

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 19, 2001**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:08 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were: Mayor Venis, Vice-Mayor Paul, Councilmember Clark, Councilmember Starkey, and Councilmember Truex. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. PRESENTATION (7:09 p.m. - 7:57 p.m.)

3.1 Traffic Study - Calvin Giordano & Associates

Ms. Eichner advised that the traffic study was under way and staff had advised that it was not necessary for traffic engineers to be present

Vice-Mayor Paul spoke of the letter sent by Mr. Willi and what the scope was suppose to have been. She thought more safety issues would be identified and the issue of cut-through traffic would be addressed. Vice-Mayor Paul spoke of the map given to her by Public Works/Capital Projects Director Bruce Bernard which she had used with residents to delineate where controllers should be placed. Also, during her meeting with residents, they spoke about concerns including the I-75 ramp issue. Vice-Mayor Paul wondered if the engineers could consider future developments and the impact they would have on speed and volume. She referred to Mr. Bernard's original letter and the "poor placement" of four controllers. Vice-Mayor Paul also hoped that police assistance for speeders, especially near SW 130 Avenue, would be a recommendation. She felt the traffic study should address a broader scope than just traffic calming and it should include the rural lifestyle preservation and the zoning in progress.

Councilmember Truex asked Ms. Eichner about the placement of controllers. Ms. Eichner explained the history of this issue and how the 19 locations were selected. She explained that there were four locations where counter were placed incorrectly and those would be replaced. Ms. Eichner felt that at this point, there was sufficient data to make recommendations. She stated that Council could chose to create a future comprehensive long-range plan for what could be done with respect to traffic.

Vice-Mayor Paul asked why this firm was in a better position to make recommendations if the study was stopped and four controllers were placed incorrectly. Ms. Eichner advised that there was enough data gathered to make recommendations and the replacement of the four counters would provide additional information. She stated that the four controllers would not reveal anything different than the trends had already seen. Ms. Eichner stated that Mr. Bernard had directed her firm to put everything on hold one week prior to this meeting and the four additional controllers had not been installed

Vice-Mayor Paul asked if the objective was to determine volume, speed, and cut through traffic. Mr. Bernard explained that he had put a hold on the controllers after the last Council meeting so that the plan could be revised. Vice-Mayor Paul felt that it would be better to replace the controllers after the holidays so that a more accurate count could be taken.

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 19, 2001**

Councilmember Clark spoke of the serious issue on 15th Avenue and that speed humps were not permissible. She asked Mr. Willi to investigate other traffic calming devices that could be installed.

**TOWN COUNCIL MINUTES
DECEMBER 19, 2001**

Councilmember Starkey spoke of the need for staff to work with Councilmembers in the districts and residents who raised this issue. She felt that this communication might have eliminated the problems in the Oak Hill area.

3.2 Capital Projects Update - Bruce Bernard

Mr. Bernard stated that the drainage plans were approved for the 61st Avenue Park. He advised that construction of amenities would begin in January and he anticipated park completion by July 2002.

Vice-Mayor Paul was concerned with the timing element of the SwimAmerica grant and Mr. Bernard assured her that they were within the grant timeline.

Mr. Bernard reported on the various drainage projects that were completed as part of Phase I and those that were in progress. He stated that the playground was installed at Gessner Sports Complex and was still waiting to hear from the Broward County School regarding the shelter. Mr. Bernard suggested speaking with School Board member Carole Andrews regarding expediting this project. Mayor Venis asked Mr. Bernard to arrange a meeting with himself, Mr. Bernard, and Ms. Andrews regarding this project.

Mr. Bernard stated that he had received approval for Linear Park and the project would begin in January 2002. He stated that lights were erected at Nova High School and should be completed by January 15th and the Town would have use of one of the fields every night of the week thereafter. Mr. Bernard reported that Nova High School was working on funding the stadium and they would be asking the Town for funding.

Mr. Bernard stated that the pavement overlays were done on SW 130 Avenue, SW 14 Street, SW 15 Street, SW 72 Avenue, and SW 74 Avenue. He advised that the scoreboards, signage, and water playgrounds were under way at Pine Island Park. Mr. Bernard stated they were working on a new fuel island at the Police Department. He reported that Potter Park was under construction and anticipated completion was July 2002. Mr. Bernard stated that lights for the baseball field at Western High School should be completed by January 15th.

3.3 Employee Recognition Award - El pagnier Hudson

Ms. Hudson presented the Employee Recognition Awards to Ernest Criscitello, Janet Gale, Angela Rogers, and Elena Blackiston.

3.4 Upcoming Special Events - Bonnie Stafiej and Dennis Andresky

Special Projects Director Bonnie Stafiej advised that upcoming special events included: PRCA Bullriding (January 13); High School Rodeo State Championships (January 19-20); PRCA Championship Rodeo (January 26); Dr. Martin Luther King Jr. Annual Celebration (January 20); and the Orange Blossom Festival (March 23-24).

Parks and Recreation Director Dennis Andresky thanked the International Ballet Academy for donating tickets to *The Nutcracker* for children at the East Side Community Center. He advised that upcoming events: Movieco (January 4); potluck luncheon (January 14); Sea Escape Day Cruise (January 19) and youth baseball and softball registration; and travel baseball tryouts (January).

**TOWN COUNCIL MINUTES
DECEMBER 19, 2001**

3.5 Davie Merchants Industrial Association

Mayor Venis stated that he had received two checks from the Davie Merchants Industrial Association each in the amount of \$250, one for the EASE Foundation and one for the Police Athletic League. He reported that the Association would be holding its Annual Installation Dinner at Arrowhead Country Club on January 17th.

3.6 Bill Keely presented a refurbished antique chair to the Town.

Mayor Venis advised that staff was requesting that item 7.11 be tabled until January 16th. Councilmember Truex made a motion, seconded by Councilmember Clark, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis stated that item 8.2 had been requested to be tabled until January 2, 2002. Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis stated that item 9.6 had been requested to be tabled until February 6, 2002. Councilmember Clark made a motion, seconded by Vice-Mayor Paul, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mr. Willi advised that staff was requesting that item 7.6 be tabled until January 16, 2002. Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

4. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR VENIS (7:57 p.m. - 8:01 p.m.)

