

**TOWN OF DAVIE  
REGULAR MEETING  
JULY 8, 2003**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:05 p.m. and was followed by the Pledge of Allegiance which was led by Police Chief John George.

**2. ROLL CALL**

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

**3. PRESENTATIONS**

**3.1. Legislative Update - Representative Nan Rich**

Representative Rich spoke about the ideological differences between the House and Senate leadership. She explained how the House maintained a rigid anti-tax stance while the Senate was willing to look at some alternatives to offer new resources to meet the needs of our education and human services in the State. Representative Rich explained her reasons for voting against the State budget and how she felt there were deficiencies in the budget that impacted some very important items in this District, namely education. She spoke of her opposition to increase class sizes and lower graduation standards. Representative Rich spoke of the importance of Everglades restoration and protection. She also spoke how she worked closely with the implementation of a statewide guardian Ad-Lidem Program. Representative Rich spoke of her pride in representing the Town

Town Attorney Kiar introduced Martin Kiar who had joined the firm.

Mayor Truex advised that item 4.12 had been previously tabled to August 6, 2003.

Regarding items 6.4 and 6.5, Mr. Kiar spoke stated that a joint motion would be filed abating any further action.

Vice Mayor Starkey made a motion, seconded by Councilmember Paul, to table items 6.4 and 6.5 to October 1, 2003. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to table item 6.11 to August 6, 2003. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Crowley made a motion, seconded by Councilmember Paul, to table item 4.7 to August 6, 2003. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Paul made a motion, seconded by Councilmember Hubert, to table item 6.7 to August 6, 2003. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Starkey made a motion, seconded by Councilmember Hubert, to add item 9.1. In a voice vote, all voted in favor. (Motion carried 5-0).

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9.1 TU 6-2-03, Cagney Bar & Grill, 5983 South University Drive

Vice-Mayor Starkey made a motion, seconded by Councilmember Hubert, to approve item 9.1. In a voice vote, all voted in favor. (Motion carried 5-0)

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

9.2 TU 6-4-03, Rick Case Honda Garage, 157 Rick Case Honda Way

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

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to add item 9.3. In a voice vote, all voted in favor. (Motion carried 5-0)

9.3 TU 7-1-03, South Florida Parenting, 4410 Weston Road

Vice-Mayor Starkey made a motion, seconded by Councilmember Hubert, to approve item 9.3, with the condition upon police, fire and staff's review of the report. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Paul made a motion, seconded by Councilmember Crowley, to add item 9.4. In a voice vote, all voted in favor. (Motion carried 5-0)

9.4 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID  
R-2003-176 FOR RELOCATING THE VIELE HOUSE (\$100,000 - Nautilus Contracting Co.)

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve item 9.4. In a voice vote, all voted in favor. (Motion carried 5-0)

**4. APPROVAL OF CONSENT AGENDA**

*Minutes*

4.1. May 21, 2003 - Workshop Meeting

4.2. June 4, 2003 - Special Executive Session

*Resolutions*

4.3. **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2003-168 AUTHORIZING THE PURCHASE OF A SRT RESPONSE VEHICLE FOR THE  
DAVIE POLICE DEPARTMENT SPECIAL RESPONSE TEAM FOR USE IN  
RESPONDING TO HIGH RISK SITUATIONS. (Tri County Truck & Equipment  
Sales - \$33,891.83)

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- 4.4. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2003-169 SELECTING THE FIRM OF OCAMPO & ASSOCIATES AND RATIFYING AN AGREEMENT BETWEEN THE DAVIE COMMUNITY REDEVELOPMENT AGENCY AND THE ARCHITECT, OCAMPO & ASSOCIATES AND THE CONTRACTOR, CARRICK CONTRACTING CORPORATION FOR SERVICES TO CONSTRUCT FOUR SINGLE FAMILY HOMES IN THE EASTSIDE NEIGHBORHOOD OF DAVIE, FLORIDA.
- 4.5. **SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2003-170 APPROVING A SUBDIVISION PLAT KNOWN AS THE UNIVERSITY AMOCO REPLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 6-1-02, 4450 University Drive) *Planning and Zoning Board recommended approval*
- 4.6. **BOUNDARY PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2003-171 APPROVING A BOUNDARY PLAT KNOWN AS VICTORIA VILLAS RETIREMENT RESIDENCE AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 11-1-02, 5151 SW 61 Avenue)
- 4.7. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE SUBDIVISION PLAT KNOWN AS THE PRIMA PROFESSIONAL CAMPUS PLAT; AND PROVIDING AN EFFECTIVE DATE. (DG 3-3-03, 7901 Davie Road Extension)
- 4.8. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2003-172 APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE SUBDIVISION PLAT KNOWN AS THE NEW WORLD PLAT; AND PROVIDING AN EFFECTIVE DATE. (DG 5-4-03, 7676 SW 36 Street)
- 4.9. **CLASS SPECIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2003-173 FLORIDA, ADDING THE CLASS SPECIFICATION FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) PROJECT LEADER AND ASSIGNING A PAY GRADE OF 516 (\$39,982-\$53,579) IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN.
- 4.10. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING  
R-2003-174 THE BID FOR CONSTRUCTION OF THE FLEET MAINTENANCE GARAGE AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR SUCH SERVICES. (\$1,125,350 - Coastal Contracting and Development, Inc.)

