimeter walls of the premises of any junk, trash, debris, construction materials not being actively used for construction, abandoned, discarded or unused objects or equipment, including but not limited to, automobiles, scrap metal, boats, trucks or buses, stoves, refrigerators, freezers, trailers, etc. if the operations, activities and management practices otherwise conform with applicable environmental regulations and with the nuisance standards as defined by the Town code.

CURRENT: The term “nuisance” is defined to mean any condition or use of premises or of building exteriors that is detrimental to the property of others or that causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located within any district. This includes, but is not limited to, keeping, allowing or maintaining anything on the premises in any district that shall in any way be offensive or noxious by reason of the emission of odors, gases, dust, smoke, vibration or noise; the keeping or the deposition (depositing) on or the scattering over the premises of any junk, trash, debris, construction materials not being actively used for construction, abandoned, discarded or unused objects or equipment, including, but not limited to, automobiles, boats, trucks or buses, furniture, stoves, refrigerators, freezers, trailers, cansor containers; the failure to keep or maintain all lands, lots and other premises in any district clean, sanitary and free from weeds or overgrowth; the keeping, maintaining, propagation, existence or permitting of any thing by any person or entity by which the life or health of any person or persons may be threatened or impaired or by which or through which, directly or indirectly, disease may be caused or the environment of any person or place rendered unclean or unsanitary by the act of another or others. The purpose of this section is to generally define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of any district.

Outdoor Activities:

PROPOSED: “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” uses shall be exempt from conducting permitted uses, including but not limited to sale, display, preparation and storage, in a completely enclosed building.

CURRENT: All activities of permitted uses, including but not limited to sale, display, preparation and storage, shall be conducted within a completely enclosed building.

Industrial Activities:

PROPOSED: Existing “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” uses designated as such under the Hacienda Village or Broward County codes are allowed to continue within the M-3 district only. Any redevelopment shall be required to adhere to the Town of Davie Land Development Code existing at the time of redevelopment.

CURRENT: In the M-1, M-2, and M-3 districts only the following uses are permitted: (1) Educational, scientific, industrial research, office and business uses providing a minimum of five thousand (5,000) square feet of net building area.

(2) Retail and wholesale sales incidental to a permitted on-site use.

Detailed Use Regulations – Standards enumerated:

PROPOSED: Hours of Operation: Activities shall be conducted Monday thru Sunday 6:00a.m.–12:00 a.m. and shall be in conformance with the noise standards in Chapter 15 of the Town code.

Perimeter Walls: A minimum eight (8) foot maximum ten (10) foot high wall shall be constructed around the entire perimeter of the site except at points of access to and from the property. The wall shall be set a minimum of ten (10) feet from property lines and landscaped on the outside of the wall pursuant to Section 12-107 (D). The wall shall be solid concrete, masonry or pre-cast wall. When adjacent to a public street, walls shall include additional landscaping or decorative architectural features such as: (a) 40 to 80 foot long wall segments staggered into the property a minimum of 5 feet; (b) vines covering the walls; (c) trees adjacent to the inside of the wall; (d) alternating wall segments constructed of iron or aluminum fencing of equal height to the adjoining wall, with additional landscaping designed to obtain an opaque screen to the on-site activities; (e) enclosed buildings constructed with no setback inside the perimeter wall shall incorporate the perimeter wall as a building wall and shall provide windows through the perimeter wall. The location of the perimeter wall shall not be placed in the traffic sight triangles per the Town of Davie Code of Ordinances.

Site Landscaping: See proposed Landscaping standards (page 5).

Site Environmental Monitoring: The site must be provided environmental monitoring facilities as required by Broward County, the Florida Department of Environmental Protection, and the U.S. EPA. All toxic chemicals, automobile fluids and petroleum waste must be safely contained and properly disposed.

CURRENT: The proposed uses are not currently enumerated in the Land Development Code. However, Chapter 15 Noise, Section 15-7 (14) of the Town Code of Ordinances states that it shall be unlawful to perform or engage in any construction work, building excavating, hoisting, grading, pile driving, pneumatic hammering, demolition, dredging, building alteration or repair work of any nature to any building or structure or upon any site for the same in the Town of Davie without a special variance...: (a) Between the hours of 7:00pm and 7:00am the following day, and at all times on Saturdays, Sundays and holidays, such that the sound there from exceeds fifty (50) dBA at a real property boundary.

Table of Conventional Nonresidential Development Standards:

PROPOSED: Amended to read as follows:

	Min.	Min.	Min.				Max.	Max.	Min.	Min.
	Lot	Lot	Lot	Min. Setbacks			Height	Building	Building	Open
	Area	Frontage	Depth	Front	Side	Rear		Coverage	Separation	Space
District	(sf/ac)	(ft.)	(ft.)	(ft.)	(each)	(ft.)	(feet)	(ratio)	(feet)	(ratio)
M-3 (g)	43,560	150	-----	g	G	g	35 ft.	40%	-----	20%

- (g) Twenty-five (25) feet from all street lines except “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” uses which shall be zero (0) setback within the perimeter wall; fifty (50) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated residential; ten (10) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated for nonresidential uses; two hundred (200) feet from all property lines for the manufacture, storage or processing of concrete, cement and lime, and for heavy manufacturing, fabrication and industrial uses except within the perimeter walls of “Recycling, Scrap Metal Processing and Automobile Wrecking Yard”.

CURRENT:

	Min.	Min.	Min.				Max.	Max.	Min.	Min.
	Lot	Lot	Lot	Min. Setbacks			Height	Building	Building	Open
	Area	Frontage	Depth	Front	Side	Rear		Coverage	Separation	Space
District	(sf/ac)	(ft.)	(ft.)	(ft.)	(each)	(ft.)	(feet)	(ratio)	(feet)	(ratio)
M-3	43,560	150	----	g	G	g	35 ft.	40%	----	20%

(g) Twenty-five (25) feet from all street lines; fifty (50) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated residential; ten (10) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated for nonresidential uses; two hundred (200) feet from all property lines for the manufacture, storage or processing of concrete, cement and lime, and for heavy manufacturing, fabrication and industrial uses.

Landscaping Standards (for Commercial and Industrial Districts over 20,000 feet)

PROPOSED: Tree requirements: “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” uses shall not be required to plant trees and shrubs within the perimeter wall except in connection with the construction of parking areas. Required trees in excess of that which will fit outside of the perimeter wall may be planted within areas designated by the Town or the equivalent monetary value may be donated to the Town for its use in planting trees and shrubs.

Sodding: “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” uses shall be exempt from sodding all areas not occupied by buildings, walkways, or parking and driveways. Areas interior to the perimeter wall shall not require sodding but may consist of dirt, asphalt and/or concrete.

CURRENT: Tree requirements: Four (4) trees for the first twenty thousand (20,000) square feet, plus one (1) tree for each additional ten thousand (10,000) square feet, shall be planted in an area approximately ten (10) feet wide.

(1) Twenty (20) percent of the required trees shall be a minimum of ten (10) feet in height; palms shall have a minimum of ten (10) feet of clear trunk.

(2) Twenty (20) percent of the required trees shall be a minimum of twelve (12) feet in height; palms shall have a minimum of twelve (12) feet of clear trunk.

(3) Sixty (60) percent of the required trees shall be a minimum of fourteen (14) to sixteen (16) feet in height; palms shall have a minimum of fourteen (14) to sixteen (16) feet of clear trunk.

Shrub requirements: Twenty (20) shrubs for the first twenty thousand (20,000) square feet of gross site area, plus five (5) shrubs for each additional ten thousand (10,000) square feet of gross site area.

Sodding: All areas not occupied by buildings, walkways, or parking and driveways shall be sodded.

Off-street parking:

PROPOSED: One (1) space for each six hundred (600) square feet of floor area of the building plus one (1) space for each three hundred (300) square feet of office use.

CURRENT: *Manufacturing, wholesale warehousing, distribution centers, and industrial uses.* One (1) space for each six hundred (600) square feet of floor area of the building plus one (1) space for each three hundred (300) square feet of office use.

Review of applications for development of land formerly in Hacienda Village or unincorporated Broward County:

PROPOSED: The review of applications for site plans, master plans, and building permits for activities within “Recycling, Scrap Metal Processing, and Automobile Wrecking Yards” that were developed as legal conforming uses under the Hacienda Village or Broward County codes shall be limited in area to that part of the applicant’s property that is the subject of the application. Only the proposed development within the area that is the subject of an application shall conform to the Town code in effect at the time of the application. As long as the property remains a “Recycling, Scrap Metal Processing, and Automobile Wrecking Yard” use, applications for building permits to build a new structure or modify an existing structure or for site plan approval to develop or redevelop a portion of the applicant’s property, shall not be subject to the master development plan requirements of Section 12-375 of the Town code.

CURRENT: N/A (This section does not currently exist in the Land Development Code). However, a master development plan is required for any nonresidential use on any parcel of land five (5) or more acres. In addition, these master development plan regulations apply to the following districts regardless of parcel size: Planned Business Center (B-3), Planned Industrial Park (M-3), Planned Community Facilities (PCF), Suburban (S), Utilities (U), Suburban Commercial (SC), Urban Commercial (UC), Freeway Business (FB), or Business Park (BP).

Definition:

PROPOSED: “Recycling, Scrap Metal Processing, and Automobile Wrecking Yard” an establishment or place of business which is maintained, used or operated for recycling, processing, storing, keeping, buying or selling junked, dismantled or wrecked automobiles, vehicles and vessels or any parts thereof, including, but not limited to, oils, gasoline and other fluids and materials salvaged therefrom; and old or scrap batteries, construction and demolition debris, rubber, plastic, copper, brass, aluminum, iron, steel, and other old or scrap organic, ferrous or nonferrous material, but shall not include the processing of concrete for the purpose of reducing to a powder-lode form.

CURRENT: N/A (These proposed uses are not currently defined in the Land Development Code)

STAFF ANALYSIS:

Staff has worked with the petitioner, through various rounds of Development Review Committee comments, to minimize the impacts of the proposed text amendment. Although staff’s intent is to find a balance between the needs of the Town and existing junkyard owners, considerable differences still remain. To follow is a list of outstanding issues for which staff finds would significantly impact adjacent existing and planned uses.

1. The proposed definition of “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” uses would allow existing automobile wrecking yards and junkyards to **expand their uses** from automobile salvage or junkyards to various types of junk recycling to include construction and demolition debris, rubber, plastic, copper, brass, aluminum, iron, steel, and other old or scrap organic, ferrous or nonferrous material.
2. The proposed “Recycling, Scrap Metal Processing, and Automobile Wrecking Yard” uses would be **exempt from providing a master development plan**. This is inconsistent with Section 12-375 of the Land Development Code which requires a master development plan for any nonresidential use on any parcel of land five (5) or more acres.
3. The proposed ordinance would allow landowners of “Recycling, Scrap Metal Processing, and Automobile Wrecking Yard” uses to apply for building permits to **build new structures or modify existing structures**, or site plan approval to **develop or redevelop a portion of a subject property**. This type of expansion is inconsistent with Section 12-37 (A) of the Land Development Code which states that

no nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land and no such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use.

4. The proposed “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” uses **would not be considered a public or private nuisance** if the operations, activities and management practices otherwise conform with applicable environmental regulations. The proposed uses, as they are defined herein, are considered nuisances according to the Town’s Land Development Code definition of “nuisance”. The term “nuisance” is defined in the Town’s code to mean “any condition or use of premise or of building exteriors...that includes the keeping, allowing or maintaining anything on the premises in any district that shall in any way be offensive or noxious by reason of the emission of odors, gases, dust, smoke, vibration or noise; the keeping or the deposition (depositing) on or the scattering over the premises of junk, trash, debris, construction materials not being actively used for construction, abandoned, discarded or unused objects or equipment, including, but not limited to, automobiles, boats, trucks or buses, furniture, stoves, refrigerators, freezers, trailers, ...”.

5. The proposed landscape standards are vastly different from the existing landscape standards in that **trees and shrubs would only be provided outside the perimeter wall** except in connection with the construction of parking areas.

In addition, outstanding Engineering Development Review Comments (DRC) include: providing a dust-free surface for junkyard operations and vehicle storage to protect air quality; providing soil testing results semi-annually for the subject site at 100 feet grid interval to prevent polluting the subsurface soil, and ground water resource.

CONCLUSION:

The intent of the Land Development Code is to allow an interpretation to be made where there is a just balance between the rights of the landowner and all others who will be affected by that person’s proposal. Staff finds the proposed “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” uses to be more intensive than what is currently defined in the Land Development Code as “junkyards” or “automotive wrecking”. As a result, more noxious odors, fumes, dust, dirt, noise or vibrations may be generated and may result in a threat to the safety or general welfare of surrounding or planned properties. The Land Development code, Section 12-34 (S), states that these noxious uses shall be prohibited in all zoning districts.

As noted in staff’s analysis, the proposed “Recycling, Scrap Metal Processing and Automobile Wrecking Yard” uses would be subject to less restrictive requirements with respect to landscaping standards, general and detailed use regulations, and nonresidential development standards than current code language. As a result, measures available to minimize impacts to adjacent existing and planned uses are limited. This would subsequently compromise the redevelopment efforts the Town is looking to accomplish along State Road 7. Therefore, staff concludes that the proposed text amendment would allow expansion and intensification of existing junkyards resulting in added impacts to planned uses in the Town’s redevelopment areas.

RECOMMENDATION(S): Staff recommends denial of the proposed Ordinance based on the issues noted above.

Attachments: Ordinance

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE II, SECTION 12-24, STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS; ARTICLE III, SECTION 12-32, TABLE OF PERMITTED USES; SECTION 12-33 GENERAL REGULATIONS; SECTION 12-34, DETAILED USE REGULATIONS – STANDARDS ENUMERATED; ARTICLE V, SECTION 12-83, COMMERCIAL CONSERVATION STANDARDS; ARTICLE VI, SECTION 12-107, LANDSCAPING STANDARDS FOR LOTS AND SITES; ARTICLE VII, SECTION 12-208, REQUIREMENTS FOR OFF STREET PARKING; ARTICLE XI, ADDING SECTION 12-349 REVIEW OF APPLICATIONS FOR DEVELOPMENT OF LAND FORMERLY IN HACIENDA VILLAGE OR UNINCORPORATED BROWARD COUNTY CURRENTLY USED FOR RECYCLING, SCRAP METAL PROCESSING, AND AUTOMOBILE WRECKING YARD; AND AMENDING ARTICLE XIV, SECTION 12-503, DEFINITIONS; AMENDING RECYCLING, SCRAP METAL PROCESSING, AND AUTOMOBILE WRECKING YARDS AS EXISTING LEGAL USES IN THE M-3 ZONING DISTRICT WHEN THE PROPERTY WAS DESIGNATED FOR JUNKYARD USE UNDER HACIENDA VILLAGE OR BROWARD COUNTY CODES AND THE EXISTING USE IS LEGALLY PERMITTED; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie desires to amend the Land Development Code to provide for “Recycling, Scrap Metal Processing and Automobile Wrecking Yards” defined herein, as an existing legal use in the M-3 zoning district when the property was designated for junkyard use under Hacienda Village or Broward County codes and the existing use is legally permitted within the Town; and

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing on April 11, 2007; and

WHEREAS, the Town Council of the Town of Davie held a public hearing duly advertised as required by State Statutes on May 16, 2007, and on the date of adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

INTENT and PURPOSE: The purpose of this ordinance is to promote the safety, health, and welfare of the public, and to protect the public from health nuisances and safety hazards as set forth in this ordinance. The intent of these amendments to the Town’s Land Development Code is not to increase the number of additional non-conforming uses allowed in the Town, only to allow certain uses that were legal under the Hacienda Village or Broward County codes and became legal non-conforming uses when the

Town annexed the properties, to become legal conforming uses. Such regulations and review shall ensure that existing heavy industrial uses will not become incompatible with new development and that new development shall provide buffers and site design in light of the existing land uses.

It is the intent of the Town of Davie to recognize and respect judicially acknowledged or constitutionally protected private property rights. It is the intent of the Town of Davie that all ordinances, regulations, and programs must be developed, promulgated, implemented, and applied with sensitivity for private property rights and not be unduly restrictive, and property owners must be free from actions of others which would harm their property.

Nothing in this Ordinance will impair or diminish the rights of existing landowners or their successors or assigns to continue the use and enjoyment of their properties consistent with the current land use existing at the time of adoption.

The purpose of these amendments will be to clearly provide for “Recycling, Scrap Metal Processing, and Automobile Wrecking Yard” uses, as defined herein, as permitted uses in the M-3 zoning district when the property was designated for junkyard use under Hacienda Village or Broward County codes and the existing use is legally permitted, and to ensure the compatibility of Recycling, Scrap Metal Processing, and Automobile Wrecking Yards with the surrounding environment and provide staff criteria by which to review redevelopment plans in accordance with the Town’s Land Development Code.

The intent of the amendments and proposed Ordinance is to balance the needs of existing landowners with the need of the Town to address the future compatibility of development and redevelopment in the Town’s Industrial area, particularly the uses of Recycling, Scrap Metal Processing, and Automobile Wrecking Yard as defined herein, which were legal permitted uses under the Hacienda Village or Broward County codes that are not permitted uses under the Town’s current M-3 zoning district.

It is also the intent of these amendments and proposed Ordinance to allow for the development, redevelopment and relocation of operations and facilities within the current property boundaries of existing Recycling, Scrap Metal Processing, and Automobile Wrecking Yard businesses operating under a Town issued license, consistent with the Town’s Land Development Code as modified by these amendments and Ordinance.

Finally, it is the intent of these amendments and proposed Ordinance to allow a landowner with an existing Recycling, Scrap Metal Processing, and Automobile Wrecking Yard use developed under the less restrictive use regulations of the Hacienda Village or Broward County codes, such as landscaping and open space requirements, to gradually achieve conformance with the more restrictive use regulations under the Town of Davie Code as the properties are incrementally redeveloped; only that part of the property being redeveloped must be brought into conformance with the new, more restrictive standards.

SECTION 1. The Section 12-24, Statement of purpose and intent of zoning districts, of the Town code is amended to read as follows:

(J)(9) PLANNED INDUSTRIAL PARK (M-3) DISTRICT. The M-3 District is intended to implement the industrial classification of the Town of Davie Comprehensive Plan by providing for planned industrial parks which can accommodate light, medium or selected heavier industrial uses in an open, uncrowded and attractive manner through limitations on setbacks and coverage, and for other permitted uses. M-3 districts are not intended for locations abutting residential property.

SECTION 2. Section 12-32, Table of Permitted Uses, of the Town code is amended to read as follows:

(C) BUSINESS PARK AND INDUSTRIAL

GENERAL USE	DISTRICTS			
	BP	M-1	M-2	M-3
Junk Yards	N	N	N	N
<u>Recycling, Scrap Metal Processing, and Automobile Wrecking Yard</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>*</u>

SECTION 3. The Section 12-33, General Regulations, of the Town code is amended to read as follows:

(O) FENCES, WALLS AND HEDGES:

(6) All yards used for storage within industrial use areas shall be enclosed with a continuous wall of masonry or pre-cast concrete, no less than eight feet and no more than ten feet high to screen the contents of such yard from the view of the surrounding property.

(9) All masonry screen walls erected in the Town shall be finished on both sides with two (2) coats of cement stucco or be constructed of pre-cast concrete, and painted on both sides.

(U) NUISANCES: (3) Recycling, Scrap Metal Processing and Automobile Wrecking Yard businesses operating under a Town license shall not be deemed a public or private nuisance solely because of the keeping, depositing or storing within the perimeter walls of the premises of any junk, trash, debris, construction materials not being actively used for construction, abandoned, discarded or unused objects or equipment, including, but not limited to, automobiles, scrap metal, boats, trucks or buses, stoves, refrigerators, freezers, trailers, etc. if the operations, activities and management practices otherwise conform with applicable environmental regulations and with the nuisance standards as defined by the Town code.

(X) OUTDOOR ACTIVITIES RESTRICTED: (1) All activities of permitted uses, including but not limited to sale, display, preparation and storage, shall be conducted within a completely enclosed building except as follow:

f. Recycling, Scrap Metal Processing and Automobile Wrecking Yard operations & activities occurring within the perimeter walls.

SECTION 4. The Section 12-34, Detailed Use Regulations – Standards Enumerated, of the Town code is amended to read as follows:

(Q) INDUSTRIAL ACTIVITIES: In the M-1, M-2, and M-3 districts the following uses are permitted: (3) Within the M-3 district only, existing Recycling, Scrap Metal Processing, and Automobile Wrecking Yards and associated ancillary and accessory uses on lands where the property was designated for junkyard use under Hacienda Village or Broward County codes and the existing use is legally permitted under the Town code are allowed to continue. Any redevelopment shall be required to adhere to the Town of Davie Land Development Code existing at the time of redevelopment.

(HH) RECYCLING, SCRAP METAL PROCESSING AND AUTOMOBILE WRECKING YARDS: Shall include all activities generally associated with Recycling, Scrap Metal Processing and Automobile Wrecking Yards, Salvage Yard, Recycling Yard, Auto Wrecking Yard, and Oil Recycling & Reclamation, including open storage of equipment, inventory and materials, but shall not include the permanent on site storage of said inventory or materials, and shall not include the processing of concrete for the purpose of reducing to a powder-like form.

(1) Hours of Operation: Recycling, Scrap Metal Processing and Automobile Wrecking Yard activities shall be conducted after 6:00 a.m. and before 12:00 a.m., Monday

through Sunday, and shall be in conformance with the noise standards in Chapter 15 of the Town code.

- (2) Perimeter Walls: A minimum eight (8) foot maximum 10 foot high wall shall be constructed around the entire perimeter of the site except at points of access to and from the property. The wall shall be set a minimum of ten (10) feet from property lines and landscaped on the outside of the wall pursuant to Section 12-107 (D). The wall shall be solid concrete, masonry or pre-cast wall. When adjacent to a public street, walls shall include additional landscaping or decorative architectural features such as:
- (a) 40 to 80 foot long wall segments staggered into the property a minimum of 5 feet;
 - (b) vines covering the walls;
 - (c) trees adjacent to the inside of the wall;
 - (d) Alternating wall segments constructed of iron or aluminum fencing of equal height to the adjoining wall, with additional landscaping designed to obtain an opaque screen to the on-site activities; and,
 - (e) Enclosed buildings constructed with no setback inside the perimeter wall shall incorporate the perimeter wall as a building wall and shall provide windows through the perimeter wall.

The location of the perimeter wall shall not be placed in the traffic sight triangles per the Town of Davie Code of Ordinances.

- (3) Site Landscaping: Landscaping shall conform to Section 12-107, Landscaping standards for lots and sites as amended herein.
- (4) Site Environmental Monitoring: The site must be provided with environmental monitoring facilities as required by Broward County, the Florida Department of Environmental Protection, and the U.S. EPA
- (5) All toxic chemicals, automobile fluids and petroleum waste must be safely contained and properly disposed.

SECTION 6. The Section 12-83, Table of Conventional Nonresidential Development Standards, of the Town code is amended to read as follows:

	Min.	Min.	Min.				Max.	Max.	Min.	Min.
	Lot	Lot	Lot	Min. Setbacks			Height	Building	Building	Open
	Area	Frontage	Depth	Front	Side	Rear		Coverage	Separation	Space
District	(sf/ac)	(ft.)	(ft.)	(ft.)	(each)	(ft.)	(feet)	(ratio)	(feet)	(ratio)

M-3 (g)	43,560	150	-----	g	g	g	35 ft.	40%	-----	20%
---------	--------	-----	-------	---	---	---	--------	-----	-------	-----

- (6) Twenty-five (25) feet from all street lines except Recycling, Scrap Metal Processing and Automobile Wrecking Yards which shall be zero setback within the perimeter wall; fifty (50) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated residential; ten (10) feet from property lines adjacent to areas zoned, occupied or Land Use Plan designated for nonresidential uses; two hundred (200) feet from all property lines for the manufacture, storage or processing of concrete, cement and lime, and for heavy manufacturing, fabrication and industrial uses, except within the perimeter walls of Recycling, Scrap Metal Processing and Automobile Wrecking Yards.

SECTION 7. The Section 12-107, Landscaping standards for lots and sites, of the Town code is amended to read as follows:

(D) *Commercial and industrial districts.*

2. *Requirements for commercial and industrial districts over twenty thousand feet.*

- (e) In properties used as a Recycling, Scrap Metal Processing and Automobile Wrecking Yard, trees and shrubs shall not be required within the perimeter wall except in connection with the construction of parking areas. Required trees in excess of that which will fit outside of the perimeter wall for a Recycling, Scrap Metal Processing and Automobile Wrecking Yard property may be planted within areas designated by the Town or the equivalent monetary value may be donated to the Town for use in planting trees and shrubs.

8. *Sodding.* All areas not occupied by buildings, walkways, or parking and driveways shall be sodded, except that for Recycling, Scrap Metal Processing and Automobile Wrecking Yard uses, areas interior to the perimeter wall shall not require sodding but may consist of dirt, asphalt and/or concrete.

SECTION 8. The Section 12-208, Requirements for off-street parking, of the Town code is amended to read as follows:

(A) Minimum Requirements: (14) *Manufacturing, wholesale warehousing, distribution centers, and industrial uses, including Recycling, Scrap Metal Processing and Automobile Wrecking Yards*

. One (1) space for each six hundred (600) square feet of floor area of the building plus one (1) space for each three hundred (300) square feet of office use.

SECTION 9. Article XI , Development Review Procedures, is amended to add **Sec. 12-349. Review of applications for development of land formerly in Hacienda Village or unincorporated Broward County currently used for Recycling, Scrap Metal Processing and Automobile Wrecking Yard.** which shall read as follows:

The review of applications for site plans, master plans, and building permits for activities within Recycling, Scrap Metal Processing and Automobile Wrecking Yards that were developed as legal conforming uses under the Hacienda Village or Broward County codes shall be limited in area to that part of the applicant's property that is the subject of the application. The proposed development within the area that is the subject of an application shall conform to the Town code in effect at the time of the application. As long as the use of a property remains a Recycling, Scrap Metal Processing and Automobile Wrecking Yard, applications for building permits to build a new structure or modify an existing structure, or for site plan approval to develop or redevelop a portion of the applicant's property, shall not be subject to the master development plan requirements of Section 12-375 of the Town code.

Commentary: Landowners with an existing Recycling, Scrap Metal Processing, and Automobile Wrecking Yard use developed under the Hacienda Village or Broward County codes were subject to less restrictive use regulations, such as no requirements for open space. As these properties develop and redevelop under the more restrictive use regulations of the Town of Davie Code, such as a 20% open space requirement, the properties will be allowed to come into compliance incrementally by requiring only that part of the property being developed or redeveloped to achieve conformity with the Town code.

SECTION 10. The Section 12-503, Definitions, is amended to add; Recycling, Scrap Metal Processing, and Automobile Wrecking Yard. An establishment or place of business which is maintained, used or operated for recycling, processing, storing, keeping, buying or selling junked, dismantled or wrecked automobiles, vehicles and vessels or any parts thereof, including, but not limited to, oils, gasoline and other fluids and materials salvaged therefrom; and old or scrap batteries, construction and demolition debris, rubber, plastic, copper, brass, aluminum, iron, steel, and other old or scrap organic, ferrous or nonferrous material, but shall not include the processing of concrete for the purpose of reducing to a powder-like form.

SECTION 11. Recycling, Scrap Metal Processing and Automobile Wrecking Yards shall be maintained to protect the public from health nuisances and safety hazards.

SECTION 12. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 13. If any section, subsection, sentence, clause, phrase, title, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 14. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS ____ DAY OF _____, 2007.

PASSED ON SECOND READING THIS ____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2007.

* * * * *

THIS PAGE
INTENTIONALLY
LEFT BLANK

* * * * *

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Bruce Taylor/327-3741

PREPARED BY: Heidi Cavicchia

SUBJECT: Ordinance

AFFECTED DISTRICT: Townwide

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 25 OF THE TOWN CODE ENTITLED "UTILITIES", BY AMENDING SECTION 32 ENTITLED "WATER CONSERVATION" BY REVISING THE MONTHLY WATER RATE CHARGES AND BLOCK ADJUSTMENTS AND PROVIDING FOR YEAR ROUND WATER CONSERVATION, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The current water conservation ordinance is in need of revisions to address commercial use and more accurately define the rate structure for residential use. We are also implementing year round water conservation at the Phase I level of South Florida Water Management District (SFWMD) regulations. We are implementing block rates for residential use and water restriction surcharges based on SFWMD water shortage phases (I, II, III and IV).

PREVIOUS ACTIONS: None

CONCURRENCES: Town Attorney reviewed and approved

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Approval of the Ordinance

Attachment(s): Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 25 OF THE TOWN CODE ENTITLED “UTILITIES“, BY AMENDING SECTION 32 ENTITLED “WATER CONSERVATION” BY REVISING THE MONTHLY WATER RATE CHARGES AND BLOCK ADJUSTMENTS AND PROVIDING FOR YEAR ROUND WATER CONSERVATION, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is in the public interest to establish year round water conservation measures as well as conservation measures during periods of mandated water restrictions as determined by the South Florida Water Management District.

NOW, THEREFORE, BE IT ORDANED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That Chapter 25, Section 32, of the Code of Ordinances of the Town of Davie is hereby amended to read as follows:

Section 25-32 WATER CONSERVATION

The Town of Davie will practice year round water conservation. As such the following block rates will be in effect for all residential customers:

Normal Water Consumption Usage Conservation Blocks	Gallons per month	
Residential		
Base	0	6,000
Second Block*	6,001	9,000
Final Block**	Over	9,000
* = 25% surcharge		
** = 50% surcharge		

Residential accounts consist of the following:

Single-family homes, Mobile homes, Multi-Unit residential with individual meters.

Also, Multi-Unit residential accounts which are master metered will have individual residential unit water consumption calculated by dividing the total flow by the number of units for any and all surcharge calculations including water shortage surcharges.

For all other accounts, including but not limited to non-residential, commercial, institutional, user agreements and sprinkler meter accounts, the following surcharges are in place on all water consumption.

Water Shortage Phase	Water Restriction Surcharge Percentage
Phase I	15%
Phase II	30%
Phase III	45%
Phase IV	60%

In the event that the mandatory water restrictions are lifted by the South Florida Water Management District, the Town of Davie will remain under Phase I restrictions to encourage year round water conservation.

Under Phase I, permitted hours of watering of landscaping are as follows:

Even numbered addresses: Monday, Wednesday and Saturday from 4 am to 8 am.

Odd numbered addresses: Tuesday, Thursday and Sunday from 4 am to 8 am.

Hand watering (with one hose and an automatic shut-off nozzle), car and boat washing (use automatic shut-off nozzle and drain to porous surface) is also permitted from 5 pm to 7 pm according to landscape watering days.

All water use, including but not limited to irrigation systems and all watering of landscaping from any source, municipal utility, surface or well shall adhere to all current and future restriction policy guidelines promulgated under the emergency declarations of the governing Board of Commissioners for the South Florida Water Management District or applicable governing agency.

Violations: A violation of any of the provisions of this section shall result in the general penalties set forth in Section 1-9 of the Town Code or as otherwise provided by law. In accordance with the Water Shortage Emergency Declaration and the implementation of Phase I-IV restrictions as per the Rules of the South Florida Water Management District, including but not limited to Chapter 40E-21 and such revisions promulgated hereafter to the water restriction policy guidelines and the enforcement thereof, the same shall be adopted by reference hereto and said enforcement shall be undertaken by the Town as deemed appropriate in compliance therewith.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 3. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2007.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: Ingrid Allen, Planner II

SUBJECT: Quasi Judicial Hearing: Ordinance, ZB 1-2-06 Brennand / Ronald Wayne Brennand/ 12700 SW 14 Place/ Generally located just west of SW 127th Avenue approximately 140 feet north of SW 15th Mnr..

AFFECTED DISTRICT: 4

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB1-2-06, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM MH-1, MOBILE HOME RESIDENTIAL DISTRICT TO R-1, ESTATE DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

REPORT IN BRIEF: The petitioner is requesting to rezone the subject site from MH-1, Mobile Home Residential District, to R-1, Estate Dwelling District, in order to allow the construction of one (1) concrete block single family home. According to the petitioner, Hurricane Wilma destroyed the roof of their mobile home making it uninhabitable. As a result, the petitioner wishes to construct a concrete block home. The current zoning district of MH-1, Mobile Home Residential District, does not permit a single family dwelling unit and therefore it is required that the petitioner rezone the subject site to the R-1, Estate Dwelling District, zoning designation. The R-1, Estate Dwelling District, zoning designation does permit the construction of a single family dwelling unit and is consistent with the underlying land use designation for this subject property of Residential 1 DU/AC.

PREVIOUS ACTIONS: none

CONCURRENCES: At the April 11, 2007 Planning and Zoning Board meeting, Vice-Chair McLaughlin made a motion, seconded by Mr. Stevens, to approve ZB 1-2-06. **(Motion carried 5-0).**

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: \$

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

8. **Attachment(s):** Ordinance, staff report, citizen participation report, justification letter, survey, conceptual site plan, resident letters, Future Land Use Plan Map, Zoning and Aerial Map

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 1-2-06, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM MH-1, MOBILE HOME RESIDENTIAL DISTRICT TO R-1, ESTATE DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from MH-1, Mobile Home Residential District **TO:** R-1, Estate Dwelling District;

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from MH-1, Mobile Home Residential District **TO:** R-1, Estate Dwelling District;

a. The subject property is described in Exhibit "A," which is attached hereto and made a part hereof;

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as R-1, Estate Dwelling District.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2007.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2007.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007.

Surrounding Future Land Use Plan Map Designations:

North: Residential 1 DU/AC
South: Special Classification Residential 4 DU/AC
East: Residential 1 DU/AC
West: Residential 1 DU/AC

Surrounding Zoning:

North: MH-1, Mobile Home Residential District
South: PRD-4, Planned Residential District
East: A-1, Agricultural District
West: MH-1, Mobile Home Residential District

Zoning History

Plat: The plat, Grove Park Estates Addition, was accepted for record by the Board of Commissioners of Broward County on July 23, 1968, and subsequently recorded in Plat Book 66, Page 27.

Applicable Codes and Ordinances

Section 12-307 of the Land Development Code, review for rezonings.

§12-24 (I) (2) Estate Dwelling (R-1) District. The R-1 District is intended to implement the one (1) dwelling unit per acre residential classification of the Town of Davie Comprehensive Plan and to provide estate residential areas with most of the noncommercial agricultural uses permitted providing a transition from agricultural land to residential dwelling units.

§12-81A Conventional Single-Family Development Standards, R-1, Estate Dwelling District requires the following minimums: lot area of 35,000 square feet, 125' lot frontage, 30-40' front setback, 25' side setback, 30' rear setback, 35' maximum height, and 25% maximum building coverage.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 113.

Applicable Goals, Objectives & Policies: *Future Land Use Plan, Objective 5: Consistency of Development with Comprehensive Plan, Policy 5-2:* The (re)zoning, (re)planning, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Use portion of the Implementation Section.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-2: No property within the Town shall be rezoned to a zoning district that is not in compliance with the Davie Future Land Use Plan.

Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Public Participation

The public participation process provides the ability for citizens of the Town of Davie to actively participate in the Town's development procedures. The petitioner conducted two (2) public meetings which were held at the Davie Nob Hill Police Station Community Room on September 11, 2006 and September 19, 2006. Attached is the applicant's Citizen Participation Report.

Application Details

The petitioner is requesting to rezone the subject site from MH-1, Mobile Home Residential District, to R-1, Estate Dwelling District, in order to allow the construction of one (1) single family home. According to the petitioner, Hurricane Wilma destroyed the roof of their existing mobile home making it uninhabitable. As a result, the petitioner wishes to construct a concrete block home. The current zoning district of MH-1, Mobile Home Residential District, does not permit a single family dwelling unit and therefore it is required that the petitioner rezone the subject site to R-1, Estate Dwelling District, which does permit the construction of a single family dwelling unit and which is consistent with the underlying land use designation of Residential 1 DU/AC.

Staff Analysis

The purpose of this rezoning request is to allow for the eventual construction of a single family home which requires that the petitioner rezone the subject site from the existing MH-1, Mobile Home Residential District, which does not permit single family residences to R-1, Estate Dwelling District, which does permit single family residences. According to the Land Development Code, Section 12-81A Conventional Single-Family Development Standards, the .94 acre site meets the 35,000 square foot minimum lot area requirement and the 125 foot minimum lot frontage requirement of the R-1, Estate Dwelling District.

Designating the subject site to the proposed R-1, Estate Dwelling District, zoning designation is compatible with the adjacent zoning designation of A-1, Agricultural District, to the immediate east and PRD-4, Planned Residential District, to the immediate south. Both zoning districts permit single family residences. The adjacent zoning district of MH-1, Mobile Home Residential District, to the immediate north and west can be considered compatible with the proposed zoning designation of R-1, Estate Dwelling District, being that the density will remain the same. Although the type of housing unit will change from a mobile home to a single family home, the proposed rezoning will still only permit one housing unit.