HOLIDAY WISHES. Mayor Venis wished everyone a happy holiday season.

BIRTHDAY WISHES. Mayor Venis wished his daughter a happy 18th birthday.

WESTERN HIGH SCHOOL FUNDRAISER. Mayor Venis advised that Western High School wanted to hold a fundraiser at Markham Park and the proceeds would go to the American Cancer Society's Relay for Life. He asked Mr. Andresky for information regarding holding a spaghetti dinner and asked that he follow up on this as he felt it was a good cause.

SW 23rd STREET DRAINAGE PROJECT. Mayor Venis stated that there would be a workshop on January 30th and confirmed that notification was sent out to residents.

DEVELOPMENT SERVICES DEPARTMENT. Mayor Venis commended the Department for the rural workshop and their efforts toward rural preservation in the Town. He stated that he had sent a copy of the packet from the workshop to the United Ranches president and wanted to invite her to the next rural workshop.

LIGHTING OF THE GREEN. Mayor Venis commended Ms. Stafiej and the Public Works Department for their efforts with this.

NOVA SOUTHEASTERN LIBRARY, RESEARCH, AND INFORMATION TECHNOLOGY CENTER. Mayor Venis stated that the facility was now open to the public.

**TOWN COUNCIL MINUTES
DECEMBER 19, 2001**

METROPOLITAN PLANNING ORGANIZATION (MPO). Mayor Venis stated that he had attended the MPO meeting and the issue regarding the I-75 ramp had been tabled. He stated that a meeting was scheduled with Commissioner Lori Parrish, Mayor Hersch, and himself on January 14th to discuss this issue.

CODE COMPLIANCE SALARY. Mayor Venis stated that Code Compliance Supervisor. Stallone would soon be graduating from law school. He asked Mr. Willi to research comparable position salaries in other municipalities and to add this to the next Council agenda.

COUNCILMEMBER CLARK (8:01 p.m. - 8:05 p.m.)

POLICE ATHLETIC LEAGUE HOLIDAY PARTY. Councilmember Clark thanked all those who attended the party.

RANDY RHEAUME. Councilmember Clark reported that Mr. Rheaume was attempting to become an Eagle Scout and he had erected a much needed privacy fence.

FIREFIIGHTERS GALA. Councilmember Clark stated the gala was a beautiful event and she commended all firefighters. She stated that 20 men were honored for being part of the Town's Fire Department for 20 years.

COUNCILMEMBER TRUEX (8:05 p.m. - 8:15 p.m.)

HOLIDAY LUNCHEON. Councilmember Truex commended all those who helped with the Town's luncheon.

TYLER CAMPBELL. Councilmember Truex asked that Council waive the permit fee for the fence at the Campbell property. The fence was being built by the South Florida Trailer Riders and materials were being donated by local businesses. Mr. Willi advised that if this was a non-profit organization, the fee could be automatically waived.

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

PIANO FOR SENIORS. Councilmember Truex apologized for comments he made regarding the piano and he felt it was important for the seniors to have the piano. He asked the Town to approve the additional funds needed to purchase a piano. Assistant Town Administrator Ken Cohen advised that if it was Council's directive to find money in the Parks and Recreation Department's budget, it would be done.

Mayor Venis spoke of discussions with members of the Senior Citizen Advisory Committee and how they were upset with articles in the newspaper. He stated his desire to have a corporate sponsor fund the difference needed. Councilmember Truex felt that if a corporate sponsor could be found, he would favor their contribution instead of spending the Town's money.

COUNCILMEMBER STARKEY (8:15 p.m. - 8:21 p.m.)

LEAGUE OF CITIES CONFERENCE. Councilmember Starkey stated that she and Vice-Mayor Paul had attended the conference and advised that the conference was outstanding.

NOB HILL TRAFFIC STUDY. Councilmember Starkey thanked all those that attended the traffic study workshop and advised that consultants were in the process of collecting data.

**TOWN COUNCIL MINUTES
DECEMBER 19, 2001**

WETLAND GRANT. Councilmember Starkey reported that the Town was turned down for the wetland grant; however, it could be resubmitted next year.

STERLING PROCESS. Councilmember Starkey asked for a status of the management efficiency study.

MATH IGLER GROVES. Councilmember Starkey stated that a meeting was held with staff and the president of the homeowners association. She urged anyone to report any incidents at Math Iglers Groves.

HOLIDAY PARTY. Councilmember Starkey commended those who put the holiday party together.

LIGHTING OF THE GREEN. Councilmember Starkey commended everyone who helped put this event together.

HAPPY HOLIDAYS. Councilmember Starkey wished everyone a happy and safe holiday.

HOMETOWN SECURITY FORUM. Councilmember Starkey stated that two more forums were scheduled and the first would be aired on cable television.

VICE-MAYOR PAUL (8:21 p.m. - 8:37 p.m.)

GIFT FOR COUNCILMEMBER TRUOX. Vice-Mayor Paul presented Councilmember Truox with a portrait of Genghis Khan.

LEAGUE OF CITIES CONFERENCE. Vice-Mayor Paul spoke of her attendance at the conference and the workshops she attended. She reported that the Town was way ahead of many communities as far as preservation and recreation trails were concerned. Vice-Mayor Paul recommended that the Town consider representing at next year's conference.

RURAL PRESERVATION WORKSHOP. Vice-Mayor Paul felt this workshop was very successful and wished it had taken place sooner as many more areas could have been preserved. She felt that the most important points were the east side inclusion in rural preservation, basic protection for all residential areas that abut commercial properties, consistency and balance in developments, and true partnerships with the business community that fits into the rural lifestyle the Town was trying to preserve.

WILDLIFE REPORT. Vice-Mayor Paul spoke of the report prepared by Jeff Harrod and asked Mr. Willi if he had looked into the three-inch holes in the trees. Mr. Willi advised that an update to this report was in their mailboxes.