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*Site Plans*

4.11. SP 2-1-03, Camelot Estates, 3900 Joan's Way (A-1) *Site Plan Committee recommended approval subject to staff's recommendations; subject to excluding the "spec house" from the site plan and from the approval; subject to the buffer on the west side being approved by "Water Management" and remain unchanged; subject to the "tree relocation plan" being accommodated with staff; and subject to a pedestrian access way at SW 40 Street and continuing along the west boundary down to Orange Drive*

4.12. **ON JULY 2, 2003, COUNCIL TABLED THIS ITEM UNTIL AUGUST 6, 2003**  
SP 10-7-02, Warren Henry/Regency Square, 4801-4991 SW 148 Avenue (PUD) (tabled from June 18, 2003) *Site Plan Committee recommended approval with the conditions that the applicant send a letter to the president of the homeowner's association [Chelsea Homeowners' Association] stating the date when this item was to be reviewed by the Town Council; and that the lighting levels on the east side of the buildings be at the lowest possible levels that the Police Department would allow after 9:00 p.m.*

Mayor Truex requested that items 4.3, 4.5 and 4.11 be removed from the Consent Agenda.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to approve the Consent Agenda without items 4.3, 4.5 and 4.11. In a voice vote, all voted in favor. (Motion carried 5-0)

**5. DISCUSSION OF CONSENT AGENDA ITEMS**

4.3 Mayor Truex indicated that he was not in favor of this item and questioned why there was no formal bid. Police Chief John George requested that Council waive the formal bid process to purchase the vehicle outright. Mayor Truex requested that the Mr. Kiar amend the ordinance providing that a formal bid is required for purchases over \$25,000.

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

4.5 Mayor Truex questioned the purpose of this resolution. Ron Feider, representing the petitioner, stated that the petitioner was not requesting an expansion of the service station. However, the property behind the service station that the petitioner owned was never platted. Mr. Feider explained that this was the first step for any type of development to occur on that piece of property.

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

4.11 Julie Aiken, 3801 Flamingo Road, spoke in opposition to the spec house as it did not conform to the rural lifestyle.

Nathan Chamberlain, representing the petitioner, felt it was unfair that the Site Plan Committee excluded this house and indicated that it was a custom house. Mr. Chamberlain asked Council to include the house with the site plan approval.

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Mayor Truex asked if the developer would need separate approval from the Site Plan Committee for the spec house. Councilmember Paul indicated that the Rural Preservation Ordinance stated that the Town was looking for a particular architecture. She agreed with the Site Plan Committee that this spec house did not fit what the Town is looking for and that Council should support the Site Plan Committee's recommendation.

Vice-Mayor Starkey questioned whether the developer had made a deposit prior to the rural overlay or architectural initiative. Mr. Chamberlain explained that the petitioner felt the house was very marketable. Vice-Mayor Starkey questioned whether this complied with the Rural Code regarding anti-monotony.

Councilmember Crowley inquired whether Mr. Chamberlain would be required to come before the Site Plan Committee and Council for each custom home. Mr. Willi responded affirmatively.

Vice-Mayor Starkey indicated that the recommendation by the Site Plan Committee would be subject to the buffer on the west side being approved by Water Management and remain unchanged subject to a tree relocation plan.

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

**6. PUBLIC HEARING**

*Ordinances - Second and Final Reading*

6.1. **CAPITAL PROJECTS - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE 5-YEAR CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2004-2008. {Approved on First Reading July 2, 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.

Councilmember Paul asked what the new debt service millage rate would be. She asked if the item could be tabled and sent to the Budget Advisory Committee for review. Assistant Town Administrator Cohen indicated that the Budget Advisory Committee had over a month to review this, but he did not see a problem if Council wanted to return it to the Committee.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to table to August 6, 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)

6.2. **BUDGET AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE ADOPTED BUDGET FOR THE TOWN OF DAVIE FOR THE FISCAL YEAR 2003. {Approved on First Reading July 2, 2003 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

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

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Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, 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)

*Resolution*

6.3. **CDBG ACTION PLAN - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ACTION PLAN FOR FY 2003/04 WHICH INCLUDES THE CDBG PROGRAM BUDGET; AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE ALL NECESSARY CERTIFICATIONS AND GRANT RELATED DOCUMENTS; AUTHORIZING MINOR, NON-SUBSTANTIVE CHANGES TO THE ACTION PLAN WHICH MAY BE IDENTIFIED DURING THE REVIEW AND APPROVAL PROCESS WHICH DO NOT SIGNIFICANTLY AFFECT THE PURPOSE, SCOPE, BUDGET, OR INTENT OF THE PLAN; AUTHORIZING THE REFORMATTING TO HUD'S COMMUNITY 2020 FORMAT; AND AUTHORIZING SUBMISSION OF THE ACTION PLAN TO HUD.**

Town Clerk Muniz read the ordinance by title.

