

**TOWN OF DAVIE  
REGULAR MEETING  
MAY 7, 2003**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:03 p.m. and was followed by the Pledge of Allegiance lead by Girl Scout Troop 307.

**2. ROLL CALL**

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

**3. OPEN PUBLIC MEETING**

Mayor Truex advised the public of the rules for the Open Public Meeting.

Bob Waitkus, Canine for Companions, thanked Council for sponsoring their event on May 10, 2003.

John Griffin, representing Scout Masters Jamboree and Boy Scouts of America, invited the Town to the Memorial Day Parade. He extended a special invitation to Council to participate in the parade.

Arthur Joseph, 13700 SW 18 Court, requested that Council prepare a resolution opposing the State Legislators' and Governor Jeb Bush's act changing the deadline of the implementation of the Everglades Restoration, which would cause more delay. He spoke against Vice-Mayor Susan Starkey's "inquisition" of Mr. Willi. Mr. Joseph expressed his confusion concerning the Davie Road and Griffin Road project with regards to the concern over parking for a Walgreens versus a 22-unit apartment complex. Mayor Truex clarified the apartment project was a different parcel than the Walgreens.

Barbara Tilley, 1941 SW 87 Avenue, appeared on behalf of the Park City Estates Homeowner's Association, thanked the Town for moving forward with improvements planned for the 18 Street median in Park City Estates.

June Connors, 1701 SW 127 Avenue, thanked everyone for their help with the Summer Lake's issues, the resolutions and actions made.

Neal Kalis, 7320 Griffin Road, and Pamela Spalter, Administrator for Independent Living Skills for College Living Experience, asked for Council's prompt direction with Codes that affected the program, out of the Sunforest Apartments. They described the program and the special needs it addressed for the students enrolled.

Liz Urban, a student enrolled in the program, described her participation and benefits of the program.

Joey Fadem, a student enrolled in the program, spoke of the advantages this program provided for him.

Aaron Dribin, a student enrolled in the program, also indicated how the program had helped him too.

Mayor Truex stated this item would be on the May 21, 2003 agenda under New Business.

Richard Reese, 3993 SW 135 Avenue, appeared on behalf of the residents of Imagination Farms, thanked everyone for their help with getting the sidewalk in place.

Deborah Buckner spoke of the program her ballet company provided for outreach children. She asked for the Town's support and invited Council to their performance on May

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30, 2003 and May 31, 2003.

Rachel Geronimous, a senior member of this ballet company, shared her personal rewards and benefits to the outreach students that participated.

Jessica Merritt, also a senior member of this ballet company, shared her experiences when she worked and instructed these dedicated and inspirational students.

Mayor Truex directed them to Mr. Willi so that they may apply for assistance provided in the budget. Mr. Willi indicated that when they submitted a written request to his office he would direct it to Assistant Town Administrator Ken Cohen to see what could be done.

Rabbi Mark Labowitz, Assistant Rabbi from a local congregation, sought Council approval for regular use of Robbins Lodge and asked that Council reconsider the decision on the policy not allowing organizations to rent more than twice a year.

After some discussion, Mayor Truex indicated that this issue should be added to the May 21, 2003 meeting under New Business.

Mr. Willi reminded Council that an ordinance had been passed late last year addressing this issue. He asked Council if they wanted to revisit this issue. Council indicated in the affirmative.

Lloyd Philips, 14220 SW 29 Court, pronounced his objection of complaints against him and opposition towards him by Mr. Willi. He asked if anything could be done about it. Mayor Truex said he would speak with Mr. Willi and get background on this issue.

Seeing no others, Mayor Truex closed the Open Public Meeting.

Mayor Truex advised that item 4.19 was requested by staff to be tabled until June 4, 2003.

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

Mayor Truex asked staff for a clarification on the request to table item 4.22. Development Services Director Mark Kutney gave a brief history regarding this issue and explained that this matter had been going on for some years and staff had not been able to resolve it. He stated that staff was not in favor of the tabling.

Councilmember Paul indicated that a great deal of time had been spent on this issue by Council and she recognized that it was an important event for residents. She understood the Town's position regarding the permit fees. Councilmember Paul felt that this item should be tabled so that a compromise could be sought.

Mr. Kutney indicated that the permit could be used as a blanket permit for a one-year period and the permit fee could be paid up front. Mr. Willi indicated that the temporary use permit system adopted by the Town was the reason for the \$300 per event fee. He advised that the fee could not be waived. Mr. Kutney added that the organizer collected fees from the vendors, but did not pay the Town.

Councilmember Hubert suggested that the fee be collected weekly. Mr. Willi suggested monthly or quarterly.

There was no motion to table item 4.22.

Mayor Truex advised that 6.13 was withdrawn.

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Mayor Truex advised that item 6.14 was being requested to be tabled to June 4, 2003.

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

Mayor Truex advised of the request by staff to table item 6.15 until June 4, 2003.

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

Mayor Truex advised of the request by staff to table item 6.16 until May 21, 2003.

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

Mayor Truex advised that items 6.17 and 6.18 were requested to be tabled until May 21, 2003.

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

Mayor Truex advised of request by staff to table items 6.19 and 6.20 until June 18, 2003.

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

Mayor Truex advised of the request to add the Nova Southeastern special events temporary use permit.