Vice-Mayor Paul asked if the wildlife ordinance was being revised as there seemed to be a discrepancy of how "species of special concern" was interpreted. She was concerned, as was Mr. Harrod, with the lack of wildlife on the properties where the studies were done.

HORSE CROSSINGS. Vice-Mayor Paul wanted to plan for more horse crossing protection at SW 130 Avenue at Equestrian Park and a cross light at the Old Davie School. She advised that she had spoken with Mr. Bernard about reinstalling the signs at SW 61 Avenue and SW 64 Avenue and provided Mr. Willi with a rendering of what she would like the horse crossing signs to look like. Vice-Mayor Paul also felt it was necessary to meet with the eastside equestrian community regarding horse crossing signs so they would have safer access to the Bergeron Rodeo Arena and the trail system. She recommended installing signs to alert drivers to be cautious of children in the streets.

**TOWN COUNCIL MINUTES
DECEMBER 19, 2001**

FLORIDA DEPARTMENT OF TRANSPORTATION MEETING. Vice-Mayor Paul advised that she had attended the meeting regarding I-595 mass transit and stated that it was important to keep on top of this issue. She felt it was important that both the Town and the City of Plantation have access, as it was not fair if the Town was fully responsible. Vice-Mayor Paul indicated that the Florida Department of Transportation did not have an updated map and had plans to put stations in residential communities.

Councilmember Starkey asked if it would be a good idea to pass a resolution opposing the plan unless Plantation was involved. Vice-Mayor Paul felt Council should wait until the I-75 issue was resolved.

ORANGE DRIVE. Vice-Mayor Paul spoke of removing Orange Drive, Shotgun Road, and the eastern portion of SW 26 Street from the traffic ways. She wanted this to be revisited on a future agenda.

I-75 SOUNDWALL. Vice-Mayor Paul reported that Lily Aguirre was working diligently on this matter and had a report she wanted to deliver to the MPO. Vice-Mayor Paul stated that she would try to get Ms. Aguirre on the agenda for the next MPO meeting.

SAFETY SUMMIT. Vice-Mayor Paul thanked all those who participated and advised that the event was a great success.

CONDOLENCES: Vice-Mayor Paul expressed her condolences to Tyler Campbell's family. She indicated that she wanted additional measures to be taken against speed violators and acknowledged that Police Chief George was already addressing this.

HAPPY HOLIDAYS. Vice-Mayor Paul wished everyone a happy and safe holiday season.

5. TOWN ADMINISTRATOR'S COMMENTS (8:37 p.m. - 8:38 p.m.)

HOLIDAY LUNCHEON. Mr. Willi thanked those who coordinated the holiday luncheon.

PAL HOLIDAY PARTY. Mr. Willi reported that this party was a wonderful and meaningful gathering.

LIGHTING OF THE GREEN. Mr. Willi thanked all who participated in this project.

6. TOWN ATTORNEY'S COMMENTS (8:38 p.m. - 8:52 p.m.)

WESTBROOKE. Mr. Kiar provided an overview of the Westbrooke agreement and indicated that those who were involved in preparing the agreement, were no longer employed by the Town. He asked if any security was obtained pursuant to the agreement, if any documents were obtained by the Town transferring the title, and what the status was of the improvements to the subject property in compliance with the five year maintenance obligation. Mr. Kiar indicated that if none of this had been done, Council could pursue the matter against Westbrooke. He stated that once staff researched this information, he would provide Council with a more definitive answer.

Mayor Venis stated that the five year maintenance obligation had not begun because Westbrooke had not completed the wetland mitigation site and felt it was important to find out why they had not completed this. He also felt it should be completed by Westbrooke exactly as it was contracted. Mayor Venis agreed that it needed to be researched and addressed expeditiously and recommended that a meeting be set up with Westbrooke. Mr. Kiar advised

**TOWN COUNCIL MINUTES
DECEMBER 19, 2001**

that he had already attempted to contact Westbrooke attorney Ms. Hall and he would follow through with this immediately.

Development Services Director Mark Kutney stated that he had spoken with Ms. Hall and had shared concerns with her and Ms. Hall was in the process of investigating this issue. He stated that staff had also contacted County agencies regarding this and Ms. Hall promised she would have information in the near future regarding this.

CITRUS CANKER. Mr. Kiar reported that the Citrus Canker trial was tentatively set for January 22nd in the City of Pompano.

HOLIDAY GREETINGS. Mr. Kiar wished everyone a happy and safe holiday and commended all those who participated in arranging the holiday parties.

7. CONSENT AGENDA (8:52 p.m. - 9:16 p.m.)

Minutes

7.1 October 3, 2001 - Regular Meeting

Parade Permit

7.2 Broward Coalition for the Homeless (February 23, 2002)

Proclamation

7.3 Rick Case Bikes for Kids Day (December 19, 2001)

Home Occupational Licenses

7.4 All Star Stucco, 14401 SW 23 Street

7.5 Rosenbaum Towing Inc., 5880 SW 70 Avenue

Resolutions

7.6 **INSURANCE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING CIGNA HEALTHCARE TO PROVIDE FULLY-INSURED GROUP MEDICAL BENEFITS INCLUDING A HEALTH MAINTENANCE ORGANIZATION (HMO) PLAN AND A POINT OF SERVICE (POS) PLAN, AND AN EMPLOYEE ASSISTANCE PROGRAM (EAP); SELECTING COMPBENEFITS CORPORATION TO PROVIDE FULLY-INSURED GROUP DENTAL BENEFITS INCLUDING A DENTAL MAINTENANCE ORGANIZATION (DMO) PLAN AND A DENTAL PROVIDER ORGANIZATION (DPO) PLAN; SELECTING STANDARD INSURANCE COMPANY TO PROVIDE LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT (AD&D) INSURANCE BENEFITS, LONG TERM DISABILITY (LTD) INSURANCE BENEFITS, AND SHORT TERM DISABILITY (STD) INSURANCE BENEFITS; AND AUTHORIZING THE HUMAN RESOURCES DIRECTOR TO EXECUTE APPROPRIATE APPLICATIONS AND CONTRACTS FOR SAID BENEFIT PLANS. (tabled from December 4, 2001)**

7.7 **CLASS SPECIFICATION - A RESOLUTION OF THE TOWN OF DAVIE,**

**TOWN COUNCIL MINUTES
DECEMBER 19, 2001**

R-2001-349 FLORIDA, ADOPTING THE CLASS SPECIFICATION OF TOWN ENGINEER/ASSISTANT DEVELOPMENT SERVICES DIRECTOR AND ASSIGNING A PAY GRADE, IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN.