Shirley Taylor-Prakelt, Director of Housing and Community Development, outlined the program strategy and how the \$776,000 will be spent. She described a new program for the Orange Park Community Center, recommending that \$50,000 be used to provide a crew leader and new resources. In addition, Ms. Prakelt recommended a \$15,000 supplement for a social service program for underprivileged children, as well as an additional \$40,000 for the Davie Boys and Girls Club.

Councilmember Hubert asked how Palma Nova would be impacted. Ms. Prakelt advised that the Social Services Programs will help any resident of Davie that meets the income eligibility.

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/Quasi Judicial Items (Second and Final Reading to be held August 6, 2003)*

6.4. **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. (tabled from May 7, 2003) (Town of Davie, 14501 Orange Drive) Planning and Zoning Board recommended denial**

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This item was tabled earlier in the meeting.

- 6.5. **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. (tabled from May 7, 2003) (Town of Davie, 14901 Orange Drive) *Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting.

- 6.6. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-3-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Legg/Sheridan House, Inc., 1700 Flamingo Road) (tabled from June 4, 2003) *Planning and Zoning Board recommended denial*

Town Clerk Muniz read the ordinance by title.

Vice-Mayor Starkey disclosed that she has received hundreds of telephone calls, e-mails and correspondence. Councilmember Paul also advised that she has spoken to hundreds of people. Vice-Mayor Starkey advised that all information was available through public record requests. Mayor Truex named several residents from which he received correspondence, e-mails and phone calls. Mayor Truex also stated that all can be accessed via public record. Councilmember Paul disclosed that she had a folder of correspondence specifically for Sheridan House with phone messages, letters, copies of CRS information and e-mails. She also disclosed several names of those people she had met with. Vice-Mayor Starkey disclosed names of residents she had met with regarding the various issues. Councilmember Crowley disclosed names of those individuals he had spoken to as well. Councilmember Hubert disclosed that she had received e-mails, spoken to people and had received a videotape as well.

Mr. Kiar swore in the witnesses. Development Services Director Mark Kutney requested the opportunity to address Council after all of the testimony was given. Planning Supervisor Marcie Nolan summarized the planning report and entered it into the record as Exhibit A.

Dennis Mele, representing the petitioner, requested that items 6.6 and 6.10 be heard at the same time and voted on separately.

Mayor Truex asked Mr. Brady if he had any objections to this proposal.

Jim Brady, representing Laurel Oaks, Little Country Estates, The Hamlet, Old Bridge Run, Grove Estates I and II and several other homeowners' associations, stated that he had no objections.

Mayor Truex indicated that Council was unanimous in that items 6.6 and 6.10 be heard together and voted on separately.

(This item was approved later in the meeting.)

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- 6.7. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-4-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-2 COMMUNITY BUSINESS DISTRICT TO RM-10, MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Merlo/Road, LLC, 7901 Davie Road Extension) *Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting.

*Quasi Judicial Items*

- 6.8. **VARIANCE** - V 1-1-03, Feider/BP Products North America, Inc., 4450 University Drive (B-2) (to reduce the minimum lot area from 52,500 square feet to 43,901.2 square feet) *Planning and Zoning Board recommended approval*

Mr. Kiar swore in the witnesses. Planning and Zoning Manager Fernando Leiva explained the nature of the request.

Ron Feider, representing the petitioner, explained that the acquisition of the adjacent lot created two legal conforming lots, making one larger lot and indicated that the BP Service Station was willing to work with the landowners. He indicated that he was only aware of one resident who was opposed to this project, but characterized that person's issues as being site plan specific. Mr. Feider felt that if a new use or change was affected, a new site plan would be needed and those issues could be addressed at that time.

Mr. Kiar asked if the Declaration of Restrictive Covenants were stipulated to by the petitioner. Mr. Feider indicated in the affirmative.

Mr. Kiar opened the public hearing portion of the agenda.

Joe Cozzo, 4451 SW 77 Avenue, stated that the residents of Orangewood Estates were concerned about the placement of the gas pumps as they would be 250 feet from a residence which was currently non-conforming. He indicated concerns regarding noise and trash in an operation that runs 24-hours. Mr. Cozzo voiced his concern regarding proper drainage, as well. Mr. Cozzo stated that he would hope that any business that occupied the locale would not be too intensive.

Mr. Kiar turned the meeting over to Council.

Mr. Feider indicated that he requested approval as a variance and replat now as opposed to a site plan.

Councilmember Paul expressed concern if the site was redeveloped by BP, they would need to be aware of strict rules governing the proximity of pumps to current residents.

Mr. Kiar felt it important to advise that the owner should have no assumption of vested rights based on this approval. Mr. Feider acknowledged and agreed that BP cannot expand the current pumps.

Mayor Truex supported the assertions made by Mr. Cozzo and indicated that he was not in favor.