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

**4. APPROVAL OF CONSENT AGENDA**

*Minutes*

4.1. March 5, 2003 - Regular Meeting (tabled from April 15, 2003)

4.2. March 24, 2003 - Regular Meeting

*Proclamations*

4.3. Terry Roth Day (May 20, 2003)

4.4. Emergency Medical Services for Children Day (May 21, 2003)

4.5. Trauma Awareness Day (May 22, 2003)

4.6. Emergency Medical Services Week (May 18 - 24, 2003)

*Home Occupational Licenses*

4.7. Atlantic Home Inspections, Inc., 4451 SW 102 Avenue

4.8. Double S Sod Co., 13851 SW 26 Street

4.9. Ry Con Corporation, 10891 Northstar Street

4.10. Today's Pool and Spa Inc., 13780 SW 37 Court

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*Resolutions*

- R-2003-110 4.11. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR MISCELLANEOUS ELECTRICAL SERVICES. (Electric Service Co., Inc.)
- R-2003-111 4.12. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE CITY OF MIAMI BEACH BID NO. 56-01/02 TO PURCHASE VEHICLE EMERGENCY LIGHTING AND RELATED EQUIPMENT FROM LAW ENFORCEMENT SUPPLY COMPANY, INC. (\$80,723.18)
- R-2003-112 4.13. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID AWARDED BY THE STATE OF FLORIDA, SNAPS CONTRACT NO. 9732528-2 FOR SOLID WASTE MANAGEMENT CONSULTING SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE MEMORANDA OF UNDERSTANDING FOR SUCH SERVICES. (non-budgeted request)
- R-2003-113 4.14. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID AWARDED BY HILLSBOROUGH COUNTY FOR TWO HURRICANE FIRE RESCUE PUMPERS AND ONE FIRE RESCUE TANKER WITH ASSOCIATED EQUIPMENT, BID NO. BPCW02000033. (Emergency One, Inc. - \$1,217,480)
- R-2003-114 4.15. **USE PERMIT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A USE PERMIT WITH THE BROWARD COUNTY, PARKS AND RECREATION DIVISION. (\$2,500; Take-A-Kid Fishing - June 7, 2003)
- R-2003-115 4.16. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A \$102,900 GRANT FROM THE 2003 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM, AND IF AWARDED THE GRANT, PROVIDING PERMISSION TO ACCEPT AND EXECUTE THE GRANT AND TO ALLOCATE \$44,100 IN MATCHING FUNDS FROM THE 2003 FIRE BOND.
- R-2003-116 4.17. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE BROWARD COUNTY SCHOOL BOARD FOOD SERVICES, TO PROVIDE THE SUMMER FOOD MEALS UNDER THE STATE OF FLORIDA DEPARTMENT OF EDUCATION SUMMER FOOD SERVICE PROGRAM FOR THE TOWN OF DAVIE. (\$9,000)
- 4.18. **CONTRACT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE,

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R-2003-117 FLORIDA, REVISING THE TERMS FOR USE OF PURCHASING CARDS AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH SUNTRUST BANKCARD, N.A.

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*Site Plans*

- 4.19. **STAFF REQUESTING A TABLING TO JUNE 4 2003**  
SP 10-7-02, Warren Henry/Regency Square, 4801-4991 SW 148 Avenue (PUD)  
(tabled from March 24, 2003)
- 4.20. SP 10-4-02, Outback Steakhouse, 14830 Griffin Road (County, PUD) *Site Plan Committee recommended approval based on staff's report and comments and subject to the following conditions: 1) that the architecture on the north side of the building match that on the south side of the building, including a gable roof over the north door to match the "take away" door; 2) that there be columns similar to the front; 3) revise the landscape plan to match the front with low plant material shrubbery with accent pieces; 4) to add railings between the columns on the north side of the building; 5) to submit proof that the a/c units would be screened from view by the mansard roof; and 6) to add an additional window on the west side of the north elevation*

*Temporary Use Permits*

- 4.21. TU 2-4-03, Signature Grand, 6900 State Road 84  
4.22. TU 3-1-03, Florida Street Rods, Inc., 1904 South University Drive  
4.23. TU 4-2-03, G.L. Homes of Davie Associates II, Ltd., 3489 Gulfstream Way

Mayor Truex requested that items 4.3 and 4.20 be removed from the Consent Agenda. Councilmember Paul requested that item 4.22 be removed. Mr. Willi advised that a short presentation would be made on item 4.13

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve the Consent Agenda minus items 4.3, 4.13, 4.20 and 4.22. In a voice vote, all voted in favor. (Motion carried 5-0)

**5. DISCUSSION OF CONSENT AGENDA ITEMS**

4.3 Town Clerk Muniz read the proclamation.

After being presented with the proclamation, the Roth family expressed their gratitude.

4.13 Mr. Willi indicated that the existing contract with Waste Management was set to expire September 30, 2004. He indicated that this resolution would assist the Town in analyzing available alternatives as it related to its waste service needs.

Chuck McClendon, of R.W. Beck, spoke of the competencies of his firm and his expertise to help communities re-bid or renegotiate solid waste collection contracts. He indicated that the City of Weston saved over \$1.1 million with the residential portion of the contract by utilizing R.W. Beck's services.

Tony Spadeccia, representing Waste Management, indicated that the current contract would expire if the renewal option was not exercised. He indicated he would like to meet Council to review current rates and service needs prior to waiting until after the contract expired. Mr. Spadeccia suggested reduced rates and improved services could conceivably generate \$1 million in savings for the Town, if done prior to the end of the current contract.