**TOWN COUNCIL MINUTES
DECEMBER 19, 2001**

- 7.8 R-2001-350 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, FOR COMPLETION OF THE FIRST PHASE OF TELEPHONE AND DATA INFRASTRUCTURE FOR TOWN GOVERNMENT FACILITIES, APPROVING THE BID AWARDED BY BROWARD COUNTY TO BELLSOUTH FOR TELECOMMUNICATION CABLING, AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SUCH EQUIPMENT AND SERVICES. (\$15,272)**
- 7.9 R-2001-351 **BONDS - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE ISSUANCE OF PUBLIC IMPROVEMENT REVENUE BONDS OF THE TOWN OF DAVIE, FLORIDA, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$10,000,000 FOR THE PURPOSE OF FINANCING OR REIMBURSING THE COST OF ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS OF THE TOWN, AND PAYING COSTS OF ISSUANCE OF THE BONDS; AWARDED THE SALE OF THE BONDS TO FIRST UNION NATIONAL BANK; PROVIDING FOR SECURITY FOR THE BONDS; CONTAINING OTHER PROVISIONS RELATING TO THE BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.**
- 7.10 R-2001-352 **AMENDED AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE AMENDED AGREEMENT BETWEEN THE TOWN OF DAVIE AND NOVA SOUTHEASTERN UNIVERSITY FOR COMMUNITY ORIENTED POLICE OFFICERS.**

Site Plans

- 7.11 **STAFF REQUESTING A TABLING TO JANUARY 16, 2002**
SP 4-2-00, Armadillo Square, 4614 SW 64 Avenue (Griffin Road Corridor) (tabled from November 7, 2001) *Planning and Zoning Division recommended denial; Site Plan Committee recommended denial*
- 7.12 SP 11-2-00-1, Long Lake Estates II, 3501 Nob Hill Road, 3304 and 3201 Hiatus Road (E and AG) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval*
- 7.13 SP 6-6-01, Hicks Estates, 3600 SW 136 Avenue (A-1) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report; subject to making sure all lot sizes be a minimum of 35,000 square feet; revise the plans to clearly show where the horse trail comes on the property line and crosses over the property showing what provisions are made for the trail; and to have these adjustments made before presentation to Council*

**TOWN COUNCIL MINUTES
DECEMBER 19, 2001**

- 7.14 SP 8-3-01, Davie Professional Building, 4179 Davie Road (B-2) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report*

Site Plan Amendment

- 7.15 SP 6-3-01, Potter Park Community Center and Gymnasium, 4300 SW 57 Terrace

Mayor Venis asked that item 7.3 be removed from the Consent Agenda. Vice-Mayor Paul asked that items 7.7 and 7.13 be removed. Councilmember Truex asked that item 7.8 be removed.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda without items 7.3, 7.7, 7.8, and 7.13. In a voice vote, all voted in favor. (Motion carried 5-0)

7.3 Town Clerk Muniz read the proclamation. Mayor Venis thanked Mr. Case for all he had done for the community. He presented Mr. Case with a Key to the City.

Mr. Case advised that bicycles were still being accepted and could be delivered to either of his dealerships for distribution to children.

7.7 Vice-Mayor Paul asked why this position had been posted on the Town's website prior to it being approved by Council. Human Resources Director Mark Alan explained that it was posted and if it was not approved by Council, applications would remain on file. Vice-Mayor Paul felt that it was more important to raise the salaries of current employees who were deserving, than to offer new employees higher salaries. She was also concerned that this was false advertising as it was not approved. Mr. Willi explained that the advertisement in the newspaper indicated that this position was available based on Council's approval, but he was not sure if the website had mentioned this.

Councilmember Clark felt that this class specification would attract more qualified applicants and asked if this was one position. Mr. Alan responded in the affirmative. He explained that this position was somewhat different than the Town Engineer's position as it was also administrative and would afford Mr. Kutney some assistance.

Vice-Mayor Paul clarified that this position was in lieu of the Town Engineer's position and asked what the salary was. Mr. Alan stated the salary started at \$65,000

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

7.8 Councilmember Truex indicated that this bid was approximately 18% over cost and felt that this was foreseeable. He clarified that he was not concerned with the additional costs, but wanted to know how much over this project would be. Mr. Willi responded that there was a set contract price and the line capability was considered for additional growth of the Town.

Councilmember Truex was concerned that Phase II would also go over budget. Mr. Willi explained that the cost overrun for Phase I was due to reorganization within the building and approximately 20 stations that were missed in the Building Division. Information Systems

**TOWN COUNCIL MINUTES
DECEMBER 19, 2001**

Director Frank Apicella spoke of a meeting with Bell South and their assurance that they would not go over estimated amount.

Cathy McKenzie, representing Bell South, spoke of Mr. Apicella's efforts to ensure that there would be no cost overruns.

Vice-Mayor Paul asked about the financial benefits that were promised to the Town at the time of signing the contract. Ms. McKenzie explained that if the switch was approved at this meeting, the Town would save on installation charges and some of the network charges. She clarified that this offer expired at the end of 2001. Ms. McKenzie indicated that her understanding from staff was that the switch was not included in this item and would not be approved at this meeting. Mr. Apicella believed the cost savings would be approximately \$1,500 per line with three lines being installed.

Mr. Willi stated that the original agenda item included the \$15,000 for the cabling, along with the Phase II project for the actual installation of the switch. He advised that the \$15,000 was a contract addition to Phase I. The \$309,000 for the switch side was a capital budget item that Council had not yet approved and there was no vehicle for which to approve this expenditure until January 2002.

The consensus of Council was that this savings be extended until the second meeting in January. Ms. McKenzie indicated that she did not have the power to extend the savings, but she would try to renegotiate with her corporate offices.