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

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- 6.9. **VARIANCE** - V 5-4-03, Hubert, 5520 SW 38 Court (R-5) (to reduce the east side setback from 10 feet to 5.4 feet and the west side setback from 10 feet to 7.15 feet) *Planning and Zoning Board recommended approval*

Later in the meeting, Councilmember Hubert indicated that she would be abstaining on this issue. Mr. Kiar swore in the witnesses. Mr. Kutney summarized the variance request.

Mr. Kiar 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 Paul - yes; Councilmember Hubert - abstained from voting. (Motion carried 4-0)

- 6.10. **SPECIAL PERMIT** - SE 1-1-03, Sheridan House, 1700 Flamingo Road (AG) (tabled from June 4, 2003) (to allow for a residential facility consisting of single family homes, multi-family dwelling units, and related accessory non-residential uses such as offices and a multipurpose room, on 57 acres) *Planning and Zoning Board recommended denial*

Ms. Nolan summarized the planning report and entered it into the record as Exhibit A.

Mr. Brady asked if Council would take quasi-judicial notice of the Land Development Regulations and Comprehensive Plan. Mr. Mele stated that he felt Mr. Brady was not a proper party to the matter and stated that he would reserve the right to any objection later.

Mr. Mele displayed and explained the site plan. Mayor Truex asked how the site plan would be affected if these applications were approved. Mr. Mele indicated that if approved, it would be with the stipulation that the site plan would be substantially in conformity with the site plan shown and ultimately brought before the Site Plan Committee and Council. He indicated the need for this facility to be in a residential area as indicated in the Broward County Land Use Plan and stated that he did not think the focus should be on the size of the land. Mr. Mele entered into record as Exhibit "A", a report prepared by Munitytics which indicated that the Town would forego \$165,000 in total tax revenue if the Sheridan House project was approved. He indicated that Sheridan House would bring fewer municipal costs, such as police and fire, as opposed to 50-55 single family homes. Mr. Mele also spoke of the school impacts and that the Sheridan House members would attend several different local schools. He stated that Sheridan House would have less calls for police assistance and entered Broward Sheriffs Office crime statistics into the record as Exhibit "B". Mr. Mele advised that Mille, Legg made a request of the Broward County Planning Council to verify that the use was consistent with the Comprehensive Plan and the Land Use Plan. He stated that they had also made a request to the Town to verify that the use was consistent with the Town Plan and Zoning Code. Mr. Mele entered those letters into record as Exhibits "C" and "D". He stipulated that if Council agreed to the CF zoning, they have agreed to do a declaration of restrictive covenants restricting this property to this facility only.

Mr. Kiar opened the public hearing portion of the agenda.

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Dr. Bob Barnes spoke of the mission of Sheridan House and stated that Sheridan House would provide homes and assistance to 27 single moms and their children. He felt that it was unfortunate that misrepresentations were made within the community.

Dennis DiCosta, staff member at Sheridan House, requested permission to submit petitions into the record on behalf of the Sheridan House project. He stated that he offered residents of Old Bridge Run to visit Sheridan House in order to better understand its mission; however, no one showed any interest. Mr. DiCosta asked Council to vote in favor of this project.

Linda Fiorie, 2690 SW 122 Terrace, spoke in favor of the project and welcomed the Sheridan House into the community. She did not feel property values would be affected and indicated that she had seen the improvement in children involved in this program.

Jacqueline Augustine, 1204 SW 118 Terrace, spoke of an act of kindness that she had witnessed that emphasized what the Sheridan House was about and felt that they would be an asset to the community.

Harry Schaeffer, 4940 SW 61 Avenue, stated that he had been involved with Sheridan House for over 30 years with the Kiwanis Club and spoke in favor of the project.

Brad Wolford, 3860 SW 61 Avenue, spoke of how he had suggested to many of the residents that they visit Sheridan House but no one bothered. He felt the area was a good location for Sheridan House and he did not feel that it would negatively affect the community. Mr. Wolford spoke in favor of this project.

Alecia Davis, 11465 SW 10 Court, spoke of her personal experience as a single mother and stressed that she would have benefited by a place like Sheridan House. She spoke in favor of this project.

Steve Breitkruz, 5120 SW 195 Terrace - Southwest Ranches, spoke of his wife's experience as a teacher with kids from Sheridan House and spoke in favor of this project.

Nancy Weiss, 11940 SW 16 Court, spoke of personal crimes in her neighborhood and felt that those children causing the crimes could benefit from a facility such as Sheridan House.

Scott Brandon, 886 SW 120 Way, spoke of his experiences working with Sheridan House and felt that a number of families in the community would benefit from Sheridan House. He spoke in favor of the project.

Charles Post, 897 SW 120 Way, spoke in opposition to this project. He felt that the project was a wonderful concept, but he did not want to see it in his neighborhood.

Mitch Topal, 12720 SW 13 Manor, spoke in opposition to this project. He felt that the residents of Davie were being disenfranchised by a highly funded special interest.

Dan Barr, 13323 SW 40 Street, felt it would be fiscally irresponsible to allow this parcel to be developed into anything other than the highest possible use. He spoke in opposition to this project.

Vickie Baisden, 11841 Ashford Lane, felt that the issue was not about Sheridan House, but it was about the development and rezoning of Flamingo Road. She expressed that Flamingo Road was one of the last scenic corridors in Davie. Ms. Baisden displayed an aerial photograph of the area and pointed out the increase in CF property in the area. She asked that Council look at this project from the perspective of what was best for Flamingo Road.

Margaret Schirrad, 1901 SW 118 Avenue, spoke in opposition to this project, and felt that this project negatively affected the lifestyle that she and other residents moved to Davie for.

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Deborah Tam, 1540 SW 119 Terrace, thanked the Councilmembers who had met with the residents. She wanted to know how Council would control the glut of CF, how Council would control adjacent lands from rezoning to CF, and why the last scenic corridor was being compromised. Ms. Tam asked that Council respect the wishes of the residents first above that of Sheridan House.

Claudette Bonville thanked Council for taking the time to hear the residents. She indicated that she was a large proponent of children and children's charities; however, she felt that Flamingo Road was the last scenic corridor. Ms. Bonville spoke about the moratorium that had been put in place affecting this parcel and her opposition to this project.

Stephen Fink, 14105 Old Sheridan Street - Southwest Ranches, spoke of how he had been opposed to Sheridan House when they first came into Southwest Ranches, but he was now a supporter because they were a great organization.

Danielle Rinehart, 3221 Overlook Road - Southwest Ranches, spoke of her experiences with friends who were residents of Sheridan House and stated that she would be proud to live near the Sheridan House.

Heather Finney, 2781 West Abiaca Circle, spoke in support of Sheridan House.

Al Bonanni, 1560 SW 120 Terrace, spoke in opposition and stated that allowing this project would have a negative affect on traffic and noise and require additional police assistance.

Davie Pohan Ferrari, 11890 Green Oak Drive, felt that residents were looking to preserve the Flamingo Road corridor and spoke in opposition to having the Sheridan House located there.

Linda Greck, 3121 SW 116 Avenue, spoke regarding the zoning change to CF. She stated that she supported the services of Sheridan House, but should it be approved, the residents in the area wanted to be protected.

Eugene Lee, 11945 SW 15 Court, spoke in opposition of this project. He stated that he heard that GL Homes had an interest in the property for estate homes that would raise the tax base of the community and would continue with the ambience of Davie.

George Pierson, 11975 SW 15 Court, stated that he felt that by allowing Sheridan House to have the property, it would take away from the resident's use of the property, i.e., lake and open space. He urged Council to vote against it.

Ron Phillips, 11916 Acorn Drive, read a statement opposing the zoning change which was entered into the record as Exhibit "E". He urged Council to maintain the Davie lifestyle, and the plan for Flamingo Road corridor and vote against this project.

Ruth Dreyer, 11555 SW 21 Court, voiced her opposition to the rezoning. She stated that she was extremely concerned about the future of Flamingo Road corridor and begged Council to deny the petition.

Wanda McDonald, 12520 SW 11 Court, was concerned that everyone would have the opportunity to speak, as well as those for the project.

Dr. Barry Chandler, Pediatrician, 11750 SW 22 Court, voiced his concern for children, but spoke in opposition to rezoning such a large parcel.

Linda Arnold, 1091 SW 11 Court, supported the program and stated that Sheridan House children were some of the most well-behaved students she had worked with.

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Veronica Whiset, 1071 SW 128 Drive, stated that she lives within walking distance of Sheridan House and welcomed them into her community. She felt that there were a lot of misconceptions regarding Sheridan House.

Sara Scheinman, 11919 SW 42 Court, stated that she moved to Davie for the rural atmosphere and was opposed to this project.

David Scheinman, 11919 SW 42 Court, referred to an advertisement for Sheridan House in the Sun-Sentinel regarding property assessment and stated that he was opposed to this project.

Nancy Messinger, 1772 SW 109 Terrace, spoke in favor of the project and urged Council to try and meet the needs of both sides.

Christa Hulett, 11932 SW 11 Court, spoke in favor of the project. She felt that the community would benefit from Sheridan House.

Jan Glennum, 11117 SW 17 Manor, felt there was an enormous misconception of the boys and girls homes. She felt that Sheridan House would be a positive asset that would prevent increased costs in the future, such as welfare, public assistance and homeless facilities.

Val Sellati, 11938 SW 43 Street, felt that Sheridan House was a good program, but felt there were better areas that could house this facility and spoke in opposition to the project.

Willard Kerr, 3320 SW 116 Avenue, indicated that he had moved to Davie for the rural lifestyle and was unhappy in the way things had changed in the last few years. He felt that Sheridan House was a worthwhile organization, but felt the location was wrong and asked that Council deny the request.

Mark Bodkins, 11806 SW 42 Court, stated that the location for the Sheridan House was a bad decision, and that the Flamingo Road corridor needed to be preserved.

Donna Mallion, 12680 SW 34 Place, stated that she was not opposed to the Sheridan House organization, but was against the rezoning and taking 57 acres off the tax bracket. She urged Council to remember what Davie was all about and deny the request.