According to the Town's Comprehensive Plan, single family dwelling units are allowed in the R1, Residential 1 Dwelling Unit per Acre, land use category provided such development is compatible with and does not adversely affect the development of surrounding land for designated purposes. The

proposed rezoning to R-1, Estate Dwelling District, is compatible with the surrounding land use category of Residential 1 Dwelling per Acre to the immediate north, east and west of the subject site and equally compatible to the land use category of Special Classification Residential 4 DU/AC to the immediate south.

The petitioner has submitted a conceptual site plan (see Exhibit #4) indicating the construction of a 2,500 square foot single family home. The petitioner will be required to comply with the development standards of the Land Development Code for the R-1, Estate Dwelling District, to include minimum yard setbacks, maximum height, and maximum building coverage. The petitioner has also submitted a declaration of unity of title indicating that the subject property shall be considered as one plot and parcel of land.

Staff Findings of Fact

Rezoning:

Section 12-307(A) (1):

The following findings of facts apply to the rezoning request:

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The Town of Davie Comprehensive Plan permits single family dwelling units within the Residential 1 DU/AC Future Land Use Plan Map designation and therefore rezoning the site to R-1, Estate Dwelling District, is compatible with the underlying land use category.

- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

Designating the subject site to the proposed R-1, Estate Dwelling District, is compatible with the adjacent zoning designation of A-1, Agricultural District, to the immediate east and PRD-4, Planned Residential District, to the immediate south. Both zoning districts permit single family residences. The adjacent zoning district of MH-1, Mobile Home Residential District, to the immediate north and west can be considered compatible with the proposed rezoning to R-1, Estate Dwelling District, being that the density will remain the same. The proposed rezoning will still allow for one housing unit to be constructed although the permitted type of housing unit would go from a mobile home to a single family residence.

- (c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;

The existing MH-1, Mobile Home Residential District, boundaries are the original zoning boundaries and are logically drawn.

- (d) The proposed change is not expected to adversely affect living conditions in the neighborhood;

Designating the site R-1, Estate Dwelling District, in order to allow for the construction of a single family home is not expected to have a negative impact on the neighborhood. Single family residences are permitted in the Residential 1 DU/AC land use category. The Land Development Code requires that the subject site be designed to account for the adjacent uses by providing for minimum setbacks, limiting building height, and maximum building coverage.

- (e) The proposed change may not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

The proposed rezoning from MH-1, Mobile Home Residential District, to R-1, Estate Dwelling District, may not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with the permitted density of the underlying land use plan designation being that the density would not change as a result of the rezoning. Although the type of housing unit permitted would change from a mobile home to a single family residence, the density would not.

- (f) The proposed change is not expected to adversely affect other property values;

The proposed rezoning from MH-1, Mobile Home Residential District, to R-1, Estate Dwelling District, is not expected to adversely affect other property values as the Town of Davie code will ensure that construction of the proposed single family home be done in accordance with the Town of Davie Land Development Regulations.

- (g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

Designating the subject site R-1, Estate Dwelling District, will not cause the adjoining property owners from continuing to utilize the property as it is now, or how it can be used.

- (h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

Approval of this rezoning request will not give the owner a unique benefit that harms the welfare of the general public. The request is consistent with the Future Land Use Plan Map designation of Residential (1 DU/AC).

- (i) There are not substantial reasons why the property cannot be used in accord with existing zoning.

The existing zoning designation of MH-1, Mobile Home Residential District, does permit the subject site to be developed with a mobile home however, due to the fact that the petitioner's mobile home roof was lost as a result of Hurricane Wilma, it is the petitioner's intent to build a concrete block home.

- (j) The proposed zoning designation may be the most appropriate designation to enhance the Town's tax base given the site's location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

Designating the subject site R-1, Estate Dwelling District, will allow for the parcel to be developed in a manner consistent with the land use, and hence, be the most appropriate designation to enhance the Town's tax base.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Planning and Zoning Board Recommendation

At the April 11, 2007 Planning and Zoning Board meeting, Vice-Chair McLaughlin made a motion, seconded by Mr. Stevens, to approve ZB 1-2-06. **(Motion carried 5-0).**

Town Council Action

Exhibits

1. Citizen Participation Report
9. Justification
10. Survey
11. Conceptual Site Plan
12. Resident letters
13. Future Land Use Plan Map
14. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

October 24, 2006

Mr David Abramson
Town of Davie
6901 Orange Drive
Davie, FL 33314

Re: Rezoning Application No. ZB 01-2-06
Citizen Participation Report

Dear Mr. Abramson:

In Accordance with the Town of Davie's Citizen Participation Ordinance and the "Citizen Participation Plan" which was previously submitted to the Town, we have held two (2) meetings with the neighbors. The following is a summary of the process which was followed.

On August 20th, 2006, a meeting notice was mailed to all property owners within 1,000 feet of the subject property, a copy of which is attached for reference. A total of 172 notification letters were mailed. The Citizen Participation meetings were held at the Davie Nob Hill Police Station Community Room on September 11th, 2006 at 10:00am and September 19th, 2006 at 6:00pm. A summary of the participants and the meeting discussion are attached, which include:

Exhibit "A" – Summary of Discussion at the September 11th, 2006 meeting
Exhibit "B" – Sign-in sheet for September 11th, 2006 meeting
Exhibit "C" – Summary of Discussion at the September 19th, 2006 meeting
Exhibit "D" – Sign-in sheet for September 19th, 2006 meeting
Exhibit "E" – Notification Letter sent all residents with-in 1000 feet

I trust this information will comply with the town's requirements and will allow the Town staff to proceed with the review of the rezoning application. Should you have any questions or need any additional information, please feel free to call 954-638-8187.

Sincerely,



Ron Brennand

enc.

“Exhibit A”

Summary of Discussion on September 11th, 2006

**Citizen Participation Meeting for
The Brennand Plat Rezoning Application**

REZONING APPLICATION NO. ZB 01-2-06

The first of two (2) Citizen Participation meetings was held on September 11th, 2006 at 10:00 am in the Community Room of the Davie Nob Hill Police Station, and was attended by 4 neighbors. The results of the meeting are hereby summarized in this “Citizen Participation Report”. The sign-in sheet for this meeting is attached and labeled as “Exhibit B”.

Ronald Brennand opened the meeting and explained the Town’s Citizen Participation Ordinance. He explained to those in attendance that they would also have the opportunity to speak and raise their concerns at the Planning and Zoning Board and Town Council public hearings.

Mr. Brennand explained to those in attendance that a rezoning application has been filed with the Town of Davie for the 1-acre parcel located at 12700 SW 14th Place. The property is the last lot in Grove Park Estates, which is on the eastside of 130th Ave just south of 14th Street. The property is currently zoned MH-1 (Mobile Home). The rezoning request is to change the zoning district to R-1 (Residential) with the intent to build a single-family concrete block home on the property.

A discussion with the neighbors ensued. Richard Green stated that he lived down the street and that he would support the change especially if he could obtain dual zoning for his property. He said that he has no specific plans to make any changes to his property but that he would like having the option. Mr. Brennand said he doubted that dual zoning would be possible but that Mr. Green would need to consult the Planning and Zoning Department and possibly file an application for rezoning if he was interested in pursuing the matter.

“Exhibit A”

Lou Mazzoli who resides immediately to the west and adjacent to the property said he supported the rezoning as long as it didn't affect his current zoning or taxes in anyway. Mr. Brennand assured Mr. Mazzoli that the application was for the property at 12700 SW 14th PL and did not have any bearing on any other properties in the development. Mr. Brennand again offered that Mr. Mazzoli would also need to submit his own request for rezoning before his property would be subject to any changes.

The remainder of the meeting then dissolved into a discussion of unrelated neighborhood interests. Mr. Brennand told everyone that he would be preparing a report summarizing today's discussion, which he would be submitting to the Town staff. He said that if anyone wanted to put their comments in writing that they would be included as attachments to the Citizen Participation Report.

The meeting was adjourned at Noon.

REZONING APPLICATION NO. ZB 01-2-06

Page 2 of 2

Sign #
Log

Mon Sept 11, 2006

Exhibit "B"

NAME

- 1) Brennan, Ron
- 2) Green, Richard
- 3) MAZZOLELO
- 4) Torres, Pamela
- ~~5) Duff, Emily~~

“Exhibit C”

Summary of Discussion on September 19th, 2006

**Citizen Participation Meeting for
The Brennand Plat Rezoning Application**

REZONING APPLICATION NO. ZB 01-2-06

The second of two (2) Citizen Participation meetings was held September 19th, 2006 at 6:00 pm in the Community Room of the Davie Nob Hill Police Station, and was attended by 2 neighbors. The sign-in sheet for this meeting is attached and labeled as Exhibit “D”.

Ronald Brennand opened the meeting and explained the Town’s Citizen Participation Ordinance. He also provided a summary of the rezoning request, which had been submitted to the Town of Davie. He then explained to those in attendance that they would also have the opportunity to speak and raise their concerns at the Planning and Zoning Board and Town Council public hearings.

After a brief recap of the first meeting, a discussion with the neighbors ensued. Cindy Duffy expressed her interest in the possibility of a dual zoning option. Mr. Brennand explained that the rezoning request was only for his property. He also suggested that she would need to consult the Planning and Zoning Department about any specific changes she might wish to make to her property.

There were no further issues brought forward for discussion concerning the request to rezone. Mr. Brennand told everyone that the meeting would be summarized in the Citizen Participation Report, which he would be submitted to the Town staff and welcomed any written comments that anyone wished to submit for inclusion.

The meeting was adjourned at 9:00pm.

Sign IN

Sept. 19 2006

Exhibit "D"

NAME

J. Duffy Saly

Larry Couley

Larry Couley

“Exhibit E”

October 24, 2006

12700 SW 14th Place
Davie, FL 33325
RE: Rezoning Application # ZB 1-2-06

Dear Neighbor::

This letter is to invite you to a citizen participation meeting pertaining to our application for the request to rezone our property located at 12700 SW 14th Place Davie, FL 33325. This Request for change is from its current, Mobile Home (MH1) to Residential (R1). We wish to build a single family concrete block home on a slab. The lot size is over one acre, there by, satisfying the Town of Davie land-use requirements.

Under the Town of Davie ordinance, we are required to hold two (2) citizen participation meetings and send notice to all property owners within 1,000 feet of the site before the Town will initiate their review of the rezoning application. We have scheduled the following meetings.

First Meeting: Date: Monday September 11th, 2006
 Time: 10:00am - Noon
 Location: Davie Community Room at Police Dept (Nob Hill Office)
 1230 South Nob Hill Rd
 Davie, FL 33325

Second Meeting: Date: Tuesday September 19th, 2006
 Time: 6:00 pm – 9:00 pm
 Location: Davie Community Room at Police Dept (Nob Hill Office)
 1230 South Nob Hill Rd
 Davie, FL 33325

Also, please be advised that there will be additional opportunities for public input at the Planning and Zoning Board and Town Council public meetings. If you wish to submit written comments, please send them to:

Planning and Zoning Division
#ZB 1-2-06
6591 Orange Drive
Davie, FL 33314

Thank you,

Ronald Brennand

12700 SW 14TH PLACE * DAVIE, FL * 33325
PHONE: 954.638.8187

Development Services Department
6591 Orange Drive
Davie, FL 33314

January 18th, 2005

Re: Rezoning Application
Parcel Control ID 10014.04.00600
Grove Park Estates Addition
12700 Southwest 14th Place
Davie, FL USA

Dear Sir or Madam;

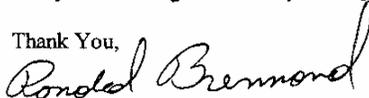
Please allow me to introduce my family and myself. My name is Ronald Brennand of 12700 SW 14th Place Davie, FL. I have been a resident of Davie since 1971. I am proud to have served in the Navy as a Gas Turbine Electrician and am still an active Navy Reservist. I presently own Leading Edge Lawn Service in addition to holding down a night job. My wife works at T J Maxx in Sawgrass and our son Vlad attends Indian Trail Middle School. We are long time taxpayers and fellow residents of Davie in need of your assistance.

This past year was tough. We lost the roof to our mobile home from Hurricane Wilma. After spending sometime at the Red Cross shelter Fema has provided us with a 4 person travel trailer to live in for the next 12 months. The National Hurricane Center says that we can expect the trend to include more hurricanes over the next five to ten years. Like yourself, I only wish to provide a safe home for my family.

I, on the behalf of my family am requesting a zoning change from MH1 to R1. I wish to build a modest concrete block home to protect my family.

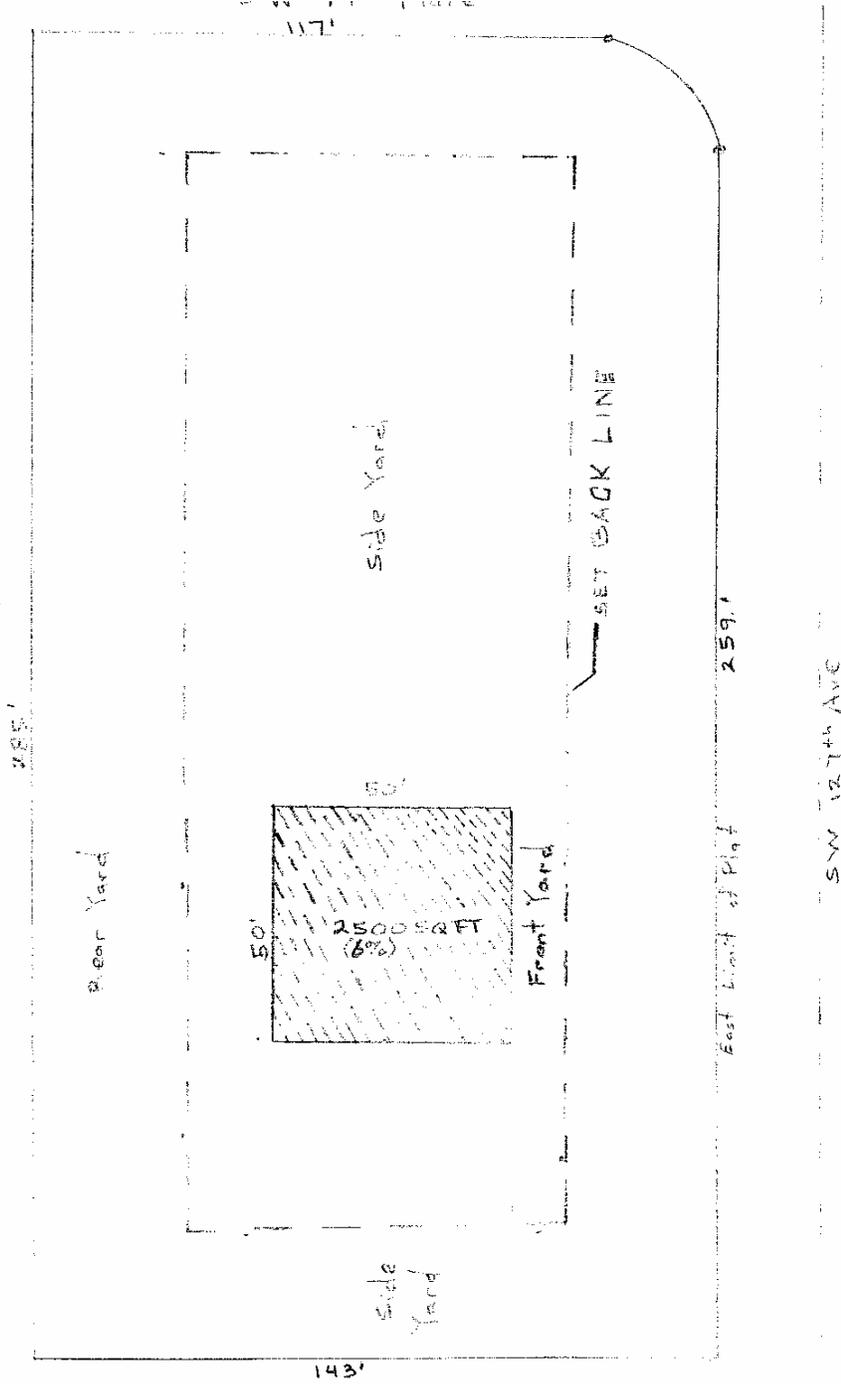
The enclosed survey shows my property meets the minimum requirement of one acre in size. It should be noted that contiguous parcels have recently been rezoned from A1 to R1. Unfortunately, we cannot afford the homes being built next door. I have reviewed the Town of Davie Land Development code Section 12-307 Review for Rezoning; and found my request to be in accordance with the list of 10 requirements on the final page of the Rezoning Application. If anyone can ask the question why this should not be then let him call on me anytime. So I can answer, 954-638-8187 or stop by and see us. My family and I have great faith in your helpful and prompt assistance.

Thank You,



Ronald Brennand

conceptual drawing

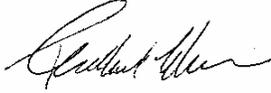


PLANNING AND ZONING DIVISION
6591 ORANGE DRIVE
DAVIE, FL 33314

ATTN: INGRID ALLEN
RE: ZB 1-2-06

One of my neighbors has applied for a zoning change at his property. He is asking for spot zoning change in a property which to my knowledge is deed restricted to MH-1. I would oppose that change unless the Town of Davie would make the change for the entire Grove Park Estates to dual zoning. This would allow other lot owners the privilege of either MH-1 or R-1. With the issue of affordable housing for residents of Davie, I feel that the Town of Davie should be supportive of a dual zoning change for the entire Grove Park Estates Platt. This would allow 1500 to 2400 square foot homes to be built as low cost housing for residents who chose to build new construction or maintain existing and or new manufactured homes at the present plat known as Grove Park Estates.

Thank you



Richard Green
12920 SW 14 Ct
Davie, Fl. 33325

ID # 5040 14 03 0140

Regarding: Ronald Brennard 09/20/06
12700 SW 14 Place
Davie FL 33325
Application to Rezone

Dear Planning & Zoning Dept.

I received a letter from Ronald and attended that ^{1st} meeting. I would like to ask a few questions:

- 1) Do you spot zone?
- 2) Will my property and the others in the park remain MH-1?
- 3) If something should happen to our homes, Hurricanes, fire, etc. would we be able to replace with a mobile home, or be forced to replace with a Site Built house?

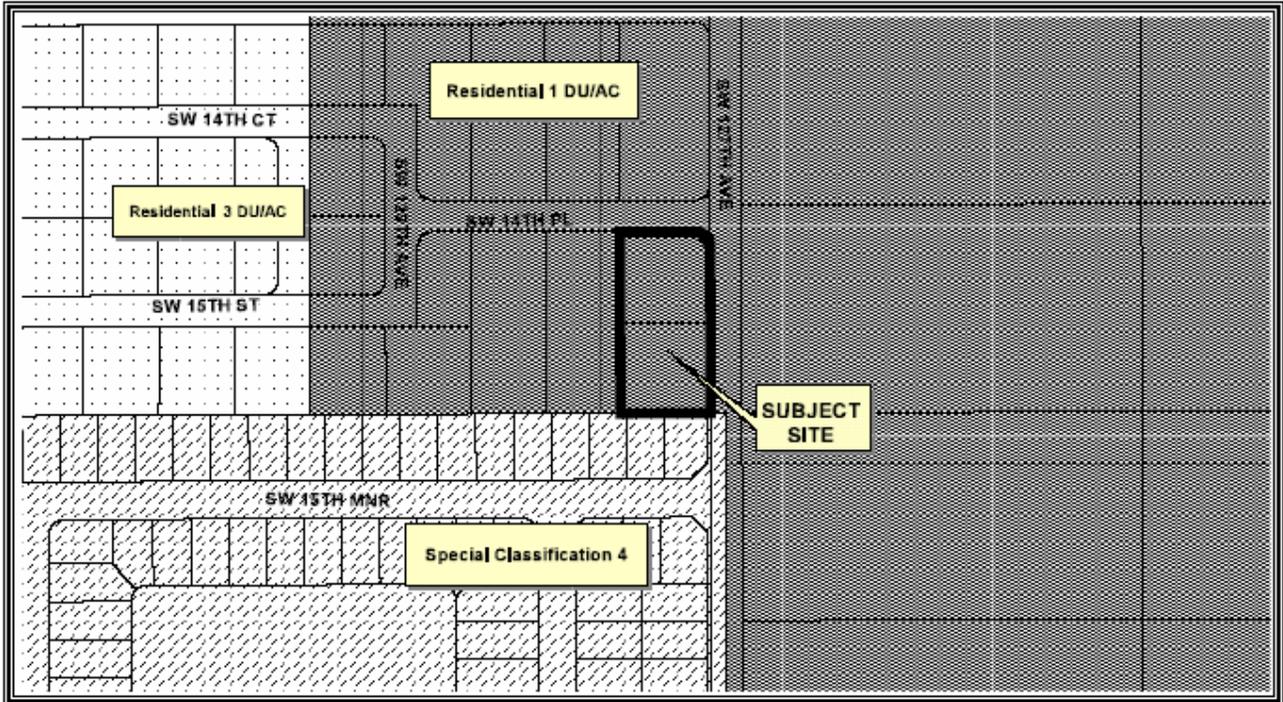
please give me an answer to
my questions! Your help
in this matter is greatly
appreciated!

I reside next door at:
Pamela + Jorge Torres
12750 SW 14 Place
Davie, FL 33325
Ph# (954) 915-6641

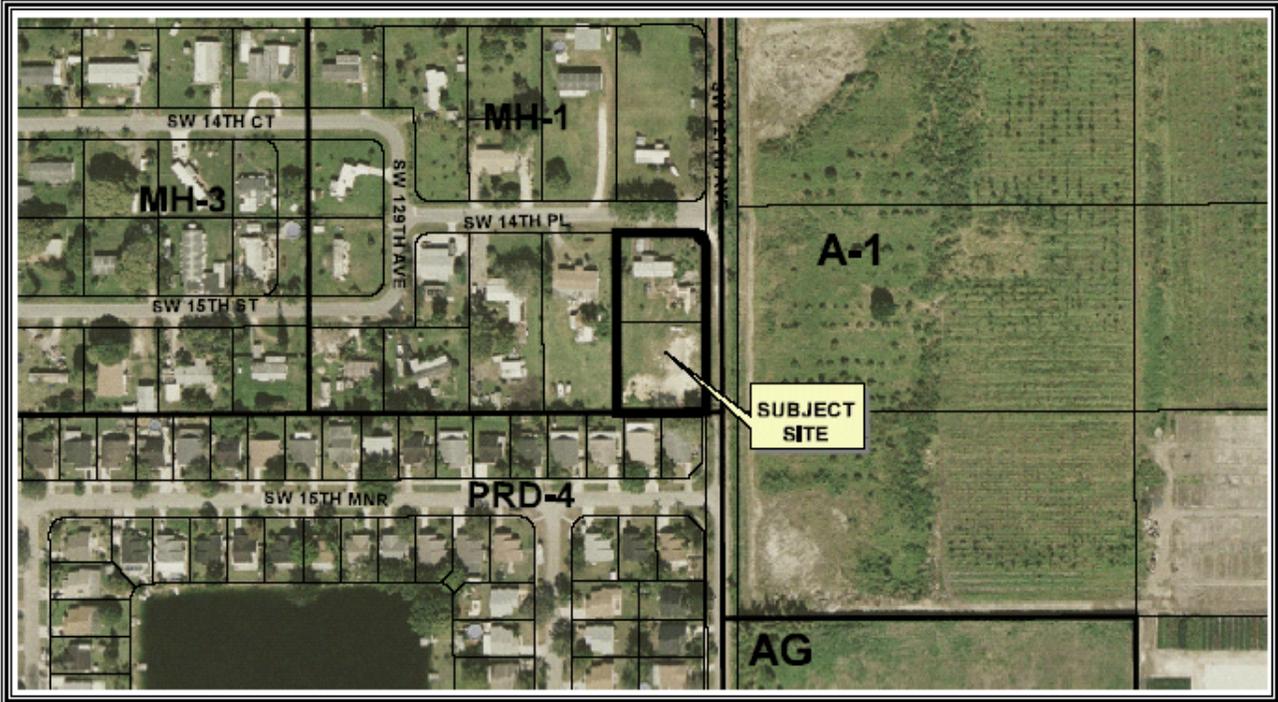
Sincerely,

Pamela G. Torres

PS If it affects myself and the
others what do we need to
do?



<p>Prepared by the Town of Davie GIS Division</p>		<p>REZONING ZB 1-2-06 Future Land Use Map</p> <p>Prepared By: [ID] Date Prepared: 3/23/06</p>
---------------------------------------------------	--	-----------------------------------------------------------------------------------------------------------------------------------



<p>Date Flown: 12/31/04</p> <p style="text-align: center;">N ↑</p> <p style="text-align: center;">200 0 200 400 Feet</p> <p style="text-align: center;">Prepared by the Town of Davie GIS Division</p>		<p style="text-align: center;">REZONING ZB 1-2-06 Zoning and Aerial Map</p> <p><small>Prepared By: ID Date Prepared: 3/23/06</small></p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director / (954) 797-1101

PREPARED BY: David M. Abramson, Planner III

SUBJECT: Quasi Judicial Hearing: Rezoning Application, ZB 6-1-06/Rountree/ 6850 State Road 84/Generally located on the northeast corner of Oakes and Burriss Road

AFFECTED DISTRICT: District 1

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 6-1-06, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-3 HACIENDA VILLAGE TO M-3, PLANNED INDUSTRIAL PARK DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

The petitioner (Linda Strutt Consulting, Inc.) requests to rezone subject site located on the northeast corner of Oakes and Burriss Road from M-3, Hacienda Village to M-3, Planned Industrial Park District. The subject site has been developed for industrial uses consisting of one (1) office and three (3) industrial buildings totaling approximately 3,000 and 15,280 square feet, respectively. The petitioner is proposing two (2) new additional industrial use buildings on the subject site. Additionally, the petitioner is also modifying the existing site including new parking stalls, load spaces, and an exterior landscape buffer with sidewalk and an eight (8) foot high concrete wall along the southern and western boundary lines.

The subject site's zoning of M-3, Hacienda Village District is not a valid Town of Davie zoning district. Therefore, as a condition of the associated plat approval and Land Development Code requirements, the subject site must be rezoned to a Town designation.

The subject site is also located within the proposed State Road 7/U.S. 441/Transit Oriented Corridor (TOC). The property owner will attempt to adhere to the future code requirements during the redevelopment of the subject site.

The proposed M-3, Planned Industrial Park District zoning permits for the development of industrial uses without giving up the more desirable uses allowed under the M-3, Hacienda Village. The M-3, Planned Industrial Park District zoning would prohibit undesirable industrial uses that are permitted by M-3, Hacienda Village.

This request to rezone is also consistent with the Comprehensive Plan and Land Development Code. Development of this site as proposed does not exceed what was anticipated by the Future Land Use Plan Map designation, which is Industrial. Furthermore, the proposed M-3, Planned Industrial Park District is compatible with the other surrounding Zoning Districts and Future Land Use Plan Map designations.

PREVIOUS ACTIONS: None

CONCURRENCES:

At the April 11, 2007 Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Ms. Turin, to approve rezoning application, ZB 6-1-06/Rountree. (**Motion carried 4-0, Vice-Chair McLaughlin abstained**)

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S):

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions shall be met:

7. Contingent upon approval of the following development applications:
 - a. *Plat Application (P 6-3-06), Rountree Plat*

Attachment(s): Ordinance, Planning Report

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 6-1-06, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-3 HACIENDA VILLAGE TO M-3, PLANNED INDUSTRIAL PARK DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed **FROM: M-3, Hacienda Village TO: M-3, Planned Industrial Park District;**

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from M-3, Hacienda Village to M-3, Planned Industrial Park District;

- a. The subject property is described in Exhibit "A," which is attached hereto and made a part hereof;

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as M-3, Planned Industrial Park District.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2007.

PASSED ON SECOND READING THIS _____ DAY OF _____, 2007.

ATTEST:

MAYOR/COUNCILMEMBER

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007.

Surrounding Zoning(s):

North: M-3, Hacienda Village District
South: M-3 (County), Intense Manufacturing and Industrial District
East: M-3, Hacienda Village District
West: M-3, Hacienda Village District

Zoning History

Related Zoning History:

Records indicate that the existing Future Land Use Plan Map designation and Zoning classification were in place at the time of annexation.

Previous Request(s) on same property: n/a

Concurrent Request on same property:

Plat Application (P 6-3-06), the petitioner requests plat approval the plat known as the “Rountree Plat”s.

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Land Development Code (Section 12-307), Review for rezonings.

Land Development Code, Article IX of the Land Development Code, Rural Lifestyle Regulations.

Land Development Code (Section 12-2), *Legislative intent*, This chapter conforms to the Town of Davie Comprehensive Plan, and furthers the goals, objectives and policies contained herein. Further, this chapter is in conformance with Chapter 163, Florida Statutes. This chapter conforms with Chapter 171, Florida Statutes relating to the effects of annexation on the zoning of annexed areas. All real property within the town shall be designated with a valid Town of Davie zoning district as established in the Land Development Code, Chapter 12, Article II prior to issuance of a development permit.

Land Development Code (Section 12-24), *(I) (9) Planned Industrial Park (M-3) District*, The M-3 District is intended to implement the industrial classification of the Town of Davie Comprehensive Plan by providing for planned industrial parks which can accommodate light, medium or selected heavier industrial uses in an open, uncrowded and attractive manner through limitations on setbacks and coverage. M-3 districts are not intended for locations abutting residential property.

Comprehensive Plan Considerations

Planning Area:

The subject property falls within Planning Area 6. Planning Area 6 includes lands located south of State Road 84, east of University Drive and north of Nova Drive, together with lands located east of the Florida Turnpike and west of State Road 7, south of State Road 84 and north of the south Town limits. The majority of this planning area is industrially zoned and land used plan designated. There are small commercial parcels along the State Road 7 corridor with one large retail center being located on the southeast corner of University Drive and State Road 84. Commercial flexibility has been applied to parcels on Nova Drive.

Broward County Land Use Plan:

The subject site falls within Flexibility Zone 58.

Applicable Goals, Objectives & Policies:

Future Land Use Plan, Policy 5-2: The (re)zoning, (re)plating, and site planning of land shall be in compliance with the density ranges shown on the Davie Future Land Use Plan map and the applicable Future Land Use Designation provisions as contained in the Permitted Use portion of the Implementation Section.

Future Land Use Plan, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Application Details

The subject site has been developed for industrial uses consisting of one (1) office and three (3) industrial buildings totaling approximately 3,000 and 15,280 square feet, respectively. The petitioner is proposing two (2) new additional industrial use buildings on the subject site. Additionally, the petitioner is also modifying the existing site including new parking stalls, load spaces, and an exterior landscape buffer with sidewalk and an eight (8) foot high concrete wall along the southern and western boundary lines.

The subject site is presently zoned M-3, Hacienda Village District. To the north, east, and west of the subject site are industrial buildings and uses zoned M-3, Hacienda Village District. And to the south of the subject site is Alder Oaks and McKenzie Tank Line zoned M-3 (County), Intense Manufacturing and Industrial District.

The subject site's zoning of M-3, Hacienda Village District is not a valid Town of Davie zoning district. Therefore, as a condition of the plat approval and a Land Development Code requirement, the property owner must rezone the 6.61 acre subject site to a Town designation.

Public Participation

The public participation process provides the ability for citizens of the Town of Davie to actively participate in the Town's development procedures. The petitioner originally conducted meetings with the public on July 25, 2006 and August 3, 2006 at the Town of Davie Pioneer Room. Attached is the petitioner's citizen participation information.

Staff Analysis

The purpose of this request is to rezone the subject site from M-3, Hacienda Village District to a valid Town of Davie zoning district, M-3, Planned Industrial Park District. This request is in conformance with Land Development Code, Section 12-2, requiring all parcels under development to be designated with a Town of Davie zoning designation.

The subject site is also located within the proposed State Road 7/U.S. 441/Transit Oriented Corridor (TOC). The property owner will attempt to adhere to the future code requirements during the redevelopment of the subject site.

The proposed M-3, Planned Industrial Park District zoning permits for the development of industrial uses without giving up the more desirable uses allowed under the M-3, Hacienda Village. The M-3, Planned Industrial Park District zoning would prohibit undesirable industrial uses that are permitted by M-3, Hacienda Village.

This request to rezone is also consistent with the Comprehensive Plan and Land Development Code. Development of this site as proposed does not exceed what was anticipated by the Future Land Use Plan Map designation, which is Industrial. Furthermore, the proposed M-3, Planned Industrial Park District is compatible with the other surrounding Zoning Districts and Future Land Use Plan Map designations.

Staff Findings of Fact

Rezoning:

Section 12-307(A) (1):

The following staff findings of facts apply to the rezoning request:

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The petitioner does not need to submit a Land Use Plan Amendment to change the subject site. Based upon approval, at second reading, of the proposed amendment, the proposed zoning designation of (M-3) Planned Industrial Park District will be consistent with the underlying land use category of Industrial.

- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

The north, east, and west properties are zoned M-3, Hacienda Village District, and to the south is zoned M-3 (County), Intense Manufacturing and Industrial District. Although none of adjacent areas are specifically zoned M-3, Planned Industrial Park District designation, it will blend together with the surrounding industrial uses. However, when the surrounding parcels redevelop, they will also be required to rezone to a valid Town of Davie zoning district. Additionally, the existing uses in the surrounding area are zoned industrial.

- (c) Existing zoning district boundaries are logically drawn in relation to existing conditions on the property proposed for change;

The existing M-3, Hacienda Village District boundary lines are logically drawn, however the proposed designation to M-3, Planned Industrial Park District is a valid Town of Davie zoning district.

- (d) The proposed change will not adversely affect living conditions in the neighborhood;

Presently, there are no residential neighborhoods adjacent to the subject site. Therefore, the proposed M-3, Planned Industrial Park District designation would not have undesirable impacts on living conditions in the immediate area. By eliminating the M-3, Hacienda Village District, living conditions should improve now that the subject site is reviewed under the zoning regulations of the Town of Davie. Additionally, the subject site is already developed with this use.

- (e) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

Rezoning the subject site from M-3, Hacienda Village District to M-3, Planned Industrial Park District will not increase traffic due to the fact that the site is already developed and

shall be platted with industrial uses. All required road concurrency will be addressed at the time of platting.

- (f) The proposed change will not adversely affect other property values;

Rezoning the subject site from M-3, Hacienda Village District to M-3, Planned Industrial Park District will have a positive impact on surrounding property values as the Town of Davie code will ensure that redevelopment will be done in accordance with the Town of Davie Land Development Regulations.

- (g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

The proposed change will be developed in accordance with existing land development regulations. Surrounding property will be able to develop in accordance with all exiting land development regulation.

- (h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

Any property owner may request a rezoning consistent with the underlying land use plan category.

- (i) There are substantial reasons why the property cannot be used in accord with existing zoning.

The existing M-3, Hacienda Village District is not a valid Town of Davie zoning district. Therefore, as a condition of the plat approval for this subject site, the Town required the applicant to rezone the property to a current Town of Davie District.

- (j) The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

Designating the site M-3, Planned Industrial Park District will allow for the parcel to be developed in a manner consistent with the land use, and hence, be the most appropriate designation to enhance the Town's tax base.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration. In addition, the following conditions shall be met:

1. Contingent upon approval of the following development applications:
 - a. *Plat Application (P 6-3-06), Rountree Plat*

Planning and Zoning Recommendation

At the April 11, 2007 Planning and Zoning Board meeting, Mr. Stevens made a motion, seconded by Ms. Turin, to approve rezoning application, ZB 6-1-06/Rountree. **(Motion carried 4-0, Vice-Chair McLaughlin abstained)**

Town Council Action

Exhibits

1. Justification Letter
 2. Survey
 3. Proposed Site Plan
 4. 1,000' Mail out Radius Map
 5. Property Owners within 1,000' of the Subject Site
 6. Public Participation Plan
 7. Public Participation Notice
 8. Public Participation Sign-in Sheet
 9. Public Participation Summaries
 10. Future Land Use Plan Map
 11. Aerial, Zoning, and Subject Site Map
-

Prepared by: _____

Reviewed by: _____

File Location: P&Z\Development Applications\Applications\ZB_Rezoning\ZB_06\ZB 6-1-06 Roundtree Industrial

Exhibit 1 (Justification Letter)

Rountree Industrial REQUEST FOR REZONING

JUSTIFICATION

Reason for the Request:

The subject property is a 6.6-acre parcel in the northeast quadrant of the intersection of Oakes Road (SW 36th Street) and Burris Road (SW 46th Avenue) in the Town of Davie. The property was annexed into the Town of Davie from Hacienda Village and currently retains the M-3 Hacienda Village zoning designation. It is currently designated Industrial on both the County and the Town Future Land Use maps.

The applicant is seeking to add structures to the site which triggers the Town's requirement to change the zoning to a Town category. The request is to rezone the property to M-3 Planned Industrial Park, which is the Town zoning category most comparable to the existing zoning designation on the property. The M-3 District is intended to implement the Industrial classification of the Town of Davie Comprehensive Plan by providing for planned industrial parks which can accommodate light, medium or selected heavier industrial uses in an open, uncrowded and attractive manner through limitations on setbacks and coverage. The surrounding properties are also designated industrial; many retain Hacienda Village industrial zoning classifications.

The proposed expansion also generates the need to re-plat the property. In addition to the rezoning request, a plat application and conceptual site plan have been filed with the Town and are being processed concurrent with this rezoning request. Recognizing that the subject property is located within the corridor of the Town's proposed TOC district, the applicant has agreed to work with staff to develop a site plan which forwards the objectives of the proposed TOC district even though the new form-based zoning district has not yet been adopted by Town Council.