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

7.13 Vice-Mayor Paul wanted to make sure the adjustments were made for the horse trails prior to Council voting on this item. Gus Khavenan showed that the plan was modified and showed the adjustments.

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

8. PUBLIC COMMENTS (9:16 p.m. - 9:22 p.m.)

Ordinances - First Reading (Public Hearing to be held January 2, 2002)

8.1 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO R-3, LOW DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 9-1-01, Asseff/Wolf, 6851 SW 45 Street)

Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Truex asked why this was the third time this item was brought up to Council. Mr. Kutney advised that he was under the impression also that it was only to be heard twice.

**TOWN COUNCIL MINUTES
DECEMBER 19, 2001**

Vice-Mayor Paul pointed out that the site plan did not specify how many units were going to be constructed. Mr. Kutney stated that this was provided in the staff report.

Councilmember Truex made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Venis, yes; Vice-Mayor Paul, no; Councilmember Clark, yes; Councilmember Starkey, yes; Councilmember Truex, yes. (Motion carried 4-1)

8.2 COUNCIL TO REQUEST A TABLING TO JANUARY 2, 2002; NO OTHER ACTION WILL BE TAKEN AT THIS MEETING

TRANSMITTAL - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL APPLICATION LA 02-1, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "RESIDENTIAL 1 DU/ACRE TO SPECIAL CLASSIFICATION (RESIDENTIAL 2.4 D.U./ACRE); AND SPECIAL CLASSIFICATION (RESIDENTIAL 2 D.U./ACRE) TO CONSERVATION"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (5000 and 5400 SW 58 Avenue)

This item was tabled earlier in the meeting.

9. PUBLIC HEARINGS (9:22 p.m. - 10:01 p.m.)

Ordinances - Second and Final Reading

2001-51 **9.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, DELETING SECTION 12-34(B), ENTITLED "AGRICULTURE"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from November 20, 2001)**

Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

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

2001-52 **9.2 CODE AMENDMENT - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, PROVIDING FOR PRIVATE COLLECTION SERVICES FOR COLLECTION OF RECOVERED MATERIALS AT COMMERCIAL ESTABLISHMENTS; PROVIDING FOR DEFINITIONS; REQUIRING REGISTRATION FEE; PROVIDING FOR PENALTIES FOR VIOLATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR CONFLICTS; PROVIDING FOR EFFECTIVE DATE.**

Town Clerk Muniz read the ordinance by title.

**TOWN COUNCIL MINUTES
DECEMBER 19, 2001**

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke - the public hearing was closed.

**TOWN COUNCIL MINUTES
DECEMBER 19, 2001**

Councilmember Truex made a motion - seconded by Councilmember Clark - to approve. In a roll call vote - the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - out of room Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 4-0)

9.3 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE,**
2001-53 **FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTIONS 12-34, ENTITLED "STANDARDS ENUMERATED"; PROVIDING FOR DETAILED USE REGULATIONS RELATED TO FARMS AND AGRICULTURAL USES; AND AMENDING SECTION 12-503 ENTITLED "DEFINITIONS"; PROVIDING FOR DEFINITIONS RELATING TO FARMS AND AGRICULTURAL USES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Muniz read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Julie Aiken, 3801 Flamingo Road, reassured Council that State Law exempts agricultural activities on farms from regulation from local government. She clarified that this only applied to agricultural activities.

Fred Siegal, President of Broward County Farm Bureau, commended all the work that was put into this ordinance proposal.

Mayor Venis closed the public hearing.

Councilmember Starkey stated she supported this proposal but was concerned with events at Math Iglor Groves. She asked what would prohibit residents from claiming their properties as farms and questioned if this ordinance would exempt them from taxes. Vice-Mayor Paul explained that farms still paid taxes, but they might have a reduction. Councilmember Truex stated that safeguards were in place to prevent "fake farms." He further stated that County Property Appraiser William Markham was not bound by this ordinance. Vice-Mayor Paul added that State law would prevail. Mr. Kiar stated that the Right to Farm Act set forth specific criteria.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve with corrections to five typographical errors. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

Vice-Mayor Paul advised that she wanted to remove "agricultural uses and farms" from the Table of Permitted Uses, Section 12.32 and agriculture and "agriculture commercial" from B, and then to move the term "agricultural uses" to 503.

Vice-Mayor Paul made a motion, seconded by Councilmember Truex, that on the table on 12-32, Residential Districts, General Use, delete "agricultural uses and farms," and then under the commercial, delete "agriculture and agriculture commercial" and then move the term "agricultural uses" to 503. In a voice vote, all voted in favor. (Motion carried 5-0)

**TOWN COUNCIL MINUTES
DECEMBER 19, 2001**

Quasi Judicial Items

- 9.4 **VARIANCE** - V 9-2-01, Case/Willow Acquisitions, LLC, 15700 Pointe West Drive (BP) (to exceed the allowable sign height from 15 feet to 65 feet, to exceed the allowable sign area from 160 square feet to 196 square feet, and to increase the allowable wall sign area from 150 square feet to 648 square feet in area) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended approval*

Mayor Venis swore in the witnesses. Mr. Kutney summarized the staff report.

Bill Laystrom, representing the petitioner, explained the variance request and stated that the 65-foot sign would be dwarfed because of what surrounded it. He showed superimposed pictures that depicted the impact the sign would have on the surrounding area.

Mr. Laystrom explained that the other proposed businesses, such as restaurants, shied away from this site and expressed his belief that Rick Case Honda was the best fit for this site. He referred to the Code and felt the limited size was not intended for single use advertising and although his client was one company, it was more than a small firm.

Rick Case, the petitioner, stated that the actual lettering in the word "Honda" was less than two feet high. He explained that the sign was leased from Honda and they had no choice. Mr. Case also stated that this signage was necessary for this location because it was so unique.

Each Councilmember disclosed that they had met with Mr. Case.

Vice-Mayor Paul asked if these signs would be smaller than the Movieco signs. The reply was affirmative.

Mayor Venis asked if anyone wished to speak for or against the item.