Vice-Mayor Starkey advised that she was in favor of staff meeting with Mr. Spadeccia to negotiate an agreement rather than spending money with a consultant at this time.

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Councilmember Paul stated that other companies should be allowed the same opportunity to bid for services. She also felt it was essential that this contract be placed out for bids and suggested that the Town should consider the specialized services of this consulting firm and not impose such a tremendous burden on staff.

Councilmember Hubert agreed with Vice-Mayor Starkey.

Councilmember Crowley indicated that the consultant indicated there was no cost, yet there was a cost of \$50,000 for consultation. Mr. Willi clarified that the winning bidder would pay this fee. Councilmember Crowley asked if staff's time would be included in the cost. Mr. Willi indicated in the negative.

Vice-Mayor Starkey felt that any signing bonuses realized should benefit the residents.

Councilmember Paul felt that if Waste Management came back with a negative proposal, Council would have no way of knowing if this was the best deal if no competition was present.

Mr. Cohen felt the current Code might preclude the Town from a further agreement with Waste Management as the Code indicated time limits on franchises of 30 years.

Mayor Truex felt the issue should be sent out for bid to keep the system "honest."

Mr. Cohen asked Council to keep in mind that the maximum alluded to by Councilmember Crowley might be less if the contract was renegotiated and the amount would be borne by Waste Management.

Councilmember Crowley made a motion, seconded by Councilmember Paul, to approve based on staff's recommendation. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

4.20 Mayor Truex advised that he was concerned with this request because it was the same zoning designation as Warren Henry. Mr. Kutney asked Council to proceed because the applicant was willing to rezone to B-3.

Councilmember Paul asked if the applicant would be willing to rezone to UC. Mayor Truex asked if there was any peril in approving since the Warren Henry parcel was tabled. Mr. Kiar advised this item should be tabled.

Councilmember Paul asked if the staff directed rezoning was only for Warren Henry. Mr. Kutney indicated in the affirmative. Councilmember Paul felt that if staff directed the rezoning for item 8.1 then conflict could result with item 4.20.

Mayor Truex asked why Regency was required to rezone, yet this item was not. Mr. Willi clarified that item 8.1 was staff directed while this item was agreed to by the applicant.

Jamie Butler, representing the petitioner, indicated that this property was being leased by the company and indicated that their use as a restaurant was allowed regardless of zoning classification. He asked Council to allow them to proceed with plan review and permits with no further delay.

Mr. Willi felt that Council could take comfort in knowing what would be built in comparison to the Regency as Council was trying to prevent a use that would not fit with the surrounding community.

Councilmember Crowley asked if the restaurant could still be built if the site was zoned UC. Mr. Kutney indicated in the affirmative.

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Councilmember Paul asked about the requirements for a traffic report. Planner Marcie Nolan gave a brief presentation including the history, progress and cooperation by the applicant.

Keith Poliakoff, representing the Ivanhoe residents, felt the Town's Comprehensive Plan addressed a regional center and indicated that rezoning any parcel in this regional center as B-3 was a violation of the comprehensive plan.

Mr. Butler reiterated his request for Council to direct staff to continue plan review and allow engineering and site plans to go in for review in order to proceed with this location.

Mayor Truex felt this should be tabled until May 21, 2003.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to table to May 21, 2003. In a voice vote, all voted in favor. (Motion carried 5-0)

4.22 Mike Leparage, President of Florida Street Rods, and Sid Moore, Vice President for Florida Street Rods, wanted to address the reapplication for the temporary use permit. Mr. Leparage indicated that they were misinformed by staff and they would not be able to pay the new fees being imposed under the new code. He indicated that the permit issued in January this year was already approved for the 2003 year.

Mayor Truex asked Mr. Willi if Council was approving this permit that would include the fee as called for by Code. Mr. Willi indicated in the affirmative.

Mr. Leparage indicated that the permit was approved with a fee of \$300 for the year for a continuous event. Mr. Willi explained that a continuous event did not include a weekly event. He indicated that Council could table this item until such time that the Code addressing this permit was reevaluated or if determined, something else be done.

Councilmember Crowley stated that he would be in favor of reducing the fees but not granting the temporary use for a year.

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

Mayor Truex instructed that the applicants meet with staff over the next couple of weeks to see what could be worked out.

Mr. Kutney suggested that staff and the applicant work on temporary use permits for \$100 per event or \$400 per month.

**6. PUBLIC HEARING**

*Ordinances - Second and Final*

- 6.1. **RECONSIDERATION OF CONTRACT REVISION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE REVISION TO TOWN ADMINISTRATOR'S CONTRACT IN COMPLIANCE WITH FS 166.041(6) TO REQUIRE AN AFFIRMATIVE VOTE OF FOUR MEMBERS OF TOWN COUNCIL IN THE EVENT OF DISMISSAL WITHOUT CAUSE; AMENDING THE EXISTING CONTRACT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on March 5, 2003 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

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Jim Futch, spoke in opposition to the supermajority vote for the Town Administrator's contract.

Mayor Truex closed the public hearing.

Mayor Truex indicated that, as per Parliamentary procedure, the reconsideration could not be reconsidered.