As noted in the following section, this request is consistent with all of the Town's criteria for rezoning, is consistent with the current use of the site and the surrounding area.

Section 12-307(A)(1) Criteria

(a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The zoning request is consistent with all elements of the Town's adopted comprehensive plan as well as the draft recommendations of the Town's Evaluation and Appraisal Report.

(b) The proposed change would not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

Most of the surrounding area retains Hacienda Village or Broward County industrial zoning. The balance has been re-zoned to the Town's M-3 zoning category. Since the entire area is designated Industrial on the Future Land Use Map, it is presumed that ultimately the entire area will be zoned to consistent zoning districts.

(c) Existing zoning district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;

The site has not yet been re-zoned to a Town zoning category. Consistent with the Town's policy, the applicant is requesting a change to Town zoning in conjunction with expansion of development on the site.

(d) The proposed change will not adversely affect living conditions in the neighborhood;

The entire area between State Road 7 and the Florida Turnpike is designated Industrial on the Future Land Use Map; hence there are no residential uses nor residential designations in the vicinity of the site.

(e) The proposed change will not create or excessively increase automobile and vehicular traffic congestion, above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

The proposed change is consistent with the underlying Industrial land use plan designation. The uses permitted by the proposed zoning category are essentially the same as those permitted by the current zoning designation and typically generate relatively low volumes of vehicular traffic.

(f) The proposed change will not adversely affect other property values;

The proposed zoning is comparable to the current zoning designation and consistent with the current use, zoning and land use designations of the surrounding area. The imposition of Town zoning standards should maintain or positively affect vicinity property values.

(g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

The proposed change will not deter the improvement or development of the surrounding properties. In fact, such development on those properties would require similar zoning changes. Moreover, the applicant is endeavoring to incorporate pedestrian-oriented design features along the Oakes Road corridor which will serve to illustrate the intent of the Town's proposed TOC overlay criteria.

(h) The proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

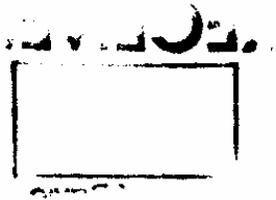
The proposed zoning change is consistent with the current zoning and land use designations. Comparable changes will be required of all properties not currently bearing a Town zoning designation.

(i) There are substantial reasons why the property cannot be used in accord with existing zoning;

The property was annexed from Hacienda Village and currently retains the Hacienda Village zoning designation. The site is currently largely undeveloped. No further development or redevelopment can occur on the site until it is zoned into a Town category.

(j) The proposed zoning designation is the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

The proposed zoning designation is the Town's category most comparable to the existing zoning designation in terms of permitted uses and development standards. While the existing development is essentially vested, no further expansion can occur without rezoning. The proposed district is consistent with the existing Industrial land use designation on the future land use plan map and with the existing and permitted uses in the surrounding area.



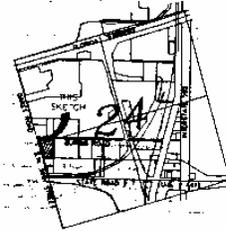


McLAUGHLIN ENGINEERING COMPANY
LB#285

ENGINEERING * SURVEYING * PLATTING * LAND PLANNING
 400 N.E. 3rd AVENUE FORT LAUDERDALE, FLORIDA
 33301 PHONE (954) 763-7611 * FAX (954) 763-7615

SCALE 1" = 150'

**SKETCH AND DESCRIPTION
 TO ACCOMPANY REZONING PETITION
 PORTIONS OF TRACTS 5 & 6, TIER 5**



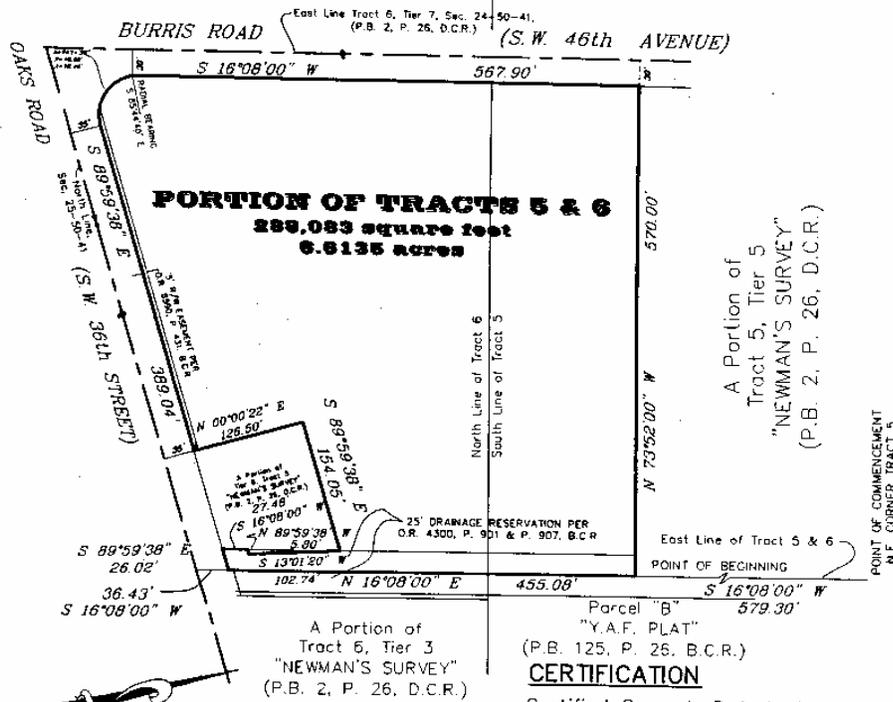
LOCATION MAP
 NOT TO SCALE

LEGAL DESCRIPTION:

A portion of Tracts 5 and 6, Tier 5, NEWMAN'S SURVEY, according to the plat thereof, as recorded in Plat Book 2, Page 26, of the public records of Dade County, Florida, more fully described as follows:

Commencing at the Northeast corner of said Tract 5, thence South 16°08'00" West, on the East line of said Tract 5, a distance of 579.30 feet to the Point of Beginning; thence North 73°52'00" West, a distance of 570.00 feet; thence South 16°08'00" West, on the West right-of-way line of Burris Road (S.W. 46th Avenue), a distance of 567.90 feet to a point on a curve; thence Southerly through Easterly, on a curve to the left, whose radius point bears South 85°44'40" East, with a radius of 48.50 feet, a central angle of 84°14'58", an arc distance of 76.49 feet to a point of tangency; thence South 89°59'38" East, on a line 15.00 feet North of and parallel with the South line of said Tract 6, being the North right-of-way line of Oaks Road (S.W. 36th Street), a distance of 389.04 feet; thence North 00°00'22" East, a distance of 126.50 feet; thence South 89°59'38" East, a distance of 154.05 feet; thence South 13°01'20" West, a distance of 102.74 feet; thence North 89°59'38" West, a distance of 5.80 feet; thence South 16°08'00" West, a distance of 27.48 feet; thence South 89°59'38" East, on the said North right-of-way line of Oaks Road, a distance of 26.02 feet; thence North 16°08'00" East, on the East line of said Tracts 6 and 5, a distance of 455.80 feet to the Point of Beginning.

Said lands situate, lying and being in the Town of Davie, Broward County, Florida and containing 288,083 square feet or 6.6135 acres more or less.



NOTES:

- 1) This sketch reflects all easements and rights-of-way, as shown on above referenced record plat(s). The subject property was not abstracted for other easements road reservations or rights-of-way of record by McLaughlin Engineering Company.
- 2) Legal description prepared by McLaughlin Engineering Co.
- 3) This drawing is not valid unless sealed with an embossed surveyor's seal.
- 4) THIS IS NOT A BOUNDARY SURVEY.
- 5) Bearings shown assume the North line of Section 24-50-41, as South 89°59'38" East.

McLAUGHLIN ENGINEERING COMPANY

JERALD A. McLAUGHLIN
 Registered Land Surveyor No. 5269
 State of Florida.

FIELD BOOK NO. _____

DRAWN BY: JMMjr

JOB ORDER NO. U-2152

CHECKED BY: _____

C:\JMMjr\2006\U2152(PLAT 6-06)

Exhibit 4 (1,000' Mail out Radius Map)

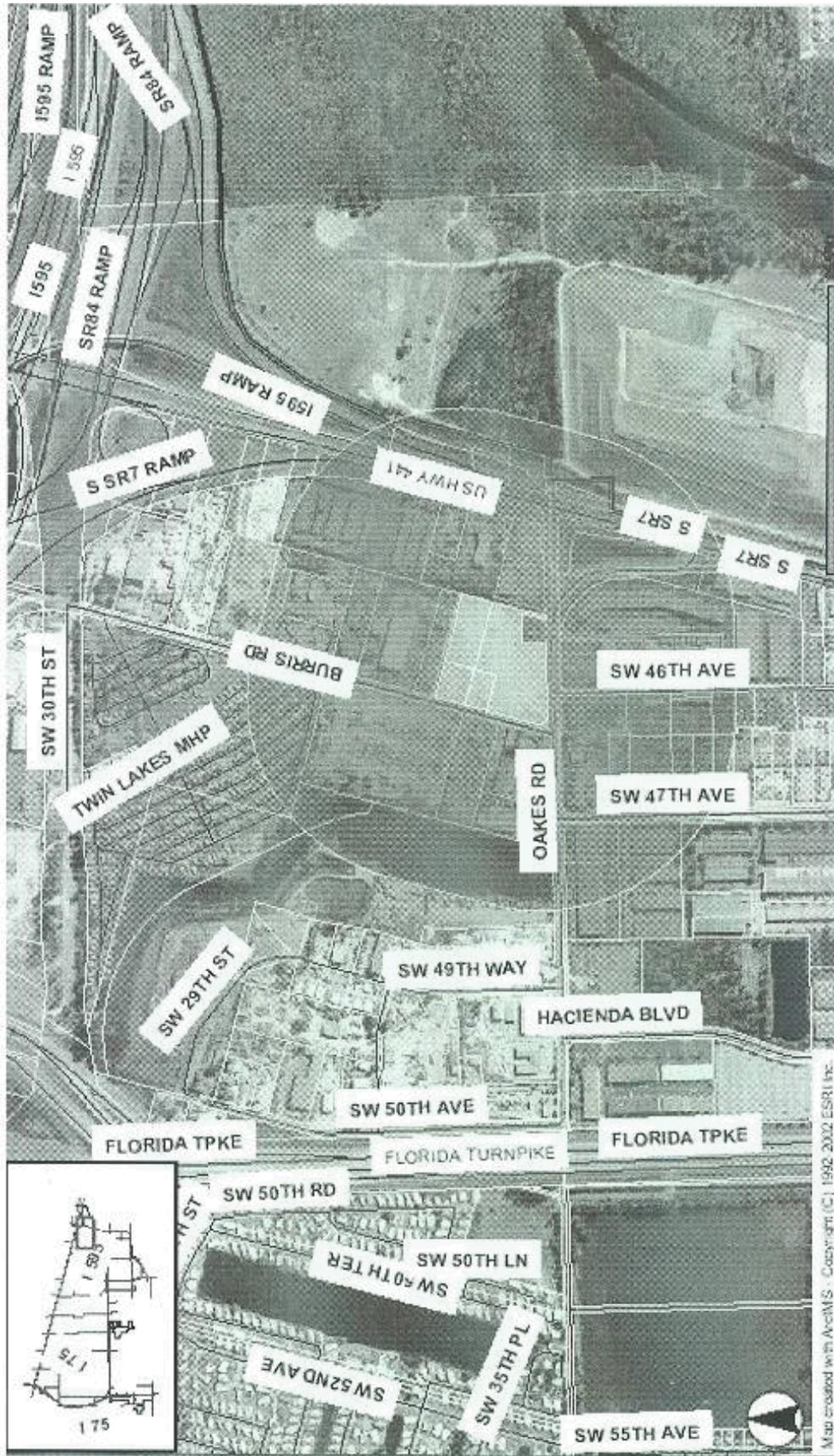


Exhibit 5 (Property Owners within 1,000' of the Subject Site)

FOLIO	NAME LINE	ADDRESS LI	ADDRESS I
504137010312	200 HARVARD CORP	810 NE 20 AVE	FT LAUDERDALE FL 33304
504124130010	3328 SW 46 AVENUE LLC	3328 BURRIS ROAD	DAVIE FL 33314-2215
504125230010	ALYSE, INC	2191 SW 115TH TER	DAVIE FL 33325-4855
504125070020	AP-ADLER OAKES LTD	1400 NW 107 AVE/ADLER PLAZA	MIAMI FL 33172
504125200020	BROWARD COUNTY	115 S ANDREWS AVE	FORT LAUDERDALE FL 33301-1801
504125010097	CASTLEWOOD HOLDINGS LLC	633 S FEDERAL HWY STE 300A	FT LAUDERDALE FL 33301
504125010080	DANIELLE LAWRENCE	4000 SW 47 AVE	DAVIE FL 33314-2205
504125010081	DANIELLE LAWRENCE	424 HENDRICKS #11	FT LAUDERDALE FL 33321
504137010295	DELWAY ENTERPRISES	3350 BURRIS ROAD	DAVIE FL 33314
504137010540	DIXIE SOUTHLAND CORP	810 NE 20 AVE	FT LAUDERDALE FL 33304
504125010071	EIGHTY FOUR LUMBER CO	1019 ROUTE 519	EIGHTY FOUR PA 15330-2813
504124120030	FSS PRISA II LLC	PO BOX 19156	ALEXANDRIA VA 22320-0156
504137010161	F GROUP INC	1023 SOUTH 50 ST	TAMPA FL 33619
504137010040	FLORIDA DEPT OF TRANSPORTATION	3400 W COMMERCIAL BLVD	FORT LAUDERDALE FL 33309-3421
504124160021	FORMAN, CHARLES R &	1323 SE 3 AVE	FT LAUDERDALE FL 33316
504124160020	FORMAN, MILES A & CHARLES R TRSTE	PO BOX 292037	DAVIE FL 33329-2037
504124070010	FT LAUDERDALE TRANSFER INC	4701 OAKES RD	DAVIE FL 33314-2232
504137010291	H & H ENGINEERING INC	5760 SW 8 ST	PLANTATION FL 33317-4320
504137010311	HARDY, JACK A & CAROLYN S &	4401 SW 102ND AVE	DAVIE FL 33328-2212
504125270010	INTEGRATED RESOURCE RECOVERY INC	3701 SW 47 AVE STE 109	DAVIE FL 33314-2830
504137010332	KELM PROPERTIES INC	4505 SW 36 ST	DAVIE FL 33314
504137010520	MALT, ROBERT C	3501 SW 46 AVE	DAVIE FL 33314
504125070010	MCKENZIE TANK LINES INC	PO BOX 1200	TALLAHASSEE FL 32302-1200
504137010292	MGF INDUSTRIAL INC	3300 SW 46 AVE	DAVIE FL 33314
504125190040	NEW TOWN HOLDINGS LLC	3001 W HILLDALE BCH BLVD #300	PEMBROKE PARK FL 33009
504137010530	RYDER TRUCK RENTAL INC	PO BOX 025719	MIAMI FL 33102-5719
504125080022	SAM JACK INC	3001 W HILLDALE BCH BLVD #300	PEMBROKE PARK FL 33009
504137010290	TRAFICANT, CHARLES TR	5818 E FOX HOLLOW DR	BOCA RATON FL 33486
504124160010	TWIN LAKES LAND RECLAMATION INC	PO BOX 292037	DAVIE FL 33329-2037
504124120020	UNITED DAVIE LLC	987 HILLSBORO MILE	HILLSBORO BEACH FL 33062
504124120021	WALSH PROPERTIES INC	1670 W MC NAB ROAD	FT LAUDERDALE FL 33309-1001

Exhibit 6 (Public Participation Plan)

Citizen Participation Plan Rountree Industrial

1. List of residents and/or property owners, interested parties and public agencies that may be affected by the application.

Please see attached.

2. A summary of how the applicant proposes that it will notify all “affected parties; of the application.

The applicant will notify all parties on the attached list provided by the Town staff of the scheduled public participation meetings by mail.

3. A summary of the proposed application.

The subject property is a 6.6-acre parcel in the northeast quadrant the intersection of Oakes Road (SW 36th Street) and Burriss Road (SW 46th Avenue). The property was annexed into the Town of Davie from Hacienda Village and currently retains the M-3 Hacienda Village zoning designation. It is currently designated Industrial on both the County and the Town Future Land Use maps.

The applicant is seeking to add structures to the site which triggers the Town’s requirement to change the zoning to a Town category. The request is to rezone the property to M-3 Planned Industrial Park, which is the Town zoning category most comparable to the existing zoning designation on the property. The M-3 District is intended to implement the Industrial classification of the Town of Davie Comprehensive Plan. The surrounding properties are also designated industrial; many retain Hacienda Village industrial zoning classifications.

4. A description of the manner in which the applicant proposes that it will disseminate the information to residents, property owners and/or interested parties.

In addition to the scheduled citizen participation meetings, the mailed notifications will include a telephone number for those with questions and sign-in sheets will be provided at the meetings for those requesting follow-up information by mail or e-mail.

5. A schedule of events planned by the applicant to complete the citizen-participation procedure.

*July 25, 2006. Public meeting at Davie Town Hall
6591 Orange Drive at 4:00 p.m.*

*August 3, 2006 Public meeting at Davie Town Hall
6591 Orange Drive at 3:00 p.m.*

6. A requirement that the applicant shall keep the Development Services Department informed of the status of its citizen participation efforts by coordinating its efforts through the project planner.

The Town planner assigned to the project will be consulted prior to mailing of the notices to affected parties. Copies of the notices will be delivered to the Town project planner for distribution to Town officials. The Town project planner will also be notified of the outcome of the participation meetings and any other citizen participation efforts. A citizen participation report will be provided upon implementation of the citizen participation plan, as required by the Town code.

Exhibit 7 (Public Participation Notice)

**CITIZEN PARTICIPATION NOTICE
ROUNTREE INDUSTRIAL**

REZONING AND CONCEPTUAL SITE PLAN
Oakes Road (SW 36th Street) and Burris Road (SW 46th Avenue)

The property owner of the 6.6-acre parcel located at the northeast quadrant of the intersection of Oakes Road (SW 36th Street) and Burris Road (SW 46th Avenue) depicted on the attached sketch has submitted applications to the Town requesting rezoning of the site from M-3 (Hacienda Village) to the comparable zoning district, M-3 (Town of Davie) with an associated conceptual site plan. The plan includes an expansion of the existing industrial development on the site by an additional 15,200 square feet.

Consistent with the Town code, the owner/applicant has scheduled two public participation meetings to present the proposed project to vicinity property owners, listen to comments and respond to questions.

As a property owner within 1,000 feet of the subject property, you are invited to attend the public meetings scheduled for this application. The conceptual site plan will be presented at the July 25th meeting with a follow-up meeting scheduled for August 3rd. These meetings will be held at the Davie Town Hall, 6591 Orange Drive in the Pioneer Room:

*July 25, 2006 @ 4:00 p.m. Davie Town Hall Pioneer Room
6591 Orange Drive*

*August 3, 2006 @ 3:00 p.m. Davie Town Hall Pioneer
Room 6591 Orange Drive*

Should you require additional information or have any questions regarding this meeting, please contact Linda Connors at (954) 336-8870.

Members of the Davie Town Council May be Present

Exhibit 8 (Public Participation Sign-in Sheet)

3-
Roundtree Industrial
Public Participation Meeting
July 24, 2006
4:00 p.m.

Robert Jones (954) 587-7434 4900 SW 36th St

Rountree

Aug 3 2006
3PM

Name	Address	Phone #.
Jack Hardy	3500 SW 46 Ave	583-8945 ✓
Ted Dorosy	4701 SW 36 St	884-3026 ✓

Exhibit 9 (Public Participation Summaries)

**Citizen Participation Report
Rountree Industrial**

1. A written summary of the results of the citizen participation effort prior to the first public meeting in which the application was heard.

Notices for the meeting were sent out to the public within 1,000' of the site as required by the Planning staff. In addition, several notices were delivered to the Planning Department for distribution to Town officials.

2. Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal.

July 24, 2006 Public meeting located at 6591 Orange Drive – Town Hall, Pioneer Room - 4:00 p.m.

August 3, 2006 Public meeting located at 6591 Orange Drive – Town Hall, Pioneer Room - 3:00 p.m.

3. The names, dates and addresses, and number of people that participated in the process.

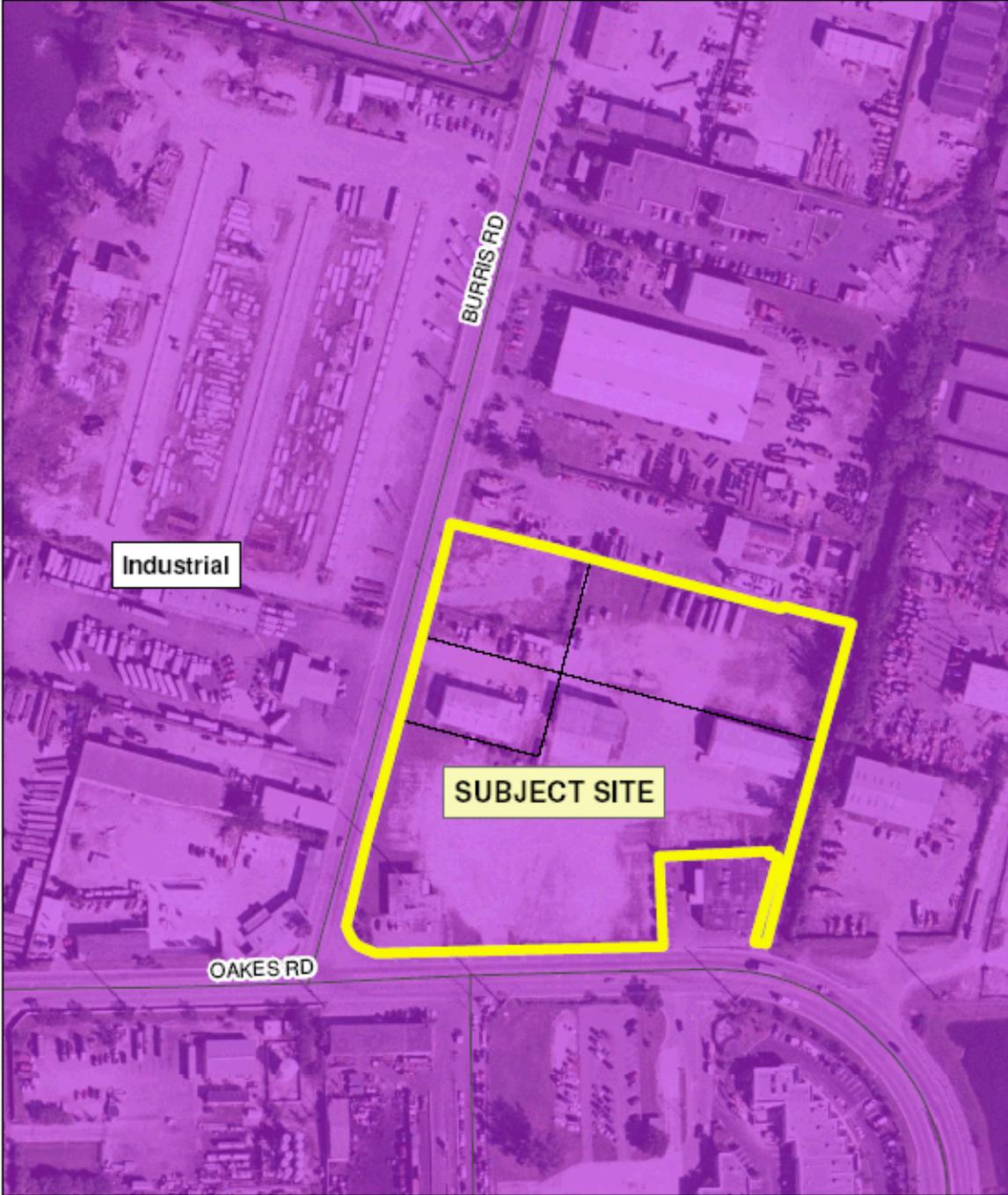
July 24, 2006 – One (1) Person:
Robert Johns, 4400 SW 36th Street

August 3, 2006 – Two (2) People:
Jack Hardy, 3500 SW 46th Avenue
Ted Dorosy, 4701 SW 36th Street

4. A written summary of the issues and/or concerns raised by residents.

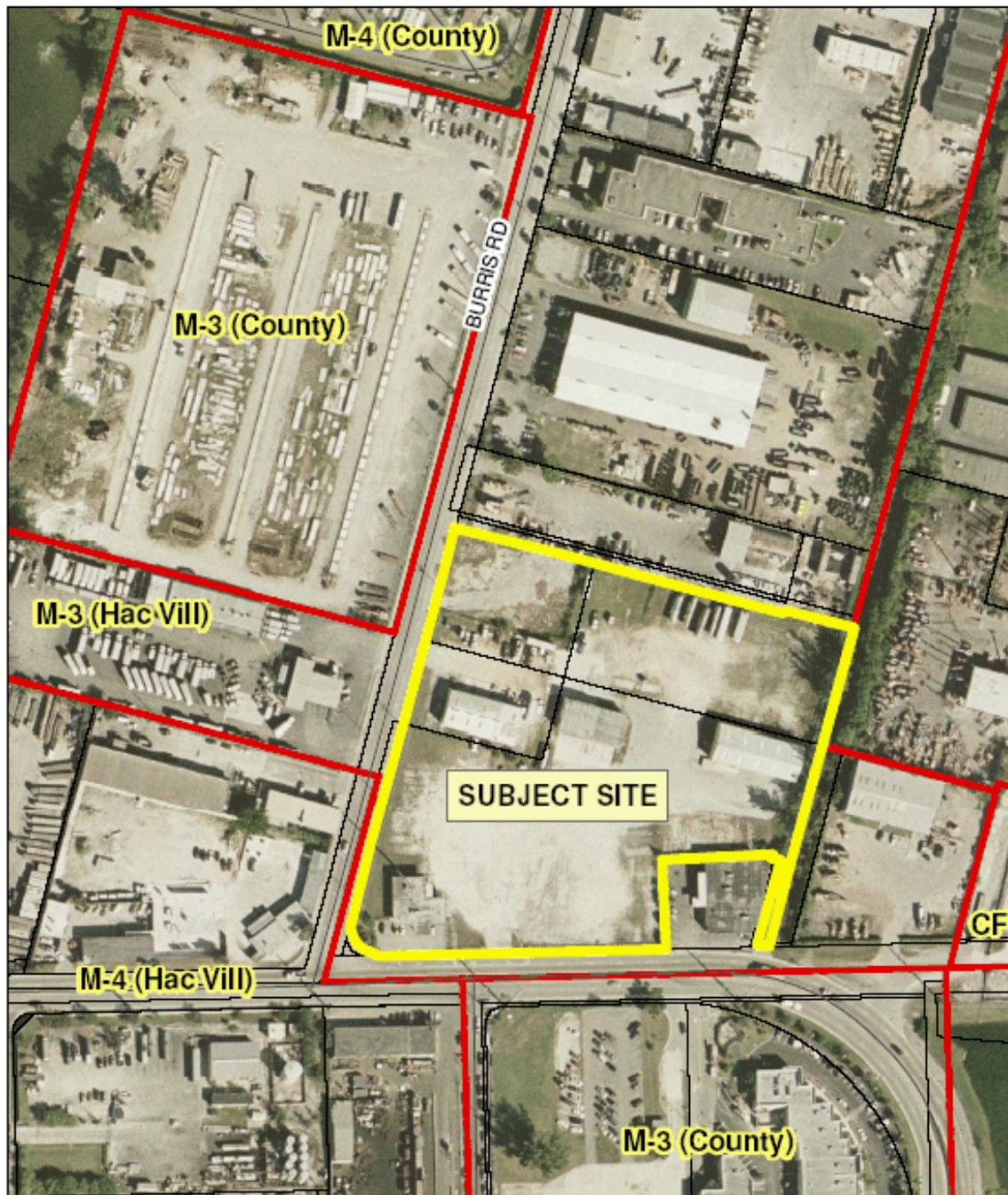
The area property owners did not raise any concerns regarding the proposed project.

Exhibit 10 (Future Land Use Plan Map)



	<p>Date Flown: 12/2004</p>  <p>0 100 200 400 Feet</p> <p>Prepared by the Town of Davie GIS Division</p>	<p>Roundtree Industrial Future Land Use Map</p> <p>Prepared by: ID Date Prepared: 3/16/07</p>
-------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------

Exhibit 11 (Aerial, Zoning, and Subject Map)



	<p>Date Revis: 12/2014</p> <p>0 100 200 400 Feet</p> <p>Prepared by the Town of Davie GIS Division</p>	<p>Roundtree Industrial Zoning and Aerial Map</p> <p>Prepared by: ID Date Prepared: 3/16/07</p>
-------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------

* * * * *

THIS PAGE
INTENTIONALLY
LEFT BLANK

* * * * *

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director / (954) 797-1101

PREPARED BY: Carlo F. Galluccio III Planning Aide

SUBJECT: V 12-02-06, George Pico15031 Brighten Lane, Davie Florida 33331

AFFECTED DISTRICT: District 4

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: Variance George Pico

REPORT IN BRIEF: Variance FROM: Section 12-33 (J) (1) (2), of the Land Development Code, which requires that no dock shall project more than five (5) feet into any waterway beyond the waterway line or established bulkhead line nor extend closer than fifteen (15) feet to the side plot line or any other separate ownership. TO: reduce the minimum to ten (10) feet to the side plot line from the separate ownership in order to install a dock.

PREVIOUS ACTIONS:

CONCURRENCES: At the April 11, 2007 Planning and Zoning Committee Meeting, Mr. Stevens made a motion, second by Chair Bender, to approve subject to compliance with all of staff's comments including the engineering requirements of obtaining a marine engineer that would provide marine engineering plans to the Town of Davie for approval.
(Motion carried 4-1)

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S):

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Subject to the following conditions at the time of permitting.

1. Provide a topographic survey of the property to show existing ground elevations, edge of pavement, together with all existing structures. Survey shall be certified by a land surveyor in the State of Florida. (Engineering)

2. Show side slopes of lake bank above and below water level on plans. Provide a lake cross-section. (Engineering)
3. Show how applicants plan to protect lake bank from future erosion. (Engineering)
4. Applicant is required to apply for building permit for dock installation. Approvals from SBWCD must be included with the building permit application. (Engineering)

Attachment(s):

15. Staff Report
16. Justification letter
17. Survey
18. Letters from adjacent property owners
19. HOA Architectural approval letter
20. South Broward Drainage District
21. Future Land Use Plan Map
22. Zoning and Aerial Map
23. Site Photo

Exhibit "A"
Application: V 12-02-06 Pico

Revisions:
Original Report Date: 2/16/07

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Owner/Petitioner:

Name: George Pico
Address: 15031 Brighten Lane
City: Davie, FL 33331
Phone: (954) 632-0266

Background Information

Date of Notification: April 4, 2007 **Number of Notifications:** 224

Application Request: Variance **FROM:** Section 12-33 (J) (1) (2), of the Land Development Code, which requires that no dock shall project more than five (5) feet into any waterway beyond the waterway line or established bulkhead line nor extend closer than fifteen (15) feet to the side plot line or any other separate ownership. **TO:** reduce the minimum to ten (10) feet to the side plot line from the separate ownership in order to install a dock.

Address/Location: 15031 Brighton Lane Davie/Generally located west of SW 148th Ave and 800 feet north of Stirling Road.

Plan Map Designation: Residential 3 Dwelling Unit

Zoning: PUD (county), Plan Unit Development

Existing Use: Single-family residential dwelling unit

Proposed Use: Single-family residential dwelling unit

Parcel Size: Approximately 6,727 square feet

Surrounding Future Land

Use Plan Map

Designations:

North:	Lake	Residential 3 Dwelling Unit per Acre
South:	Single family dwelling	Residential 3 Dwelling Unit per Acre
East:	Single family dwelling	Residential 3 Dwelling Unit per Acre
West:	Single family dwelling	Residential 3 Dwelling Unit per Acre

Surrounding Zoning:

North: PUD (county), Plan Unit Development
South: PUD (county), Plan Unit Development
East: PUD (county), Plan Unit Development
West: PUD (county), Plan Unit Development

Zoning History

Plat History: The subdivision plat, Waterford of Ivanhoe Homes of Davie, was approved by Town Council on May 13, 1986 and was later recorded by the County in Book 116 of plats at page 43 of the public records of Broward County, Florida.

Site Plan: SP 2-3-85 Waterford of Ivanhoe Homes of Davie was approved by Town Council on November 16, 1986.

Related Variance Requests: None

Application Details

The petitioner is requesting a variance from Section 12-33 (J) (1) (2), which requires that no dock shall project more than five (5) feet into any waterway beyond the waterway line or established bulkhead line nor extend closer than fifteen (15) feet to the side plot line or any other separate ownership. The petitioner’s request is to reduce the minimum from 15 feet to ten 10 feet from the adjacent lot under separate ownership on the west side of the subject property.

According to the petitioner’s justification letter, (see exhibit 1) the request for the variance is to reduce the setback on the west side of the property line for the installation of a dock. This will then allow the petition to regain the use of the portion of the yard that was washed away through the years.

Applicable Codes and Ordinances

DIVISION 2. GENERAL REGULATIONS

Land Development Code §12-309 of the Land Development Code, review for variances.

Land Development Code §12-33(J)(1)(2), That no dock shall project more than five (5) feet into any waterway beyond the waterway line or established bulkhead line nor extend closer than fifteen (15) feet to the side plot line or any other separate.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 1 This Planning Area constitutes the southwestern most portion of the Town, encompassing all of the land south of Griffin Road and west of southwest 148 Avenue. The Ivanhoe development constitutes most of this planning area, which is essentially programmed for low-density (3 dwellings per acre) residential development. There are parcels designated for commercial use located in the southern and northern ends of the Ivanhoe development at the intersection of I-75 with Sheridan and Griffin Roads, and Orange Drive

Broward County Land Use Plan: The subject site falls within Flexibility Zone 117.

Applicable Goals, Objectives & Policies: *Future Land Use Element, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Staff Analysis

The petitioner's request is to reduce the required west side setback from 15 feet to 10 feet in order to install a dock in the rear of the yard over the occurring washout. The installation of a dock over the current erosion of yard will allow the petitioner to regain use of that portion of the yard. The petitioner has submitted a letter of No Objection from the neighbor on the west side of the property (See exhibit 3). In addition, the petitioner has submitted a letter of approval from the Waterford Patio Homeowners Association (See exhibit 4) and has an approval letter from South Broward Drainage District (See exhibit 5).

Staff Findings of Fact

Variances:

Section 12-309(B) (1): The following findings of facts apply to the variance request:

- (a) There are no special circumstances or conditions applying to the land or building for which the variance is sought;

The proposed dock cannot be installed in the area the petitioner is requesting without a variance. Due to the configuration of the homes being connected, work trucks and/ or equipment have no access to the rear of the yard to repair the damage with sand replacement.

Which circumstances or conditions are not peculiar to such land or building and do apply generally to land or buildings in the same district;

The required 15 feet to the side plot line or any other separate ownership, applies equally to land or buildings in the same district.

And that said circumstances or conditions are not such that the strict application of the provisions of this chapter would not deprive the application of the reasonable use of such land or building for which the variances are sought;

The parcel is being reasonably used however, under the circumstances; the petitioner is unable to use a portion of the rear of his property along the lake bank due to the washout, which is why the variance is being requested.

and that alleged hardship is self-created by any person having an interest in the property.

The need for a variance is created by the owner's desire to install a dock to cover up the washout on his property.

- (b) The granting of the variance is not necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.

Currently, this parcel is being reasonably used, the variance request is the minimum needed to allow the proposed dock to be installed.

- (c) Granting of the requested variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The intent of the Land Development Code is to allow an interpretation to be made where there is a just balance between the rights of the landowner and all others who will be affected by that person's proposal. Allowing for the installation of this dock will be a positive impact on the neighborhood as it will remove and/ or cover the washout occurring on the property and present an attractive look on the lakeside.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Subject to the following conditions at the time of permitting.

1. Provide a topographic survey of the property to show existing ground elevations, edge of pavement, together with all existing structures. Survey shall be certified by a land surveyor in the State of Florida. (Engineering)
2. Show side slopes of lake bank above and below water level on plans. Provide a lake cross-section. (Engineering)
3. Show how applicants plan to protect lake bank from future erosion. (Engineering)
4. Applicant is required to apply for building permit for dock installation. Approvals from SBWCD must be included with the building permit application. (Engineering)

Planning and Zoning Board Recommendation

At the April 11, 2007 Planning and Zoning Committee Meeting, Mr. Stevens made a motion, second by Chair Bender, to approve subject to compliance with all of staff's comments including the engineering requirements of obtaining a marine engineer that would provide marine engineering plans to the Town of Davie for approval.
(Motion carried 4-1)

Town Council Action

Exhibits

Prepared by: _____

Reviewed by: _____

Exhibit 1 (Justification letter)

Justification Letter

I am requesting a variance in the side property line setback for a dock to be reduced from 15ft to 10 ft due to the washout that has occurred at the northwest corner of the property (see attached pictures). In order to regain the use of that portion of my yard, retard the effects of the continuing erosion, remove an eyesore from the shore of the lake and protect my property value I wish to construct a dock over the washout. In order to accomplish these goals the dock needs to be placed where the side property line setback will be 10ft.