Arthur Joseph, 13700 SW 18 Court, was opposed to this project and gave examples of how the Town had denied other applicants with similar requests. He also felt that this would negatively impact the appearance of the Town.

Mike Bender, 14800 SW 31 Court, felt that what Mr. Case was asking was not out of the ordinary and the business would bring many jobs to the Town which would increase the tax base. He was in favor of this proposal and urged Council to approve it.

Jason Curtis, 3801 Flamingo Road, was in favor of this proposal and felt it was a good project for the Town.

Mayor Venis closed the public hearing.

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

10.1 Mayor Venis announced that item 10.1 would be heard out of order.

Mr. Laystrom outlined the request for a 100-foot flagpole.

Councilmember Truex made a motion, seconded by Councilmember Clark, to approve subject to it being an American flag and a standard flagpole. In a roll call vote, the vote was as follows. Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

**TOWN COUNCIL MINUTES
DECEMBER 19, 2001**

- 9.5 **SPECIAL PERMIT** - SE 8-1-01, Bruns, 2280 SW 154 Avenue (A-1) (to construct an outdoor exercise area for animals) (tabled from November 20, 2001) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval with the stipulation that the applicant's fee be refunded*

Vice-Mayor Paul advised that this permit was unnecessary because of the previous action taken. Mr. Kutney confirmed that the fee would be refunded.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to withdraw. In a voice vote, all voted in favor.

Item to be tabled

- 9.6 **PLANNING AND ZONING BOARD TABLED TO JANUARY 9, 2002; COUNCIL CAN TABLE TO FEBRUARY 6, 2002**
V 7-1-01, McDonald's Corporation/The Barclay Group No. 8, Ltd., northwest corner of SW 136 Avenue and Financial Boulevard (B-2) (tabled from November 20, 2001)

This item was tabled earlier in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

10. REQUEST FOR DETERMINATION

- 10.1 Rick Case Honda Dealership I-75 and Griffin Road (request to erect a 100 foot flagpole)

This item was approved earlier in the meeting.

11. APPOINTMENTS (10:01 p.m. - 10:04 p.m.)

- 11.1 Davie Water and Environmental Advisory Board (two exclusive appointments - Councilmember Truex; one exclusive appointment - Councilmember Clark and Mayor Venis) (terms expire December 2003)

These appointments were deferred.

- 11.2 Senior Citizen Advisory Committee (members shall be a minimum of 60 years old) (two exclusive appointments with one being for a one year term and one being for a two year term - Councilmembers Truex and Starkey; terms expire December 2002 and 2003 respectively) (one exclusive appointment for a one year term - Mayor Venis; term expires December 2002)

These appointments were deferred.

- 11.3 Police Employees' Pension Board (one non-exclusive appointment of a legal resident; appointing authority should select, from the best qualified persons, minority representation to accurately reflect that population of the area represented by the Board) (term expires December 2003)

This item was deferred.

**TOWN COUNCIL MINUTES
DECEMBER 19, 2001**

12. OLD BUSINESS (10:04 p.m. - 10:21 p.m.)

12.1 Cost Recovery Program

Mr. Kiar distributed a memo dated December 18th and explained that Councilmember Truex had made suggestions regarding the issue of Cost Recovery.

Mr. Kutney stated that he had brought this item to the Planning and Zoning Board/Local Planning Agency where he outlined the history of this ordinance and its intention. He stated that the Planning and Zoning Board agreed with this item in general and he outlined some of their comments.

Mr. Kutney stated that the City of Miramar had indicated that special services related to what the Town would be doing. For example, if a traffic study was needed, Town consultants could be used and the petitioner would pay for that service. He felt that since he had spoken with Miramar, he was in a better position to meet with Mr. Kiar and Mr. Willi to prepare an amendment for the Planning and Zoning Board.

Councilmember Starkey stated that she did not want fees tied to this item as then it would need constant updating by staff. Councilmember Truex complimented Councilmember Starkey for her participation and felt this was much better prepared than Miramar's ordinance.

Councilmember Truex referred to the statement on page 2 - "special services, normally required to review an application." He felt this should be tightened up because it was too vague and subjective. Councilmember Truex referred to subsection B on page 2, stating that "review request" was not clearly defined and stated that the fee in subsection E on page 3 should either be determined by staff or separate resolution.

Mr. Kutney stated that he would be meeting with staff within the next week to finalize this. Councilmember Truex recommended that the business community be informed of this prior to Council hearing it on first reading.

12.2 Advisory Board Consolidation

Mr. Cohen stated that Council could make recommendations regarding sunseting, recording, and minutes. As far as combining Boards, he stated that if there were specific recommendations Council wanted to make, they could make those recommendations and return them to him.

Mayor Venis stated that he wanted to take some time to make his recommendations and he wanted this to come before Council before a finalized ordinance was advertised. He also asked for a copy of Councilmember Truex's original draft.

Councilmember Truex felt the Boards should be sunsetted every three years rather than every two years.

13. NEW BUSINESS (10:21 p.m. - 1:05 a.m.)

13.1 Charter School Presentation

Manny Synalowski introduced Doug Storer from the Haskell Company, and David Leahy and Jonathan Meramer from Charter Schools USA. Mr. Storer gave a presentation on the history of charter schools, their merits and the charter schools he and his colleagues had developed.

**TOWN COUNCIL MINUTES
DECEMBER 19, 2001**

Mayor Venis stated that he would like the Town to take advantage of the free cost feasibility analysis.

Vice-Mayor Paul mentioned that Davie Somerset Academy of Davie Charter School was on the School Board agenda the day before this meeting, yet this was never brought before Council. She stated that the number of charter schools was limited, therefore the Town needed to act quickly. It was explained that the number of charter schools depended on the number of students in an area. Vice-Mayor Paul stated that there was a mechanism in place that allowed the cap to be overridden.

Councilmember Truex did not think it was the function of municipalities to run schools and realized that Pembroke Pines had a unique situation, but felt Davie was different. He felt it was a conflict of interest to have the presenters do a feasibility study as they were the ones interested in building the schools.