Councilmember Paul stated that Mr. Kiar indicated if this ordinance were approved, the contract that was being executed would be nullified. She referred to *Robert's Rules of Order* and interpreted that an "already" executed contract could not be reconsidered. Councilmember Paul had no qualms with Vice-Mayor Starkey bringing back the ordinance for cancellation, as was her right. She indicated that the intent was to insulate the Town Administrator from Town politics. She stated she would vote against this because she felt it should not be allowed to nullify, as per the opinion of Mr. Burke, an already duly executed contract. She felt that this action conflicted with *Robert's Rules of Order* and the Town's Charter.

Vice-Mayor Starkey felt the contract was not legally executed and stated that as the record reflected, she only approved this item because she hoped to reconsider it at a future meeting. She indicated that she would vote against the supermajority issue.

Councilmember Crowley said he was not in favor of the supermajority issue and asked Mr. Willi if he would be willing to offer any compromises.

Mr. Willi objected to the reconsideration of this ordinance, as it was inappropriate according to *Robert's Rules of Order*. His attorney advised if the issue was revisited, it did not affect his properly executed contract. Mr. Willi indicated he was willing to negotiate the supermajority clause out of his contract with an appointed member of the Council. He indicated that he was not going to debate the issue and if the contract was breached and he was fired without due cause with a 3-2 vote by Council, his attorney advised him that he could seek legal remedy.

Vice-Mayor Starkey asked what date the contract was signed. Mr. Willi indicated that the actual signing was irrelevant and indicated that the vote by Council on the second reading was all that was needed to affirm the contract. It was signed, as was customary of any ordinance or resolution, by the Mayor at the end of the meeting when it was addressed. Vice-Mayor Starkey stated that the contract should not have been executed at that time because there was the full intent of Council to revisit the issue. She expressed her objection to the actions taken by Mr. Willi in seeking outside counsel. Vice-Mayor Starkey felt that she would be apprehensive about negotiating any supermajority revision of the contract with Mr. Willi and clarified that Mr. Kiar's opinion was the only one that counted on this issue. She felt the vote should be taken on this ordinance as it stood and indicated that any Councilmember was entitled to revisit it.

Councilmember Paul disagreed with statements made by Vice-Mayor Starkey. She clarified that she asked for the opinion of Mr. Burke, not Mr. Willi. She felt shut out by Mayor Truex to ask for justification by Mr. Kiar on Mayor Truex's opinion.

Mayor Truex felt that this type of contract was different from other employment contracts and indicated that Mr. Willi had a lot of good traits, however his shortcoming was that he did not care about the minority opinions of Council. He felt the supermajority vote was a "bad thing" as it could make Mr. Willi "too comfortable" and indicated he was in favor of denying this issue.

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Councilmember Paul made a motion, seconded by Councilmember Crowley, to table to June 4, 2003. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Starkey - no; Councilmember Crowley - yes; Councilmember Hubert - no; Councilmember Paul - yes. (Motion denied 2-3)

Councilmember Crowley made a motion to amend the Town Administrator's contract to eliminate the supermajority vote to a majority vote and to bring the severance pay up from nine months to twelve months. Motion died for a lack of a second.

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

6.2. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE,**  
2003-010 **FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 12-32(B), ENTITLED "TABLE OF PERMITTED USES"; PROVIDING FOR APPROPRIATE ZONING DISTRICTS FOR VEHICLE SALES AND RENTAL INCLUDING AUTOMOBILE SALES, AUTOMOBILE LEASING, MOTORCYCLE SHOPS AND MOVERS; AND AMENDING SECTION 12-32(C), ENTITLED "TABLE OF PERMITTED USES"; PROVIDING FOR APPROPRIATE ZONING DISTRICTS FOR VEHICLE SALES AND RENTAL INCLUDING AUTOMOBILE SALES, AUTOMOBILE LEASING, BOAT SALES, BOAT RENTAL, MOBILE HOMES, MANUFACTURED HOUSING, RECREATIONAL VEHICLE SALES, HORSE TRAILER AND MOVING TRAILER RENTAL, MOVERS, AND TAXI SERVICE ESTABLISHMENTS; AND AMENDING SECTION 12-34, ENTITLED "STANDARDS ENUMERATED"; PROVIDING FOR DETAILED REGULATIONS REGARDING THE SITING OF SUCH USES; AMENDING SECTION 12-503, ENTITLED "DEFINITIONS"; PROVIDING FOR A DEFINITION OF VEHICLE SALES AND RENTAL; PROVIDING FOR INTENT; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.**  
**{Approved on First Reading April 15, 2003 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

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

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

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- 6.3. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CREATING, SECTION 16-7, ENTITLED "SMOKING IN DESIGNATED AREAS PROHIBITED"; PROHIBITING SMOKING AT SPECIFIED LOCATIONS ON TOWN PROPERTY; ESTABLISHING PROCEDURES REGARDING CIVIL INFRACTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE. {Approved on First Reading April 15, 2003 - all voted in favor}**

Earlier in the meeting, Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Debra Futch, 2702 East Orchard Circle, spoke in favor of the ordinance.

Mayor Truex closed the public hearing.

Vice-Mayor Starkey also spoke in favor of this ordinance.