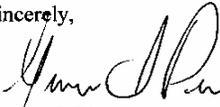
As this pertains to Section 12-309 governing the *Planning and Zoning Board Review* please consider the following.

1. The special circumstances applying to the land for which the variance is sought is the washout. The washout is peculiar to this piece of property and does not exist on other properties in the same district. Due to the limited access to the back yard (see survey) which is thru a 30" garage door, erecting a dock is the only feasible way to regain the reasonable use of the land that has been deprived me by the washout. This hardship was not caused by me or by any person with an interest in the property.
2. The position of the dock over the washout necessitates the variance as requested. As it exists that portion of my lot is completely unusable. The requested 10ft side property line setback is the minimum that will allow the dock to be placed over the washout.
3. The granting of this variance will have a positive impact on the neighborhood as it will remove an eyesore from the shore of the lake and replace it with an attractive dock to go along with other docks on the lake. The granting of this variance will not be detrimental to the public welfare in anyway.

Attached are statements from the property owners adjacent to the property requesting the variance. They have no objection to the variance being granted. Also attached you will find an approval form from the Ivanhoe Waterford Patio Homeowners Association stating that they have no objection to a properly permitted and built dock (the covenants of the HOA call for a 5ft side property line setback) built on the property. Additionally I have spoken with Inspector Louis Ochoa. of the South Broward Drainage District and reviewed their guidelines for docks on the lake and the drainage district has no objections to what I am proposing (see survey excerpt with dock drawn in).

Please grant the variance so I can regain the use of my property, stem the effects of the erosion, improve the appearance of the neighborhood and protect my property values.

Sincerely,



George I. Pico

Exhibit 2 (Survey)

ERNEST W. DUNCAN LAND SURVEYING, INC.																																																																																																							
1479 NW 102ND DRIVE CORAL SPRINGS, FL. 33071	PHONE: (754) 264-2166 FAX: (954) 340-3706																																																																																																						
-REPORT OF SURVEY-																																																																																																							
NOT FULL AND COMPLETE WITHOUT ATTACHED MAP OF SURVEY Sheet 1 of 2																																																																																																							
BOUNDARY SURVEY																																																																																																							
PROPERTY ADDRESS: 15031 BRIGHTON LANE DAVIE, FL. 33331																																																																																																							
SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION																																																																																																							
FLOOD ZONE INFORMATION	CERTIFY TO: GEORGE PICO																																																																																																						
FLOOD ZONE: AH																																																																																																							
BASE FLOOD EL.- 6'																																																																																																							
COMMUNITY/PANEL/SUFFIX: 120035 0285 F																																																																																																							
DATE OF FIRM: 8/18/92	ITS SUCCESSORS AND/OR ASSIGNS																																																																																																						
DATE OF FIRM INDEX: 10/2/97																																																																																																							
<p>SURVEYORS NOTES:</p> <p>1. BEARINGS IF SHOWN ARE REFERENCED TO THE NORTH R/W LINE OF WATERFORD DRIVE ACCORDING TO THE PLAT AS RECORDED IN PLAT BOOK 116 AT PAGE 43, BROWARD COUNTY RECORDS. REFERENCE BEARING (N89°43'08"E)</p> <p>2. BENCHMARK REFERENCE: B.M. NO. ELEV. N.G.V.D. OF 1929</p> <p>3. MINIMUM LINEAR ACCURACY OBTAINED: 1 FOOT IN 7,500 FEET AS REQUIRED FOR A SUBURBAN SURVEY</p> <p>4. NO TITLE INFORMATION WAS SUPPLIED OR REVIEWED IN THE PREPARATION OF THIS SURVEY WITH THE EXCEPTION OF THE LEGAL DESCRIPTION.</p> <p>5. NO ATTEMPT WAS MADE TO LOCATE ANY UNDERGROUND IMPROVEMENTS, OVERHEAD UTILITIES, (POWERLINES, ETC) FOUNDATIONS OR WETLANDS.</p> <p>6. EASEMENTS SHOWN HEREON ARE PER THE PLAT.</p> <p>7. SURVEYOR HAS MADE NO RESEARCH OF THE PUBLIC RECORDS. THERE MAY BE ADDITIONAL RESTRICTIONS NOT SHOWN HEREON THAT MAY BE FOUND IN THE PUBLIC RECORDS.</p>																																																																																																							
<p>LEGEND:</p> <table style="width:100%; border: none;"> <tr> <td style="width: 33%;">A/C * AIR CONDITIONER SLAB</td> <td style="width: 33%;">MON. * MONUMENT</td> <td style="width: 33%;">R * RADIUS</td> </tr> <tr> <td>A.E. * ANCHOR EASEMENT</td> <td>MH. * MANHOLE</td> <td>REC. * RECORD</td> </tr> <tr> <td>ASPH. * ASPHALT</td> <td>N & D * NAL. AND DISK</td> <td>RES. * RESIDENCE</td> </tr> <tr> <td>B.C.R. * BROWARD COUNTY RECORDS</td> <td>N.G.V.D. * NATIONAL GEODETIC VERTICAL DATUM</td> <td>R/W * RIGHT OF WAY</td> </tr> <tr> <td>B.E. * BUFFER EASEMENT</td> <td>NR * NON RADIAL TO CURVE</td> <td>RAD. * RADIUS</td> </tr> <tr> <td>BLDG. * BUILDING</td> <td>N.T.S. * NOT TO SCALE</td> <td>R.P. * RADIUS POINT</td> </tr> <tr> <td>B.M. * BENCHMARK</td> <td>N & TT * NAL. AND TIN TAB</td> <td>RGE. * RANGE</td> </tr> <tr> <td>C * CALCULATED</td> <td>* * NUMBER</td> <td>SEC. * SECTION</td> </tr> <tr> <td>CL * CENTERLINE</td> <td>NO. * NUMBER</td> <td>S.F. * SQUARE FOOT</td> </tr> <tr> <td>C.B. * CATCH BASIN</td> <td>O/S * OFFSET</td> <td>SWK. * SIDEWALK</td> </tr> <tr> <td>CMON * CONCRETE MONUMENT</td> <td>OH * OVERHEAD</td> <td>S.I.R. * SET IRON ROD</td> </tr> <tr> <td>C.B.S. * CONCRETE BLOCK STRUCTURE</td> <td>OHU * OVERHEAD UTILITIES</td> <td>T.R. * TELEPHONE RISER</td> </tr> <tr> <td>C.B.W. * CONCRETE BLOCK WALL</td> <td>OVH * OVERHANG</td> <td>TWP. * TOWNSHIP</td> </tr> <tr> <td>CH * CHORD</td> <td>Q.R.B. * OFFICIAL RECORD BOOK</td> <td>U.E. * UTILITY EASEMENT</td> </tr> <tr> <td>CH.B. * CHORD BEARING</td> <td>P.B. * PLAT BOOK</td> <td>U.P. * UTILITY POLE</td> </tr> <tr> <td>CLR * CLEAR</td> <td>P.B.C.R. * PALM BEACH COUNTY RECORDS</td> <td>W.F. * WOOD FENCE</td> </tr> <tr> <td>C.L.F. * CHAIN LINK FENCE</td> <td>P.G. * PAGE</td> <td>W.M. * WATER METER</td> </tr> <tr> <td>C.M.E. * CANAL MAINTENANCE EASEMENT</td> <td>PVMT. * PAVEMENT</td> <td>W.V. * WATER VALVE</td> </tr> <tr> <td>C.O. * CLEAN OUT</td> <td>P/L * PROPERTY LINE</td> <td>ELEV. * ELEVATION</td> </tr> <tr> <td>CONC. * CONCRETE</td> <td>P.C. * POINT OF CURVATURE</td> <td>ENC. * ENCROACHMENT</td> </tr> <tr> <td>CP * CONCRETE UTILITY POLE</td> <td>P.C.C. * POINT OF COMPOUND CURVATURE</td> <td>F.H. * FIRE HYDRANT</td> </tr> <tr> <td>C.S. * CONCRETE SLAB</td> <td>P.C.P. * PERMANENT CONTROL POINT</td> <td>F.I.P. * FOUND IRON PIPE</td> </tr> <tr> <td>CTV * CABLE TELEVISION</td> <td>P.R.C. * POINT OF REVERSE CURVATURE</td> <td>F.I.R. * FOUND IRON ROD</td> </tr> <tr> <td>D * DELTA (CENTRAL ANGLE)</td> <td>P.T. * POINT OF TANGENCY</td> <td>F.F.E. * FINISH FLOOR ELEVATION</td> </tr> <tr> <td>D.C.R. * DADE COUNTY RECORDS</td> <td>P.O.B. * POINT OF BEGINNING</td> <td>FIN. * FOUND</td> </tr> <tr> <td>D.E. * DRAINAGE EASEMENT</td> <td>P.O.C. * POINT OF CURVATURE</td> <td>FIRM * FLOOD INSURANCE RATE MAP</td> </tr> <tr> <td>D.M.E. * DRAINAGE MAINTENANCE EASEMENT</td> <td>PROP. COR. * PROPERTY CORNER</td> <td>L * LENGTH OF CURVE</td> </tr> <tr> <td>E.O.W. * EDGE OF WATER</td> <td>P.R.M. * PERMANENT REFERENCE MONUMENT</td> <td>L.E. * LANDSCAPE EASEMENT</td> </tr> <tr> <td>E.J.B. * ELECTRIC JUNCTION BOX</td> <td>P.L.S. * PROFESSIONAL LAND SURVEYOR</td> <td>L.B.E. * LANDSCAPE BUFFER EASEMENT</td> </tr> <tr> <td>E.T.P. * ELECTRIC TRANSFORMER PAD</td> <td>P.S.M. * PROFESSIONAL SURVEYOR AND MAPPER</td> <td>L.P. * LIGHT POLE</td> </tr> <tr> <td>F.E.M.A. * FEDERAL EMERGENCY MANAGEMENT AGENCY</td> <td></td> <td>L.M.E. * LAKE MAINTENANCE EASEMENT</td> </tr> <tr> <td></td> <td></td> <td>L.B. * LICENSED SURVEY BUSINESS</td> </tr> <tr> <td></td> <td></td> <td>L.S. * LICENSED SURVEYOR</td> </tr> <tr> <td></td> <td></td> <td>M * MEASURED DISTANCE</td> </tr> </table>		A/C * AIR CONDITIONER SLAB	MON. * MONUMENT	R * RADIUS	A.E. * ANCHOR EASEMENT	MH. * MANHOLE	REC. * RECORD	ASPH. * ASPHALT	N & D * NAL. AND DISK	RES. * RESIDENCE	B.C.R. * BROWARD COUNTY RECORDS	N.G.V.D. * NATIONAL GEODETIC VERTICAL DATUM	R/W * RIGHT OF WAY	B.E. * BUFFER EASEMENT	NR * NON RADIAL TO CURVE	RAD. * RADIUS	BLDG. * BUILDING	N.T.S. * NOT TO SCALE	R.P. * RADIUS POINT	B.M. * BENCHMARK	N & TT * NAL. AND TIN TAB	RGE. * RANGE	C * CALCULATED	* * NUMBER	SEC. * SECTION	CL * CENTERLINE	NO. * NUMBER	S.F. * SQUARE FOOT	C.B. * CATCH BASIN	O/S * OFFSET	SWK. * SIDEWALK	CMON * CONCRETE MONUMENT	OH * OVERHEAD	S.I.R. * SET IRON ROD	C.B.S. * CONCRETE BLOCK STRUCTURE	OHU * OVERHEAD UTILITIES	T.R. * TELEPHONE RISER	C.B.W. * CONCRETE BLOCK WALL	OVH * OVERHANG	TWP. * TOWNSHIP	CH * CHORD	Q.R.B. * OFFICIAL RECORD BOOK	U.E. * UTILITY EASEMENT	CH.B. * CHORD BEARING	P.B. * PLAT BOOK	U.P. * UTILITY POLE	CLR * CLEAR	P.B.C.R. * PALM BEACH COUNTY RECORDS	W.F. * WOOD FENCE	C.L.F. * CHAIN LINK FENCE	P.G. * PAGE	W.M. * WATER METER	C.M.E. * CANAL MAINTENANCE EASEMENT	PVMT. * PAVEMENT	W.V. * WATER VALVE	C.O. * CLEAN OUT	P/L * PROPERTY LINE	ELEV. * ELEVATION	CONC. * CONCRETE	P.C. * POINT OF CURVATURE	ENC. * ENCROACHMENT	CP * CONCRETE UTILITY POLE	P.C.C. * POINT OF COMPOUND CURVATURE	F.H. * FIRE HYDRANT	C.S. * CONCRETE SLAB	P.C.P. * PERMANENT CONTROL POINT	F.I.P. * FOUND IRON PIPE	CTV * CABLE TELEVISION	P.R.C. * POINT OF REVERSE CURVATURE	F.I.R. * FOUND IRON ROD	D * DELTA (CENTRAL ANGLE)	P.T. * POINT OF TANGENCY	F.F.E. * FINISH FLOOR ELEVATION	D.C.R. * DADE COUNTY RECORDS	P.O.B. * POINT OF BEGINNING	FIN. * FOUND	D.E. * DRAINAGE EASEMENT	P.O.C. * POINT OF CURVATURE	FIRM * FLOOD INSURANCE RATE MAP	D.M.E. * DRAINAGE MAINTENANCE EASEMENT	PROP. COR. * PROPERTY CORNER	L * LENGTH OF CURVE	E.O.W. * EDGE OF WATER	P.R.M. * PERMANENT REFERENCE MONUMENT	L.E. * LANDSCAPE EASEMENT	E.J.B. * ELECTRIC JUNCTION BOX	P.L.S. * PROFESSIONAL LAND SURVEYOR	L.B.E. * LANDSCAPE BUFFER EASEMENT	E.T.P. * ELECTRIC TRANSFORMER PAD	P.S.M. * PROFESSIONAL SURVEYOR AND MAPPER	L.P. * LIGHT POLE	F.E.M.A. * FEDERAL EMERGENCY MANAGEMENT AGENCY		L.M.E. * LAKE MAINTENANCE EASEMENT			L.B. * LICENSED SURVEY BUSINESS			L.S. * LICENSED SURVEYOR			M * MEASURED DISTANCE
A/C * AIR CONDITIONER SLAB	MON. * MONUMENT	R * RADIUS																																																																																																					
A.E. * ANCHOR EASEMENT	MH. * MANHOLE	REC. * RECORD																																																																																																					
ASPH. * ASPHALT	N & D * NAL. AND DISK	RES. * RESIDENCE																																																																																																					
B.C.R. * BROWARD COUNTY RECORDS	N.G.V.D. * NATIONAL GEODETIC VERTICAL DATUM	R/W * RIGHT OF WAY																																																																																																					
B.E. * BUFFER EASEMENT	NR * NON RADIAL TO CURVE	RAD. * RADIUS																																																																																																					
BLDG. * BUILDING	N.T.S. * NOT TO SCALE	R.P. * RADIUS POINT																																																																																																					
B.M. * BENCHMARK	N & TT * NAL. AND TIN TAB	RGE. * RANGE																																																																																																					
C * CALCULATED	* * NUMBER	SEC. * SECTION																																																																																																					
CL * CENTERLINE	NO. * NUMBER	S.F. * SQUARE FOOT																																																																																																					
C.B. * CATCH BASIN	O/S * OFFSET	SWK. * SIDEWALK																																																																																																					
CMON * CONCRETE MONUMENT	OH * OVERHEAD	S.I.R. * SET IRON ROD																																																																																																					
C.B.S. * CONCRETE BLOCK STRUCTURE	OHU * OVERHEAD UTILITIES	T.R. * TELEPHONE RISER																																																																																																					
C.B.W. * CONCRETE BLOCK WALL	OVH * OVERHANG	TWP. * TOWNSHIP																																																																																																					
CH * CHORD	Q.R.B. * OFFICIAL RECORD BOOK	U.E. * UTILITY EASEMENT																																																																																																					
CH.B. * CHORD BEARING	P.B. * PLAT BOOK	U.P. * UTILITY POLE																																																																																																					
CLR * CLEAR	P.B.C.R. * PALM BEACH COUNTY RECORDS	W.F. * WOOD FENCE																																																																																																					
C.L.F. * CHAIN LINK FENCE	P.G. * PAGE	W.M. * WATER METER																																																																																																					
C.M.E. * CANAL MAINTENANCE EASEMENT	PVMT. * PAVEMENT	W.V. * WATER VALVE																																																																																																					
C.O. * CLEAN OUT	P/L * PROPERTY LINE	ELEV. * ELEVATION																																																																																																					
CONC. * CONCRETE	P.C. * POINT OF CURVATURE	ENC. * ENCROACHMENT																																																																																																					
CP * CONCRETE UTILITY POLE	P.C.C. * POINT OF COMPOUND CURVATURE	F.H. * FIRE HYDRANT																																																																																																					
C.S. * CONCRETE SLAB	P.C.P. * PERMANENT CONTROL POINT	F.I.P. * FOUND IRON PIPE																																																																																																					
CTV * CABLE TELEVISION	P.R.C. * POINT OF REVERSE CURVATURE	F.I.R. * FOUND IRON ROD																																																																																																					
D * DELTA (CENTRAL ANGLE)	P.T. * POINT OF TANGENCY	F.F.E. * FINISH FLOOR ELEVATION																																																																																																					
D.C.R. * DADE COUNTY RECORDS	P.O.B. * POINT OF BEGINNING	FIN. * FOUND																																																																																																					
D.E. * DRAINAGE EASEMENT	P.O.C. * POINT OF CURVATURE	FIRM * FLOOD INSURANCE RATE MAP																																																																																																					
D.M.E. * DRAINAGE MAINTENANCE EASEMENT	PROP. COR. * PROPERTY CORNER	L * LENGTH OF CURVE																																																																																																					
E.O.W. * EDGE OF WATER	P.R.M. * PERMANENT REFERENCE MONUMENT	L.E. * LANDSCAPE EASEMENT																																																																																																					
E.J.B. * ELECTRIC JUNCTION BOX	P.L.S. * PROFESSIONAL LAND SURVEYOR	L.B.E. * LANDSCAPE BUFFER EASEMENT																																																																																																					
E.T.P. * ELECTRIC TRANSFORMER PAD	P.S.M. * PROFESSIONAL SURVEYOR AND MAPPER	L.P. * LIGHT POLE																																																																																																					
F.E.M.A. * FEDERAL EMERGENCY MANAGEMENT AGENCY		L.M.E. * LAKE MAINTENANCE EASEMENT																																																																																																					
		L.B. * LICENSED SURVEY BUSINESS																																																																																																					
		L.S. * LICENSED SURVEYOR																																																																																																					
		M * MEASURED DISTANCE																																																																																																					
UPDATES/REVISIONS	DATE																																																																																																						
BOUNDARY SURVEY	11/29/06																																																																																																						
Job No. MS1120	Field Book NA	Page																																																																																																					
		ERNEST W. DUNCAN PROFESSIONAL SURVEYOR AND MAPPER No. LS 5182 STATE OF FLORIDA LB 7030 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.																																																																																																					

Exhibit 3 (*Site Plan*)

ERNEST W. DUNCAN LAND SURVEYING, INC.

1479 NW 102ND DRIVE
CORAL SPRINGS, FL. 33071

-MAP OF SURVEY-

PHONE: (754) 264-2166
FAX: (954) 340-3706

NOT FULL AND COMPLETE WITHOUT ATTACHED REPORT OF SURVEY

Sheet 2 of 2

Job No. MS1120

Scale: 1" = 20'

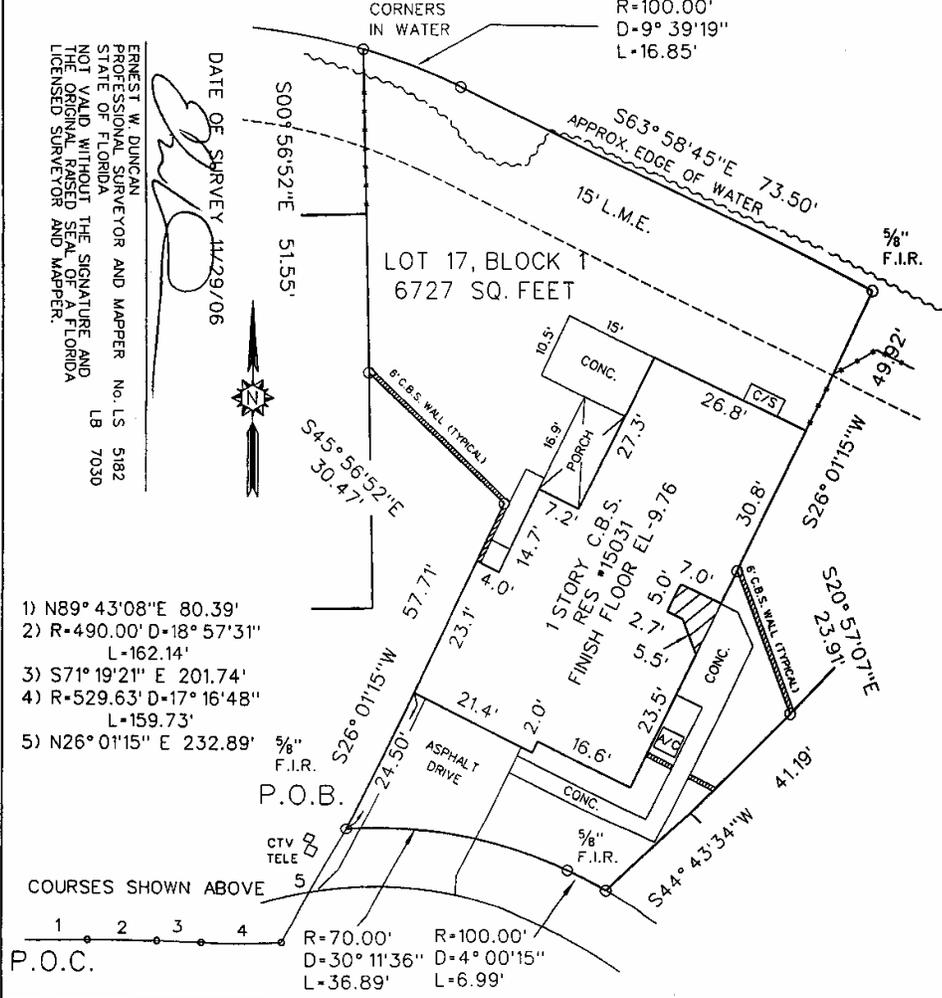
LEGAL DESCRIPTION:

BOUNDARY SURVEY

THAT PORTION OF PARCEL "B" OF "WATERFORD" ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 116, PAGE 43, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:
COMMENCING AT THE INTERSECTION OF THE WEST BOUNDARY OF SAID PARCEL "B" WITH THE NORTHERLY RIGHT-OF-WAY LINE OF WATERFORD DRIVE AS SHOWN ON SAID PLAT OF "WATERFORD"; THENCE NORTH 89° 43' 08" EAST (PLAT BEARING) ALONG SAID NORTHERLY RIGHT-OF-WAY LINE 80.39 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY; THENCE EASTERLY ALONG SAID CURVE (BEING SAID NORTHERLY RIGHT-OF-WAY LINE), HAVING A RADIUS OF 490.00 FEET, A CENTRAL ANGLE OF 18° 57' 31", AN ARC DISTANCE OF 162.14 FEET; THENCE SOUTH 71° 19' 21" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 201.74 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY; THENCE SOUTHERLY ALONG SAID CURVE (BEING THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID WATERFORD DRIVE) HAVING A RADIUS OF 529.63 FEET, A CENTRAL ANGLE OF 17° 16' 48", AN ARC DISTANCE OF 159.73 FEET; THENCE NORTH 26° 01' 15" EAST, 232.89 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 26° 01' 15" EAST, 57.71 FEET; THENCE NORTH 45° 56' 52" WEST, 30.47 FEET; THENCE NORTH 00° 56' 52" WEST, 51.55 FEET TO A POINT ON A CURVE CONCAVE SOUTHWESTERLY (RADIAL TO SAID POINT BEARS NORTH 16° 21' 56" EAST); THENCE SOUTHEASTERLY ALONG SAID CURVE (BEING THE NORTHERLY BOUNDARY OF SAID PARCEL "B") HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 09° 39' 19", AN ARC DISTANCE OF 16.85 FEET; THENCE SOUTH 63° 58' 45" EAST ALONG SAID NORTHERLY BOUNDARY, 73.50 FEET; THENCE SOUTH 26° 01' 15" WEST, 49.42 FEET; THENCE SOUTH 20° 57' 07" EAST, 23.91 FEET; THENCE SOUTH 44° 43' 34" WEST, 41.19 FEET TO A POINT FEET TO A POINT ON A CURVE CONCAVE SOUTHWESTERLY (RADIAL TO SAID POINT BEARS NORTH 30° 01' 30" EAST); THENCE NORTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 04° 00' 15", AN ARC DISTANCE OF 6.99 FEET TO A POINT OF COMPOUND CURVATURE WITH A CURVE SOUTHERLY; THENCE WESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 70.00 FEET, A CENTRAL ANGLE OF 30° 11' 36", AN ARC DISTANCE OF 36.89 FEET TO THE POINT OF BEGINNING, A/K/A LOT 17, BLOCK 1, WATERFORD PATIO HOMES (UNRECORDED)

ERNEST W. DUNCAN
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA
NO. LS 5182
NOT VALID WITHOUT SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER.
LB 7030

DATE OF SURVEY 11/29/06



- 1) N89° 43' 08" E 80.39'
- 2) R=490.00' D=18° 57' 31"
L=162.14'
- 3) S71° 19' 21" E 201.74'
- 4) R=529.63' D=17° 16' 48"
L=159.73'
- 5) N26° 01' 15" E 232.89'

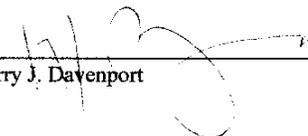
P.O.C. R=70.00' R=100.00'
D=30° 11' 36" D=4° 00' 15"
L=36.89' L=6.99'

Exhibit 4 (Letters from adjacent property owners)

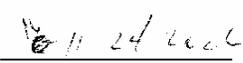
To: Town of Davie

From: Jerry J. Davenport

Be advised that I am the owner of the Property located at 15037 Brighton Lane Davie Florida 33331, Broward County Prop ID #10033-04-07700, Lot #16 of the Ivanhoe Waterford Patio Homes. The aforementioned property being adjacent to the property owned by George I. Pico located at 15031 Brighton Lane Davie Florida 33331, Broward County Prop ID #10033-04-07800, Lot #17 of the Ivanhoe Waterford Patio Homes. I have no objection to the Town of Davie granting a variance to the Town of Davie building code to George I. Pico to allow the side property line setback of a dock to be reduced from fifteen(15) feet to ten(10) feet.



Jerry J. Davenport



Date

Exhibit 6

Waterford Patio Homeowners Association Approval Form
15010 S Waterford Drive
Davie, Florida 33331

Date: 11/30/06
(Date of Application)

Name: GEORGE I. PICO

Address: 15031 BRIGHTON LANE

Date of Modification: TO BE DETERMINED

Description of Modification / Addition: THE ASSOCIATION HAS NO OBJECTION TO A PROPERTY PERMITTED (TOWN OF DAVIE) AND BUILT DOWN ON THE AFOREMENTIONED PROPERTY. SUBJECT TO FINAL APPROVAL WITH PLANS. ATTACH COPIES OF ANY PLAN / DRAWINGS / ETC., TO THIS FORM.

This Approval Form must have the WPHA seal and signature of at least three (3) Board Members. This form will serve as approval by the Board of Directors, for the attached proposed changes / improvements:

	Approval	Date
President:	<u>Richard W. Anderson</u>	<u>12-1-06</u>
Vice President:	<u>Don Bell</u>	<u>12-1-06</u>
Treasurer:	<u>Paula Aust.</u>	<u>12/1/06.</u>
Secretary:	_____	_____
Director:	_____	_____

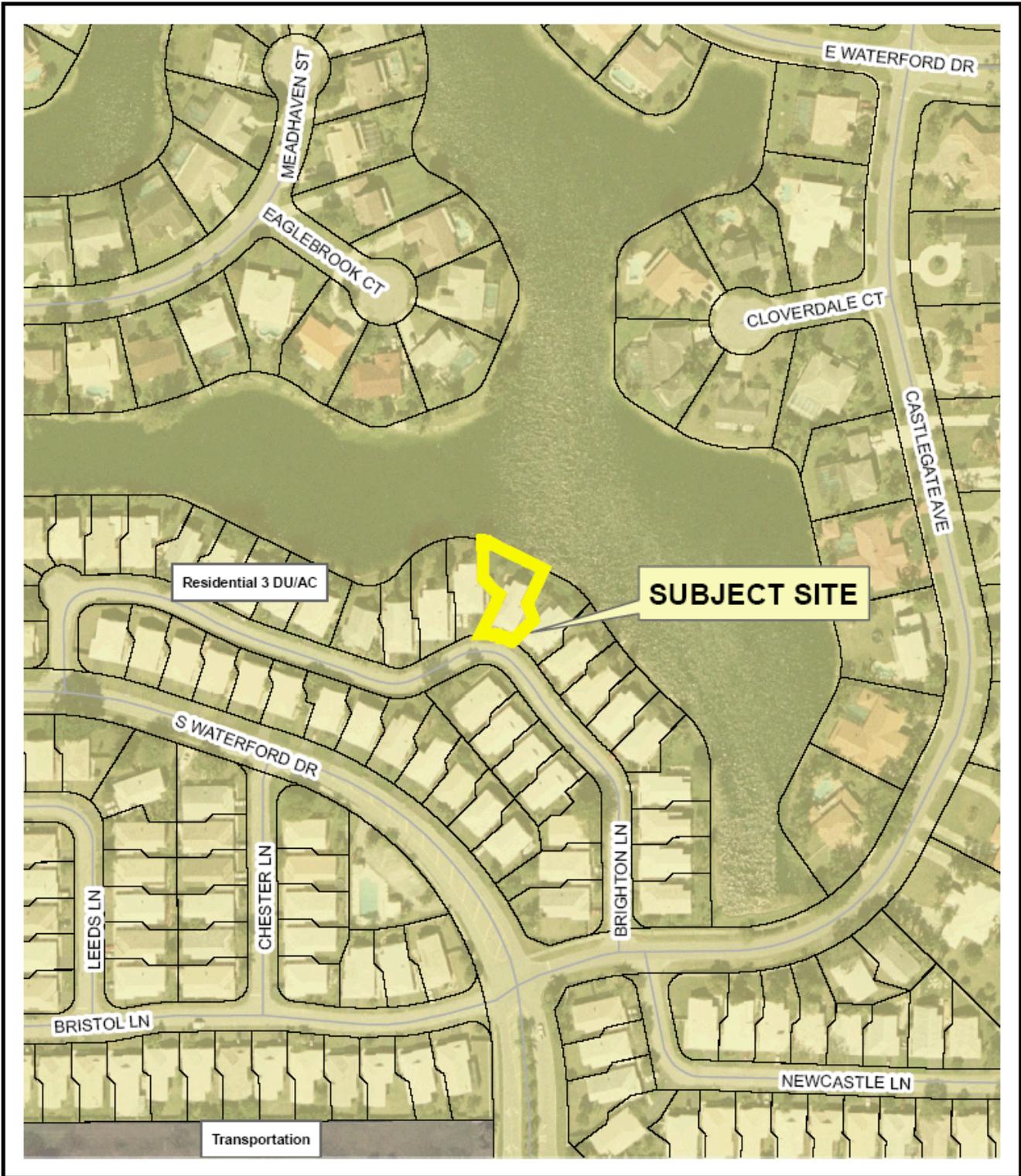
Homeowner:
All permits are issued by the Town of Davie subject to all applicable building / zoning regulations, approval and any modifications by the Town of Davie. This completed approval form must be taken to the Town of Davie and presented to the Building and Zoning Department to apply for a permit. A copy of this form must be posted in a manner with any permits, ready for inspection, by the Town of Davie and the Waterford Patio Homeowners Association.

If in the process of obtaining the permit and completing the building/improvements, the homeowner is in violation of the Homeowners Association bylaws or regulations or with Town of Davie ordinances, or county or state regulations, Homeowner shall pay a penalty of \$25.00 per month, to the Association, in addition to the yearly association dues, until the time the homeowner has come into compliance with all relevant Association rules and regulations.

This form is intended to unify our community standards.

Approval Form 2002.docxvtd

Exhibit 7 (*Future Land Use Plan Map*)



Date Flown:
12/2004

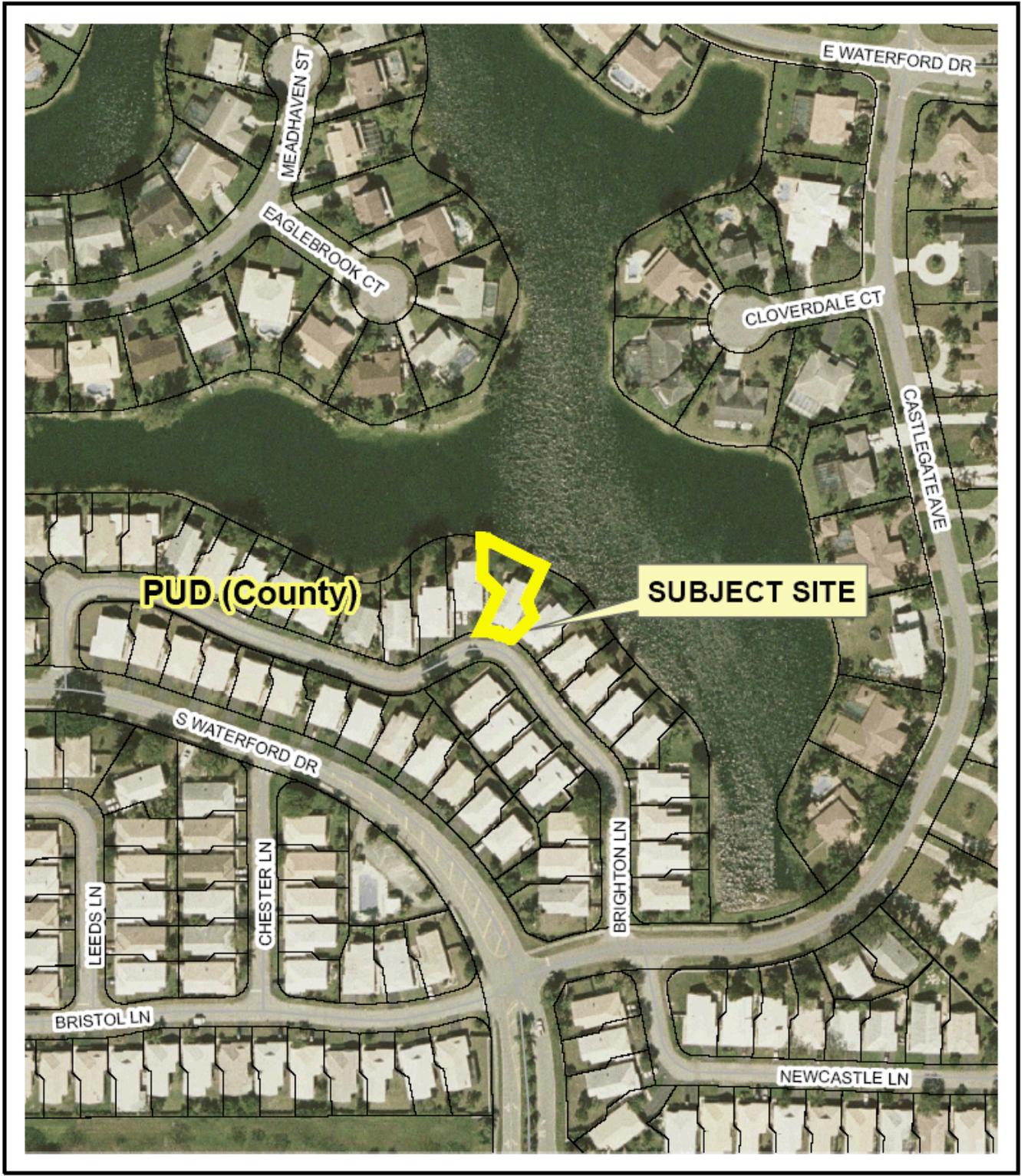


Prepared by the Town of Davie GIS Division

Variance
V 11-2-06
Future Land Use Map

Prepared by: ID
Date Prepared: 1/22/07

Exhibit 8 (*Zoning and Aerial Map*)



Date Flown:
12/2004



Prepared by the Town of Davie GIS Division

Variance
V 11-2-06
Zoning and Aerial Map

Prepared by: ID
Date Prepared: 1/22/07

Exhibit 8 (Site Photo)



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

SUBJECT: Appointments

AFFECTED DISTRICT: Townwide

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: Appointments

REPORT IN BRIEF: Appointments required to be made by Council

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

RECOMMENDATION(S): n/a

Attachment(s): List of appointments needed

APPOINTMENTS FOR MAYOR TRUEX

Item #	Previous Appointment	# OF MEETINGS	# OF ABSENCES	INTERESTED IN BEING REAPPOINTED?	Appointment to be made
6.1.1	MOBILE HOME TASK FORCE	Milton Rines			resigned 04/2007
6.1.2	PARKS AND RECREATION ADVISORY BOARD	Vacancy			
6.1.3	SENIOR CITIZEN ADVISORY COMMITTEE	Vacancy			
6.1.4	WATER AND ENVIRONMENTAL ADVISORY BOARD	Marlena Mosby			missed 3 consecutive meetings
6.1.5	YOUTH EDUCATION AND SAFETY ADVISORY BOARD	Mike Holderfield			resigned 10/2006

Pursuant to Ordinance 2002-9, a board/committee member who is absent for three consecutive meetings or is absent for 50% or more of the meetings in any twelve (12) month period, is automatically dismissed from the board/committee. If the Councilmember who appointed that person to the board/committee feels that there were extenuating circumstances for the absences and that it is in the best interest of the Town that the person be reappointed, the Councilmember may reappoint that same person to the board/committee to complete the unexpired term of that board/committee member's seat.