Mayor Venis felt there was no problem with having this group do the study because mainly they would be providing numbers that would be analyzed by Council and staff. He felt it was a good start. Councilmember Starkey stated that the spirit of charter schools was to create unique situations for communities and this would be part of the feasibility study. But the data would have to be analyzed as well. Vice-Mayor Paul stated that the Boys and Girls Club was also looking in charter schools.

Jill Cohen, representing the Davie School Advisory Board, stated that if Council was interested in researching charter schools, presentations from other groups should be made. Councilmember Truex advised that a feasibility study should be conducted by an independent, objective firm. Mayor Venis felt that other presentations could be made, but it was important to begin immediately.

Councilmember Starkey made a motion, seconded by Councilmember Clark, to go forward with the free feasibility study. In a voice vote, with Councilmember Truex dissenting, all voted in favor. (Motion carried 4-1)

13.2 127th Avenue Right-of-Way

Mr. Kutney advised that the plat did not show non-vehicle access lines and access could be established in this area.

Vice-Mayor Paul explained the nature of this item, stating that the question was if SW 127 Avenue was going to be a cut-through from Flamingo Road through Summerlake. Mr. Bernard stated that the previous decision was to see what the impact was once the developer paved the road.

Mayor Venis felt this item should be deferred until a future meeting.

13.3 Town Administrator's Evaluation

Mr. Willi summarized the Town's accomplishments over the last year.

Councilmember Clark spoke of Mr. Willi's sincerity and honesty, but did not want him to make promises that he could not deliver. She felt that staff did not follow Mr. Willi's directives and there was oftentimes no follow-up on his part. Councilmember Clark stated that she would like staff to strictly follow direction from Mr. Willi, especially when directives came from Council.

**TOWN COUNCIL MINUTES
DECEMBER 19, 2001**

Councilmember Truex felt that the Police and Fire Departments were working with Mr. Willi and he was pleased. He knew Mr. Willi was working on employee moral and felt that Mr. Willi communicated with him in a timely manner. He added that he was pleased with the increased diversity of new Town staff. Councilmember Truex felt that employee morale had improved somewhat, but still needed to be increased, and he recommended doing everything possible to retain current employees.

Councilmember Truex indicated that he would like to see a system in place for follow-up on Council-directed projects. He felt that Mr. Willi was too optimistic in some areas and sometimes promised more than could be delivered. Councilmember Truex felt it would be better if realistic timeframes were set, even if delays were incurred. He felt it was important to increase the diversity of the Town, especially in the key leadership positions, adding that diversity should be considered a quality for leadership. Councilmember Truex added it would be helpful to have objective data that showed the diversity in employees. He felt that the budget process needed to be worked on, and the process should begin earlier. Councilmember Truex also felt that public safety should be the top priority. He stated that the Town needed to continue enhancing and preserving the lifestyle of the Town, whether it was rural or suburban. Finally, he acknowledged that Mr. Willi was receiving a cost of living salary increase and added that he "would be willing to ride another year on that current base salary", as he felt the salary package was adequate for this year.

Councilmember Starkey did not feel that Mr. Willi was working to her expectations and believed that it was not personal. She indicated that she would rather hear from Council and then offer her opinion.

Vice-Mayor Paul spoke of the Mr. Willi's interim review which she was pleased with at that time. She felt that if Mr. Willi had continued on that path, things would be a lot better. Vice-Mayor Paul stated that Council should not have to micro-manage to ensure that projects were completed and periodic reports should be given without Council having to request information. She felt that Mr. Willi had gotten involved in "politics" which should be left to Council.

Vice-Mayor Paul agreed that the budget process needed to be revamped. She cited an instance where she had asked for written justification of overtime in the budget and rather than getting an explanation, a verbal responses was given that overtime was cut without a justification being given. Vice-Mayor Paul felt that what Council went through with 12-34(B) directly attributed to Mr. Kutney and was a reflection on Mr. Willi. She felt that Mr. Kutney had threatened her. Vice-Mayor Paul felt that if she was treated this way, she had no choice but to believe residents' complaints about how they were treated by staff. She felt that the perception was that Mr. Willi was more interested with being friends with department directors, rather than seeing to it that directives were followed.

Vice-Mayor Paul felt that she was set up on the SW 31 Street road closing as no one on staff had communicated with her regarding this issue, even though they had information about it. She outlined several instances where residents were exposed to unpleasant experiences with Development Services and where they withdrew applications because of fear. She spoke of firefighters' dismay about the DROP clause and her requests for more information from staff, which she had not received. Vice-Mayor Paul felt that some departments were acting as if they

**TOWN COUNCIL MINUTES
DECEMBER 19, 2001**

were separate entities. She stated that residents had varied responses regarding Mr. Willi's performance, but the biggest complaint was that he did not return telephone calls. Some felt that department directors were "running the show." Vice-Mayor Paul would like Mr. Willi to be more responsive to the concerns of the residents.

Vice-Mayor Paul recommended that Council retain Mr. Willi but place him on a six-month probation period. She felt that communication was vital and all Councilmembers should be treated the same. Vice-Mayor Paul added that Mr. Willi should be more assertive and he should make decisions in the best interest of the residents.

Mayor Venis stated that he had never gotten direction from previous Town Administrator's regarding charter schools and he was pleased that this issue was going forward. He was also pleased that the Town was switching to a PC environment. He commented on other projects Mr. Willi had worked on which were in progress including the Young-At-Art Museum, the PAL gymnasium, and the Potter Park project.

Mayor Venis spoke of differences with Mr. Willi on the budget, but stated that the budget was balanced and he would like to see Mr. Willi work more closely with the Budget Advisory Committee. Mayor Venis referred to the organizational charts and requested that the Budget Advisory Committee compare it to that of other municipalities.

Mayor Venis wanted Mr. Willi to stay on top of department directors and that department directors had to follow Mr. Willi's directives because those directives came from Council. He also wanted Mr. Willi to address how certain employees dealt with residents. Mayor Venis spoke of records retention and tracking regarding the SW 58 Avenue project. He was concerned that projects and issues were not properly tracked and should be for future reference.