Councilmember Paul stated she was in favor of the intent but had a problem with the enforcement clause and asked Mr. Kiar if this was a policy statement or Town Code. Mr. Kiar responded that this matter would be in the Code under Section 16-7. Councilmember Paul felt that if a law enforcement officer was going to issue the fine, a statement addressing due process needed to be added and more than one Code section should speak to this issue because an amendment to the appropriate issuing authority needed to be added.

Police Chief John George stated that the ordinance could be enforced and personally supported it, but agreed that the language could be amended.

Vice-Mayor Starkey suggested that Section 2 be amended from, "a park ranger or an appropriate town official" to read, "an appropriate town official or a law enforcement officer" which would be consistent with other ordinances. She also suggested amending "may result to" to read "will result to" in an effort to address the Chief's concerns

Chief George felt that the ordinance should include language that would provide that the resident given the fine was afforded due process and the opportunity to come before the Special Master. He suggested a change to Section 3 to indicate that the fine would be, "assessed by a law enforcement officer for any subsequent violation of this ordinance."

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to table to May 21, 2003. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

- 6.4. **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-3-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-4, LIMITED HEAVY INDUSTRIAL DISTRICT (HACIENDA VILLAGE) TO M-3, PLANNED INDUSTRIAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Park Real Estate Partners, 3290 SW 50 Avenue) Planning and Zoning Board recommended approval {Approved on First Reading April 15, 2003 - all voted in favor}**

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Town Clerk Muniz read the ordinance by title.

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

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

*Ordinances - First Reading (Second and Final Reading to be held May 21, 2003)*

6.5. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 12-306(F), ENTITLED "SUPPLEMENTARY NOTIFICATION REQUIRED FOR REZONINGS, VARIANCES AND SPECIAL PERMITS" PROVIDING FOR INTENT; PROVIDING FOR REGULATIONS; 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 Truex advised that a public hearing would be held on May 21, 2003.

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

Vice-Mayor Starkey indicated that she was in favor of this ordinance and asked for a copy of the notice that was sent to residents prior to the Local Planning Agency and the Planning and Zoning Board meetings. Councilmember Crowley also indicated that he would also like a copy.

Mayor Truex indicated that this ordinance should address site plans as well. Mr. Kutney indicated that because site plans were handled via the Consent Agenda it might give the false impression that the community would be given the opportunity to speak at a public meeting.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve item 6.5. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

6.6. **EASEMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A UTILITY EASEMENT TO FLORIDA POWER AND LIGHT FOR THE "HARMONY VILLAGE COMMUNITY"; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex advised that a public hearing would be held on May 21, 2003.

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

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

- 6.7. **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 8-1-02, VACATING A BRIDLE PATH EASEMENT ON THE VISTA DEL LAGO PLAT (167-8); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Consultants, Inc./Grand Oaks Estates, LLC, 3500 SW 130 Avenue)**

Town Clerk Muniz read the ordinance by title. Mayor Truex advised that a public hearing would be held on May 21, 2003.

Mayor Truex opened the public hearing portion of the meeting.

Town Engineer Larry Peters explained the nature of the request and explained that this easement was in violation of the open space/conservation element of the Town's Comprehensive Plan.

Jay Evans, representing the petitioner, spoke in favor of this item and explained the nature of the request.

Mayor Truex closed the public hearing.

Councilmember Paul indicated that there was already a procedure for horse trails and she was not in favor of this vacation. She stated that the property in question was property of the Town and it should not be readdressed with future Council.

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

- 6.8. **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 12-1-02, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR NW 33 STREET LYING BETWEEN THE "HARMONY VILLAGE COMMUNITY PLAT" (171-150) AND THE "DAVIE COMMUNITY FACILITIES IV PLAT" (134-40) TOGETHER WITH A PORTION OF THE RIGHT-OF-WAY FOR NW 76 AVENUE LYING BETWEEN "HARMONY VILLAGE COMMUNITY PLAT" (171-150) AND "HARMONY VILLAGE PLAT" (162-37); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Town of Davie, 7525 NW 33 Street)**

Town Clerk Muniz read the ordinance by title. Mayor Truex advised that a public hearing would be held on May 21, 2003.

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

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

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- 6.9. **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 1-2-03, VACATING DRAINAGE EASEMENTS WITHIN SECTION 21, TOWNSHIP 50 SOUTH, RANGE 41 EAST AND WITHIN THE ROLLING HILLS GOLF AND TENNIS CLUB PLAT (81-27); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Rolling Hills International Country Club, Ltd., 3550 Rolling Hills Drive)

Town Clerk Muniz read the ordinance by title. Mayor Truex advised that a public hearing would be held on May 21, 2003.

Mayor Truex opened the public hearing portion of the meeting.

Rob Feiner, representing the applicant, expressed their agreement with staff's decision and asked for Council's approval.

Mayor Truex closed the public hearing.

Mayor Truex asked if the homeowners association was contacted. Mr. Feiner indicated in the negative and felt they would be in favor of this ordinance. Councilmember Crowley indicated there were no homeowners there.

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

*Ordinances - First Reading/Quasi Judicial Item (Second and Final Reading to be held May 21, 2003)*

- 6.10. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 1-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO A-1, AGRICULTURAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (MG Developers/Florida Fresh Herbs, Inc., 1401 Flamingo Road) (tabled from April 15, 2003) *Planning and Zoning Board recommended approval*

Town Clerk Muniz read the ordinance by title. Mayor Truex advised that a public hearing would be held on May 21, 2003.