Ethan Loubriel, 2221 SW 120 Terrace, stated that he hoped Council would listen to the Planning & Zoning Board's request for denial.

Greg Tait, 12041 Ashford Lane, supported the Sheridan House proposal. He attempted to dispel some of the statements made by previous speakers pertaining to the tax base implications.

Guy Brickman, 12040 Picadilly Place, supported the Sheridan House proposal. He felt that the residents that were opposed to the project needed to realize that they could do nothing to stop future development.

Bob Gossett, 3900 SW 56 Street - Dania Beach, spoke in support of the project and urged Council to review the letters sent to them concerning the economic impact of the removal of this property from the tax rolls.

Bill McDonald, 12520 SW 11 Court, spoke in favor of the project and explained that there were no tax dollars supporting this project.

Doug Johnson, 1521 SW 120 Terrace, spoke in opposition to the project. He spoke of a similar facility, 20 years ago at Nova Southeastern University, where two children left the school, killing one child and critically injured another. Mr. Johnson urged Council to listen to the Planning & Zoning Board's recommendation and deny the request.

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Denise Wincapaw, 1920 SW 117 Avenue, indicated that she did not support the rezoning and that regardless of who was applying for the property, she wanted it to remain residential.

Randell Baisden, 11841 Ashford Lane, suggested that Council strongly review staff's report. He indicated that he had asked Development Services to provide any information on studies done on this site and was told there were none.

Sergio Rodriguez, 11893 Acorn Drive, spoke in opposition to the project and urged Council to preserve Flamingo Road by allowing only R-1 zoning. He entered the statement he read into the record as Exhibit "F".

Jay Lopin, 18740 NW 24 Court - Pembroke Pines, stated he was in the planning stages of developing a 13-home 15-acre community at a cost of approximately \$15 million. He felt that approval of the Sheridan House would most likely delay his project or stop it. Mr. Lopin entered a map as Exhibit "G" into the record.

Denise Rozkowski, 2691 SW 110 Way, stated that she was worried about the character of Flamingo Road. She felt that Flamingo Road was not properly enforced and urged Council to deny the Sheridan House request.

Gladys Pena, 11701 SW 20 Street, stated that Sheridan House had nothing to benefit her and her children.

Jeff Thomas, 11960 SW 18 Court, spoke in opposition to this project and stated that Council needed to be attentive to the wants of the residents.

Curtis Scharrod, 1901 SW 118 Avenue, stated that he owns property on Davie Road and the Planning & Zoning Board had denied his petition because his property was not zoned for what he wanted, but yet they were considering Sheridan House.

Augustine Calvacoa, 12563 SW 8 Court, stated that he was a child from a foster home and felt for the children of Sheridan House; however, he felt that Flamingo Road was not the appropriate location.

Ahmed Mahmoud, 11800 SW 26 Court, spoke in opposition to the project and would like to see that Davie's image was preserved.

Patricia Giraud, 11965 SW 15 Court, stated that she was involved in the American Cancer Society and that even if they were to request the rezoning, she would be in opposition. She stated that she was more concerned with the rezoning of Flamingo Road and urged Council to deny the request.

Pete Giraud, 11965 SW 15 Court, stated he would like to see his community remain quiet and felt that there were several other communities in Davie who were also opposed to this project.

Onelio Tam, 1540 SW 119 Terrace, stated that he purchased his home for the location and stated that while he was not opposed to the Sheridan House program, he was opposed to the rezoning of the property.

Debbie Breslauer, 1720 SW 120 Terrace, stated that she felt Council was not standing behind the residents of Davie and there would be consequences for Council if they did not deny the request.

Jan Sinicrope, 11950 SW 16 Court, felt that Sheridan House did wonderful things for children, but the location was incorrect. She stated that she did not feel Sheridan House needed 57 acres for this facility. Ms. Sinicrope felt that Council would lose control if they voted for this project.

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Mark McDowell, 11270 SW 120 Terrace, stated that he would be disappointed to see Sheridan House take this property and wanted Davie to remain with the quality it has.

Kathy Smith, 4220 SW 53 Avenue, stated that she had benefited by Sheridan House for the last 15 years. She stated that she had seen nothing negative about Sheridan House and felt the entire community would benefit.

Felix Miro, 2823 West Orchard Circle, stated that he was in favor of Sheridan House and had supported them financially in the past. He stated he had visited Sheridan House and was quite impressed with their program, the maintained grounds and the children.

James Tralewski, 3532 SW 57 Avenue, stated that Council appointed representatives to the Planning & Zoning Board and they should adhere to their recommendations. He urged Council to deny the request.

Art Hurley, 3500 SW 121 Avenue, stated he owned the 30-acre property that abutted the Sheridan House project site. He felt that property values would be increased if changed to CF zoning and urged Council to support the Sheridan House project.

Russell Hutchings, 3770 NW 99 Avenue - Coral Springs, stated that he was introduced to and toured Sheridan House two years ago and felt the program would enhance the Town.

John Tweeton, 1740 SW 120 Terrace, stated that he was not opposed to Sheridan House, but was opposed to the rezoning. He asked Council how they could justify taking more dollars off the tax roll.

Bruce Adler, 1740 SW 119 Terrace, bought in Davie for the location and urged Council to keep the zoning as residential.

Michael Breslauer, 1720 SW 120 Terrace, stated that as a developer he had traveled a lot and felt that nothing compared to Davie. He urged Council to deny the request.

Harvey Johnson, 2841 SW 116 Avenue, spoke in favor of the rezoning and the Sheridan House project. He felt that if the residents would visit Sheridan House, they would understand the good they do. Mr. Johnson urged Council to vote in favor of the project.

Scott Sodergren, 4180 SW 70 Terrace, stated that he felt Sheridan House would have a positive impact on the community and was in favor of the project.

Shari Kranz, 1855 SW 101 Avenue, stated that she loved Davie's rural community and felt that the people of Sheridan House would uphold that value.

Ed Kranz, 1855 SW 101 Avenue, stated that he would love to have the Sheridan House in his backyard.

Thomas Taggert, 3290 SW 139 Terrace, spoke in favor of the project and stated that his family had benefited from the services provided by Sheridan House.

Gary MacIntosh, 1720 SW 116 Avenue, spoke in favor of the rezoning and felt that the project would allow the residents to know what was going into the property.

Lindsay Dreyer, 11555 SW 21 Court, spoke in opposition to the project and felt the location was not appropriate. She stated that her family was considering relocation if the project was approved.

Kathy Tibbets, 2730 Hiatus Road, spoke in opposition to the project and stated that she had seen several other properties that were approved and not properly maintained. She expressed her concern whether the same would happen if the Sheridan House project was approved.

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June Connors, 1701 SW 127 Avenue, expressed her feelings for the rural community of Davie and urged Council to vote against the project.

William Hulett, 11932 SW 11 Court, spoke of how his family had benefited from the services of Sheridan House and urged Council to vote in favor of the project.

Sharon D'Angelo, 1561 SW 119 Terrace, spoke in opposition to the project. She indicated that there was a possibility for 50,000 people to attend seminars held at Sheridan House and voiced her concern regarding the traffic problem that would pose.

Theresa Fitzgerald, 3671 SW 60 Avenue, spoke in favor of the project because of her personal benefits from Sheridan House.

William Stallions, 9607 Sugar Pines Court, spoke in favor of the project and how the organization could accomplish the expansion they envision. He indicated that the multi-purpose center would not be for holding seminars, but for sports activities for the children.

Danna McDonald, 10701 SW 29 Place, spoke in favor of the project. She indicated that 1.01 acres of the property would be a dedicated horse trail for Davie residents and spoke of the counseling services available to all residents. Ms. McDonald stated that she was a board member of the Sheridan House and stressed that there was no offer on the table from GL Homes.

Rick Stembridge, 921 Alta Vista Terrace, spoke of The Retreat, a lock-down facility that was constructed in his community. He indicated that his property value had increased and thanked Council for approving that project. Mr. Stembridge felt that Sheridan House would benefit the community.

Mr. Brady, representing the 11 homeowners associations, entered into the record as Exhibit "H", a petition from residents opposed to the rezoning of this property. He spoke in detail about development regulations.

Mayor Truex questioned whether this facility provided 24-hour care such as that mentioned in Town Code Section 12-503, concerning definitions for residential care facilities. Mr. Brady clarified that he inadvertently used the word "care" and stated that if Council combined the CF zoning permit with the special use permit, Council would have acted in a manner inconsistent with the Comprehensive Plan and Florida zoning laws. Mr. Brady stated that his clients felt the location was inappropriate for this project.

Mr. Mele stated that he began working with the Sheridan House project pro bono after hearing about the merits of the organization. He dispelled some of the statements made by opponents of the project, particularly those about taxes and GL Homes. Mr. Mele restated some of the offers he and his client had made to the Planning & Zoning Board and indicated that the site plan displayed currently incorporated all requirements and would not significantly change. Mr. Mele stated that he would be agreeable to stipulations posed by Council regarding occupancy limitations in the multi-purpose facility. He specified that Sheridan House was not a residential care facility, but rather a special residential facility.

Mayor Truex asked that if Council approved the special permit without the rezoning, would the Sheridan House still be built. Mr. Kutney indicated that the two petitions stood on their own. He clarified that if the special permit was approved and the rezoning was not, then the Sheridan House could not be constructed.

Mr. Mele stated that he misunderstood the interpretation and asked that Council approve the CF with the deed restriction.

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Mr. Kiar turned this portion back over to Council.

Mayor Truex stated that he was in favor of approving both applications and felt there were outright lies spread about this project. He stated that it was obvious that many of the opponents were not aware of what Sheridan House was really about. Mayor Truex thanked Vice-Mayor Starkey for setting up the meeting with residents at Robbins Lodge. Mayor Truex felt that the residents that were opposed to the property should take the time to visit Sheridan House and indicated that Sheridan House would be a tremendous benefit to the community. He spoke about some of the claims that opponents made regarding property values and that he felt Sheridan House would not have a negative affect on residents in the area.