APPOINTMENTS FOR VICE-MAYOR CALETKA

Item #	Previous Appointment	# OF MEETINGS	# OF ABSENCES	INTERESTED IN BEING REAPPOINTED?	Appointment to be made
6.2.1	SENIOR CITIZENS ADVISORY BOARD Marie Kaplan				

Pursuant to Ordinance 2002-9, a board/committee member who is absent for three consecutive meetings or is absent for 50% or more of the meetings in any twelve (12) month period, is automatically dismissed from the board/committee. If the Councilmember who appointed that person to the board/committee feels that there were extenuating circumstances for the absences and that it is in the best interest of the Town that the person be reappointed, the Councilmember may reappoint that same person to the board/committee to complete the unexpired term of that board/committee member's seat.

APPOINTMENTS FOR COUNCILMEMBER LUIS

Item #	Previous Appointment	# OF MEETINGS	# OF ABSENCES	INTERESTED IN BEING REAPPOINTED?	Appointment to be made
6.3.1	AIRPORT/TRANSPORTATION ADVISORY BOARD vacancy				
	vacancy				

Pursuant to Ordinance 2002-9, a board/committee member who is absent for three consecutive meetings or is absent for 50% or more of the meetings in any twelve (12) month period, is automatically dismissed from the board/committee. If the Councilmember who appointed that person to the board/committee feels that there were extenuating circumstances for the absences and that it is in the best interest of the Town that the person be reappointed, the Councilmember may reappoint that same person to the board/committee to complete the unexpired term of that board/committee member's seat.

APPOINTMENTS FOR COUNCILMEMBER STARKEY

Item #	Previous Appointment	# OF MEETINGS	# OF ABSENCES	INTERESTED IN BEING REAPPOINTED?	Appointment to be made
6.3.1	AIRPORT/TRANSPORTATION ADVISORY BOARD Sidney Calloway				resigned 05/2007

Pursuant to Code Section 2-72(d), a board/committee member who is absent for three consecutive meetings or is absent for 50% or more of the meetings in any twelve (12) month period, is automatically dismissed from the board/committee. If the Councilmember who appointed that person to the board/committee feels that there were extenuating circumstances for the absences and that it is in the best interest of the Town that the person be reappointed, the Councilmember may reappoint that same person to the board/committee to complete the unexpired term of that board/committee member's seat.

UNSAFE STRUCTURES BOARD

Item #			Previous Appointment	# OF MEETINGS	# OF ABSENCES	INTERESTED IN BEING REAPPOINTED?	Appointment to be made
6.5	UNSAFE STRUCTURES BOARD	Council	Robin Massa (Real Estate Property Manager)	0	--	No	
		Council	Richard Katz (Plumbing Contractor)	0	--	No	

* * * * *

THIS PAGE
INTENTIONALLY
LEFT BLANK

* * * * *

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Braulio Rosa, Public Information Officer, 954-797-1027

PREPARED BY: Braulio Rosa, Public Information Officer, 954-797-1027

SUBJECT: Draft Response to the FAA's Draft EIS

AFFECTED DISTRICT: all

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: DAVIE'S RESPONSE TO THE FAA'S AND BROWARD COUNTY'S DRAFT EIS FOR THE POTENTIAL EXPANSION OF RUNWAY 9R-27L

REPORT IN BRIEF: As per the council's direction, we are bringing back for discussion the Town's draft response to the Draft Environmental Impact Statement for the expansion of Runway 9R-27L. This document was prepared by the Federal Aviation Agency for the sponsor agency, Broward County. The Town's special attorney and consultants have prepared this document, which the Town will submit as its official comments and response to the Draft EIS. The Town's response must be submitted by midnight on May 21, 2007. This is a draft and it will continue to be refined, as time permits.

PREVIOUS ACTIONS: n/a

CONCURRENCES:

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: \$30,000-\$70,000

Account Name: special projects

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Item returned for council discussion.

Attachment(s):

Backup will be provided under a separate cover.

* * * * *

THIS PAGE
INTENTIONALLY
LEFT BLANK

* * * * *

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Carol Menke, Acting Budget & Finance Director

PREPARED BY: Carol Menke, Acting Budget & Finance Director

SUBJECT: Invitation to submit proposals for Town Attorney to the Town of Davie, Florida

AFFECTED DISTRICT: Town wide

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: Invitation to Submit Proposals for Town Attorney

REPORT IN BRIEF: At the May 2, 2007, Town Council meeting, after considering all the information presented on the subject, the Town Council unanimously agreed that the Council favored an out sourced contractual Town Attorney arrangement rather than an in house staff position(s). The Town Council then gave direction to Town staff to draft, and bring back to the Town Council for review at the next meeting, an invitation to submit proposals for Town Attorney services. This agenda item is in response to that Town Council request and is intended to be the forum to incorporate the Town Council's comments and requirements into the document prior to it being advertised and sent out.

PREVIOUS ACTIONS: As stated above, the Town Council requested this item at the May 2, 2007 meeting.

CONCURRENCES:

FISCAL IMPACT: Yes

Has request been budgeted? Yes

If yes, expected cost: approximately \$300,000 per year

Account Name: Town Attorney Expenses

If no, amount needed: \$

What account will funds be appropriated from: 001-1810-514-3101

Additional Comments:

RECOMMENDATION(S): Review and provide comments on the draft document and provide related direction to staff.

Attachment(s):

Invitation to Submit Proposals for Town Attorney to the Town of Davie, Florida

**INVITATION TO SUBMIT PROPOSALS
FOR TOWN ATTORNEY TO
THE TOWN OF DAVIE, FLORIDA**

The Town Council of the Town of Davie, Florida, is seeking the assistance of counsel experienced in all facets of municipal law, with offices located in Broward, Miami-Dade or Palm Beach County to serve as Town Attorney for the Town of Davie. This document invites your firm to submit a proposal to perform Town Attorney services for the Town on a contractual basis. The Town Council is anticipating entering into a contract with no definite termination date, but all proposals will be considered.

QUALIFICATIONS

Your firm must maintain a law office with a substantial practice within the counties of Broward, Miami-Dade, or Palm Beach. Your firm must possess demonstrated ability, knowledge, and expertise to provide Town Attorney services to the Town of Davie. Such experience should include representing municipal governments in all facets of daily government operations as well as experience in coordinating and managing the work of other law firms brought in for areas of specialized expertise. It is important that your firm has sufficient depth of talent and is able to allocate a sufficient amount of time to meet the demand that the Town of Davie will place upon its Town Attorney.

INFORMATION TO BE PROVIDED

The following information **must** be provided in order to receive maximum consideration:

1. A listing and profile of all attorneys with your firm who have experience as municipal counsel. The response to this section should also include information as to the length of time that your firm has provided municipal counsel services.
2. Resumes of partners and principals who will be assigned to the Town of Davie account, which information should include an indication of the experience that each attorney possesses relative to municipal government representation. Please indicate the primary partner that will be responsible for the Town account and be present at the Town Council meetings.
3. Resumes of associates or other staff that you anticipate assigning to the Town account.
4. A description of the general capabilities of your firm, including information relating to total size and staffing, research capability, professional staff, and clerical support.
5. References and contact information for at least three (3) municipal or county governments in Florida for which your firm currently provides, or has provided within the past three (3) years, similar services.
6. In regard to the potential for conflicts of interest:
 - a. Provide a list of all actual and/or potential conflicts of interest your firm may currently have in the event it were selected as Town Attorney for the Town of Davie.
 - b. Provide confirmation that your firm is prepared to take whatever steps the Town Council determines are necessary for your firm to take in order to resolve any actual and/or

potential conflicts of interest as identified in section 6(a) above and as may be identified in the future.

7. A statement that all of the firm's attorneys to be assigned to the Town of Davie account are members in good standing of the Florida Bar.
8. A statement disclosing any complaints filed against and/or disciplinary procedures taken against any current member of your firm by the Florida Bar Association or any relevant State regulatory agency.

CRITERIA FOR SELECTION AND EVALUATION

All proposals will be reviewed by the Town Council of the Town of Davie Florida and will be evaluated on the basis of the perceived ability of the firm to meet the demands of the Town in a timely and efficient manner. Experience, depth of legal talent, and availability of facilities and resources will be considered. The Town Council reserves the right to reject any or all proposals submitted.

Further, a review of the firm's potential conflict of representation will be considered and will be an important factor considered by the Town in the selection of the Town Attorney. The Town Attorney shall agree that it shall not act as counsel in any lawsuit or other adversarial proceeding in which the Town of Davie or any Town of Davie Councilmember is named as an adverse party or undertake any private representation of any party before the Town of Davie Town Council, in reference to any judicial or quasi-judicial hearing, proceeding, or any application, request for ruling or other determination, contract, claim, controversy, petition, or other matter, including lobbying, while so retained as the Town Attorney for the Town of Davie.

The Town Council may short list and request in person presentations to the Town Council by the short listed firms at the discretion of the Town Council. The Town Council will serve as the selection committee that will rank any such short listed firms.

A contract will be negotiated with the highest ranked firm and brought back to the Town Council for approval. The contract will include a fee schedule and the fees and expenses charged by the selected firm will be as provided in the fee schedule. If a mutually agreeable contract is not able to be negotiated with the highest ranked firm the Town Council may set that firm aside and negotiate a contract with the next highest ranked firm. This process may continue through the list of ranked firms. However, at any time the Town Council reserves the right to reject all proposals and restart the process or procure the necessary services in another manner that the Town Council deems to be in the Town's best interest.

SUBMISSION OF PROPOSAL

Nine (9) sets (one (1) clearly marked original and eight (8) copies) of each proposal must be delivered to the Town of Davie, Purchasing Division, 6591 Orange Drive, Davie, Florida 33314 before 2:00 p.m. on Tuesday, June 12, 2007, enclosed in a sealed envelope clearly marked "Proposal for Town Attorney Services."

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Carol Menke/797-1054

PREPARED BY: Herb Hyman/797-1016

SUBJECT: Presentation

AFFECTED DISTRICT: All

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: SELECTING A FIRM TO PROVIDE AUDITING SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.

REPORT IN BRIEF: The Town solicited competitive sealed proposals for auditing services as required by the Town's Charter. RFP documents were sent to fifteen (15) prospective proposers. Additionally, the bid was advertised state-wide in Florida Bid Reporting and nationally in BidNet and also posted on the Town's web site. The Town received three (3) responses (two (2) proposals and one (1) "no bid" response). Both proposers have been invited to make an oral presentation to the Town Council. The Town Council will select the best qualified firm. Following the selection, appropriate staff members will negotiate a contract for services and present that contract to Council by resolution at a future meeting.

PREVIOUS ACTIONS: Not applicable.

CONCURRENCES: n/a.

FISCAL IMPACT: Yes

Has request been budgeted? Yes

If yes, expected cost: To be negotiated with the highest ranked firm.

Account Name: Town Administrator-Auditing Expense Account

Additional Comments:

RECOMMENDATION(S): Authorize appropriate staff members to negotiate a contract with the highest ranked firm.

Attachment(s):

Proposal from Grau & Associates

**PROPOSAL TO PROVIDE
AUDITING SERVICES
FOR THE**

TOWN OF DAVIE, FLORIDA

**FOR THE FISCAL YEAR ENDING ~~DECEMBER~~ 30, 2006, 2007 ~~AND~~ 2008
WITH THE OPTION ~~EXTENDING~~ THE CONTRACT
FOR TWO (2) ~~ADDITIONAL~~ YEARS.**

PROPOSAL DUE: January 2007, on or about 2:00 p.m.

AUDITING SERVICES, B-07-03



2700 North Military Trail, Suite 350, Boca Raton, FL 33431
Telephone: (561) 994-9299, Fax: (561) 994-5823, Watts: (800) 299-4728

Contact Person: Antonio Grau, Jr., CPA
tony@graucpa.com

TOWN OF DAVIE, FLORIDA

TABLE OF CONTENTS

	<u>PAGE</u>
<u>V. PROPOSAL REQUIREMENTS</u>	
<i>A. Submission of Proposals</i>	
TRANSMITTAL LETTER	1-3
<i>B. Technical Proposal</i>	
1. General Requirements	4
2. Independence	4
3. License To Practice In Florida	4
4. Insurance Requirements	4
5. Firm Qualifications and Experience.....	4-11
6. Partners, Supervisory and Staff Qualifications and Experience	12-25
7. Similar Engagements with other Governmental Entities	26
8. Workload	27-34
9. Audit Approach.....	35-44
 SUPPLEMENTAL INFORMATION.....	 45-46
CONCLUSION	47-48
APPENDIX A – EVIDENCE OF LICENSES	

January 19, 2007

Town of Davie, Florida
Attn: Purchasing Division
6591 Orange Drive
Davie, Florida 33314

Re: Proposal to Provide Auditing Services for the Town of Davie, Florida B-07-03
To be opened on or about 2:00 p.m. on Tuesday, January 23, 2007

To Whom It May Concern:

Grau & Associates (Grau) appreciates the opportunity to respond to your Request for Proposal for the Town of Davie, Florida (Town). Our audit will follow the Auditing Standards of the AICPA, *Generally Accepted Government Auditing Standards*, issued by the Comptroller General of the United States, and the Rules of the Auditor General of the State of Florida and any other applicable Federal, State or local laws or regulations. We will deliver our reports in accordance with your requirements.

Grau is the successor firm to the Grau & Company audit and attestation services practice for the Boca Raton office. We are a South Florida professional association / licensed Certified Public Accounting firm based out of Boca Raton. We have provided governmental auditing services in Florida for the **past 28 years**. Grau is a member of the American Institute of Certified Public Accountants and Florida Institute of Certified Public Accountants.

● **Grau & Associates has an IMPECCABLE REPUTATION:**

- ▼ Grau has **never** been involved in **any** litigation, proceeding or disciplinary action
- ▼ Grau has **never** been charged with or convicted of a public entity crime

● **Grau's Focus on Governmental Audits/Established Presence:**

- ▼ Last year, Grau performed:
 - **173 audits** under *Governmental Auditing Standards*, and
 - performed in excess of 19,000 **hours** of services for our Public Sector Clients

● **Grau provides Personalized Services/Immediate Responsiveness/Smooth Transition:**

- ▼ **Offers a “Client-Friendly Approach:”** We will work with the Town to resolve any issues and open the lines of communication, so there will be **no surprises!** Along these lines, our Engagement Partner will report on a regular basis of any potential audit adjustments, to **allow the Town appropriate time to respond and research.**
- ▼ **Always Only a “Phone Call Away:”** We are accessible to Clients **24 hours / 7 days a week** regarding any comments / questions / concerns.
- ▼ **Stays Involved the Entire Year** - We will make suggestions to improve the Town’s Performance / Procedures / Controls:
Because our team **does not fall into the accepted “ticking and tying”** mentality, we **understand the “big picture” and think beyond the traditional auditor’s perspective.** Throughout the **entire year**, we will update, advise and educate the Town as to all new and/or revised reporting requirements, to assure the Town’s compliance with same.

● **Experienced Personnel On-the-Job** - Our **Management Team:**

- ▼ **has 63 total years, SIX DECADES, of governmental experience**
- ▼ **averages over 16 years** of professional practice in the governmental audit field
- ▼ **has a very low staff turnover** (Unlike auditors from most firms, *our professionals focus the majority of their time working exclusively with governmental entities*)
- ▼ is comprised of **experienced Firm Management (Partner, Consultant, Manager, Senior)** whom will constitute **100 percent** of total engagement resources.
- ▼ **NET RESULT:** *our Management Team averages over 10 years working together as a TEAM*

We humbly ask you to compare our *Engagement Team* to our peer competitors’ assigned teams. *We are confident you will not see another firm assigning as experienced a team to your engagement.*

● **Ability to Furnish the Required Services:**

Grau & Associates affirms that it has the professional staff available to perform the engagement and that all of its resources will be available to complete the work. Grau has been in business for 28 years, is financially stable, and has never been involved in any bankruptcy proceedings. Grau has a disaster recovery plan which includes backing up all data on a daily basis and offsite storage. Grau also has a line of credit which provides for the ability to borrow up to \$416,000 for cash flow needs.

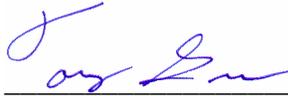
Town of Davie, Florida
January 19, 2007
Page 3

This proposal is a firm and irrevocable offer for ninety (90) days. We certify this proposal is made without previous understanding, agreement or connection either with any previous firms or corporations offering a Proposal for the same items or with the Town. We also certify our proposal is in all respects fair, without outside control, collusion, fraud, or otherwise illegal action, and were prepared in good faith. Only the person(s), company or parties interested in the project as principals are named in the proposal. Grau has no existing or potential conflicts, and anticipates no conflicts during the engagement.

Antonio Grau, Jr., CPA, Partner, is authorized to make representations for and to bind the firm. He can be reached at (561) 994-9299. His e-mail address is tony@graucpa.com. Grau's Federal I.D. Number is 20-2067322. Please do not hesitate to call if you have any questions about the information provided in this proposal. We thank you for considering our firm's qualifications and experience and look forward to serving you.

Very truly yours,

Grau & Associates



Antonio Grau, Jr.

V. PROPOSAL REQUIREMENTS

B. Technical Proposal

1. General Requirements

Grau agrees to adhere to the instructions in this Request for Proposal for preparing and submitting the proposal.

2. Independence

Grau & Associates affirms we meet the independence requirements of the Standards for Audit of Governmental Organizations Programs, Activities and Functions published by the U.S. General Accounting Office, *Governmental Auditing Standards (GAS)* issued by the Comptroller General of the United States and the Laws and Rules of Florida Board of Accounting or any subsequent amendments or superseding revisions. As defined by auditing standards generally accepted in the United States of America and the U.S. General Accounting office's *Government Auditing Standards*, we are independent of the Town. Grau & Associates, their partners and employees are independent of the Town. Grau has no conflict of interest as it regards the Town.

3. License to Practice in Florida

Grau & Associates is a properly registered/ licensed State of Florida professional corporation. All assigned supervisory professional staff are properly registered/licensed to practice in the State of Florida. **(See APPENDIX A for evidence of licenses.)**

4. Insurance Requirements

Grau & Associates meets all insurance requirements and will comply with the insurance requirements as enumerated in this RFP.

5. Firm Qualifications and Experience

GRAU & ASSOCIATES: GOVERNMENT INDUSTRY FOCUS

Grau & Associates is a medium-sized accounting firm (South Florida professional corporation), located in Boca Raton. Grau provides comprehensive financial and compliance auditing, attestation and accounting, and other management consulting services.

By focusing our expertise on governmental entities, we provide the highest level of financial and compliance auditing and consulting services to our Public Sector Clients.

f Last year, Grau performed:

- in excess of **19,000 hours** of services to our Public Sector Clients
- **Audits** under **Government Auditing Standards**

V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

5. Firm Qualifications and Experience (Continued)

Grau & Associates' address is 2700 North Military Trail, Suite 350, Boca Raton, Florida 33431; Telephone: (561) 994-9299; Fax: (561) 994-5823; Watts: (800) 299-4728.

STAFF

Grau & Associates has a total of 17 employees, 15 professional staff, including **2 Partners** and **13 professionals** who **specialize** in **providing accounting, consulting, monitoring** and **auditing services** to the **Public Sector**. The number of professional staff by employee classification is as follows:

92%

GOVERNMENTAL AUDITS
 OTHER AUDITS

8%

	TOTAL PROFESSIONAL STAFF	TOTAL CPA'S	PUBLIC SECTOR STAFF	SKILLED IN COMPUTERS	
<i>Partner</i>	2	2	2	2	
<i>Managers</i>	3	3	3	3	
<i>Advisory Consultant</i>	1	1		1	
<i>Supervisor / Seniors</i>	3	3		3	
<i>Staff accountants</i>	6		6		6
Total	15	7	15	15	

ALL FULL TIME EMPLOYEES

The Partners, Consultant and Managers of Grau are members of the American Institute of Certified Public Accountants and the Florida Institute of Certified Public Accountants. The Partners and Managers are members of the Florida Government Finance Officers Association.

V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

5. Firm Qualifications and Experience (Continued)

Grau's OUTSTANDING REPUTATION
ESTABLISHED OVER 28 YEARS

f Grau & Associates, the Partners and its employees have **never** been involved in any litigation, proceeding or disciplinary action in any manner related to our professional activities.

f Grau & Associates, the Partners and its employees have **never** been charged with or convicted of a public entity crime.

f Grau & Associates is not aware of any complaints being filed with the Florida Department of Business and Professional Regulations regarding our firm, the Partners and its' Employees.

V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

5. Firm Qualifications and Experience (Continued)

Quality Control and Confidentiality

Grau participates in an external quality review program requiring an on-site independent examination of our accounting and auditing practice. Grau & Associates has consistently received an unqualified opinion on the quality of our audit practice. During our firm's last external quality control review, seven audits were reviewed, including six government audits. A copy of the report on the firm's most recent quality review (and related correspondence) are on pages 8-10. Note: our firm's quality control review included a review of specific governmental engagements.

In addition to scheduled Peer Reviews, our firm continually monitors performance to ensure the highest quality of services. Under the supervision of the Audit Partner, an Audit Manager is responsible for monitoring quality control of all appropriate engagements.

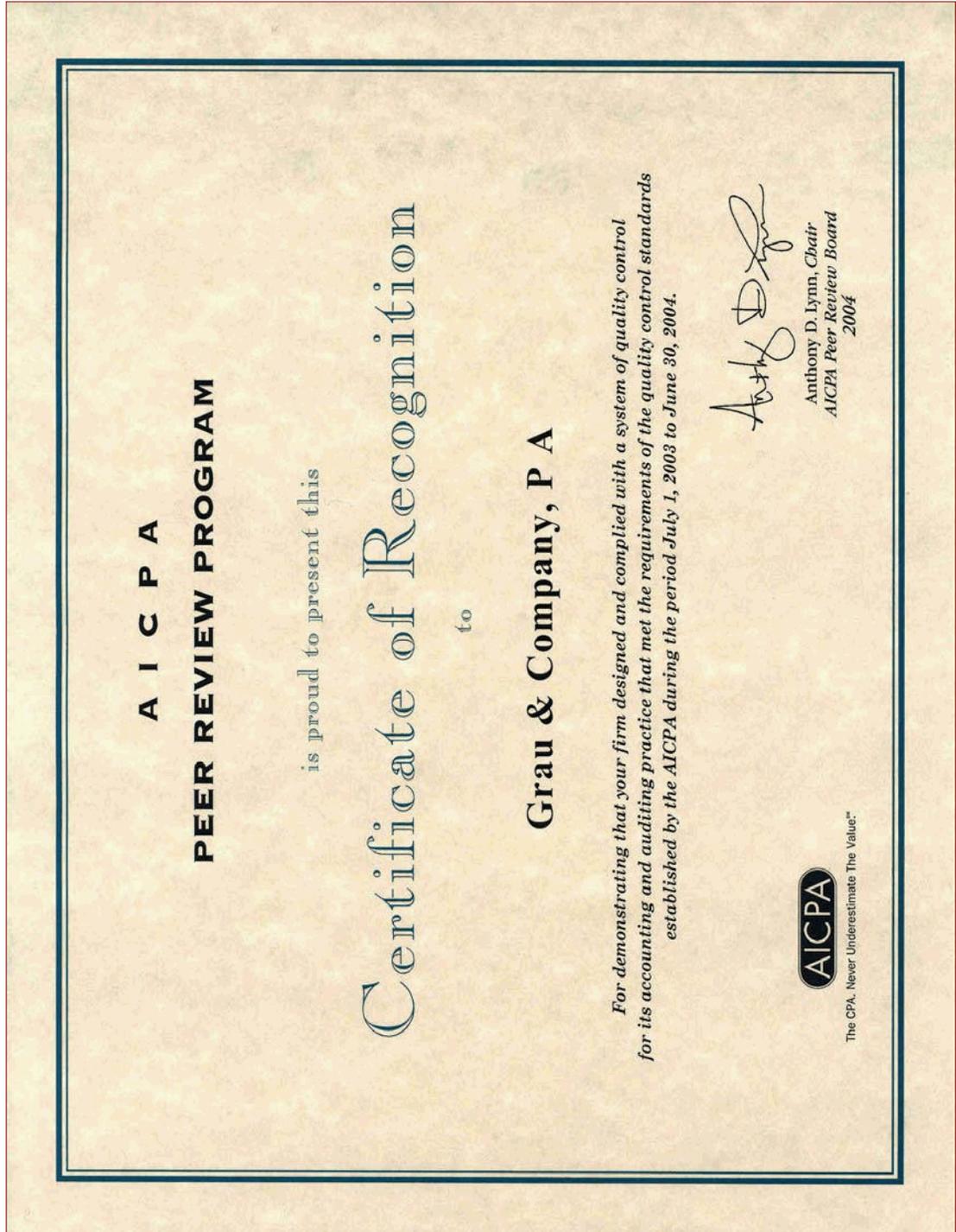
Only professional staff that works on an engagement has access to client information.

Results of State and Federal Reviews

All state and federal reviews of the firm's reports and working papers have been accepted without change or revision to issued reports.

V. PROPOSAL REQUIREMENTS (Continued)
B. Technical Proposal (Continued)

5. Firm Qualifications and Experience (Continued)



V. PROPOSAL REQUIREMENTS (Continued)
B. Technical Proposal (Continued)

5. Firm Qualifications and Experience (Continued)



William H. Hawthorne
whh@cpa-associates.com

1301 Sixth Avenue West, Suite 600
Bradenton, Florida 34205
(941) 747-4483
Fax (941) 747-8396
www.cpa-associates.net

October 30, 2004

Mr. Antonio Grau, Jr., CPA
Grau & Company, P.A.
2700 North Military Trail
Suite 350
Boca Raton, Florida 33431

Dear Tony:

Enclosed are two copies of your peer review report for the year ending June 30, 2004. As we discussed, the report is unqualified and there is no letter of comments.

You should send a copy of the report to the FICPA Peer Review Committee.

Tony, I enjoyed working on this engagement and your hospitality very much. You have an excellent firm and the dedication to quality work is apparent. If we can ever be of help or if you have any questions please call me.

Sincerely,

William H. Hawthorne, CPA

WHH:

Enclosures

V. PROPOSAL REQUIREMENTS (Continued)
B. Technical Proposal (Continued)

5. Firm Qualifications and Experience (Continued)



September 30, 2004

To the Shareholders
Grau & Company, P.A.

We have reviewed the system of quality control for the accounting and auditing practice of Grau & Company, P.A. (the firm) in effect for the year ended June 30, 2004. A system of quality control encompasses the firm's organization structure and the policies adopted and procedures established to provide it with reasonable assurance of conforming with professional standards. The elements of quality control are described in the Statements on Quality Control Standards issued by the American Institute of Certified Public Accountants (the AICPA). The design of the system, and compliance with it, are the responsibilities of the firm. Our responsibility is to express an opinion on the design of the system, and the firm's compliance with that system based on our review.

Our review was conducted in accordance with standards established by the Peer Review Board of the AICPA. In performing our review, we obtained an understanding of the system of quality control for the firm's accounting and auditing practice. In addition, we tested compliance with the firm's quality control policies and procedures to the extent we considered appropriate. These tests covered the application of the firm's policies and procedures on selected engagements. Because our review was based on selective tests, it would not necessarily disclose all weaknesses in the system of quality control or all instances of lack of compliance with it.

Because there are inherent limitations in the effectiveness of any system of quality control, departures from the system may occur and not be detected. Also, projection of any evaluation of a system of quality control to future periods is subject to the risk that the system of quality control may become inadequate because of changes in conditions, or because the degree of compliance with the policies or procedures may deteriorate.

In our opinion, the system of quality control for the accounting and auditing practice of Grau & Company, P.A. in effect for the year ended June 30, 2004, has been designed to meet the requirements of the quality control standards for an auditing practice established by the AICPA and was complied with during the year then ended to provide the firm with reasonable assurance of conforming with professional standards.

CPA Associates
CPA Associates

Members: ■ American Institute of Certified Public Accountants ■ SEC Practice Section ■ Private Companies Practice Section ■ Florida Institute of Certified Public Accountants

V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

5. Firm Qualifications and Experience (Continued)

Grau would assign the following firm Engagement Team Members to your Town's Engagement:

1 Partner

1 Consultant

1 Audit Manager

1 Audit Senior

4 TOTAL TEAM MEMBERS

f All of these **4** firm team members are *Management-level* with:

- o **63** years of total governmental auditing experience
&
- o have worked together for **57** of these years!

Thus, Grau & Associates brings Town:

- o **SIX DECADES** of Experience
&
- o *true* Engagement Team depth

V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

6. Partner, Supervisory and Staff Qualifications and Experience

QUALITY AND EXPERIENCE OF FIRM'S ASSIGNED AUDITING PERSONNEL

Engagement Partner

The engagement will be performed under the direct supervision of an Engagement Partner. The Engagement Partner has direct responsibility for engagement policy, direction, supervision, quality control, security and communication with Town personnel. The Engagement Partner will be responsible for the quality control, supervision and confidentiality of information of the engagement and will participate extensively during the various stages of the engagement. **He will attend meetings, respond to telephone calls and respond to specific inquiries on a day-to-day basis as primary point of contact.**

He will also be involved in:

- coordinating all services to the Town;
- directing the development of the overall audit approach and plan;
- performing an overriding review of work papers;
- resolving technical accounting and reporting issues;
- reviewing, approving and signing reports, management letters, and other audit engagement products;
- supervising subordinate staff;
- ascertaining the Town is pleased with all aspects of our engagement, such as services and the personnel assigned;
- leading meetings and discussions with key management personnel; and
- meeting with governing board to present audit reports.

Antonio Grau, Jr., CPA will be the Engagement Partner. Mr. Grau has extensive experience in governmental audits, and has performed governmental audits for the **last 22 years**. He will devote a substantial part of his time to the completion of the work.

V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

6. Partner, Supervisory and Staff Qualifications and Experience (Continued)

QUALITY AND EXPERIENCE OF FIRM'S ASSIGNED AUDITING PERSONNEL (Continued)

Audit Manager

The Audit Manager will be assigned full time and will work closely with the partners. He will be responsible for the overall review of the work and compliance with the firm's and regulatory compliance requirements. He will ensure that the financial statements, and all other reports are prepared in accordance with professional standards and firm policy.

He will be responsible for all phases of the fieldwork and he will be:

- supervising subordinate staff;
- planning the audit;
- preparing or modifying audit programs, as needed;
- evaluating the internal control of the computer department;
- evaluating internal control and assessing risk;
- reviewing work papers for compliance with audit requirements and completeness;
- communicating with the Town and the partners the progress of the audit; and
- reviewing financial statements and all reports issued by the firm for accuracy, completeness and that they are prepared in accordance with professional standards and firm policy.

R. Brent Rogers, CPA will be the Audit Manager and a designated "KEY" MEMBER. Mr. Rogers was selected because of his extensive experience in governmental and non-profit audit engagements. He will devote 100% of his time to the completion of the work.

Senior Accountant

A Senior assigned full-time to the engagement will have the responsibility for executing the day-to-day work and will perform more complex audit procedures. The Senior will also be responsible for directing staff on the engagement.

Tatiana Mora will be the Senior. Ms. Mora has been performing governmental audits for **6 years**. She will devote **100% of her time to the completion of the work.**

V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

6. Partner, Supervisory and Staff Qualifications and Experience (Continued)

QUALITY AND EXPERIENCE OF FIRM'S ASSIGNED AUDITING PERSONNEL (Continued)

Concurring Review and Advisory Consultant

A Concurring Review Consultant will be available as a sounding board to advise in those areas where problems are encountered. He will also perform a second review of all reports to be issued by Grau & Associates.

Antonio Grau, Sr., CPA will be the Concurring Review Consultant. Mr. Grau has been involved in performing governmental audits for **26 years**. Mr. Grau is the Concurring Review Consultant on all the governmental audits of the firm. He has obtained the Certificate of Educational Achievement in Governmental and Not-For-Profit Accounting and Auditing from the American Institute of Certified Public Accountants.

V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

6. Partner, Supervisory and Staff Qualifications and Experience (Continued)

GRAU'S AUDIT MANAGEMENT TEAM CPAs' YEARS
of
GOVERNMENTAL AUDITING EXPERIENCE
and
YEARS WORKING TOGETHER as a TEAM

ANTONIO J. GRAU, CPA (Engagement Partner):

- 22 YEARS of TOTAL GOVERNMENTAL AUDITING EXPERIENCE
- 22 YEARS WORKING as a TEAM on GOVERNMENTAL AUDITS

ANTONIO S. GRAU, CPA (Concurring Review Consultant):

- 26 YEARS of TOTAL GOVERNMENTAL AUDITING EXPERIENCE
- 21 YEARS WORKING as a TEAM on GOVERNMENTAL AUDITS

R. BRENT ROGERS, CPA (Manager):

- 9 YEARS of TOTAL GOVERNMENTAL AUDITING EXPERIENCE
- 9 YEARS WORKING as a TEAM on GOVERNMENTAL AUDITS

TATIANA MORA (Senior):

- 6 YEARS of TOTAL GOVERNMENTAL AUDITING EXPERIENCE
- 5 YEARS WORKING as a TEAM on GOVERNMENTAL AUDITS

63 TOTAL YEARS, GOVT. AUDITING EXPERIENCE
57 TOTAL YEARS WORKING TOGETER as a TEAM

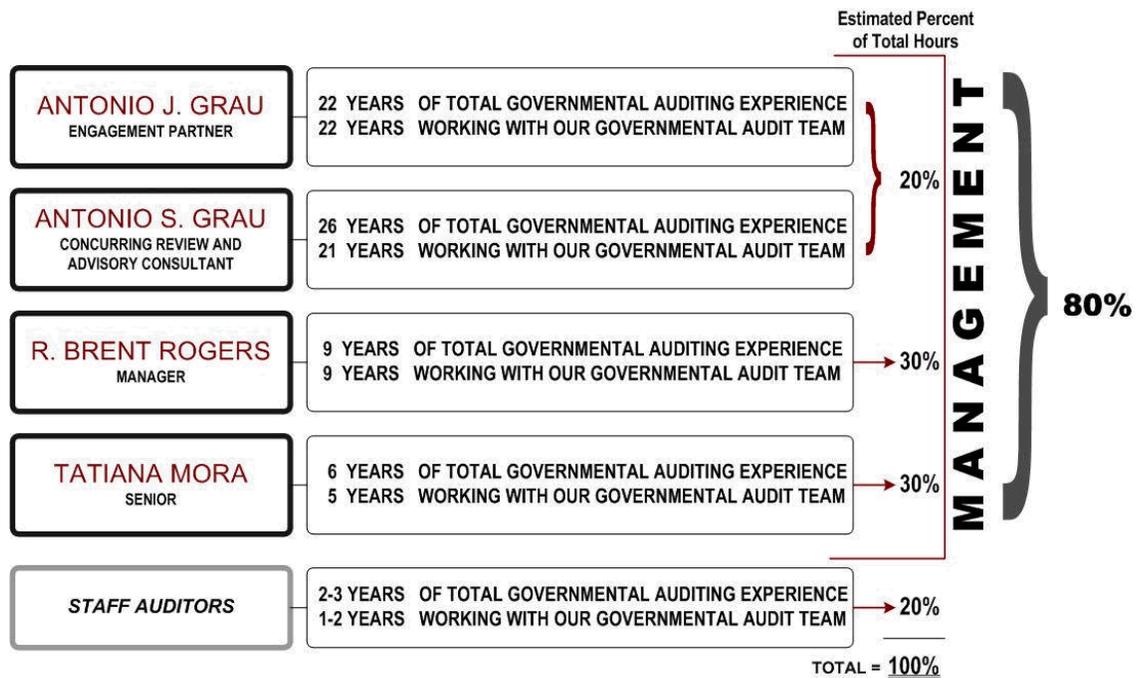
V. PROPOSAL REQUIREMENTS (Continued)
B. Technical Proposal (Continued)

6. Partner, Supervisory and Staff Qualifications and Experience (Continued)

Grau's audit team whom will serve the Town is composed of individuals who understand government entities and possess the technical skills and experience necessary to deliver quality audit services. Our audit team will include **(1) one Partner and Consultant**, who have been involved **TOGETHER** in the audits of government entities for **22 years** **(2) one Manager** who has **19 years** experience in governmental audits and **(3) one Senior** with *extensive experience* in governmental audits.