Mr. Kiar read the presentation of evidence and swore in the witnesses. Ms. Nolan read the staff report.

Jon Voight, representing the applicant, entered into record the letters of agreement with the neighbors of the site and introduced the conceptual site zone more specifically to address the drainage and access potentially affecting the area. He advised of his efforts to contact the homeowner's association of the Groves but their lack of response left him at a loss for where they might stand.

June Connors, representing the residents of Summer Lake, supported this application and indicated that there were no objections so long as certain conditions previously set forth with the applicant were met.

Vice-Mayor Starkey disclosed that she had spoken with Mr. Voight and Ms. Connors.

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

- 6.11. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO SC, SUBURBAN COMMERCIAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Town of Davie, 14501 Orange Drive) *Planning and Zoning Board recommended denial*

Earlier in the meeting, Town Clerk Muniz read the ordinance by title.

Mayor Truex advised that a public hearing would be held on May 21, 2003.

Mr. Kiar indicated that Mr. Burke and Mr. Cox had reached an agreement to abate litigation until June 17, 2003, at the same time agreeing to abate the rezoning request to allow Broward County to obtain appraisals for the properties in question.

Michael Burke, Town special counsel, indicated that Council should direct staff to schedule items 6.11 and 6.12 for first reading on July 16, 2003 in the event the County did not purchase the property and the Town could proceed with the rezoning applications.

Councilmember Paul suggested that July 9, 2003 might work better as she was going to submit to Council to move the second meeting in July to July 9, 2003 in order to extend the summer vacation.

Vice-Mayor Starkey thanked Mr. Kiar and Mr. Burke for working on resolving these issues. She also sought assurances that approving the agreement and tabling the two rezonings would offer the proper protection to the Town. Mr. Burke clarified that this agreement provided a time-out for both the litigation and the rezoning applications.

Vice-Mayor Starkey asked Mr. Zimmerman's attorney if his client agreed with the document to abate this issue and to change the first hearing to July 9, 2003. Mr. Cox confirmed what Mr. Burke reported was acceptable and the parties had agreed to the time-out in the hopes that the second appraisal would come through and this matter would be resolved by purchase. He had no plans to file a separate lawsuit.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve the agreement deferring litigation and any rezoning until July 9, 2003. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to table item 6.11 and 6.12 to the second meeting in July. In a voice vote, all voted in favor. (Motion carried 5-0)

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- 6.12. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-2-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Town of Davie, 14901 Orange Drive) *Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting.

*Quasi Judicial Item*

- 6.13. **SPECIAL PERMIT** - SE 1-2-03, Costoya/Grand Oaks Estates, LLC., 12963 SW 35 Place (R-1) (to install a temporary real estate sales office) (tabled from April 2, 2003) *Planning and Zoning Board recommended approval*

This item was withdrawn earlier in the meeting.

*Items to be tabled*

- 6.14. **STAFF REQUESTING A TABLING TO JUNE 4, 2003**  
REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-2-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM P.U.D. (COUNTY), PLANNED UNIT DEVELOPMENT DISTRICT TO B-3, PLANNING BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Town of Davie, 4703 SW 148 Avenue) (tabled from April 2, 2003)

This item was tabled earlier in the meeting.

- 6.15. **STAFF REQUESTING A TABLING TO MAY 21, 2003**  
CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE VIII, SECTION 12-238(J)(9) THEREOF RELATING TO BILLBOARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from April 15, 2003)

This item was tabled earlier in the meeting.

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- 6.16. **STAFF REQUESTING A TABLING TO MAY 21, 2003**  
REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 (COUNTY), AGRICULTURAL DISTRICT TO B-3, PLANNING BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Town of Davie, 7100 Stirling Road) (tabled from April 15, 2003)

This item was tabled earlier in the meeting.

- 6.17. **STAFF REQUESTING A TABLING TO MAY 21, 2003**  
CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; ADDING SECTION 12-34(B)(18) THEREOF RELATING TO WILD ANIMALS; PROVIDING A LISTING OF WILD ANIMALS IN THE TOWN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

- 6.18. **STAFF REQUESTING A TABLING TO MAY 21, 2003**  
CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; RENAMING SECTION 26-41 ENTITLED "ARBORISTS" TO "TREE TRIMMING SERVICE PROVIDERS"; AMENDING SECTION 26-41 ENTITLED "ARBORISTS" RELATING TO LICENSING REQUIREMENTS FOR TREE TRIMMING; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

- 6.19. **STAFF REQUESTING A TABLING TO JUNE 18, 2003**  
CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; ADDING SECTION 26-58 ENTITLED "ENFORCEMENT" RELATING TO CLEARING AND GRUBBING; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

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**6.20. STAFF REQUESTING A TABLING TO JUNE 18, 2003**

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; AMENDING SECTION 26-1 ENTITLED "REQUIREMENTS FOR WILDLIFE PROTECTION PRIOR TO LAND CLEARING"; ADDING SECTION 26-2 ENTITLED "RARE SPECIES"; PROVIDING A LISTING OF SPECIES IDENTIFIED IN BROWARD COUNTY AS RARE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

**7. APPOINTMENTS**

7.1. Airport Advisory Board (one exclusive appointment - Councilmember Crowley and Mayor Truex appointed John Stevens; terms expire December 2003)

Mayor Truex appointed John Stevens. Councilmember Crowley appointed Don Zane.