Councilmember Starkey advised that she had previously asked if there was an evaluation checklist for Town Administrators and was told there was not. She utilized an example of a current employee evaluation and felt that a similar tool could be used to evaluate Mr. Willi's performance. Councilmember Starkey felt that Mr. Willi had a problem with relating to female Councilmembers in their professional capacity. She stated that Mr. Willi did not return telephone calls or communicate with her as he did with Councilmember Truex.

Councilmember Starkey expressed her dismay about Mr. Willi's efforts with the wetlands grant. She felt that he did not follow up on initiatives of Council and did not act on directives. Councilmember Starkey felt Mr. Willi was more reactive than proactive and he needed to look at the economic initiative more closely. She felt that Mr. Willi's actions made the whole Town look bad and he did not have the experience to hold this position. Councilmember Starkey spoke of a need for a master plan and felt that Mr. Willi lacked professionalism. She expressed her disappointment with Mr. Willi's performance and his lack of respect for her and added that low employee morale was still an issue. Councilmember Starkey felt that Mr. Willi should provide a report on projects and issues in progress much like Mr. Kiar's report to Council. She was concerned that he did not return telephone calls to residents and staff. Councilmember Starkey felt that Mr. Willi had been disrespectful towards her with comments that she was interfering with staff.

Councilmember Starkey felt that a 30 day probation was more appropriate to see if he could implement the changes recommended by Council. She spoke of a clause in Mr. Willi's

**TOWN COUNCIL MINUTES
DECEMBER 19, 2001**

contract that she felt may be contrary to a Florida Supreme Court decision and asked that Mr. Kiar research it.

Vice-Mayor Paul disagreed with the 30 day probation because there were many issues that needed to be addressed. She wanted to see progress and have an update, but she felt Mr. Willi needed some time to effectively address these issues. She felt it would not be good for the Town to make drastic changes and Mr. Willi should be given the opportunity to prove himself.

Councilmember Clark felt that Council's comments were well thought out. Her greatest concern was that all Councilmembers were not treated equally and she felt this should be a priority. She stated that she had abandoned issues because she felt they would not be addressed and she did not want to be patronized.

Councilmember Starkey reiterated that Mr. Willi should be put on the 30 day probation and he should be given short-term goals for that period. Councilmember Clark agreed with Vice-Mayor Paul that 30 days was not enough time. Mayor Venis referred to the probation period for a former town administrator and stated that the end result did not prove to make the administrator more effective, but only caused him to micro-manage. He felt that a probation period was not appropriate.

Councilmember Truex agreed with Mayor Venis. He felt that Mr. Willi should have appropriate time to address the issues Council had put forth.

Mr. Willi felt the Town was moving forward with many projects and he had been very involved. He recognized that he should probably step back and manage the projects more, rather than being in the middle of each, so that he could be more responsive to Council. Mr. Willi reiterated that in the future he would try to be more responsive to Council's needs.

Mr. Willi briefly described his daily schedule and explained why it was difficult to return all telephone calls and e-mails. He asked for Council's assistance in clearly defining goals so that they could be acknowledged when accomplished and analyzed when they failed. Mr. Willi spoke of customer service programs presently being evaluated and recognized that there were issues with certain employees, adding that he was in the process of addressing these issues. He spoke of diversity in hiring and stated that his goal was to hire the most qualified applicant, regardless of race, ethnicity, or gender. Mr. Willi spoke of enhancements to the budget process and the revised capital program and agreed that the process should begin earlier, adding that it would begin in January. He also agreed that a tracking system was necessary and stated that various software was being tested to find an appropriate and cost effective solution to this problem.

Mr. Willi stated it was difficult to measure employee morale, but felt it had improved as evidenced by the increased participation in events, especially the holiday party. Mr. Willi stated he would do his best to improve communication with Council.

Vice-Mayor Paul stated that both Mayor Venis and Councilmember Truex indicated that they were not comfortable with probation, but she was not sure how Council could judge whether Mr. Willi was meeting Council's recommendations. Councilmember Truex felt that Council should adjourn and at a future meeting, take action if they were displeased. Councilmember Starkey objected to this option and questioned if it was Council's opinion that it was acceptable to proceed even though two Councilmembers were being treated poorly. She indicated that Mr. Willi needed to be given short term goals that needed to be achieved.

**TOWN COUNCIL MINUTES
DECEMBER 19, 2001**

Vice-Mayor Paul made a motion that another review be held in three months and Council sit down with Mr. Willi to set goals. She stated that as far as a salary increase was concerned, Mr. Willi had received a cost of living raise. Vice-Mayor Paul stated that if Mr. Willi continued to forge ahead as he had been doing for the last two weeks prior to this review, he would be in a good position. She indicated that she want to see some progress before she made a definitive decision. Mr. Willi agreed that definitive goals needed to be made and indicated that his contract called for an annual review and questioned how an additional review could be achieved without violating the contract. Vice-Mayor Paul suggested amending the contract. Councilmember Starkey added that if Mr. Willi was put on probation, he would have no choice.

Councilmember Truex asked Vice-Mayor Paul to repeat the motion.

Vice-Mayor Paul stated the motion was to set some goals and have a review in three months. Councilmember Starkey seconded the motion. Councilmember Starkey asked if the motion could include the term probationary period with a review in three months. Mr. Kiar advised that the contract did not prevent Council from terminating Mr. Willi's contract and Council obviously could discuss Mr. Willi's performance at any Council meeting. Councilmember Starkey recommended that the evaluation be continued after the probationary period. Councilmember Truex clarified that the contract provided that Mr. Willi would be evaluated "at least" annually.

Mr. Willi recommended that a goal setting session be scheduled in January and then have a review of those goals five months after that session. He felt that if he did not have a minimum level of support from Council, it would undermine his authority with staff which could turn into an administrative problem.

Vice-Mayor Paul amended her motion to add a goal setting session with a review five months after that. Councilmember Starkey withdrew her second. Councilmember Truex seconded the motion. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - no; Councilmember Truex - yes. (Motion carried 4-1)

14. ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 1:05 a.m.

Approved _____

Mayor/Councilmember

Town Clerk