Your entire Engagement Team (including staff) has:

SIX DECADES of Governmental Auditing Experience
 and
 has **WORKED TOGETHER** this entire period



80 PERCENT OF THE ENGAGEMENT WILL BE PERFORMED BY "MANAGEMENT"

**CONTINUITY
 OF STAFF
 AND AUDIT
 TEAM**

Grau's engagement team's workload is organized in such a way that additional activities brought about by this engagement will not impact our current commitments to our clients. We have sufficient staff capacity to integrate these professional services for the Town into our present operations, while continuing to maintain the highest standards of quality and time lines for our clients. *The Manager and Senior will devote all of their time to performing the Town's audit engagement.*



V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

6. Partner, Supervisory and Staff Qualifications and Experience (Continued)

Quality of the Staff Over the Term of the Engagement

Despite the current market, Grau & Associates has a **very low turnover of employees**. The Engagement Partner and Audit Manager will be designated **“KEY” MEMBERS**. **We pledge to the Town they will be returned to the audit each year of the engagement.** *In the unlikely event that it does become necessary to replace any of the engagement team members, we will notify the Town. We understand the Town’s right to accept or reject replacements.* In addition to the engagement team members proposed herein, we also have other, well-qualified professionals who stand ready to serve the Town’s needs, if required.

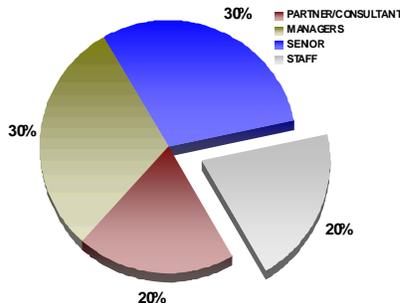
Grau can assure the highest professional qualifications of the staff we will utilize for the Town’s engagement.

In addition to our governmental focus, it is Grau’s policy that all professional employees earn more than the minimum CPE credits required for governmental audits. Further, because we are a growing firm, we have an ongoing recruitment program that seeks only those accountants with a proven record of academic success. When we recruit at the senior and manager level, we select CPA’s with proven governmental accounting and auditing experience.

Composition of Engagement Team

In contrast to the majority of both national and local firms, Grau’s proposed engagement team is comprised of an exceptionally large percentage of high-level audit professionals. This gives us the ability to quickly recognize problems and be more efficient as a result of our Team’s SIX DECADES of governmental auditing experience.

	Estimated Percent of Total Hours	
80% MANAGEMENT	20%	{ Partner Consultant Manager Senior Staff
	30	
	30	
	20	
	<u>100%</u>	Total



80 percent of engagement is performed by “MANAGEMENT”
50 percent of engagement is performed by “SENIOR MANAGEMENT”

V. PROPOSAL REQUIREMENTS (Continued)

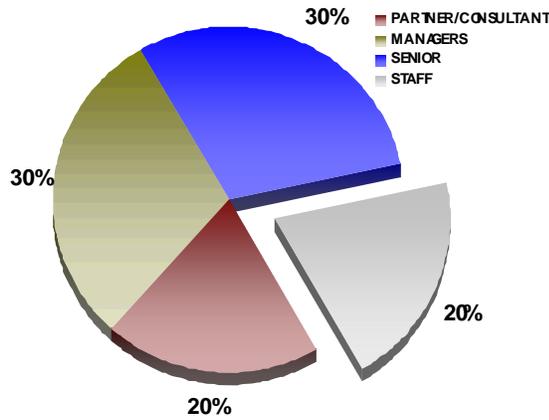
B. Technical Proposal (Continued)

6. Partner, Supervisory and Staff Qualifications and Experience (Continued)

Composition of Grau's Engagement Team

In contrast to the majority of both national and other local firms, Grau's proposed engagement team is comprised of an exceptionally large percentage of High-Level Audit Professionals.

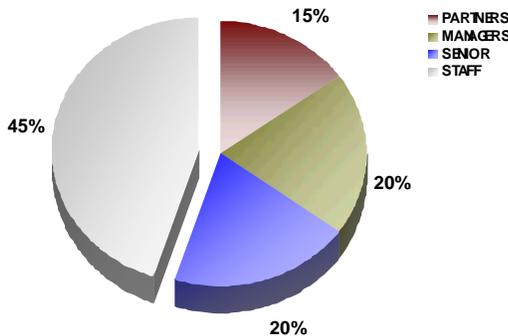
Grau & Associates



80 percent of engagement is performed by “**Management**”

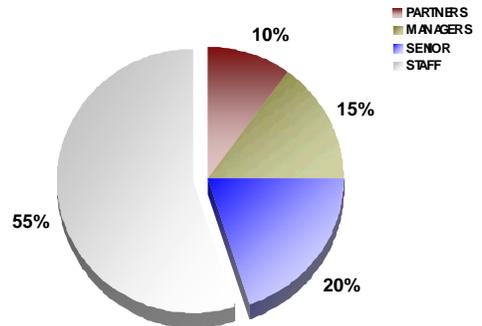
VS.

Typical Local CPA Firm:



Fifty-five percent of engagement is performed by “**Management**”

Typical National CPA Firm



Forty-five percent of engagement is performed by “**Management**”

V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

6. Partner, Supervisory and Staff Qualifications and Experience (Continued)

Antonio Grau, Jr., CPA - e-mail: ton@graucpa.com



Position ENGAGEMENT PARTNER

Education Bachelor of Arts, Business Administration, 1983 University of South Florida; Accredited in Business Valuation by the AICPA, 1998; Personal Financial Specialist, 1997

Professional History CPA, in Florida since February 28, 1985, Certificate No. 15330
 Partner of Grau & Associates since 2006
 Partner of Grau & Company 1995-2005
 Audit manager and staff accountant of Grau & Company 1987 to 1995
 Auditor with an international accounting firm, 1985 to 1986
 Staff accountant of Grau & Company, 1983 to 1984

Clients Served Mr. Grau is the engagement partner on all governmental audits. A partial list of clients served during the last three years as a partner follows:
 (182) Special Taxing Districts (up to 15 years)
 Atlanta Housing Authority (2 years)
 City of Dania Beach (1 year) (Financial / Utility Audit)
 City of Lauderdale Lakes (2 years) (Financial / Utility Audit)
 City of Lauderhill (2 years) (Financial / Utility Audit)
 City of Lauderhill General Pension (2 years)
 City of Miami Springs (1 year) (Financial / Utility Audit)
 City of North Lauderdale (3 years)
 City of Oakland Park (1 year) (Financial / Utility Audit)
 Delray Beach Housing Authority (1 year)
 East Central Regional Wastewater Treatment Facility (5 years)
 Florida Community College at Jacksonville (2 years)
 Florida Department of Management Services (2 years)
 Greater Boca Raton Park & Beach District (4 years)
 Orlando Housing Authority (2 years)
 Palm Beach County School District (3 years)
 Palm Beach County Workforce Development Board (3 years)
 Peninsula Housing Programs (7 years)
 South Florida Water Management District (3 years)
 Southwest Florida Workforce Development Board (5 years)
 Town of Davie (2 years)
 Town of Hypoluxo (9 years) (Financial / Utility Audit)
 West Palm Beach Housing Authority (2 years)

Professional Education Educational courses taken during the last three years.

Course Hours	
Government Accounting and Auditing	48
Accounting, auditing and other	<u>94</u>
Total Hours	<u>152</u>

Other Qualifications As a member of the Government Finance Officers Association Special Review Committee, Mr. Grau has participated in the review process for awarding the GFOA Certificate of Achievement in Financial Reporting, and has reviewed over 40 reports during the past five years.

Mr. Grau was a team member for the Quality Review of the Office of Management Audits of Miami-Dade County School Board. Mr. Grau has participated in the management review of the capital outlay program for the Miami-Dade County School Board and Broward County School Board. Mr. Grau has also audited construction management contracts entered into by the Miami-Dade County School Board.

Professional Associations Member, American Institute of Certified Public Accountants
 Member, Florida Institute of Certified Public Accountants
 Member, Florida Government Finance Officers Association
 Member, Government Finance Officers Association
 Member, Florida Institute of Certified Public Accountants Non-Profit Conf. Committee

V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

6. Partner, Supervisory and Staff Qualifications and Experience (Continued)

Antonio Grau, Sr., CPA - e-mail: asgrau@graucpa.com



Position Concurring Review Consultant

Education Bachelor Degree, Business Administration, 1966, University of Miami, Certificate of Educational Achievement from the AICPA in Governmental and Not-For-Profit Accounting and Auditing, 1994 and 1995.

Professional History

- / CPA, in Florida since April 29, 1970, Certificate No. 2623
- / Partner of Grau & Company, 1977-2004
- / Financial officer of a public company, 1972 to 1976
- / Auditor with an international accounting firm, 1966 to 1972

Clients Served

Mr. Grau was the head of the governmental audit department of Grau & Company, and performs the concurring review and advises on all the governmental audits of the firm. A partial list of audit clients served:

- / Atlanta Housing Authority (2 years)
- / Broward County Housing Authority (3 years)
- / City of Dania Beach (1 year) (Financial / Utility Audit)
- / City of Lauderdale Lakes (2 years) (Financial / Utility Audit)
- / City of Lauderhill (2 years) (Financial / Utility Audit)
- / City of Lauderhill General Employees Pension (2 years)
- / City of Miami Springs (1 year) (Financial / Utility Audit)
- / City of Oakland Park (1 year) (Financial / Utility Audit)
- / City of Sweetwater Pension (10 years) (Financial / Utility Audit)
- / Downtown Development Authority of the City of Miami / Community Development Block Grants (10 years)
- / Florida Community College at Jacksonville (3 years)
- / Miami Beach Housing Authority (2 years)
- / Palm Beach County Workforce Development District (3 years)
- / South Florida Water Management District (3 years)
- / Town of Hypoluxo (24 years) (Financial / Utility Audit)
- / Town of Miami Lakes (1 year)
- / Town of Southwest Ranches (1 year)
- / Village of Biscayne Park (2 years)
- / West Palm Beach Housing Authority (2 years)

Professional Education Educational courses taken during the last three years.

Course Hours	
Government Accounting and Auditing	87
Accounting, auditing and other	<u>46</u>
Total Hours	<u>133</u>

Other Qualifications Mr. Grau was the review team leader for the Quality Review of the Office of Management Audits of Miami-Dade County School Board.

Professional Associations

- / Member, American Institute of Certified Public Accountants
- / Member, Florida Institute of Certified Public Accountants
- / Past member, State and Local Government Committee, Florida Institute of Certified Public Accountants (1996-1997)
- / Past member, Quality Review Acceptance Committee, Florida Institute of Certified Public Accountants (1991 - 1993)
- / Member of BKR International Committee on Government and Non-Profit Accounting and Auditing

V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

6. Partner, Supervisory and Staff Qualifications and Experience (Continued)

R. Brent Rogers, CPA - e-mail: brogers@graucpa.com



Position **Audit Manager – “KEY” Member**

Education Masters Degree, Taxation, 2001, Florida International University,
Bachelor Degree, Accounting, 1992, Florida International University

Professional History *f* Grau & Associates since 2006
 f Grau & Company 1997 to 2005
 f Other Public Experience 1995 to 1997

Clients Served Brent Rogers will serve as the audit Senior/Supervisor and a designated “KEY” Member of the team. Mr. Rogers was selected because of his extensive experience with public sector clients. A partial list of public sector audit clients served follows:

- f* Southwest Florida Workforce Development Board (5 years)
- f* Palm Beach County Workforce Development Board (3 years)
- f* Town of Hypoluxo (4 years)
- f* City of Lauderdale Lakes (2 years)
- f* City of Sweetwater Pension (2 years)
- f* City of Lauderhill (2 years)
- f* City of Dania Beach (1 year)
- f* Codec (HUD) (1 year)
- f* Ft. Pierce Housing Authority (1 year)
- f* Delray Beach Housing Authority (1 year)
- f* West Palm Beach Housing Authority (2 years)
- f* Christian Manor (HUD) (1 year)
- f* Mae Volen Senior Center (5 years)
- f* Hispanic Human Resources Council (8 years)
- f* East Central Regional Wastewater Treatment Facility (5 years)
- f* Various Community Development Districts within Florida (9 years)

Professional Education	Educational courses taken during the last three years.	
	<u>Course</u>	<u>Hours</u>
	Government Accounting and Auditing	69
	Accounting, auditing and other	<u>57</u>
	Total Hours	<u>126</u>

Professional Associations *f* Member, American Institute of Certified Public Accountants
 f Member, Florida Institute of Certified Public Accountants

V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

6. Partner, Supervisory and Staff Qualifications and Experience (Continued)

Tatiana Mora - e-mail: tmora@graucpa.com



Position Senior

Education Bachelor of Arts – Major: Accounting, Queens College of the University of New York, January 1998

Professional History

- § Grau & Associates since 2006
- § Senior Accountant at Grau & Company, 2004 - 2005
- § Staff accountant of Grau & Company, 2001 - 2003
- § Staff of local CPA firms 1999

Clients Served Tatiana Mora will be the Supervisor and a designated “KEY” Member of the team. A partial list of clients served follows:

- § Various Community Development Districts (4 years – Senior)
- § Delray Beach Housing Authority (1 year – Senior)
- § West Palm Beach Housing Authority (1 year – Senior)
- § Greater Boca Raton Park & Beach District (3 years)
- § Florida Advocacy Immigrant Center (2 years)
- § South Indian River Water Control District (2 years)
- § Town of Hypoluxo (2 years)
- § City of Pompano Beach (Joint Venture) (2 years)
- § South Florida Water Management District (Joint Venture) (1 year)
- § SW Florida Workforce Development Board (1 year)
- § Florida Community College at Jacksonville – Internal Audit (2 years)

Professional Education Educational courses taken during the last year.

<u>Course Hours</u>	<u> </u>
Government Accounting and Auditing	80
Accounting, auditing and other	<u>9</u>
Total Hours	<u><u>89</u></u>

Professional Associations

- § Member, Florida Institute of Certified Public Accountants
- § Member, Florida Government Finance Officers Association

V. PROPOSAL REQUIREMENTS (Continued)
B. Technical Proposal (Continued)

6. Partner, Supervisory and Staff Qualifications and Experience (Continued)

CPE HOURS		Total Governmental Accounting and Auditing	Total Educational Hours
<i>EXCEEDING STANDARDS.</i>			
PARTNER, CONSULTANT, ENGAGEMENT MANAGER AND SENIOR AVERAGE <u>71 HOURS</u> OF GOVERNMENTAL CPE COURSES OVER 3 YEARS	x		
	<i>Antonio Grau, Jr.</i> ENGAGEMENT PARTNER	48	152
	<i>Antonio Grau, Sr.</i> CONCURRING REVIEW CONSULTANT	87	133
	<i>R. Brent Rogers</i> AUDIT MANAGER	69	126
	<i>Tatiana Mora</i> SENIOR	<u>80</u>	<u>89</u>
	Total	<u>284</u>	<u>500</u>
	GRAU Average	71	125
	VS.		
	Minimum Required	36	120

Note: All CPA's assigned to the audit have properly maintained CPE in governmental accounting and auditing as required by the State Board of Accountancy.

V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

6. Partner, Supervisory and Staff Qualifications and Experience (Continued)

TRAINING COURSES / MEMBERSHIPS

Compliance with Government Education Requirements

In order to maintain our high level of technical competence, we provide continuing professional education programs for all partners and professional staff members, which exceed national and state standards. **All of the audit professionals of Grau & Associates exceed the education requirements as set forth in Government Auditing Standards, published by the Comptroller General of the United States, and our continuing professional education programs ensure that all audit professionals meet the requirements to participate in audits of government agencies.**

Professional Staff Training

Partners - All of our Partners are CPA's and have in **excess of 21 years** of diversified public accounting experience. They are responsible for overall engagement performance, policy, direction and quality control. They have **far exceeded minimum CPE requirements.**

Managers - All of our Audit Managers are CPA's who have a **minimum of 8 years** of diversified public accounting experience. They have demonstrated ability to plan audit engagements, supervise personnel and maintain frequent contact with clients. They continually upgrade their skills through the firm's continuing education programs and courses sponsored by the AICPA, FICPA and GFOA. They have **far exceeded minimum CPE requirements.**

Seniors - All of our Senior have a **minimum of 3 years** of diversified public accounting experience. They perform audits, evaluate staff, review findings and prepare audit reports. They possess the potential for upward mobility. They have **far exceeded minimum CPE requirements.**

Memberships

All of the firm's CPA's are properly licensed as CPA's and members in good standing of both the American Institute of Certified Public Accountants and the Florida Institute of Certified Public Accountants. In addition, certain firm professionals are members or have been members of the following professional groups:

- FICPA Committee on State and Local Government
- Florida Government Finance Officers Association
- Technical Resource Committee of the Government Finance Officers Association
- Special Review Committee of the Government Finance Officers Association
- Florida Institute of CPA Non-Profit Conference Committee

V. **PROPOSAL REQUIREMENTS** (Continued)

B. **Technical Proposal** (Continued)

6. **Partner, Supervisory and Staff Qualifications and Experience** (Continued)

CPE SEMINARS OFFERED TO CLIENTS

Grau & Associates offers in-house continuing professional education seminars on a regular basis and would invite Town personnel to attend any/all in-house seminars. We have **noted experts throughout the state and country** come to our offices and conduct these seminars, with just some examples noted as follows:

- We had a two-day in-house seminar entailing current issues affecting Governments. The seminar was conducted by *noted national expert Paul Koehler, CPA, a national recognized governmental accounting and auditing expert.*
- In June of 2005 AuditWatch conducted a one-day audit productivity improvement program and a two-day re-engineering session covering enhanced audit quality and efficient and effective audit procedures and practices.

Members of the firm conduct in-house seminars.

V. PROPOSAL REQUIREMENTS (Continued)
B. Technical Proposal (Continued)

7. Similar Engagements with other Governmental Entities

We have included three references of engagements which we believe are similar to the Town.

<u>CITY OF NORTH LAUDERDALE</u>	
Scope:	Audit
Office:	Boca Raton
Partner:	Antonio Grau, Jr.
Date:	Annually since 2004
Client Contact:	Brian Raducci
Telephone:	(954) 724-7056

<u>TOWN OF HYPOLUXO</u>	
Scope:	Audit
Office:	Boca Raton
Partner:	Antonio Grau, Jr.
Date:	Annually since 1980
Client Contact:	Kenneth M. Schultz, Mayor
Telephone:	(561) 582-0155

<u>EAST CENTRAL REGIONAL WASTEWATER TREATMENT FACILITY</u>	
Scope:	Audit
Office:	Boca Raton
Partner:	Antonio Grau, Jr.
Date:	Annually since 1998
Client Contact:	Lynn Greene
Telephone:	(561) 822-1310

V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

8. Workload

**LISTING OF
GOVERNMENTAL CLIENTS
SERVED AND RELATED EXPERIENCE**

	Attestation Services	Consulting Services	Governmental Audit	Single Audit	Utility Audit	CAFR	Current Client	Year End
MUNICIPALITIES OR RELATED COMPONENT UNITS								
City of Lauderhill			3	3	3	3		9/30
City of Lauderhill – General Employees Retirement System			3					9/30
City of North Lauderdale			3			3	3	9/30
City of North Palm Beach (Internal Audit)	3							N/A
City of Pompano Beach (Joint Venture, 40%)			3	3	3	3		9/30
City of Sweetwater			3		3			9/30
City of Sweetwater – Retirement Plan (Component Unit)			3					9/30
City of West Miami			3	3	3			9/30
Miami Beach Redevelopment Agency			3	3		3		9/30
Town of Davie			3	3	3	3	3	9/30
Town of Hypoluxo		3	3	3	3		3	9/30
West Palm Beach Golf Commission (Component Unit)		3	3					9/30
TOTAL	1	2	11	6	6	5	3	
SCHOOL DISTRICTS, COLLEGES AND RELATED ENTITIES								
Broward County School District (Joint Venture) (Assessment of Maintenance Operations)							3	N/A
Broward County School District (Joint Venture, 20%)			3	3		3		N/A
Florida Community College at Jacksonville (Internal Audit)	3							6/30
Highland County School District (Internal Funds Audit)			3					6/30
Miami-Dade County School District (Internal Audit – Quality Review)	3							N/A
Palm Beach County School District (Assessment of maintenance for Facility and Property Management) (Internal Funds Audit)		3	3					6/30
Palm Beach County School District (Joint Venture, 20%)			3	3		3		6/30
Palm Beach County Workforce Development Board (Joint Venture, 25%)	3							6/30
Southwest Florida Workforce Development Board	3		3	3			3	6/30
TOTAL	4	1	5	3	-	2	2	

V. PROPOSAL REQUIREMENTS (Continued)

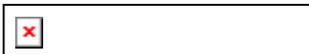
B. Technical Proposal (Continued)

8. Workload (Continued)

**LISTING OF
GOVERNMENTAL CLIENTS
SERVED AND RELATED EXPERIENCE**

	Governmental Audit	Single Audit	Utility Audit	Current Client	Year End
SPECIAL DISTRICTS					
Aberdeen Community Development District	3			3	9/30
Amelia National Community Development District	3			3	9/30
Ave Maria Stewardship Community Development District	3			3	9/30
Ballantrae Community Development District	3			3	9/30
Bay Laurel Community Development District	3			3	9/30
Baytree Community Development District	3			3	9/30
Beacon Lakes Community Development District	3			3	9/30
Beacon Tradeport Community Development District	3			3	9/30
Beeline Community Development District	3				9/30
Bella Terra Community Development District	3			3	9/30
Belmont Lakes Community Development District	3			3	9/30
Bobcat Trail Community Development District	3			3	9/30
Boggy Creek Community Development District	3			3	9/30
Bonnett Creek Community Development District	3				9/30
Brandy Creek Community Development District	3			3	9/30
Briger Community Development District	3			3	9/30
Brighton Lakes Community Development District	3			3	9/30
Capital Region Community Development District	3			3	9/30
Capron Trail Community Development District	3			3	9/30
Cedar Pointe Community Development District	3			3	9/30
Central Broward Water Control District	3			3	9/30
Century Gardens Community Development District	3			3	9/30
Century Parc Community Development District	3			3	9/30
CFM (Coolidge Fort Myers) Community Development District	3			3	9/30
City Center Community Development District	3			3	9/30
City Place Community Development District	3			3	9/30
Concorde Estates Community Development District	3			3	9/30
Connerton West Community Development District	3			3	9/30
Copper Oaks Community Development District	3			3	9/30
Country Green Community Development District	3			3	9/30
Covington Park Community Development District	3			3	9/30
Cutler Cay Community Development District	3			3	9/30
Cypress Cove Community Development District	3			3	9/30
Cypress Lakes Community Development District	3			3	9/30
Diamond Hill Community Development District	3			3	9/30
Dovera Community Development District	3			3	9/30
Dunes Community Development District	3			3	9/30
East Central Regional Wastewater Treatment Facility (Joint Venture, 50%)	3			3	9/30
Eastlake Oaks Community Development District	3			3	9/30
East Park Community Development District	3			3	9/30

Special Districts (Continued)



V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

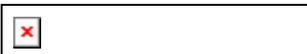
8. Workload (Continued)

**LISTING OF
GOVERNMENTAL CLIENTS
SERVED AND RELATED EXPERIENCE**

(Continued)

	Governmental Audit	Single Audit	Utility Audit	Current Client	Year End
SPECIAL DISTRICTS (Continued)					
Falcon Trace Community Development District	3			3	9/30
Fishhawk I Community Development District	3			3	9/30
Fishhawk II Community Development District	3				9/30
Fleming Island Plantation Community Development District	3			3	9/30
Forest Creek Community Development District	3			3	9/30
Golden Lakes Community Development District	3			3	9/30
Grand Hampton Community Development District	3			3	9/30
Grand Haven Community Development District	3		3	3	9/30
Greater Boca Raton Beach and Park District	3			3	9/30
Greenway Community Development District	3			3	9/30
Greyhawk Landing Community Development District	3			3	9/30
Hammock Bay Community Development District	3			3	9/30
Harbor Bay Community Development District	3			3	9/30
Harbour Isles Community Development District	3			3	9/30
Harbour Lakes Estates Community Development District	3			3	9/30
Harmony Community Development District	3			3	9/30
Heritage Harbor Community Development District	3				9/30
Heritage Harbor South Community Development District	3				9/30
Heritage Isles Community Development District	3			3	9/30
Heritage Isles at Viera Estates Community Development District	3			3	9/30
Heritage Landing Community Development District	3			3	9/30
Heritage Oak Park Community Development District	3			3	9/30
Heritage Park Community Development District	3			3	9/30
Heritage Pines Community Development District	3			3	9/30
Heritage Springs Community Development District	3			3	9/30
Highlands Community Development District	3			3	9/30
Hypoluxo / Haverhill Community Development District	3			3	9/30
Island at Doral (NE) Community Development District	3			3	9/30
Island at Doral (SW) Community Development District	3			3	9/30
Journey's End Community Development District	3			3	9/30
Kendall Breeze Community Development District	3			3	9/30
Key Largo Wastewater Treatment Plant	3			3	9/30
Laguna Community Development District	3			3	9/30
Lake Ashton Community Development District	3			3	9/30
Lake Powell Residential Golf Community Development District	3				9/30
Lakes by the Bay Community Development District	3			3	9/30
Lakeside Plantation Community Development District	3			3	9/30
Lakewood Ranch Inter-District Authority	3			3	9/30
Lakewood Ranch Community Development District 1	3			3	9/30
Lakewood Ranch Community Development District 2	3			3	9/30
Lakewood Ranch Community Development District 3	3			3	9/30

Special Districts (Continued)



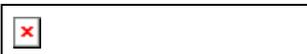
V. PROPOSAL REQUIREMENTS (Continued)
B. Technical Proposal (Continued)

8. Workload (Continued)

**LISTING OF
GOVERNMENTAL CLIENTS
SERVED AND RELATED EXPERIENCE**
(Continued)

	Governmental/Audit	Single Audit	Utility Audit	Current Client	Year End
SPECIAL DISTRICTS (Continued)					
Lakewood Ranch Community Development District 4	3			3	9/30
Lakewood Ranch Community Development District 5	3			3	9/30
Lakewood Ranch Community Development District 6	3			3	9/30
Lexington Community Development District	3			3	9/30
Lexington Oaks Community Development District	3			3	9/30
Live Oaks 1 Community Development District	3			3	9/30
Longleaf Community Development District	3			3	9/30
Lucaya Community Development District	3			3	9/30
Maple Ridge Community Development District	3			3	9/30
Marshall Creek Community Development District	3			3	9/30
Meadow Pines Community Development District	3			3	9/30
Meadowpointe III Community Development District	3			3	9/30
Meadowpointe IV Community Development District	3			3	9/30
Meadow Woods Community Development District	3			3	9/30
Mediterra North Community Development District	3				9/30
Mediterra South Community Development District	3				9/30
Middle Village Community Development District	3				9/30
Miromar Lakes Community Development District	3				9/30
Myrtle Creek Community Development District	3			3	9/30
Naples Heritage Community Development District	3				9/30
Northwood Community Development District	3			3	9/30
Oak Creek Community Development District	3			3	9/30
Oakridge Community Development District	3			3	9/30
Oakstead Community Development District	3			3	9/30
Palma Sola Community Development District	3				9/30
Pal Mar Water Control District	3			3	9/30
Palm Bay Community Development District	3				9/30
Panther Trace 1 Community Development District	3			3	9/30
Parklands Lee Community Development District	3			3	9/30
Parklands West Community Development District	3				9/30
Parkway Center Community Development District	3			3	9/30
Pelican Marsh Community Development District	3				9/30
Pier Park Community Development District	3			3	9/30
Pine Island Community Development District	3			3	9/30
Pinellas Park Water Management District	3			3	9/30
Pinetree Water Control District	3			3	9/30
Piney-Z Community Development District	3			3	9/30
Poinciana Community Development District	3			3	9/30
Portofino Isles Community Development District	3				9/30
Portofino Shores Community Development District	3				9/30
Preserve at Wilderness Lake Community Development District	3			3	9/30
Quantum Community Development District	3			3	9/30

Special Districts (Continued)



V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

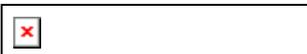
8. Workload (Continued)

**LISTING OF
GOVERNMENTAL CLIENTS
SERVED AND RELATED EXPERIENCE**

(Continued)

	Governmental Audit	Single Audit	Utility Audit	Current Client	Year End
SPECIAL DISTRICTS (Continued)					
Remington Community Development District	3				9/30
Renaissance Community Development District	3				9/20
Reunion East Community Development District	3			3	9/30
Reunion West Community Development District	3			3	9/30
River Bend Community Development District	3			3	9/30
Rivercrest Community Development District	3			3	9/30
River Place Community Development District	3			3	9/30
Riverwood Community Development District	3			3	9/30
Sampson Creek Community Development District	3				9/30
Seven Oaks I Community Development District	3			3	9/30
Seven Oaks II Community Development District	3			3	9/30
Somerset Community Development District	3			3	9/30
South Bay Community Development District	3			3	9/30
South Dade Venture Community Development District	3			3	9/30
South Fork Community Development District	3			3	9/30
South Fork East Community Development District	3			3	9/30
South Indian River Water Control District	3			3	9/30
South Kendall Community Development District	3			3	9/30
South Village Community Development District	3				9/30
Split Pine Community Development District	3			3	9/30
St. John's Forest Community Development District	3			3	9/30
Sterling Hill Community Development District	3			3	9/30
Stevens Plantation Community Development District	3			3	9/30
Stoneybrook West Community Development District	3			3	9/30
Tampa Palms Community Development District	3			3	9/30
Tampa Post Community Development District	3			3	9/30
Tara Community Development District	3			3	9/30
The Crossing at Fleming Island Community Development District	3			3	9/30
The Groves Community Development District	3			3	9/30
The Harbourage at Braden River Community Development District	3			3	9/30
Tolomato Community Development District	3			3	9/30
Tomoka Community Development District	3			3	9/30
Town Center @ Palm Coast Community Development District	3			3	9/30
Turnbull Creek Community Development District	3			3	9/30
Turtle Run Community Development District	3			3	9/30
Tuscany Reserve Community Development District	3			3	9/30
University Place Community Development District	3			3	9/30
University Square Community Development District	3				9/30
Verandah West Community Development District	3				9/30
Venetian Community Development District	3			3	9/30
Verona Walk Community Development District	3			3	9/30

Special Districts (Continued)



V. PROPOSAL REQUIREMENTS (Continued)

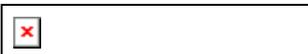
B. Technical Proposal (Continued)

8. Workload (Continued)

**LISTING OF
GOVERNMENTAL CLIENTS
SERVED AND RELATED EXPERIENCE**

(Continued)

	Governmental Audit	Single Audit	Utility Audit	Current Client	Year End
SPECIAL DISTRICTS (Continued)					
Village Walk of Bonita Springs Community Development District	3			3	9/30
Villages at Bloomingdale Community Development District	3			3	9/30
Villages of Westport Community Development District	3			3	9/30
Visari Community Development District	3			3	9/30
Vista Lakes Community Development District	3			3	9/30
Vizcaya Community Development District	3			3	9/30
Walnut Creek Community Development District	3			3	9/30
Waterchase Community Development District	3			3	9/30
Waterlefe Community Development District	3			3	9/30
Westchester Community Development District	3				9/30
West Lake Community Development District	3			3	9/30
West Lakeland Water Control District	3				9/30
West Villages Improvement District	3			3	9/30
Westridge Community Development District	3			3	9/30
Winston Trails Community Development District	3			3	9/30
Woodlands Community Development District	3			3	9/30
World Commerce Community Development District	3			3	9/30
Wyndam Park Community Development District	3			3	9/30
TOTAL	182	-		3157	

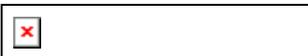


V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

8. Workload (Continued)

LISTING OF GOVERNMENTAL CLIENTS SERVED AND RELATED EXPERIENCE	Attestation Services	Consulting Services	Governmental Audit	Single Audit	Utility Audit	CAFR	Current Client	Year End
PUBLIC HOUSING AUTHORITIES								
Atlanta Housing Authority (Joint Venture/BKR Metcalf)	3		3	3				6/30
Boca Raton Housing Authority	3		3	3				9/30
Delray Beach Housing Authority	3		3	3				3/31
Fort Pierce Housing Authority	3		3	3				6/30
Orlando Housing Authority	3		3	3				3/31
Tampa Housing Authority	3		3	3				3/31
West Palm Beach Housing Authority	3		3	3				3/31
TOTAL	7	-	7	7	-	-	-	
STATE OF FLORIDA AGENCIES AND COMPONENT UNITS								
Florida Transit Association Finance Corporation		3	3				3	6/30
Migrant Health Services of Palm Beach County			3	3				N/A
South Florida Water Management District				3				9/30
South Florida Water Management District (Joint Venture 10%)			3			3		9/30
South Florida Water Management District CERP Program Management Services (Joint Venture)	3							N/A
State of Florida Department of Management Services (Construction)			3					N/A
State of Florida Department of Revenue	3							N/A
State of Florida Department of Transportation (Various)			3				3	N/A
TOTAL	2	1	5	2	-	1	2	
COUNTIES								
Martin County (Various Agreed Upon Procedures)	3						3	N/A
Miami-Dade County Aviation Department (Lease Agreements)			3					N/A
Palm Beach County Airport		3						N/A
TOTAL	1	1	1	-	-	-	1	



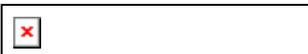
V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

8. Workload (Continued)

**LISTING OF
NON-PROFIT CLIENTS
SERVED AND RELATED EXPERIENCE**

	Attestation Services	Financial Audits	Consulting Services	Governmental Audit	Single Audit	Tax Services	Current Client	Year End
FOUNDATIONS								
Palm Beach Community College Foundation			3	3		3		6/30
TOTAL	-	-	1	1	-	1	-	
SOCIAL SERVICES								
Aid to Victims of Domestic Abuse, Inc.		3		3	3	3	3	6/30
Broward County Human Rights Board/Division (Joint Venture, 30%)	3		3					N/A
Mae Volen Senior Center	3	3		3	3	3	3	6/30
National Board for Registration of Registrars		3				3		3/31
National Cancer Registration Board		3				3		6/30
Urban League of Palm Beach County				3	3			6/30
TOTAL	2	4	1	3	3	4	2	
SCHOOLS OR RELATED PUBLIC SERVICES								
Broward Education Foundation		3		3	3	3	3	6/30
Hispanic Human Resources Council	3	3	3	3	3	3	3	9/30
North Lauderdale Academy High School	3			3			3	6/30
TOTAL	2	2	1	3	2	2	3	
PUBLIC HOUSING PROGRAMS								
Christian Manor	3	3	3	3	3	3		12/31
Northwood Development Corporation	3	3	3	3	3	3		9/30
TOTAL	2	2	2	2	2	2	-	



V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

9. Audit Approach

SCOPE / WORK PRODUCTS / RESULTS

Grau's Understanding of Work Product / Scope of Services:

We recognize the Town is an important entity and its responsibilities create a challenging and dynamic organization. We are confident our firm is eminently qualified to meet the challenges of this engagement and deliver quality audit services to the Town. ***Town of Davie, Florida would be a valued client of our firm and we pledge to commit all firm resources to provide the level and quality of services (as described below) which both fit the Town's needs and exceed the Town's expectations.*** Our audit will follow the Auditing Standards of the AICPA, *Generally Accepted Government Auditing Standards*, issued by the Comptroller General of the United States, and the Rules of the Auditor General of the State of Florida and any other applicable Federal, State or local regulations. We will deliver our reports in accordance with your requirements.

§ **Proposed segmentation of the engagement**

Our approach to the audit engagement is a risk-based approach which integrates the best of traditional auditing techniques and a total systems concept to enable the team to conduct a more efficient and effective audit. The audit will be conducted in three phases, which are as follows:

Phase I - Preliminary Planning

A thorough understanding of your organization, service objectives and operating environment is essential for the development of an audit plan and for an efficient, cost-effective audit. During this phase, we will meet with appropriate personnel to obtain and document our understanding of your operations and service objectives and, at the same time, give you the opportunity to express your expectations with respect to the services that we will provide. Our work effort will be coordinated so that there will be minimal disruption to your staff.

During this phase we will perform the following activities:

- § Review the regulatory, statutory and compliance requirements within which the Town operates. This will include a review of applicable federal and state statutes, resolutions, bond covenants, contracts, and other agreements.
- § Read minutes of meetings of the Town Council and various committees.
- § Review major sources of information such as budgets, organization charts, procedures, manuals, financial systems, and management information systems.



V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

9. Audit Approach (Continued)

§ Proposed segmentation of the engagement (Continued)

Phase I - Preliminary Planning (Continued)

- § Obtain an understanding of the Town's fraud detection and prevention systems.
- § Obtain and document an understanding of the Town's internal control. Consider the methods that the Town uses to process accounting information which influence the design of the internal control. This understanding includes knowledge about the design of relevant policies, procedures, and records, and whether they have been placed in operation by the Town.
- § Assess risk and determine what controls we are to rely upon and what tests we are going to perform. Perform test of controls.
- § Develop audit programs to incorporate the consideration of financial statement assertions, specific audit objectives, and appropriate audit procedures to achieve the specified objectives.
- § Discuss and resolve any accounting, auditing and reporting matters which have been identified.

Phase II – Execution of Audit Plan

The audit team will complete a major portion of transaction testing and audit requirements during this phase. The procedures performed during this period will enable us to identify any matter that may impact the completion of our work or require the attention of management. Tasks to be performed in Phase II include, but are not limited to the following:

- § Obtain trial balances for the fiscal year under audit and import into our paperless audit system.
- § Apply analytical procedures to further assist in the determination of the nature, timing, and extent of auditing procedures used to obtain evidential matter for specific account balances or classes of transactions.
- § Perform tests of account balances and transactions through sampling, vouching, confirmation and other analytical procedures.
- § Perform tests of compliance with applicable laws, regulations, contracts, and agreements.
- § Review test results and preliminary conclusions.

For test of controls and tests of transactions, our professionals will utilize sampling methodologies designed to ensure effective audit procedures are applied in the most efficient manner. Statistical approaches will be based on our calculation of risk factors. If a non-statistical approach is deemed appropriate, we will design our procedures to obtain levels of assurance that we judge to be equivalent to those required when using statistically based techniques.

V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

9. Audit Approach (Continued)

§ Proposed segmentation of the engagement (Continued)

Phase II – Execution of Audit Plan (Continued)

We are actively committed to using computer-based audit techniques. Our knowledge of information systems (IS) and the use of personal computers yield significant savings in the time required to complete an audit. For data extraction, including sample selection, we use a software re called Audit Command Language (ACL) for Windows.

Phase III - Completion and Delivery

In this phase of the audit, we will complete the tasks related to the closing of year-end balances and financial reporting. This will include final testing in the areas of compliance, balance sheet accounts, revenue and expenditures, among others. All reports will be reviewed with management before issuance, and the partners will be available to meet with the Town to discuss our report and address any questions they may have. Tasks to be performed in Phase III include, but are not limited to the following:

- § Perform final analytical procedures including comparison of adjusted expenditure amounts to the budget.
- § Review minutes for subsequent events.
- § Meeting with Management to discuss preparation of draft financial statements, Management's Discussion and Analysis, subsequent events, and any potential findings or recommendations.

You should expect more from your accounting firm than a signature in your annual financial report. Our concept of truly responsive professional service emphasizes taking an active interest in the issues of concern to our clients and serving as an effective resource in dealing with those issues. In following this approach, we not only audit financial information with hindsight but also consider the foresight you apply in managing the operations of the Town.

Application of this approach in developing our management letter is particularly important given the increasing financial pressures and public scrutiny facing today's public officials. We will prepare the management letter at the completion of our final procedures.

In preparing this management letter, we will initially review any draft comments or recommendations at the level within the Town's government where direct management responsibility for the activity under question rests. Only after the initial communication, will we discuss pertinent issues with higher-level officials.

We will immediately report all irregularities and illegal acts or indication of illegal acts to the Town Administrator.

V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

9. Audit Approach (Continued)

§ **Proposed segmentation of the engagement** (Continued)

Phase III - Completion and Delivery (Continued)

In addition, we will inform the Town on each of the following:

- § The auditor's responsibility under generally accepted auditing standards;
- § Significant accounting policies;
- § Management judgments and accounting estimates;
- § Significant audit adjustments;
- § Other information in documents containing audited financial statements;
- § Disagreements with management;
- § Management consultation with other accountants;
- § Major issues discussed with management prior to retention; and
- § Difficulties encountered in performing the audit.

Any criticism of operations will be constructive, and whenever recommendations have been already identified by internal staff, the letter will so state. Our findings will contain a statement of condition describing the situation and the area that needs strengthening, what should be corrected and why. Our suggestions will withstand the basic tests of corrective action:

- § The recommendation must be cost effective;
- § The recommendations are to be the simplest to effectuate in order to correct a problem;
- § The recommendation must go to the heart of the problem and not just correct symptomatic matter; and
- § The corrective action must take into account why the deficiency occurred.

To assure full agreement with facts and circumstances, we will fully discuss each item with the appropriate Town Administrator prior to the final exit conference. This policy means there will be no "surprises" in the management letter and fosters a professional, cooperative atmosphere.

We wish to assist you in identifying and solving problems *before* they become critical. To this end, while our management letters will, of course, communicate reportable conditions or other instances of non-compliance, we will also go beyond simply identifying any noted weaknesses. Rather, we will also recommend suggestions as appropriate for improving operational efficiency, including increasing revenues, decreasing costs, improving management information effectiveness, protecting assets, etc.

V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

9. Audit Approach (Continued)

§ **Proposed segmentation of the engagement** (Continued)

Phase III - Completion and Delivery (Continued)

Our personnel's diverse experience, and their independent and objective views, ensures valuable and meaningful comments, observations, and conclusions as presented in our management letters. We provide positive, solution-oriented recommendations for areas such as financial investing, data and payroll processing, purchasing, budgeting, pension and risk management, and general accounting accuracy.

**INVOLVED
THROUGHOUT
THE ENTIRE
YEAR
AT NO
EXTRA COST**

Communications

We emphasize a continuous, year-round dialogue between the Town and our management team. We will schedule periodic progress meetings in addition to the entrance, interim and exit conference. During these meetings, Town personnel may inform us of their concerns, and we can draw upon our extensive experience with local government operations to offer the appropriate advice and counsel. We believe this continuous, open communication is critical to serving your needs.

In addition, we will be involved through the entire year, at no extra cost, to communicate new developments and changes occurring in the governmental sector.

Willingness and Capability to Perform

Grau affirms that it has the professional staff available to perform this engagement and that all of its resources will be available to complete the work.

§ **Level of staff to be assigned and number of hours to be assigned to each proposed segment of the engagement**

To achieve the proper balance between the ability to recognize problems and the cost in performing the services, **80% of the engagement will be performed by our Management Team.** We emphasize utilizing our highest experienced personnel because of their experience, training and education and corresponding abilities to recognize problems and deal with them expeditiously.

V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

9. Audit Approach (Continued)

§ **Schedule for fiscal years audit except for fiscal year 2006**

PROCEDURES

	August	September	December - January	February
PRELIMINARY PLANNING				
Preliminary discussions - entrance meetings	3			
Obtain understanding of service objectives	3			
Prepare audit planning memorandum	3			
Identify significant issues, review, evaluate and document internal controls	3			
Assess risk	3			
Develop detailed audit programs	3			
PERFORM AUDIT PLAN				
Test internal controls		3		
Test compliance with laws, regulations, contracts, grants and the Town's policies		3		
Substantive test of revenues, expenditures, procurement, payroll, etc.		3		
Review minutes and other agreements		3		
COMPLETION AND DELIVERY				
Complete review for subsequent events and obtain management representations		3		
Prepare reports				3
Review draft of all reports for subsequent events and obtain management representations				3
Issue report on findings and management letter				3
Attend meetings with Management, as required				3

V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

9. Audit Approach (Continued)

§ Extent of use of EDP software in the engagement including the ability to audit through the computer

We are actively committed to using computer-based audit techniques. Our knowledge of information systems (IS) and the use of personal computers yield significant savings in the time required to complete an audit.

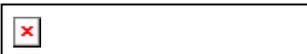
A client's IS environment influences the nature, timing, and extent of planned auditing procedures. Because most of our clients utilize computerized accounting systems, our professional team is experienced with various IS systems. As computers have become more integral to the financial management system, we have met the challenge by incorporating new audit techniques into the audit process. Staff members are trained on new software and are skilled in a wide variety of computerized applications.

Each team member possesses their own laptop computer with pertinent audit-related software. We will utilize Prosystem Fx Engagement, ACL for Windows, database programs and spreadsheet applications for auditing purposes.

Our IS expertise, combined with extensive auditing and consulting experience mean that we understand the technical intricacies of complex information systems in the context of real-world application.

Utilizing this expertise we will be able to,

- § evaluate IS general controls within the computer environment;
- § document critical transaction processing systems;
- § identify key processes and controls within these transaction processing systems;
- § evaluate the effectiveness of identified controls;
- § advise the audit team on results of the evaluation and effect on planned audit procedures;
- § design, develop and execute computer-assisted audit techniques using computer audit software packages; and
- § assess the internal controls



V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

9. Audit Approach (Continued)

§ Sample size and the extent to which statistical sampling is to be used in the engagement

Our professionals will utilize sampling methodologies designed to ensure effective audit procedures are applied in the most efficient manner.

Sampling Techniques

We will utilize representative audit sampling procedures with respect to tests of transactions and tests of controls, where a sample of documentation is to be tested as the principal evidence of a control. During tests of controls, the tests will generally consist of a combination of corroborative inquiry and either observation, examination of documents or re-performance. We will use attribute sampling to test documentary evidence as documentation will be the prime corroborative evidence of identified controls.

Statistical and Non-statistical Sampling

Tests of transactions and tests of controls can be performed using either statistically or non-statistically based techniques. Statistical approaches will be based on our calculation of risk factors. If a non-statistical approach is deemed appropriate, we will design our procedures to obtain levels of assurance that we judge to be equivalent to those required when using statistically based techniques.

Sample Sizes

For tests of controls, sample size will be based on the planned or supported assessed level of control risk and the number of planned or actual deviations expected. For transactions testwork, sample size will be a function of population, materiality, and risk factors.

Statement of Auditing Standards on *Analytical Procedures* provides guidance on the use and extent of analytical procedures in all audits. Analytical procedures are required in the planning and overall review stages of the audit, and are used in the following areas:

Audit Planning

Analytical procedures can provide great insight in planning an audit. These analyses can enhance our understanding of Town's transactions and events that may have occurred during the year under audit. We compare the current balances to the prior year and to the current budget. Isolating significant differences can identify areas that may require additional attention during the field work. For example, such a review could identify a new revenue source for which we would need to obtain documentation supporting the authority for collecting such monies.

V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

9. Audit Approach (Continued)

§ Approach to be taken to gain and document an understanding of the Town of Davie's internal control

The internal control segment is the foundation for the entire audit and involves an extensive understanding and evaluation of Town operating and management information systems and all related internal controls. The results of this evaluation will influence the nature, timing and extent of our substantive audit procedures. This approach ensures that we achieve maximum efficiency and provides valuable feedback to management regarding the effectiveness of controls being relied upon throughout the year.

A thorough understanding of the internal control structure of an organization is critical in planning our audit procedures and providing useful comments and recommendations to Town. Grau utilizes a standardized control overview document which assists us in identifying key elements within internal control, such as the entity's risk assessment process, the control environment, information and communication systems, and general monitoring and control activities.

Our evaluation of internal control includes considering the individual components noted above and then considering the effectiveness of internal control as a whole. We will obtain our understanding of each of the elements through the following procedures:

- § Meeting with Town personnel to discuss operations; and
- § Reviewing internal assessment of internal control

Once we have obtained an understanding of the design of relevant policies and procedures, we will determine whether such procedures have been placed in operation and assess control risk. This begins by holding interviews with data processing and accounting personnel and evaluating your internal system and accounting documentation. We will then prepare documentation of the major systems. To the extent it is available we will also use internal control documentation currently available. This review is organized into major accounting cycles.

We have found through our experience that there are two primary methods to test controls.

- § **Documented controls** – Tested by reviewing a sample of transactions for evidence that the control was being performed.
- § **Undocumented controls** – Tested through inquiry and observation procedures with appropriate department personnel.

V. PROPOSAL REQUIREMENTS (Continued)

B. Technical Proposal (Continued)

9. Audit Approach (Continued)

§ Approach to be taken in determining laws and regulations subject to audit test work

Statement on Auditing Standards from the American Institute of Certified Public Accountants, establishes standards for testing and reporting on compliance with laws and regulations. In all financial statement audits, the auditor must consider laws and regulations that have a direct and material effect on the financial statements. Further, the auditor designs audit procedures to provide reasonable assurance that the financial statements are free of material misstatements resulting from violations of these laws and regulations that have a direct and material impact on the financial statements. For governmental entities, this requirement is even more important given the variety of legal and contractual considerations typical in the government environment.

Identifying applicable laws and regulations is fundamental to fulfilling the responsibility of understanding their effects. We will obtain this knowledge through the following sources.

- § Discussion of compliance requirements with Town officials, including legal counsel.
- § Identification of compliance matters in statutes, financial ordinances, Town policies, contracts, grants and debt agreements.
- § Review of Town Council meeting minutes.
- § Inquiries of the program administrator of the governmental entities that provided grants about restrictions, limitations, terms and conditions under which such grants were provided including review of the OMB Circular A-133 Compliance Supplement and the Florida Single Audit Act.
- § Our existing knowledge of federal and state laws.

Tests of compliance with laws and regulations are included with the tests of transactions and controls, when practical. Additional samples are sometimes necessary to test specific laws and regulations. Sample sizes for compliance testing are determined based on the number of transactions and the significance of the requirement.

SUPPLEMENTAL INFORMATION

CONSULTING / MANAGEMENT ADVISORY SERVICES

Grau also provides a broad range of other management consulting services. Our expertise has been consistently utilized by Governmental and Non-Profit entities throughout South Florida. Examples of engagements performed are as follows:

- Evaluation of computer I/T systems
- Evaluation of facilities and property management
- Accounting systems
- Development of budgets
- Organizational structures
- Cost control
- Financing alternatives
- Fixed asset records
- Cost reimbursement
- Indirect cost allocation
- Bond offering
- Inventory systems
- Construction cost systems
- Business valuations
- Purchasing alternatives
- Grant administration and compliance
- Encumbrance accounting systems

AUDITS OF LEASE AGREEMENTS AND FRANCHISE FEE AGREEMENTS

During the last five years, we have been involved in performing audits of lease agreements and franchise fee agreements for the following entities:

- Martin County – Parks and Recreation
- Town of Hypoluxo – Franchise Fees

RETIREMENT PLANS

Examples of retirement plans of government entities audited by the firm:

- City of Lauderhill General Employees Retirement Plan
- City of Sweetwater Police Officers Defined Benefit Retirement Plan
- Pinetree Water Control District Defined Contribution Retirement Plan
- Town of Hypoluxo Defined Contribution Retirement Plan
- Town of Davie General Employees Retirement Plan

SUPPLEMENTAL INFORMATION

(Continued)

ARBITRAGE

The federal government has imposed complex rules to restrict the use of tax-exempt financing. Their principal purpose is to eliminate any significant arbitrage incentives in a tax-exempt issue. We have determined the applicability of these requirements and performed the rebate calculations for more than 100 bond issues.

LISTING OF GOVERNMENTAL CLIENTS GRAU PROVIDES ARBITRAGE SERVICES FOR:

- ✓ Bartram Springs Community Development District
- ✓ Beacon Lakes Community Development District
- ✓ Beacon Tradeport Community Development District
- ✓ Bobcat Trail Community Development District
- ✓ Brandy Creek Community Development District
- ✓ Briger Community Development District
- ✓ Brighton Lakes Community Development District
- ✓ Capital Region Community Development District
- ✓ Cedar Pointe Community Development District
- ✓ Championsgate Community Development District
- ✓ City Place Community Development District
- ✓ Cory Lakes Community Development District
- ✓ Country Greens Community Development District
- ✓ Double Branch Community Development District
- ✓ Dunes Community Development District
- ✓ East Homestead Community Development District
- ✓ East Park Community Development District
- ✓ Falcon Trace Community Development District
- ✓ Fleming Island Plantation Comm. Dev. District
- ✓ Grand Haven Community Development District
- ✓ Griffin Lakes Community Development District
- ✓ Habitat Community Development District
- ✓ Hamal Community Development District
- ✓ Harbour Lakes Estates Comm. Development District
- ✓ Harmony Community Development District
- ✓ Heritage Palms Community Development District
- ✓ Heritage Pines Community Development District
- ✓ Heritage Springs Community Development District
- ✓ Huntington Community Development District
- ✓ Islands of Doral III Community Development District
- ✓ Julington Creek Plantation Comm. Dev. District
- ✓ Laguna Lakes Community Development District
- ✓ Lake Ashton Community Development District
- ✓ Lakeside Plantation Comm. Development District
- ✓ Lakewood Ranch 1 Community Development District
- ✓ Lakewood Ranch 2 Community Development District
- ✓ Lakewood Ranch 3 Community Development District
- ✓ Lakewood Ranch 4 Community Development District
- ✓ Lakewood Ranch 5 Community Development District
- ✓ Lakewood Ranch 6 Community Development District
- ✓ Live Oak Community Development District
- ✓ Marshall Creek Community Development District
- ✓ Monterra Community Development District
- ✓ Narcossee Community Development District
- ✓ Old Palm Community Development District
- ✓ Overoaks Community Development District
- ✓ Parkway Center Community Development District
- ✓ Pine Air Lakes Community Development District
- ✓ Pine Island Community Development District
- ✓ Portofino Isles Community Development District
- ✓ Portofino Shores Community Development District
- ✓ Reunion East Community Development District
- ✓ Reunion West Community Development District
- ✓ River Place on the St. Lucie Community Dev. District
- ✓ Sampson Creek Community Development District
- ✓ South Dade Venture Community Development District
- ✓ South Village Community Development District
- ✓ Spicewood Community Development District
- ✓ Stoneybrook West Community Development District
- ✓ The Crossings at Fleming Island Comm. Dev. District
- ✓ Turnbull Creek Community Development District
- ✓ University Place Community Development District
- ✓ Urban Orlando Community Development District
- ✓ Vasari Community Development District
- ✓ Villages of Westport Comm. Development District
- ✓ Villasol Community Development District
- ✓ Vista Lakes Community Development District
- ✓ Vizcaya Community Development District
- ✓ Walnut Creek Community Development District
- ✓ Waterchase Community Development District
- ✓ Westchester Community Development District #1

CONCLUSION

GRAU IS THE “RIGHT” CHOICE FOR THE TOWN OF DAVIE, FLORIDA

GRAU PLEDGES THE FOLLOWING GUARANTEES:

We will:

- ◆ Provide a *qualified* and *experienced* audit team possessing knowledge of the operation and administration of the Town’s compliance and legal requirements, and accounting and reporting for operations pursuant to auditing standards and legal requirements
- ◆ Demonstrate our commitment to *quality client service* through:
 - ease of accessibility
 - prompt response to questions, comments, or requests
 - insight and suggestions regarding internal controls, management, and operation, as proper, for both financial and compliance considerations
- ◆ Provide value and services above and beyond the traditional auditor’s “product” - we will “*go the extra mile*”
- ◆ Coordinate with the Town’s personnel, to ensure *minimum* disruption and *maximum* contribution of Town staff
- ◆ Develop and maintain open lines of communication with the Town to help *expedite* the audit process and *avoid awkward* end-of-engagement “*surprises*”

CONCLUSION

(Continued)

The partner and staff of Grau & Associates are committed to providing the Town of Davie, Florida with our resources and specialized expertise. We vow to work closely with the Town's staff to accomplish not only those minimum requirements set forth in your Request for Proposal, but to exceed those expectations.

Appendix A

EVIDENCE OF LICENSES

AC# 2170088

STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
BOARD OF ACCOUNTANCY

SEQ# L05090100008

DATE	BATCH NUMBER	LICENSE NBR
09/01/2005	050162093	AD64305

The ONE OWNER FIRM
Named below IS LICENSED
Under the provisions of Chapter 473 FS.
Expiration date: DEC 31, 2007

ANTONIO J GRAU CPA PA
2700 N. MILITARY TRAIL
SUITE 350
BOCA RATON FL 33431

JEB BUSH
GOVERNORSIMONE MARSTILLER
SECRETARY

DISPLAY AS REQUIRED BY LAW

AC# 2279095

STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
BOARD OF ACCOUNTANCY

SEQ# L05101800829

DATE	BATCH NUMBER	LICENSE NBR
10/18/2005	050322395	AC0015330

The CERTIFIED PUBLIC ACCOUNTANT
Named below IS LICENSED
Under the provisions of Chapter 473 FS.
Expiration date: DEC 31, 2007

GRAU, ANTONIO JOSE
2298 NW 39TH DR
BOCA RATON FL 33431

JEB BUSH
GOVERNORSIMONE MARSTILLER
SECRETARY

DISPLAY AS REQUIRED BY LAW

AC# 2288393

STATE OF FLORIDA

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
BOARD OF ACCOUNTANCY

SEQ# L05102100721

DATE	BATCH NUMBER	LICENSE NBR
10/21/2005	050335390	AC37684

The CERTIFIED PUBLIC ACCOUNTANT
Named below IS LICENSED
Under the provisions of Chapter 473 FS.
Expiration date: DEC 31, 2007

RYMER, SENDIE DENISE
4827 NW 72ND PLACE
COCONUT CREEK FL 33073

JEB BUSH
GOVERNORSIMONE MARSTILLER
SECRETARY

DISPLAY AS REQUIRED BY LAW

**KEEFE, McCULLOUGH & CO., LLP
CERTIFIED PUBLIC ACCOUNTANTS**

**PROPOSAL FOR AUDITING SERVICES
RFP B-07-03
FOR**

TOWN OF DAVIE

**KEEFE, McCULLOUGH & CO., LLP
CERTIFIED PUBLIC ACCOUNTANTS**

**PROPOSAL FOR AUDITING SERVICES
RFP B-07-03
FOR**

TOWN OF DAVIE

SUBMITTED ON JANUARY 22, 2007

**KEEFE, MCCULLOUGH & CO., LLP, C.P.A.'S
6550 NORTH FEDERAL HIGHWAY
SUITE 410
FT. LAUDERDALE, FLORIDA 33308
954-771-0896**

FIRM CONTACT PERSONS:

**Cynthia L. Calvert, C.P.A., Partner
William G. Benson, C.P.A., Partner**

**KEEFE, McCULLOUGH & CO., LLP
CERTIFIED PUBLIC ACCOUNTANTS**

**PROPOSAL FOR AUDITING SERVICES
RFP B-07-03
FOR**

TOWN OF DAVIE

TABLE OF CONTENTS

	<u>SECTION</u>
Letter of Transmittal	I
Technical Proposal	II
Service Team Member Profiles	III
Peer Review Documents	IV
Proposer Warranties	V

**KEEFE, McCULLOUGH & CO., LLP
CERTIFIED PUBLIC ACCOUNTANTS**

LETTER OF TRANSMITTAL



KEEFE, McCULLOUGH & CO., LLP
CERTIFIED PUBLIC ACCOUNTANTS

JOHN R. KEEFE, C.P.A.
JOHN E. McCULLOUGH, C.P.A. (RETIRED)
THOMAS T. CARPENTER, C.P.A.
PAUL B. SNEIDER, C.P.A. (RETIRED)
STEVEN H. WOODS, C.P.A.
DAVID T. WILLIAMS, C.P.A.

JOSEPH D. LEO, C.P.A.
WILLIAM G. BENSON, C.P.A.
BRIAN D. PINNELL, C.P.A. (RETIRED)
KENNETH G. SMITH, C.P.A.
LOUIS R. PROIETTO, C.P.A.
CYNTHIA L. CALVERT, C.P.A.

CHARLES K. RUMPF, C.P.A.
ISRAEL J. GOMEZ, C.P.A.

JAMES R. LARAWAY, C.P.A.
ROSS S. GOTTHOFFER, C.P.A.

6550 NORTH FEDERAL HIGHWAY
SUITE 410
FORT LAUDERDALE, FLORIDA 33308
(954) 771-0896
FAX: (954) 938-9353
E-MAIL: kmc@kmc CPA.com

January 22, 2007

Town Administrator and Members
of the Town Council
Town of Davie
6591 S.W. 45th Street
Davie, Florida 33314

Dear Town Administrator and Town Council Members:

We are pleased to propose to perform auditing services for the Town of Davie. It is our understanding that our proposal covers the annual financial and compliance audit of the various funds and account groups of the Town for the fiscal years ending September 30, 2006, 2007 and 2008, with an option of extending the contract for two additional years.

Our examination of the Town's financial statements will be conducted in accordance with;

1. Generally accepted auditing standards as set forth by the American Institute of Certified Public Accountants;
2. The standards set forth for financial audits in the U.S. General Accounting Office's (GAO), Government Auditing Standards;
3. The provisions of the Federal Single Audit Act (as amended);
4. The provisions of the Florida Single Audit Act (as amended);
5. U.S. Office of Management and Budget (OMB) Circular 133 as well as the following additional requirements;
6. Florida Statutes;
7. State of Florida Department of Banking and Finance Regulations;
8. Rules adopted by the State of Florida Auditor General for form and content of governmental unit audits;
9. Audits of State and Local Governmental Units (Revised) - AICPA Audit and Accounting Guide;
10. Any other applicable Federal, State and local laws or regulations.

Keefe, McCullough & Co., LLP, C.P.A.'s is committed to performing the auditing services within the prescribed time frame as outlined in the Town's request for proposal number B-07-03 beginning with the fiscal year ending September 30, 2007.

The following individuals are authorized to make representations for the firm:

Cynthia L. Calvert, C.P.A., Partner
William G. Benson, C.P.A., Partner

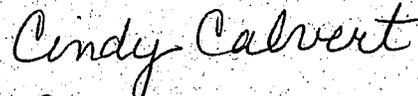
Keefe, McCullough & Co., LLP, C.P.A.'s
6550 North Federal Highway, Suite 410
Ft. Lauderdale, Florida 33308
954-771-0896

We believe our firm to be best qualified to perform your audit engagement based on substantial governmental experience obtained over the entire period of our firm's existence, our firm's commitment to continue to provide the necessary continuing professional education to qualify all of our professional accounting staff in this specialized area, our absolute dedication to excellence and quality in our practice and our unique service philosophy which has created a dedicated and satisfied clientele over many years.

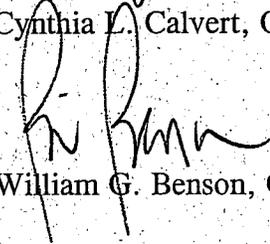
We hereby attest to our authority to submit this proposal and to individually bind Keefe, McCullough & Co., LLP, C.P.A.'s to perform this audit in accordance with the resulting contract agreement should the firm be selected. This proposal is a firm and irrevocable offer for ninety (90) days from the date of the proposal.

Regards,

KEEFE, McCULLOUGH & CO., LLP



Cynthia L. Calvert, C.P.A.



William G. Benson, C.P.A.

**KEEFE, McCULLOUGH & CO., LLP
CERTIFIED PUBLIC ACCOUNTANTS**

TECHNICAL PROPOSAL

TECHNICAL PROPOSAL

1. General Requirements.

Keefe, McCullough & Co., LLP, C.P.A.'s has existed as a firm for over thirty-five years and we are located in Fort Lauderdale to serve the South Florida area. Our office consists of nine partners, approximately fifty (50) professional accounting staff members and administrative support personnel. We have the capacity to handle the Town's auditing needs and significant experience representing Broward municipalities. All of the firm's professional accounting staff are a part of the governmental audit staff. We are members of the American Institute of Certified Public Accountants and the Florida Institute of Certified Public Accountants.

Our practice includes audit engagements, management advisory services, tax planning and tax return preparation, and consulting services. We believe our growth can be attributed to our ability to give each client, regardless of size, personalized and timely service of the highest quality.

Our service philosophy is based on the premise that every engagement receives personal overall supervision from a firm partner or partners. This approach guarantees that the same person will be in charge of your audit year after year. In addition, while the primary purpose of our auditing services is completing the audit of your financial statements and rendering an opinion on their fairness, we pride ourselves in continually looking for, and communicating by management letter or informal discussion, recommendations that may result in more efficient operations, stronger accounting and administrative controls or cost savings to our clients.

Our firm's attention does not cease when your financial statements have been completed. We will be accessible to you throughout the year to provide answers to questions and consulting services, as needed.

Our firm presently provides auditing services for a number of governmental entities, community mental health centers, employee benefit plans, not-for-profit organizations, and other entities. We are very proud to have served as independent auditors for governmental units similar to yours and numerous not-for-profit organizations. We have listed several of these entities for your reference as part of this Technical Proposal.

We believe that engagement tenure is indicative of the quality and continuity of our service, our flexibility in handling growth situations, and dealing with changing management and personnel. We feel that we excel in dealing with our clients on an individual basis and tailoring our service to meet their specific requirements.

We have substantial experience in the area of compliance auditing in accordance with Government Auditing Standards ("The Yellow Book") and the OMB Circulars "Audits of State and Local Governments" and "Audits of Institutions of Higher Education and Other Nonprofit Organizations." We have many clients with substantial grant revenue that require Federal Single Audit and Florida Single Audit procedures. Due to the concentration of this type of work in our practice, we provide each member of our professional accounting staff with eighty hours of continuing professional education every two years. Of this total, twenty-four hours directly relate to governmental or other "Yellow Book" type engagements.

TECHNICAL PROPOSAL

1. General Requirements (continued).

Our firm participates in the American Institute of Certified Public Accountants Quality Review Program and we received an unqualified opinion on our last four quality reviews. We have included documentation relating to the most recent review in Section III.

Our firm recognizes that the most important product we can provide to a client is prompt and effective service of the highest quality. All our efforts, as a firm are directed toward achieving that goal. We are confident we can serve you to your complete satisfaction and we are committed to utilizing the highest level of skills available in our firm to accomplish that very important responsibility.

2. Independence.

We are independent of the Town of Davie as defined by generally accepted auditing standards and the U.S. General Accounting Office's Government Auditing Standards.

The Firm has had no professional relationships involving the Town of Davie during the past five years.

We agree to promptly notify the Town of Davie of any professional relationships entered into during the period of this agreement.

3. License to Practice in Florida.

Keefe, McCullough & Co., LLP, is properly licensed in the State of Florida by the Department of Professional Regulation. Our license number is AD 0010282. Further, all members of the firm that are designated as Certified Public Accountants are properly licensed in the State of Florida.

4. Insurance Requirements.

Keefe, McCullough & Co., LLP, can and will comply with the insurance requirements as enumerated in the Town's RFP number B-07-03.

5. Firm Qualifications and Experience.

The Town will be serviced from our office at 6550 North Federal Highway, Suite 410, Fort Lauderdale, Florida. Firm stratification is as follows:

	<u>Total</u>	<u>Governmental Audit Staff</u>
Partners	9	6
Managers	3	2
Supervisors	4	3
Senior Accountants	12	12
Staff Accountants	14	14
Administrative Personnel	9	N/A

TECHNICAL PROPOSAL

5. Firm Qualifications and Experience (continued).

We have provided a "proposed audit team" in response number 6 below.

As discussed further in the proposal, all partners of the firm are working partners and the partner assigned to each engagement is significantly involved in the audit procedures. We believe this approach provides a system for efficient decision making and improved communication with the client. Our entire professional staff is governmental qualified and receives the appropriate professional training.

We believe that the management letter is an effective means in which to communicate our audit findings and recommendations affecting the financial statements, internal control structure and compliance with laws and regulations. We pride ourselves in continually looking for and communicating recommendations that may result in more efficient operations, stronger internal controls or cost savings. It is our practice to issue our management letter in draft form for discussion with the appropriate client personnel before final issuance. In addition, due to the concentration of governmental engagements in our practice, we believe our staff to be very familiar with governmental organizations and operations. Further, we believe they excel in identifying and implementing cost saving suggestions for our clients.

Keefe, McCullough & Co., LLP routinely receives desk reviews from various State of Florida departments (Department of Children and Families, FDOT or DOEA) since we perform a substantial number of governmental and non-profit engagements. We have had no field reviews during the last three years, and we have had no disciplinary action taken or pending against our firm or any of our professional accounting staff.

6. Partners, Supervisory Staff Qualifications and Experience.

Our proposed audit team is comprised of the following individuals:

Cynthia L. Calvert, C.P.A., First Partner
William G. Benson, C.P.A., Review Partner
Thomas T. Carpenter, C.P.A., Cold Review Partner
Steve Akins, Audit Senior

A profile of each audit team member is included in Section III, which lists specific governmental experience. In addition, our firm has sponsored continuing professional education courses annually regarding a variety of governmental subjects, including Governmental Accounting Standards Board Statement Number 34 (GASB 34) implementation and other topics.

We have experienced very low turnover of our professional accounting staff members, since our firm philosophy emphasizes direct partner involvement in each engagement including various phases of the fieldwork. We would communicate with Town staff in the event of staff turnover and promptly identify a mutually agreeable replacement team member.

TECHNICAL PROPOSAL

7. **Similar Engagements with other Governmental Entities.**

The five most significant municipal engagements performed by our firm in the last three years that are similar to the engagement described in this request for proposals are listed as follows:

Mr. Herbert Herriman, Finance Director
City of Plantation, Florida
400 N.W. 73rd Avenue
Plantation, FL 33317
954-797-2202

Scope of work:

Annual financial and compliance audits of the City and its blended component units

Assistance in helping the City comply with the requirements of Governmental Accounting Standards Board Statement Number 34 (GASB 34) and related pronouncements

Date of work: 1994 through 2006

Engagement partner(s): William G. Benson, C.P.A.

Approximated number of hours: 1,000

Mr. John R. Flint, City Manager
City of Weston, Florida
2500 Weston Road, Suite 101
Weston, FL 33331
954-385-2000

Scope of work:

Annual financial and compliance audits of the City

Assistance in helping the City obtain the Certificate of Achievement for Excellence in Financial Reporting issued by the Government Finance Officers Association

Date of work: 2004 through 2006

Engagement partner(s): Cynthia L. Calvert, C.P.A.

Approximate number of hours: 1,000

Ms. Judith C. Kilgore, Finance Director
City of Parkland, Florida
6500 Parkside Drive
Parkland, FL 33067
954-753-5040

Scope of work:

Annual financial and compliance audits of the City

Assistance in helping the City obtain the Certificate of Achievement for Excellence in Financial Reporting issued by the Government Finance Officers Association

Assistance in helping the City comply with the requirements of Governmental Accounting Standards Board Statement Number 34 (GASB 34) and related pronouncements

Date of work: 1995 through 2006

Engagement partner(s): Kenneth G. Smith, C.P.A.

Approximate number of hours: 500

TECHNICAL PROPOSAL

7. **Similar Engagements with other Governmental Entities (continued).**

Ms. Lisa Rabon, Finance Director
City of Wilton Manors, Florida

524 N.E. 21st Court
Wilton Manors, FL 33305
954-390-2100

Scope of work:

Annual financial and compliance audits of the City
Assistance in helping the City obtain the Certificate of Achievement for
Excellence in Financial Reporting issued by the Government
Finance Officers Association
Assistance in helping the City comply with the requirements of
Governmental Accounting Standards Board Statement Number
34 (GASB 34) and related pronouncements

Date of work: 1993 through 2006

Engagement partner(s): Kenneth G. Smith, C.P.A.

Approximate number of hours: 450

Mr. John Lavisky, City Administrator
City of Lighthouse Point, Florida

P.O. Box 5100
Lighthouse Point, FL 33064
954-943-6500

Scope of work:

Annual financial and compliance audits of the City
Assistance in helping the City obtain the Certificate of Achievement for
Excellence in Financial Reporting issued by the Government
Finance Officers Association
Assistance in helping the City comply with the requirements of
Governmental Accounting Standards Board Statement Number
34 (GASB 34) and related pronouncements

Date of work: 1994 through 2006

Engagement partner(s): David Tad Williams, C.P.A.

Approximate number of hours: 300

8. **Workload.**

The following is a list of current governmental audit clients, all with a September 30th year end date:

South Florida Municipalities:

City of Lighthouse Point
City of North Bay Village
City of Parkland
City of Plantation
City of Weston
City of Wilton Manors
Islamorada, Village of Islands
Town of Golden Beach
Town of Hillsboro Beach
Town of Pembroke Park
Town of Southwest Ranches
Village of Sea Ranch Lakes

TECHNICAL PROPOSAL

8. Workload (continued).

Our firm also performs services for numerous other governmental entities, community development districts, not-for-profit schools, religious organizations and other entities that use governmental accounting.

9. Audit Approach.

Keefe, McCullough & Co., LLP, C.P.A.'s anticipated approach to the examination of the financial statements of the Town of Davie is summarized below:

General Work Plan:

We have provided below a preliminary engagement work plan to perform the financial and compliance audits which involve the General Fund, Special Revenue Funds, Capital Projects Fund, Enterprise Funds, Internal Service Funds and Pension Trusts of the Town of Davie.

In performing the financial and compliance audits for the Town of Davie we will follow a very detailed and comprehensive audit program. Further, it is our policy to utilize the talents of our client's personnel wherever and whenever it is feasible to do so in the course of any engagement in order to most efficiently perform the engagement. The following is a summary of the general work plan:

Preliminary Work:

Audit Area

Responsible Professional

Obtain an understanding of the Town's accounting and management systems including documentation of the system of internal control through conferences with the various key finance department personnel.

Cynthia L. Calvert

Obtain an understanding of the various funds and account groups utilized by the Town.

Cynthia L. Calvert
Steve Akins

Review the Town's grants, contracts and various revenue sources and complete "Single Audit" checklist for determination of compliance audit requirements and reporting requirements for both Federal and State guidelines.

Cynthia L. Calvert
Steve Akins

Review of bond covenants and pertinent ordinances for determination of compliance audit requirements.

Steve Akins

TECHNICAL PROPOSAL

9. Audit Approach (continued).

	<u>Responsible Professional</u>
Assess control risk and determine extent of testing.	Cynthia L. Calvert
Review and perform certain transaction and procedural tests which will include the examination of source documents. These tests of the system will include tests of cash receipts and disbursements, sales and utility billing, compliance, and payroll. Audit samples will be determined based on transaction size and number of total transactions.	Steve Akins Staff Accountant
Perform preliminary analytical review procedures.	Steve Akins
Review commission and other pertinent minutes.	Cynthia L. Calvert
Perform compliance audit procedures where necessary	Steve Akins
Coordinate preparation of confirmation requests.	Staff Accountant
Working paper review.	William G. Benson
Plan the financial audit procedures with the Director of Finance including a list of schedules and working papers that could be prepared by the Town personnel. Selection and planning of certain confirmations to be prepared.	Cynthia L. Calvert
<u>Final Work :</u>	
Perform various tests and validation procedures on selected asset and liability accounts in all funds and account groups.	Cynthia L. Calvert Steve Akins
Examine certain revenue and expenditure accounts in all funds and account groups.	Steve Akins Staff Accountant
Send confirmations where applicable.	Steve Akins
Send correspondence to attorneys as necessary.	Steve Akins
Perform final compliance testing as necessary.	Steve Akins
Perform final analytical procedures.	Steve Akins
Working paper review and proposed journal entry approval.	William G. Benson
Exit conference with Town Administrator and the Director of Finance	Cynthia L. Calvert William G. Benson

TECHNICAL PROPOSAL

9. Audit Approach (continued).

Sample sizes in the various phases of the engagement would be determined based on population sizes, audit objectives and nature of transaction and/or account. We have standardized software that assists in the selection of samples. Additionally, we would utilize both "statistical" and "non-statistical" methods to select certain test transactions.

We will also utilize various forms of analytical procedures to accomplish certain objectives. We anticipate areas of concentration subject to analytical procedures to be services revenue and expenditures. We retain the right to use judgement as to the extent of analytical procedures to be used based mainly on results of other testing completed.

Keefe, McCullough & Co., LLP provides auditing services to a number of organizations with computerized accounting and other management information systems. All members of our firm are involved daily in the usage of a local area network (LAN) and have proficient "hands on" computer skills. We have certified network engineers on staff to assist in client matters when appropriate. Our professional accounting staff members have taken various college level educational courses and have participated in various continuing education courses on computer science, data processing systems, and other related subjects.

Further, Keefe, McCullough & Co., LLP has developed its own specialized data base of client information and time and billing system. In addition to our in-house network system, our firm utilizes a number of portable computers for the services provided at our clients place of business, including auditing services.

Reports:

Preparation of Report on the General Purpose Financial Statements. Preparation of Reports on Internal Controls and Compliance.

Cynthia L. Calvert
Steve Akins

Preparation of Schedules of Federal and State Financial Assistance along with the preparation of the "in-relation to" report on the schedules. (if necessary)

Cynthia L. Calvert

Preparation of the management letter.

Cynthia L. Calvert

Review of the financial statements and other information.

William G. Benson

Cold review of the financial statements and other information.

Thomas T. Carpenter

Due to the fact that our firm presently represents several local municipalities and many governmental taxing districts, we have substantial experience in providing other consulting services to the Town. We have experience in franchise fee auditing, internal control, systems reviews, audit work in connection with bond underwriting and also consulting projects which the Town may consider.

KEEFE, McCULLOUGH & CO., LLP
CERTIFIED PUBLIC ACCOUNTANTS

AUDIT TEAM MEMBER PROFILES

**KEEFE, McCULLOUGH & CO., LLP
CERTIFIED PUBLIC ACCOUNTANTS**

SERVICE TEAM MEMBER PROFILE



Cynthia L. Calvert, C.P.A.
Partner

Education

Florida Atlantic University
Auburn University

BBA degree
BA degree

Major - accounting
Major - political science

Career Experience

Keefe, McCullough & Co., LLP, C.P.A.'s

Partner

12 years

Engagement Experience

Keefe, McCullough & Co., LLP, C.P.A.'s

Audit Engagements:

- * Amelia National Community Development District
- * Arbor Greene Community Development District
- * Beaux Arts of Museum of Art, Inc.
- * The Benjamin Private School, Inc.
- * Big Brothers / Big Sisters Association of Florida, Inc.
- * Big Brothers / Big Sisters of Broward, Inc.
- * Bonnet Creek Resort Community Development District
- * Briger Community Development District
- * Broward Adjustment Services, Inc.
- * Broward County Chapter - American National Red Cross
- * Broward County League of Cities, Inc.
- * Broward House, Inc.
- * Broward Risk Management Association
- * Center for Independent Living of Broward, Inc.
- * Central and South American World Sector, Inc.
- * Championsgate Community Development District
- * Child Protection Team of Palm Beach, Inc.
- * City of Aventura, Florida
- * City of Margate, Florida
- * City of Parkland, Florida
- * City of Plantation, Florida
- * City of Weston, Florida
- * City of Wilton Manors, Florida
- * Community Television Foundation of South Florida, Inc.
- * Community Television Foundation of South Florida, Inc. Money Purchase Thrift Plan
- * Community Television Foundation of South Florida, Inc. Retirement Plan
- * Coral Springs Improvement District
- * Deer Island Community Development District
- * Downtown Development Authority
- * East Homestead Community Development District
- * Episcopal Church of St. Mark the Evangelist
- * Firefighters Charitable Foundation, Inc.
- * Florida Atlantic University Foundation, Inc.
- * Florida International Academy, Inc.
- * Fogmaster Consolidated, Inc.
- * Habitat Community Development District
- * Hamal Community Development District
- * Harbourage on Braden River Community Development District
- * The Haven, Inc.
- * Heritage Greens Community Development District
- * Heritage Harbour South Community Development District
- * Heritage Home Health, Inc.
- * Heritage Park, LLLP 401(k) Salary Reduction Plan and Trust
- * Heritage Park, LLLP

- * Heritage Park of West Delray, LLLP
- * Hugs for Kids
- * Islamorada, Village of Islands, Florida
- * Jurlington Creek Plantation Development District
- * Jupiter Marine International, Inc.
- * Killarney Community Development District
- * Lake Powell Community Development District
- * Lakewood Ranch Community Development District
- * Margate Community Redevelopment Agency
- * Mitigating Circumstances SKS Contractors, Inc.
- * Monterra Community Development District
- * Narcoossee Community Development District
- * Northwest Focal Point Senior Center
- * Northwood Community Development District
- * OCO Partnership, Inc.
- * Oakwood Center of the Palm Beaches, Inc.
- * Old Palm Community Development District
- * Orchid Grove Community Development District
- * Osprey Health Care, Inc.
- * PPGM Foundation, Inc.
- * Palm Bay Community Development District
- * Parklands West Community Development District
- * Pine Air Lakes Community Development District
- * Pine Crest Preparatory School, Inc.
- * Place of Hope Foundation, Inc.
- * Place of Hope Holdings, Inc.
- * Place of Hope, Inc.
- * Planned Parenthood of Greater Miami & Florida Keys, Inc.
- * Plaza South Association, Inc.
- * Renaissance Community Development District
- * SKS Engineering & Planning, Inc.
- * SOS Children's Village of Florida, Inc.
- * St. Mark's Episcopal School
- * Saxon Business Systems, Inc.
- * Saxon Business Systems of North Florida, Inc.
- * Security Mortgage Group, Inc.
- * Severn Trent Services
- * South County Foundation for Mental Health, Inc.
- * South County Mental Health Center, Inc.
- * South Dade Venture Community Development District
- * Southeast Mechanical Contractors, Ltd.
- * The South Florida Church of Christ, Inc.
- * Sunburst Sanitation Corporation (Franchise audit)
- * Tomoka Community Development District
- * The Town Foundation, Inc.
- * Town of Pembroke Park, Florida
- * University Square Community Development District
- * Verandah West Community Development District
- * Village of Sea Ranch Lakes, Florida
- * WPBT Communication Foundation, Inc.

Other Experience

Attended numerous seminars and courses dealing with accounting and audit problems and reporting and disclosure issues (these include accounting and reporting for nonprofit organizations, governmental entities and the Federal and Florida Single Audit Acts)

Experienced and qualified with respect to "Yellow Book", OMB Circular A-133 and Rules of the Auditor General of the State of Florida compliance auditing and reporting

Past President of Plantation Junior Woman's Club

Founding Board member of the Make-A-Wish Foundation of South Florida, Inc.

Past Director of DALI's, auxiliary of Young At Art

Past Director of Friends of Gilda's Club of South Florida

Participant in State of Florida Auditor General seminar for local governments and nonprofits regarding the Florida Single Audit Act

Experience in dealing directly with the State of Florida Department of Children and Families

concerning various compliance, audit and other issues

Graduate of, and continuing involvement in, the Leadership Broward Program

Member of the Leadership Broward Foundation, Inc.

Treasurer of Junior League of Ft. Lauderdale

Participated in various seminars and in-house training programs concerning the requirements of GASB-34, Basic Financial Statements and Management's Discussion and Analysis for State and Local Governments (the Financial Reporting Model)

Assisted municipalities and other governmental entities in planning for and implementing GASB-34, Basic Financial Statements and Management's Discussion and Analysis for State and Local Governments (the Financial Reporting Model)

- * Mediterra North Community Development District
- * Mediterra South Community Development District
- * Midtown Miami Community Development District
- * Miromar Lakes Community Development District
- * Narcoossee Community Development District
- * North Broward Academy of Excellence
- * North County Charter School
- * North Pompano Baptist Church Holding Company, Inc.
- * Northeast Academy
- * Northwood Community Development District
- * Oakwood Center of the Palm Beaches, Inc.
- * Orchid Grove Community Development District
- * Palm Bay Community Development District
- * Parklands West Community Development District
- * Pine Air Lakes Community Development District
- * Plaza South Association, Inc.
- * Regency Tower Association, Inc.
- * Renaissance Charter School, Inc.
- * Renaissance Community Development District
- * Retirement Plan for Employees of Oakwood Center of the Palm Beaches, Inc.
- * South County Foundation for Mental Health, Inc.
- * South County Mental Health Center, Inc.
- * Southern Specialties, Inc.
- * Spicewood Community Development District
- * Starlink Telecommunication Technologies, Inc.
- * Stonegate Community Development District
- * The Town Foundation, Inc.
- * University Square Community Development District
- * Verandah West Community Development District

Other Experience

Attended seminars and courses dealing with accounting and audit problems, reporting and disclosure issues (these courses include accounting and reporting for nonprofit organizations, governmental entities and the Federal and Florida Single Audit Acts) in 2003 and 2004

Experienced and qualified with respect to "Yellow Book", OMB Circular A-133 and Rules of the Auditor General of the State of Florida compliance auditing and reporting

Attended numerous seminars and courses dealing with accounting, auditing and taxation of employee benefit plans

Experience in dealing directly with the State of Florida Department of Children and Families concerning various compliance, audit and other issues

Worked with underwriters regarding various certifications required in connection with the Florida Community Provider Pooled Loan Program

Assisted the First Presbyterian Continuing Church of Coral Springs, Inc. in restructuring their existing bond indenture

Past President and Treasurer of the Executives of Broward

Graduate of, and continuing involvement in, the Leadership Broward Program

Member of the Leadership Broward Foundation, Inc.

Appointed to the Broward County, Florida Homeless Initiative Partnership

Partner in charge of special audit procedures engagement of Emergency Medical Services Company

Partner in charge of due diligence procedures in connection with potential mergers and acquisitions

Special consultant to Seventeen City Coalition (a Partnership of seventeen Broward municipalities) regarding special audit procedures of Broward County's Emergency Medical System records and negotiations with Broward County management

Extensive experience regarding accounting and tax issues of Limited Liability Companies (LLC's)

Treasurer of St. Gregory the Great Catholic School

Member of St. Gregory the Great Catholic School Advisory Board

Member of St. Gregory the Great Catholic School Home School Association

Experience in the development of annual operating budgets for churches and schools

Member of the Board of Directors of St. Thomas Aquinas High School

Consulting partner on State of Florida Broward County Health Department audit

Experience in assisting clients in dealings with financial institutions

Experience in assisting clients with the development of business plans, financial planning and proforma financial statements

**KEEFE, McCULLOUGH & CO., LLP
CERTIFIED PUBLIC ACCOUNTANTS**

SERVICE TEAM MEMBER PROFILE



Thomas T. Carpenter, C.P.A.
Partner

Education

Florida Atlantic University
Palm Beach Junior College

BS degree
AA degree

Major - accounting

Career Experience

Keefe, McCullough & Co., LLP, C.P.A.'s
Ringel, Heeb & Co., C.P.A.'s

Partner
Supervisor

34 years
5 years

Engagement Experience

Keefe, McCullough & Co., LLP, C.P.A.'s
Audit Engagements:

- * Aaxon Holdings, Inc.
- * Achievement and Rehabilitation Centers, Inc.
- * All Service Refuse Company, Inc.
- * Alzheimer's Family Center, Inc.
- * Amelia National Community Development District
- * American Eldercare, Inc.
- * Arbor Greene Community Development District
- * Association for Retarded Citizens, South Florida, Inc.
- * BARC Housing, Inc.
- * Big Brothers / Big Sisters of Broward, Inc.
- * Big Brothers / Big Sisters Association of Florida, Inc.
- * Bonnet Creek Resort Community Development District
- * Briger Community Development District
- * Broward Community College Foundation
- * Broward County Chapter - American National Red Cross
- * Broward County Citizen's Safety Council, Inc.
- * Broward House, Inc.
- * Broward Risk Management Association
- * Carnahan, Proctor and Cross, Inc. (DOT overhead audit)
- * Caroch Properties
- * Center for Family and Child Enrichment, Inc.
- * Center for Independent Living of Broward, Inc.
- * Championsgate Community Development District
- * Child Protection Team of Palm Beach, Inc.
- * City of Lighthouse Point, Florida
- * City of Margate, Florida
- * City of North Bay Village, Florida
- * City of Parkland, Florida
- * City of Plantation, Florida
- * City of Weston, Florida
- * City of Wilton Manors, Florida
- * Colonial Inn at Heritage Park, LLP
- * Community Television Foundation of South Florida 401(k) Profit Sharing Plan
- * Community Television Foundation of South Florida Retirement Plan
- * Community Television Foundation of South Florida, Inc.
- * Coral Springs Improvement District
- * Deer Island Community Development District
- * Downtown Development Authority
- * Driftwood Beach Club Association, Inc.
- * Edward D. Stone, Jr. and Associates, Inc.
- * Electrical Generating Systems Association
- * F.R.S. & Associates, Inc. (DOT overhead audit)
- * First Presbyterian Continuing Church of Coral Springs, Inc.

- * Florida Atlantic University Foundation, Inc.
- * Florida International Academy, Inc.
- * Foster Marine Contractors, Inc.
- * Gold Coast Jazz Society, Inc.
- * Habitat Community Development District
- * Hamal Community Development District
- * Harbourage on Braden River Community Development District
- * The Haven, Inc.
- * Heart to Heart Adoption Service, Inc.
- * Henderson Center Residential Services, Inc.
- * Henderson Mental Health Center, Inc.
- * Heritage Greens Community Development District
- * Heritage Harbour South Community Development District
- * Heritage Home Health, Inc.
- * Heritage Park, LLLP
- * Heritage Park, LLLP 401(k) Salary Reduction Plan and Trust
- * Heritage Park of West Delray, LLLP
- * Heritage Park Retirement Communities, LLC
- * Hillsboro Inlet District
- * Hugs for Kids
- * Islamorada, Village of Islands, Florida
- * Julington Creek Plantation Development District
- * Junior Achievement of South Florida, Inc.
- * Keith and Schnars, P.A. (DOT overhead audit)
- * Keith and Schnars, P.A. Profit Sharing Plan and Trust
- * Lakewood Ranch Community Development District
- * Liberty Inn, LLC
- * Margate Community Redevelopment Agency
- * Midtown Miami Community Development District
- * Miromar Lakes Community Development District
- * Monterra Community Development District
- * Morgenthau & Associates, Inc.
- * Narcoossee Community Development District
- * Northwest Focal Point Senior Center
- * Old Palm Community Development District
- * Parents Without Partners, Inc.
- * Parklands West Community Development District
- * Pine Air Lakes Community Development District
- * Pine Crest Preparatory School, Inc.
- * Pine Crest Preparatory School, Inc. Money Purchase Plan
- * Place of Hope, Inc.
- * Plantation Acres Improvement District
- * Plaza South Association, Inc.
- * Renaissance Community Development District
- * Retirement Plan for Employees of the Town of Golden Beach, Florida
- * The Reunion Group, Inc.
- * Russell Engineering, Inc.
- * SOS Children's Village of Florida, Inc.
- * Saxon Business Systems, Inc. and Subsidiaries
- * Saxon Business Systems of North Florida, Inc.
- * SEFLIN (Southeast Florida Library Information Network)
- * Smart School, Inc.
- * South County Foundation for Mental Health, Inc.
- * South County Mental Health Center, Inc.
- * South Dade Venture Community Development District
- * The South Florida Church of Christ, Inc.
- * Spicewood Community Development District
- * Stonegate Community Development District
- * StoneLake Ranch Community Development District
- * Sunburst Sanitation Corporation (Franchise audit)
- * Tomoka Community Development District
- * The Town Foundation, Inc.
- * Town of Golden Beach, Florida
- * Town of Pembroke Park, Florida
- * Treasure Coast Refuse (Franchise audit)
- * University Square Community Development District
- * Verandah West Community Development District
- * Village of Sea Ranch Lakes, Florida
- * WPBT Communications, Inc.
- * W. Jackson & Sons Construction Co.
- * Westchase Community Development District
- * Westchase East Community Development District

- * Westwind Contracting, Inc.
- * XPoint Technologies, Inc.

Other Experience

Forensic accounting procedures engagement performed for a not-for-profit organization

Participated in Florida Institute of Consulting Engineers Financial Managers Workshop concerning DOT overhead audit and accounting systems for consultants to the Florida Department of Transportation

Attended numerous seminars and courses dealing with accounting and audit problems, reporting and disclosure issues (these courses include accounting and reporting for nonprofit organizations, governmental entities and the Federal and Florida Single Audit Acts)

Experienced and qualified with respect to "Yellow Book", OMB Circular A-133 and Rules of the Auditor General of the State of Florida compliance auditing and reporting

Partner involvement in the Keefe, McCullough & Co., LLP, C.P.A.'s internal monitoring of engagement files for firm quality control purposes

Partner involvement in the Keefe, McCullough & Co., LLP, C.P.A.'s in-house continuing professional education program

Graduate of the Leadership of North Broward program

Member and past president of the Kiwanis Club of Margate-Coconut Creek; 25 year Legion of Honor and Hixson Award recipient

Involvement with various municipalities regarding their participation in the Certificate of Achievement for Excellence in Financial Reporting program

Participated in State of Florida Auditor General seminar for local governments and nonprofits regarding the Florida Single Audit Act

Participated in various seminars and in-house training programs concerning the requirements of GASB-34, Basic Financial Statements and Management's Discussion and Analysis for State and Local Governments (the Financial Reporting Model)

Assisted municipalities and other governmental entities in planning for and implementing GASB-34, Basic Financial Statements and Management's Discussion and Analysis for State and Local Governments (the Financial Reporting Model)

**KEEFE, McCULLOUGH & CO., LLP
CERTIFIED PUBLIC ACCOUNTANTS**

SERVICE TEAM MEMBER PROFILE



Steven A. Akins
Senior

Education

University of Central Florida

BSBA Degree

Majors - accounting
and finance

Career Experience

Keefe, McCullough & Co., LLP, C.P.A.'s
Gables Residential, Inc.

Senior
Property Accountant
-Intern

3 years

1 year

Engagement Experience

Keefe, McCullough & Co., LLP, C.P.A.'s
Audit Engagements:

- * Axon Holdings, Inc.
- * Amelia National Community Development District
- * Big Brothers/Big Sisters of Broward, Inc.
- * Big Brothers/Big Sisters Association of Florida, Inc.
- * Briger Community Development District
- * Broward County Chapter - American National Red Cross
- * Broward County Citizens Safety Council, Inc.
- * CTI Construction Testing & Inspection, Inc.
- * Championsgate Community Development District
- * City of Plantation, Florida
- * City of Weston, Florida
- * Colonial Inn at Heritage Park, LLLP
- * Coral Springs Improvement District
- * Deer Island Community Development District
- * FDL Holdings, Inc.
- * First Presbyterian Church of Coral Springs, Inc.
- * Gold Coast Jazz Society, Inc.
- * Hamal Community Development District
- * Harbourage on Braden River Community Development District
- * The Haven, Inc.
- * Heritage Harbour South Community Development District
- * Heritage Home Health, Inc.
- * Heritage Park, LLP
- * Heritage Park of West Delray, LLP
- * Heritage Park Retirement Communities, LLC
- * Islamorada, Village of Islands, Florida
- * Lake Powell Community Development District
- * Lakewood Ranch Community Development District
- * Liberty Inn, LLC
- * Pine Crest Preparatory School - Money Purchase Plan
- * Russell Engineering, Inc.
- * South County Mental Health Center, Inc. - Pension Trust
- * Spicewood Community Development District
- * Tomoka Community Development District
- * The Town Foundation, Inc.
- * Town of Pembroke Park, Florida

Other Experience

Attended numerous seminars and courses dealing with accounting and auditing

**KEEFE, McCULLOUGH & CO., LLP
CERTIFIED PUBLIC ACCOUNTANTS**

PEER REVIEW DOCUMENTS



Abbott, Jordan & Koon, LLC

CERTIFIED PUBLIC ACCOUNTANTS

P.O. Box 609 □ 405 Second Street □ Manchester, GA 31816
(706) 846-8401 □ Fax (706) 846-3370

To the Partners
Keefe, McCullough & Co., LLP

We have reviewed the system of quality control for the accounting and auditing practice of Keefe, McCullough & Co., LLP (the firm) in effect for the year ended August 31, 2005. A system of quality control encompasses the firm's organizational structure and the policies adopted and procedures established to provide it with reasonable assurance of conforming with professional standards. The elements of quality control are described in the Statements on Quality Control Standards issued by the American Institute of Certified Public Accountants (AICPA). The firm is responsible for designing a system of quality control and complying with it to provide the firm reasonable assurance of conforming with professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance with its system of quality control based on our review.

Our review was conducted in accordance with standards established by the Peer Review Board of the AICPA. During our review, we read required representations from the firm, interviewed firm personnel and obtained an understanding of the nature of the firm's accounting and auditing practice, and the design of the firm's system of quality control sufficient to assess the risks implicit in its practice. Based on our assessments, we selected engagements and administrative files to test for conformity with professional standards and compliance with the firm's system of quality control. The engagements selected represented a reasonable cross-section of the firm's accounting and auditing practice with emphasis on higher-risk engagements. (The engagements selected included among others, audits of Employee Benefit Plans and engagements performed under *Government Auditing Standards*. Prior to concluding the review, we reassessed the adequacy of the scope of the peer review procedures and met with firm management to discuss the results of our review. We believe that the procedures we performed provide a reasonable basis for our opinion.

In performing our review, we obtained an understanding of the system of quality control for the firm's accounting and auditing practice. In addition, we tested compliance with the firm's quality control policies and procedures to the extent we considered appropriate. These tests covered the application of the firm's policies and procedures on selected engagements. Our review was based on selected tests therefore it would not necessarily detect all weaknesses in the system of quality control or all instances of noncompliance with it. There are inherent limitations in the effectiveness of any system of quality control and therefore noncompliance with the system of quality control may occur and not be detected. Projection of any evaluation of a system of quality control to future periods is subject to the risk that the system of quality control may become inadequate because of changes in conditions, or because the degree of compliance with the policies or procedures may deteriorate.

MEMBERS OF
PRIVATE COMPANIES PRACTICE SECTION OF THE
AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS
GEORGIA SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS

In our opinion, the system of quality control for the accounting and auditing practice of Keefe, McCullough & Co., LLP in effect for the year ended August 31, 2005, has been designed to meet the requirements of the quality control standards for an accounting and auditing practice established by the AICPA and was complied with during the year then ended to provide the firm with reasonable assurance of conforming with professional standards.

Albert Gardner & Koon

Manchester, Georgia
December 2, 2005



FLORIDA INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS

325 WEST COLLEGE AVENUE • P.O. BOX 5437 • TALLAHASSEE, FLORIDA 32314
TELEPHONE (850) 224-2727 • FAX (850) 222-8190

April 24, 2006

Joseph D. Leo, CPA
Keefe, McCullough & Co., LLP
6550 N Federal Hwy Ste 410
Fort Lauderdale, FL 33308-1417

Dear Mr. Leo:

It is my pleasure to notify you that on April 24, 2006 the Florida Peer Review Committee accepted the report on the most recent peer review of your firm. The due date for your next review is February 28, 2009. This is the date by which all review documents should be completed and submitted to the administering entity. Since your firm's due date falls between January and April, you may arrange to have your review a few months earlier to avoid having a review during tax season.

As you know, the reviewer's opinion was unmodified. The Committee asked me to convey its congratulations to the firm.

Sincerely,

Paul N. Brown
Peer Review
Director of Technical Services

cc: David C Jordan, CPA

Firm Number: 10036786

Review Number: 227614

A I C P A
PEER REVIEW PROGRAM

is proud to present this

Certificate of Recognition

to

Keefe, McCullough & Co., LLP

For having a system of quality control for its accounting and auditing practice in effect for the year ended August 31, 2005 which has been designed to meet the requirements of the quality control standards for an accounting and auditing practice established by the AICPA and which was complied with during the year then ended to provide the firm with reasonable assurance of conforming with professional standards.



A handwritten signature in cursive script, appearing to read "David Jentho".

David A. Jentho, Chair
AICPA Peer Review Board
2005

**KEEFE, McCULLOUGH & CO., LLP
CERTIFIED PUBLIC ACCOUNTANTS**

PROPOSER WARRANTIES

Town of Davie
Financial Audit Services

ATTACHMENT "A"
CERTIFICATION

The undersigned declares to have specific and legal authorization to obligate its institution to the terms of this Proposal and hereby agrees to furnish the item(s)/service(s) described in the Request for Proposal. I(We) have read the entire document, including the General Information, General Terms and Conditions, and Scope of Work. The undersigned agrees to comply with all of the requirements of the entire Request for Proposal exclusive of those indicated in Attachment "A" Variations section.

Indicate proposer's type of organization below:

INDIVIDUAL PARTNERSHIP CORPORATION OTHER

IF OTHER, EXPLAIN.

KEEFE, MCDONOUGH; Co, LLP
/Audit Firm

William G. Benson CPA
Authorized Signature

6550 North Federal Highway, Suite 410
Address

William G. Benson
Typed/Printed Name

Ft. Lauderdale, FL 33308
City State ZIP

Partner
Title

(954) 771-0896
Telephone Number

59-1363792
Federal Tax ID

(954) 938-9353
Fax Number

Request for Taxpayer Identification Number and Certification

**Give form to the
requester. Do not
send to the IRS.**

See Specific Instructions on page 2.

Name (as shown on your income tax return)
KEEFE, MCCULLOUGH & CO., LLP

Business name, if different from above

Check appropriate box: Individual/Sole proprietor Corporation Partnership Other Exempt from backup withholding

Address (number, street, and apt. or suite no.)
6550 NORTH FEDERAL HIGHWAY, SUITE 410

City, state, and ZIP code
FT. LAUDERDALE, FLORIDA 33308

List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number								

or

Employer identification number								
5	9	1	3	6	3	7	9	2

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. person (including a U.S. resident alien).

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. (See the instructions on page 4.)

Sign Here	Signature of U.S. person	Date JANUARY 22, 2007
------------------	--------------------------	------------------------------

Purpose of Form

A person who is required to file an information return with the IRS, must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

U.S. person. Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee.

In 3 above, if applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

Note. If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

For federal tax purposes, you are considered a person if you are:

- An individual who is a citizen or resident of the United States,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or
- Any estate (other than a foreign estate) or trust. See Regulations sections 301.7701-6(a) and 7(a) for additional information.

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

Town of Davie Vendor/Bidder Disclosure

I, William G. Benson, being first duly sworn, state that:

The full legal name and business address of the person(s) or entity contracting with the Town of Davie ("Town") are as follows (Post Office addresses are not acceptable):

Name of Individual, Firm or Organization:	Keefe, McCullough & Co., LLP
Address:	6550 North Federal Highway, Suite 410 Ft. Lauderdale, FL 33308
FEIN	59-1363792
State and date of incorporation	Florida, February 1, 1971

OWNERSHIP DISCLOSURE AFFIDAVIT

1. If the contract of business transaction is with a corporation, the full legal name and business address shall be provided for each officer and director and each stockholder who directly or indirectly holds five percent (5%) or more of the corporation's stock. If the contract or business transaction is with a trust, the full name and address shall be provided for each trustee and each beneficiary. All such names and addresses are as follows (Post Office addresses are not acceptable):

Full Legal Name	Address	Ownership
John R. Keefe, 6550 N. Federal Hwy, Ste 410, Ft. Lauderdale, FL 33308		17%
Thomas T. Carpenter, 6550 N. Federal Hwy, Ste 410, Ft. Lauderdale, FL 33308		14%
Steven H. Woods, 6550 N. Federal Hwy, Ste 410, Ft. Lauderdale, FL 33308		15%
David T. Williams, 6550 N. Federal Hwy, Ste 410, Ft. Lauderdale, FL 33308		15%
Joseph D. Leo, 6550 N. Federal Hwy, Ste 410, Ft. Lauderdale, FL 33308		14%
William G. Benson, 6550 N. Federal Hwy, Ste 410, Ft. Lauderdale, FL 33308		11%
Kenneth G. Smith, 6550 N. Federal Hwy, Ste 410, Ft. Lauderdale, FL 33308		7%
Louis R. Proietto, 6550 N. Federal Hwy, Ste 410, Ft. Lauderdale, FL 33308		7%

2. The full legal names and business addresses of any other individual (other than subcontractors, materialmen, suppliers, laborers and lenders) who have, or will have, any legal, equitable or beneficial interest in the contract or business transaction with the Town are as follows (Post Office addresses are not acceptable):

Full Legal Name	Address
-----------------	---------

NOT APPLICABLE

**Town of Davie
Vendor/Bidder Disclosure**

By:

William G. Benson, CPA

Date: January 22, 2007

William G. Benson
Print Name

SUBSCRIBED AND SWORN TO or affirmed before me this 22nd day of January 2007, by William G. Benson, he is personally known to me.

Beth C. Anderton
Notary Public, State of Florida at Large

Beth C. Anderton
Print or Stamp of Notary

Serial Number _____

My Commission Expires: _____



Beth C. Anderton
Commission # DD471639
Expires October 1, 2009
Banded Troy Farm Insurance, Inc. 800-365-7019

* * * * *

THIS PAGE
INTENTIONALLY
LEFT BLANK

* * * * *

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers
FROM/PHONE: Gary P. Shimun, Town Administrator/797-1035
PREPARED BY: Russell C. Muniz, CMC, Town Clerk
SUBJECT: New Business Item

AFFECTED DISTRICT: Town-Wide

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: Increase in Police Off-Duty Detail Fee

REPORT IN BRIEF: Vice-Mayor Caletka has asked that this item be added to the agenda to discuss the possibility of increasing the fee charged for off-duty police details. Proceeds for the increase would be evenly split (50%/50%) between the Davie Police Athletic League (PAL), and the Boy's and Girl's Clubs of Broward.

PREVIOUS ACTIONS: N/A

CONCURRENCES: N/A

FISCAL IMPACT: not applicable

Has request been budgeted? Yes

If yes, expected cost: \$0

Account Name:

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments: Impact will be cost neutral.

RECOMMENDATION(S): Council discussion of the item.

Attachment(s): Article 31 – Private Duty Detail

ARTICLE 31
PRIVATE DUTY DETAIL

- 31.1 If injured while on an assigned private duty detail said employee shall be entitled to the same rights, privileges, and benefits as if he/she were injured while performing his duties for the Town of Davie, provided the Davie Police Department has made the assignment.
- 31.2 The F.O.P. may request to change the hourly detail rates. Rates may be changed upon approval of the Police Chief. The Town will notify the vendors in writing, at least ninety (90) days in advance of any changes to the detail rates once the change in rates have been approved.
- 31.3 In addition to the hourly rate paid to the Police Officer as indicated above, the Town will collect the following fees from the vendor who hires the assigned employee for the detail:
- a) \$3.00 administration fee - per detail.
 - b) Matching FICA @ 7.65%, Worker's Compensation @ 7.17%, and liability coverage @ 1%. (These percentages will be adjusted in accordance with any rate increases/decreases.)
- 31.4 Any Officer who works a detail on the following days: Thanksgiving Day, the day after Thanksgiving Day, Christmas Eve, Christmas Day, New Year's Eve, New Year's Day, and Independence Day will be compensated at double the normal rate of pay.
- 31.5 When a detail requires five (5) or more Officers to work the detail, the fifth Officer will be a Sergeant or above (or an OIC* when a Sergeant or above is unavailable). That person shall receive the approved hourly detail rate for a Sergeant, and will be responsible for supervising that detail. When a detail requires ten (10) or more Officers the rule of five (5) will be met. In addition, when a detail requires more than ten (10) Officers, a Lieutenant or above shall be assigned and shall receive the approved hourly detail rate for a Lieutenant to supervise the detail. When a Lieutenant or above is unavailable, the senior Sergeant will be in charge and compensated at the approved hourly detail rate for a Lieutenant.

*The OIC shall be the most senior Officer assigned to the detail, unless the assignment is declined, and then it shall revert to the next most senior Officer.

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP/Development Services Director
954-797-1101

PREPARED BY: Mark A. Kutney

SUBJECT: Downtown Davie Development

AFFECTED DISTRICT: 2

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: Downtown Davie Project - Request for assistance

REPORT IN BRIEF: The purpose of this request is to authorize Town Staff/Attorney to assist Nob Hill Partners, LLC with a request for an interpretation (both informal and, if necessary, formal) at the Broward County Planning Council to confirm that the acreage of the drainage parcel can be included as part of the total site acreage, provided it is appropriately deed restricted and that the property could not be later used for its own development

PREVIOUS ACTIONS:

CONCURRENCES:

FISCAL IMPACT: Yes

Has request been budgeted? No

If yes, expected cost: Unknown as the applicant has not provided an estimate of the Town time needed by the Town Attorney and in kind hours from the staff.

Account Name: Administration Legal Expense; 001-1810-514-3101

If no, amount needed: \$

What account will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S):

Attachment(s): Letter from Attorney William Laystrom received via email

LAW OFFICES
DOUMAR, ALLSWORTH, LAYSTROM,
VOIGT, WACHS, MAC IVER & ADAIR, LLP

JOHN H. ADAIR, III, P.A.
EMERSON ALLSWORTH, P.A.
E. SCOTT ALLSWORTH, P.A.
MARK E. ALLSWORTH, P.A.
KAREY L. BOSACK, P.A.
RAYMOND A. DOUMAR, P.A.*

† ALSO ADMITTED IN PENNSYLVANIA
* ALSO ADMITTED IN MICHIGAN

1177 SOUTHEAST THIRD AVENUE
FORT LAUDERDALE, FLORIDA 33316-1109

BROWARD (954) 762 - 3400

MIAMI (305) 945 - 3172

TELEFAX (954) 525 - 3423

WEBSITE: DACLLAW.COM

C. WILLIAM LAYSTROM, JR., P.A.
STUART J. MAC IVER, P.A.
ANDRE PARKE, P.A.
JOHN D. VOIGT, P.A.
JEFFREY S. WACHS, P.A.†

OF COUNSEL
WILLIAM S. CROSS, P.A.
JOHN W. PERLOFF, P.A.

May 8, 2007

Mark Kutney, Development Services Director
TOWN OF DAVIE
6591 S.W. 45th Street
Davie, Florida 33314



Re: Downtown Davie Project

Dear Mark,

Please treat this letter as my request on behalf of Nob Hill Partners, LLC and the Downtown Davie project for assistance from the Town of Davie in seeking an interpretation of the Broward County rules regarding calculation of residential density. As a result of changing residential market conditions, the Downtown Davie project has had to adjust its marketing strategy to meet lending criteria. We have made a marketing decision to create market rental residential units as opposed to for sale units. The financial viability of the project with a market rental residential component requires that we increase the density by 55 units (one additional story to 3 easterly and southerly residential buildings).

In order to accomplish this density increase within the current County land use designation, we need to include the drainage parcel that Nob Hill Partners, LLC purchased for project drainage. The County staff does not want to include the 2 ½ acres parcel in calculating our projects total acreage even though this additional parcel will be deed restricted to drainage use tied directly to our project.

The purpose for our request to the Town Council is to authorize the Town staff to assist us with a request for an interpretation (both informal and, if necessary, formal) at the Broward County Planning Council to confirm that the acreage of this drainage parcel can be included as part of our total site acreage as long as it is appropriately deed restricted such that

the property could not be later used for its own development. I would ask that this request for assistance be placed on the next Town Council agenda.

Yours truly,

A handwritten signature in blue ink that reads "Bill Laystrom, Jr." with a stylized flourish at the end.

C. WILLIAM LAYSTROM, JR.
For the Firm