7.2. Budget Advisory Committee Board (one exclusive appointment - Mayor Truex appointed Scott Spages; one-exclusive appointment - Councilmember Crowley; terms expire April 2004) (members shall have experience in a financial related occupation, or similar skills)

Mayor Truex appointed Scott Spages. Councilmember Crowley appointed Robert Kellner.

7.3. Child Safety Board (one exclusive appointment - Mayor Truex and Vice-Mayor Starkey; terms expire April 2004) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointments were made.

7.4. Community Relations Advisory Board (two exclusive appointments - Mayor Truex appointed Jeanette Davis; one exclusive appointment - Councilmembers Crowley and Paul; terms expire April 2004)

Mayor Truex deferred his appointment. Councilmember Crowley appointed Sharon Zane. Councilmember Paul appointed Geri Clark

7.5. Davie Water and Environmental Advisory Board (two exclusive appointment - Mayor Truex; terms expire April 2004) (insofar as possible, one member shall be a licensed engineer)

No appointments were made.

7.6. Open Space Advisory Committee (one exclusive appointment - Mayor Truex and Vice-Mayor Starkey; terms expire April 2004)

No appointments were made.

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- 7.7. Planning and Zoning Board/Local Planning Agency (one exclusive nomination - Mayor Truex and Councilmembers Crowley and Hubert - must be a resident and qualified voter; nominations require approval by Council) (term May 28, 2003 to May 25, 2004)

Mayor Truex appointed Bob Waitkus. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Crowley appointed Scott McLaughlin. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Hubert appointed Casey Lee. In a voice vote, all voted in favor. (Motion carried 5-0)

- 7.8. School Advisory Board (one exclusive appointment - Mayor Truex and Councilmembers Crowley and Hubert; terms expire April 2004) (insofar as possible, members shall have experience in educational matters, related occupations or other similar skills)

Mayor Truex and Councilmember Hubert deferred their appointments. Councilmember Crowley appointed Barbara Ann Tilley.

- 7.9. Senior Citizen Advisory Board (one exclusive appointment - Councilmember Hubert; term expires April 2004) (members shall be a minimum 60 years of age)  
No appointment was made.

- 7.10. Site Plan Committee (one exclusive appointment - Vice-Mayor Starkey; term expires June 2003) (member must be a resident of the Town and, whenever possible, should be an architect, landscape architect and an urban planner or designer)

Vice-Mayor Starkey re-appointed Mike Crowley for the remainder of the term.

- 7.11. Unsafe Structures Board (non-exclusive appointments; terms expire April 2006 (appointment of Plumbing Contractor and General Building Contractor)

No appointments were made.

- 7.12. Education, Research and Training Authority (non-exclusive appointment; term expires May 2007)

Council asked that staff look into the scope of this committee prior to making any appointments.

- 7.13. Broward League of Cities Voting Delegate and Alternate (June 2003 - May 2004)

Council selected Vice-Mayor Starkey as the Voting Delegate and Councilmember Paul as the Alternate. In a voice vote, all voted in favor. (Motion carried 5-0)

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7.14. Affirmation of the Community Redevelopment Agency's Selection of Chair and Vice-Chair (Chair - Joan Kovac; Vice-Chair - Neal Kalis)

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

**8. OLD BUSINESS**

8.1. Regency Square Rezoning - Critical Issues, 4703 SW 148 Avenue

Early in the meeting, Mr. Kutney gave the staff report and expressed the staff's willingness to accept the Council's decision.

Bill Laystrom, representing the petitioner, expressed his preference for the B-3 zoning district, allowing car sales and opposition towards the UC and B-2 zoning district which do not allow for car sales.

Mayor Truex explained this was not a public hearing, however, Council understood this issue was important to a lot of people and for this reason, Council wanted to hear from the public in order to give appropriate staff direction.

Alan Koslow, representing the Chelsea Ivanhoe residents, urged Council to consider the UC zoning district and the intrusive impact on the community.

James Brady, representing the owner of the property, was opposed to changing the zoning of this property except in this parcel in regards to the annexation. He suggested that Council seek advice from Mr. Kiar on this matter because of the two extreme positions. Mr. Brady felt that Mr. Laystrom's position was the one that made sense when considering the annexation agreement.

Mr. Laystrom read the definition of the B-3 zoning district from the Code and indicated that his client would be willing to place deed restrictions at the first hearing on June 4, 2003.

Councilmember Hubert suggested the property owners and the nine homeowner's associations meet. Mr. Laystrom indicated that a meeting was being arranged.

Councilmember Paul asked if all present businesses in the area would be non-conforming if the zoning was changed to UC. Mr. Kutney could not confirm or deny. Mr. Willi indicated that each applicant would have to be considered on a case-by-case basis as different formulas could be applied.

Councilmember Paul spoke of the residents' concerns regarding the future of the Publix plaza. She felt that as long as the plaza would comply now or in the future, the Town should move forward with the UC rezoning.

Mayor Truex asked how long it would take to apply if the property had been designated as UC. Mr. Kutney indicated approximately two months. Mayor Truex suggested that staff be directed to proceed with the application for UC so that at the June 4, 2003 meeting if the UC was not granted, the issue would be further down the road. Mr. Willi advised that this could be tabled again. Mayor Truex asked for advice on taking action. Mr. Willi advised that Council should wait to see what the zoning outcome would be on the other parcel. He advised that Council gave staff direction and staff might have more discussion points for the June 4th meeting.