Councilmember Hubert asked why middle school-aged children were targeted and not elementary and high school. Mr. DaCosta felt that the middle school years were the formative years and that they are looking at including 5th graders as well.

Councilmember Crowley felt that this project would be a win-win situation for all involved and felt Sheridan House would be a contribution to the community.

Councilmember Paul asked about one of the assertions made by Mr. Bairsden which asked for studies that were not provided. Mr. Kutney felt that the comment was overstated. He stated there was background material that was used, but a study that was identical to this scenario was not utilized.

Councilmember Paul asked why the Planning & Zoning Board denied this petition. Ms. Nolan stated each Board member's reasons for denial or approval of the project.

Councilmember Paul felt that Mr. Brady's arguments were very compelling and stated that she was opposed to the project.

Councilmember Hubert asked if Sheridan House had to follow Department of Children and Family Services' guidelines. Mr. DiCosta stated that Sheridan House was licensed and inspected by the Department of Children and Family Services.

Vice-Mayor Starkey stated that she was ashamed of some of the comments and e-mails that she had received and felt that there were compelling arguments on both sides. She indicated that the Town was trying to acquire properties that were coming off the tax rolls, a lot of which no one commented on. Vice-Mayor Starkey spoke about the flyers circulated in the communities and how they were filled with inaccuracies. She felt that the community needed to give back to others rather than their own self-interests. Vice-Mayor Starkey spoke about the impact to schools and compared the amount of children in single-family residences as compared to Sheridan House children. She felt there should be some language that would return the site zoning back to one dwelling per acre if the Sheridan House property was sold. Vice-Mayor Starkey voiced her concern that a provision needed to be in place as far as the maximum number of beds and buildings allowed. She stated that the site plan needed to remain as it was.

Mr. Kutney agreed that there should be a condition added that the site plan would be substantially in accordance with the concept plan. Mr. Mele stipulated to that agreement.

Vice-Mayor Starkey stated she would like to see several people from the surrounding communities involved in the site plan process and felt it was critical for them to have input on the site plan. Mr. Mele stated that he would agree to meet with the residents.

Vice-Mayor Starkey stated she was in favor of this project and hoped that all residents would benefit from visiting Sheridan House.

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Mayor Truex asked Mr. DiCosta if he was still willing to meet with the residents to let them tour the Sheridan House facility. Mr. DiCosta replied in the affirmative and would accommodate the residents' schedules.

Mr. Kiar asked Mr. Mele if they would be agreeable to a deed to restrict the property to a total number of beds and the reversion. Mr. Mele agreed to stipulate.

Mayor Truex made a motion, seconded by Councilmember Crowley, to approve the rezoning [item 6.6] subject to all stipulations and agreements. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Hubert - yes; Councilmember Paul - no; Councilmember Crowley - yes. (Motion carried 4-1)

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve the special permit [item 6.10]. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - yes; Councilmember Paul - no; Councilmember Hubert - yes; Councilmember Crowley - yes. (Motion carried 4-1)

Mayor Truex recessed the meeting at 2:36 a.m. and reconvened the meeting at 2:00 a.m.

*Items to be tabled*

**6.11. STAFF REQUESTING A TABLING TO AUGUST 6, 2003**

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 11-1-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-4 (County), LIMITED HEAVY INDUSTRIAL DISTRICT (FORMAN AGREEMENT) TO BP, BUSINESS PARK DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (ZB 11-1-02, University Commons/College Business Park, 6535-6555 Nova Drive)

This item was tabled earlier in the meeting.

**6.12. ON JULY 2, 2003, COUNCIL TABLED THIS ITEM UNTIL AUGUST 6, 2003**

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, PLANNED 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 June 18, 2003) *Planning and Zoning Board recommended approval*

This item was tabled earlier in the meeting.

**7. APPOINTMENTS**

7.1. Child Safety Board (one exclusive appointment - Vice-Mayor Starkey; term expires April 2004) (whenever possible, members shall have interest and

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expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

Vice-Mayor Starkey deferred her appointment.

7.2. Open Space Advisory Committee (one exclusive appointment - Vice-Mayor Starkey; term expires April 2004)

Vice-Mayor Starkey deferred her appointment.

7.3. Unsafe Structures Board (non-exclusive appointments; term expires April 2006 (appointment of Plumbing Contractor )

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

7.4. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2004) (insofar as possible, one member of the board shall be a licensed engineer)

Mayor Truex deferred his appointment.

7.5. I-75 Task Force (appointment of staff member)

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

**8. OLD BUSINESS**

There was no old business to be discussed.

**9. NEW BUSINESS**

There was no new business to be discussed.

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

No comments were provided.

**11. TOWN ADMINISTRATOR'S COMMENTS**

No comments were provided.

**12. TOWN ATTORNEY'S COMMENTS**

No comments were provided.

**13. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting adjourned at 2:50 a.m..

Approved \_\_\_\_\_

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

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Town Clerk