Mr. Kiar advised that the meeting between the homeowners association and the residents should be noticed because of Sunshine Laws. Councilmember Paul felt that meeting was unnecessary.

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Councilmember Paul made a motion, seconded by Mayor Truex, to direct staff to move forward with rezoning the Regency area as UC. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 5-0)

**9. NEW BUSINESS**

9.1. Pine Island Road/Orange Drive Closure (Mayor Truex)  
Mayor Truex asked that this item be deferred until May 21, 2003.

9.2. Schedule Special Meeting for Executive Session - Town of Davie vs. Cooper City, Case No. 0301045 - June 4, 2003 at 6:00 p.m.

Mr. Kiar indicated the purpose of the meeting, when and where this item would be discussed and who would be in attendance.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to schedule the meeting subject to publications of the attorney. In a voice vote, all voted in favor. (Motion carried 5-0)

9.3. Declaration of Support - US Military Personnel (Vice-Mayor Starkey)  
Vice-Mayor Starkey explained the nature of the request.

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

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

**GOAL SETTING WORKSHOP.** Mayor Truex circulated some topics for the workshop.

**LEGAL OPINIONS.** Mayor Truex wanted clarification, due to the discussion earlier, regarding the Town's Charter referring to the Town's Attorney. He questioned if Mr. Willi had intentions of seeking legal advice from outside counsel in the future. Mr. Willi indicated that many attorneys were consulted for various reasons and clarified that Mr. Kiar was Council's legal counsel. Mayor Truex asked Mr. Willi to review the Charter as cited above and address it at a future meeting.

**COUNCILMEMBER HUBERT**

**POLICE ATHLETIC LEAGUE (PAL).** Councilmember Hubert had concerns regarding the PAL program and asked if Council wanted to discuss it at this time.

Vice-Mayor Starkey stated the situation Councilmember Hubert referred to had been rectified. Councilmember Hubert disagreed. She stated that an employee was fired because of a history of a conviction, which did not involve children. Vice-Mayor Starkey indicated that she also had concerns and had done a background check. The employee in question had served five years in jail for armed robbery and she supported Chief George's action. Councilmember Hubert indicated that perhaps this was a different person.

Chief George provided a history of the situation. Mayor Truex suggested that Councilmember Hubert meet with Chief George to clarify this concern.

Mr. Kiar indicated the Town's possible liability with continued employment of such an

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individual.

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**COUNCILMEMBER CROWLEY**

**GRIFFIN ROAD CORRIDOR.** Councilmember Crowley thanked Mr. Kutney and staff for their representation on the Griffin Road corridor.

**WATER MANAGER'S DAY.** Councilmember Crowley invited everyone to the Water Manager's Day on May 17, 2003.

**COUNCILMEMBER PAUL**

**MEETING DATE CHANGE.** Councilmember Paul asked that the meetings in July be held back to back.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to have the meetings in July the first and second week so as to free up a period of time for vacations in July. Councilmember Crowley indicated he had a conflict and suggested Tuesday, July 8, 2003.

Councilmember Paul amended her motion to change the meeting to July 8, 2003. In a voice vote, with Mayor Truex dissenting, all voted in favor. (Motion carried 4-1)

**WESTERN THEME.** Councilmember Paul was opposed to getting rid of the Western Theme.

**RALLY TO SUPPORT TROOPS.** Councilmember Paul commented that Mr. and Mrs. Diamond had conducted a rally on April 27, 2003 that supported the troops and she and Councilmember Crowley had attended.

**JULY 4TH.** Councilmember Paul reminded everyone that on July 4th, the Town planned to honor all the residents and employees who served in Iraq.

**LAND PRESERVATION ADVISORY BOARD.** Councilmember Paul advised that she had attended the Board meeting mainly for the issue of purchase of development rights. She indicated that there was a concern that staff was going to recommend to drop it, however, staff was moving forward with the purchase of development rights and would assist the residents of the nine properties in question.

**WASHINGTON, D.C.** Councilmember Paul spoke of her visit to Washington D.C, and the county, state, and federal monies that could be applied for, to assist the farms within the Town. Councilmember Paul reported that Congressman Deutsch's office was going to help to identify grants that might be available to help resolve the issue of the I-75 sound wall.

Councilmember Paul spoke of country of origin labeling laws, why the Farm Bureau was lobbying for it, and how it would benefit the Town's residents.

**11. TOWN ADMINISTRATOR'S COMMENTS**

No comments were made.

**12. TOWN ATTORNEY'S COMMENTS**

**LITIGATION.** Mr. Kiar advised that he had received a letter from Mr. Burke relevant to Pelican Coast Holdings, Inc. which was seeking \$1,474.18 in costs and \$14,166.50 in fees. Mr. Kiar indicated that Mr. Burke felt that the Town had a reasonable chance of succeeding if it appealed the circuit court's findings. However, to do so would cost the Town additional costs and, therefore he was proposing to settle with the property owner the issue of fees and costs to \$6,500. Mr. Kiar asked for Council's approval to present this offer to the property owner in

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order to conclude the matter. No objections were raised by Council and Mayor Truex indicated that Council had approved this request. Mr. Kiar stated that he would relay the information to Mr. Burke.

**13. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting adjourned at 12:36 a.m.

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk