

**TOWN OF DAVIE
REGULAR MEETING
MAY 5, 2004**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance led by Scott Spages.

2. ROLL CALL

Present were Mayor Truex, Vice-Mayor Paul, Councilmembers Crowley, Hubert and Starkey. 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.

Scott Spages advised that the Budget Advisory Committee recently voted 4-0 to ask Council not to build any new facilities for Town employees, except for fire stations. He stated that the Committee was concerned about proposed projects and the PMG study, which did not produce the results anticipated. Mr. Spages spoke of the need for better studies of the Town's space needs and better long range planning.

Phillip Busey, 837 SW 120 Way, thanked Council for its work. He spoke of the Florida Hometown Democracy Initiative and provided the website address for members of the public interested in participating in master planning and comprehensive land use change issues.

Marcia Joseph read a portion of the April 7th Council Meeting minute and spoke of a Consent Agenda item pulled by Councilmember Starkey. She took issue with comments made by Councilmember Starkey regarding the proclamation remembering victims of the holocaust.

Norm Blanco spoke of the need for a Charter review and asked Council to consider addressing issues he had referred to in recent correspondence. Councilmember Crowley asked Mr. Willi if there was anything in the Charter that stated the Council had to consider a Charter review. Mr. Willi advised that the Town had met the requirement for its first Charter review. Councilmember Crowley asked that this item be discussed at the next Council meeting. Mayor Truex agreed.

Elizabeth Falcone played a recording recited by a group of children and asked Council to preserve as much of Davie's green space as possible.

Arthur Joseph, 13700 SW 18 Court, asked if Rachlin and Cohen were no longer the Town's auditors. Mayor Truex advised that he was not sure if this decision was final. Mr. Joseph objected to the words used by the minister who gave the invocation after the elections. He voiced his concern about the dramatic traffic increase at Fort Lauderdale airport. Mr. Joseph spoke of the funding that was cut for schools by the legislature and felt that Council should voice an objection to the legislature as Broward County could not afford such cuts.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, asked Council to preserve the park in her area. She commended Council for its efforts to maintain the Town's rural lifestyle.

Mayor Truex closed the Open Public Meeting.

Mayor Truex advised that the applicant for item 6.7 was requesting a tabling to June 16, 2004.

Bill Laystrom, representing the applicant, explained the reason for the tabling request.

Vice-Mayor Paul felt it would be more appropriate to wait until the grant was received before requesting a tabling. Mr. Laystrom indicated that he would table once he had a contract and that if the Town was successful in getting the grant, there would be no need for the application. Vice-Mayor Paul stated that she would not want to make a decision based upon terms that should be reflected in a contract, but which Council had not yet seen.

**TOWN COUNCIL MINUTES
MAY 5, 2004**

Councilmember Starkey felt withdrawing the item was a more logical step and asked Mr. Willi about the time line for appraising the property. Mr. Willi indicated that a property appraiser had been contacted and advised that two different appraisals from two different firms were scheduled to be completed by the middle of June.

Doris Monier, 5305 SW 28 Street, felt it didn't make sense to have the special permit tabled until June, when the result of the grant application would not be known by then. She advised that the special permit should not be tabled, but if it were necessary, she felt it should be tabled until much later in the year or Council would risk sending the wrong message. Mr. Laystrom explained why the special permit was being requested to be tabled.

Councilmember Hubert felt that granting the special permit would potentially inflate the price of the land. Mr. Laystrom stated that if Council wished to go forward, the applicant was prepared to do so that night. He advised that the granting of the special permit was not being requested to inflate the property price.

Councilmember Crowley indicated that he had received many requests to deny the special permit. He asked if it would still be possible to negotiate the sale of the land, even if Council denied the special permit request.

Vice-Mayor Paul asked if the client would sue if Council did not approve the permit. Mr. Laystrom indicated in the affirmative.

Mr. Laystrom felt the applicant's request offered the most ideal compromise for all parties.

Councilmember Starkey asked Mr. Kiar if Council had the discretion to table even further out to September or December, 2004. Mr. Kiar read a portion of the Deferral of Public Meetings Guidelines.

Mr. Laystrom offered a compromise by the applicant to table the special permit to the first meeting of October. He advised that if no contract was issued, or if the contract was terminated, then the applicant would have the right to send a letter to staff asking that the item be placed on the next available agenda with enough time to post notices and an agenda.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to table until Council got preliminary comments back from the Florida Communities Trust and until October 20, 2004, with no reference to the contract. Mr. Laystrom voiced his objection to the motion. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - no; Councilmember Starkey - yes. (Motion carried 4-1)

Mayor Truex advised that the applicant requested to table item 4.24 to July 21, 2004.

Councilmember Hubert made a motion, seconded by Mayor Truex, to table to July 21, 2004. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that staff requested to add item 4.25.

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

Mayor Truex advised that staff requested to add item 4.26.

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

Mayor Truex advised that staff requested to add item 4.27.

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

**TOWN COUNCIL MINUTES
MAY 5, 2004**

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1. February 18, 2004 (Regular Meeting)
- 4.2. March 3, 2004 (Regular Meeting)

Home Occupational Licenses

- 4.3. A Perfect Food Company, LLC, 6920 SW 56 Court
- 4.4. Distinctive Homes Realty Group, Inc., 1423 SW 16 Court

Proclamation

- 4.5. Civility Month (May 2004)

Resolutions

- 4.6. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, DELETING A TEN-FOOT LANDSCAPE EASEMENT FROM THE RIVERSTONE PLAT; AND PROVIDING AN EFFECTIVE DATE. (DG 2-1-04, Riverstone, 4200 Shotgun Road) (tabled from April 21, 2004)

- R-2004-86 4.7. **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. (Take a Kid Fishing)

- R-2004-87 4.8. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID TO PURCHASE TWO "M" SERIES ZOLL CARDIAC MONITOR/DEFIBRILLATOR/PACERS/NIBP, PULSE OX FROM ZOLL MEDICAL CORPORATION AS A PREFERRED PROVIDER. (\$42,055)

- R-2004-88 4.9. **SUPPORT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING BROWARD COUNTY'S REQUEST OF CONGRESS TO REJECT EFFORTS TO END OR LIMIT THE FEDERAL GOVERNMENT'S ROLE IN THE NOURISHMENT OF UNITED STATES BEACHES; AND PROVIDING FOR AN EFFECTIVE DATE.

- R-2004-89 4.10. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A \$12,750 GRANT FROM THE 2004 BULLETPROOF VEST PARTNERSHIP PROGRAM ADMINISTERED BY THE U.S. DEPARTMENT OF JUSTICE, AND IF AWARDED THE GRANT, AUTHORIZING ITS ACCEPTANCE AND EXECUTION (WITH \$12,750 IN MATCHING FUNDS).

- R-2004-90 4.11. **MISSION STATEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING NEW LANGUAGE FOR THE TOWN OF DAVIE'S MISSION STATEMENT, WHICH REPRESENTS THE TOWN'S FUNCTIONS AND DAILY OPERATIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

**TOWN COUNCIL MINUTES
MAY 5, 2004**

- 4.12. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-91 AUTHORIZING THE TOWN ADMINISTRATOR OR DESIGNEE TO EXECUTE AN AGREEMENT FOR EMERGENCY MEDICAL SERVICES INTERNSHIP PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.13. **HOLD HARMLESS AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2004-92 FLORIDA, AUTHORIZING THE APPROVAL OF THE HOLD HARMLESS AGREEMENT WITH ARTHUR HURLEY, WEST 15 FEET OF TRACTS 24, 33 AND 34 AND THE NORTH 15 FEET OF TRACT 24, AND THE EAST 27.5 FEET OF TRACT 24, FLORIDA FRUIT LANDS COMPANY, SUBDIVISION 1, SECTION 13, TOWNSHIP 50 S, RANGE 40 E, BROWARD COUNTY, FL.
- 4.14. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-93 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND SOUTHERN HOMES OF DAVIE V, LLC FOR REGIONAL ROAD CURRENCY RELATING TO THE SITE PLANS KNOWN AS MILLCREEK RANCHES, DIAMOND CREEK AND BLACKSTONE CREEK; PROVIDING FOR REMEDIAL MEASURES TO SATISFY CONCURRENCY REQUIREMENTS; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 4-1-04, 3011 SW 148 Avenue, 15700 SW 28 Street and 3151 SW 154 Avenue)
- 4.15. **SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-94 APPROVING A SUBDIVISION PLAT KNOWN AS LONG LAKE RANCHES PLAT III 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 10-2-03, Long Lake Ranches Plat III, 3201 Hiatus Road)
- 4.16. **JOB SPECIFICATIONS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2004-95 AUTHORIZING JOB CLASSIFICATION TITLES, JOB CLASSIFICATION SPECIFICATIONS, AND SALARY RANGES FOR ACCOUNTING MANAGER, BUILDING INSPECTOR, AND BUYER; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
- 4.17. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2004-96 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH BRENDA LEE CHALIFOUR FOR AIRPORT EXPANSION OPPOSITION CONSULTING SERVICES, AND PROVIDING FOR AN EFFECTIVE DATE. (unbudgeted; \$100 per hour/\$4,000 monthly maximum)

**TOWN COUNCIL MINUTES
MAY 5, 2004**

- 4.18. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2004-97 APPROVING AND EXECUTING THE 2004 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE.
- 4.19. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2004-98 APPROVING AND EXECUTING THE 2004 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY "ADDITIONAL" LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE.
- 4.20. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2004-99 APPROVING AND EXECUTING THE 2004 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT.
- 4.21. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-100 AMENDING THE AGREEMENT BETWEEN THE TOWN OF DAVIE AND ROBBINS LODGE PRESERVE CARETAKER AND AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE THE AGREEMENT.
- 4.22. **LIEN PAYMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-101 ACCEPTING \$4,000.00 AS PAYMENT IN FULL OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN UPON PARCEL NUMBER 126, AND PROVIDING FOR AN EFFECTIVE DATE.

Temporary Use Permit

- 4.23. TU 4-3-04, Robert F. Vassall, M.D., 3341 North University Drive

**TOWN COUNCIL MINUTES
MAY 5, 2004**

Site Plan

4.24. APPLICANT REQUESTING A TABLING TO JULY 21, 2004

SP 10-1-02, Rancho Allegre, 2801 SW 148 Avenue (A-1) (tabled from March 17, 2004)
Site Plan Committee recommended approval based on the planning report and 1) that homeowners association documents be provided to staff prior to the Town Council; 2) show the house and the drive on lot four if the house is to remain, if it is to be demolished, then indicate it as such; 3) that the developer will put in the drive coming off 148th Avenue which will be shared by lots one and two; 4) that on lot three, the driveway will be held back a minimum of 150 feet from the property line at 148th Avenue; 5) that irrigation will be provided for at the main entrance; 6) that at the dead end hammerhead, each 12-foot wide drive will extend 75 feet from the center line of road going north and south, making it a 150 foot long turn around; and 7) if the water and sewer becomes available within one year of the Town Council's approval, and if it is within one-quarter of a mile of this property, the developer will provide it to each site

Items Added

4.25. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE
R-2004-102 MAYOR TO EXECUTE A LETTER OF ENGAGEMENT WITH GRAU &
COMPANY, P.A. TO PROVIDE AUDITING SERVICES

4.26. TU 5-1-04, South Florida Parenting Magazine, 1904 South University Drive

4.27. State Road 7 Charette Process Presentation - South Florida Regional Planning Council.

Councilmember Crowley requested that item 4.23 be removed from the Consent Agenda. Councilmember Starkey requested that items 4.15 be removed. Vice-Mayor Paul requested that items 4.2, 4.11, 4.14 and 4.17 be removed. Councilmember Hubert requested that items 4.10 and 4.21 be removed. Mayor Truex requested that items 4.6, 4.22 and 4.25 be removed.

Councilmember Starkey made a motion, seconded by Councilmember Hubert, to approve the Consent Agenda minus items 4.2, 4.6, 4.10, 4.11, 4.14, 4.15, 4.17, 4.21, 4.22, 4.23, and 4.25. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.2 Vice-Mayor Paul indicated that she wanted more detail included for the discussion on item 9.1.

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to table to May 19, 2004. In a voice vote, all voted in favor. (Motion carried 5-0)

4.6 Mayor Truex asked for more information from staff with regard to this item. Planning and Zoning Manager Fernando Leiva explained the reason for the applicant's request to table.

Mayor Truex advised that he had an issue with this item as it was agreed to by the developer with a previous Council. He felt it was a bad decision if Council agreed to give up the easement and voiced his opposition to giving up more open space.

Gladys DiGirolamo, representing the applicant, explained that the developer agreed to keep the landscaping and add trees next to the recreational trail. She explained that the fence was being requested to keep the public from the private homeowners' lot. Mayor Truex felt this was not a strong argument because the property owners did not have the only rights to the easement. He felt the homeowners did not

**TOWN COUNCIL MINUTES
MAY 5, 2004**

buy the right to add fencing along the trail. Mayor Truex did not feel the Town had to give up the right to the easement as open space.

Vice-Mayor Paul indicated that Mayor Truex' comments had made her re-think her position. She stated that her original suggestion was that the homeowners install the fence to include the open space area, resulting in a 30-foot wide area, with some understanding that there would be no access to the trail during hours when the trail was closed by the park rangers.

Mayor Truex questioned who maintained the easements along the properties. Mr. Willi indicated that many of the trail easements were maintained by the Town.

Councilmember Starkey felt that this easement was entirely different. She stated that the area in question was not public access open space as it was in the Estate zoning that required the developer to have an open space landscape buffer. Councilmember Starkey voiced her frustration to the process of addressing the fencing issue piecemeal versus addressing all issues at once. She pointed out that the homeowners' documents specifically stated that no public access was allowed within the open space landscaping buffer and was stated as such to prevent items like pools or playground equipment being installed on the area. Councilmember Starkey reminded that in previous discussions when Council ruled on this item in 2002, it was specifically stated that the property owners would be allowed to fence in, but not construct, because the property was determined to be their own. She stated that this was agreed to because the Town did not want to create an alleyway affect along the area. Councilmember Starkey indicated she wanted to table this item and address it all as one big policy.

Vice-Mayor Paul indicated the liability issue needed to be solved. She felt the fence should be further west to give a 40-foot space, which left the question open of how the residents would be able to maintain the area. Vice-Mayor Paul asked who would assume the maintenance, if they put up a fence but no gates. Mr. Willi advised that he had discussed this issue with Public Works/Capital Projects Director Bruce Bernard, who indicated that the Town's response would be to cut back the fence and not have a piece of property that would not be maintained.

Councilmember Crowley asked the applicant what the residents wanted. Ms. DiGirolamo responded that the residents wanted to put the fence on their property line as they were paying taxes on the 10-foot strip. She indicated that the developer would exceed over and above the open space requirement.

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

4.10 Councilmember Hubert asked Police Chief John George why 60 new bulletproof vests were needed. Chief George explained that the vests had a certain life expectancy of five years as the material substance broke down after that period of time. He felt it was a great opportunity for the Town to defer some of the costs of replacing expired vests from federal government funds.

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

4.27 David Dolstrom, of the South Florida Regional Planning Council, and Project Manager for the State Road 7 Collaborative, explained that the Collaborative's goal was to create a unified master plan for the State Road 7 corridor in the County. He indicated the need for Council's support on the nine segments designated for improvements.

Marcella Campbell, Urban Design Director of the Treasure Coast Regional Planning Council, explained their role as consultants in creating the vision for State Road 7. She spoke of how the

TOWN COUNCIL MINUTES
MAY 5, 2004

Collaborative proposed to coordinate with the Town, the Seminole Indian Tribe and the City of Hollywood.

Later in the meeting, Ms. Campbell stated that State Road 7 was a key corridor for the County and a key element for all 14 local governments that supported it. She announced there would be a charette process that was the first portion of the planning process that all local governments would participate in. Ms. Campbell explained that the grant attained by the Collaborative would be used to help fund the public meeting process. She provided the historical background of the charette process and how it applied to very intense design processes today. Ms. Campbell indicated that the charette would be a seven-day process involving input from the community. She advised that Council would be asked to organize a Charette Steering Committee to 1) assist with the overall process of organizing the event, 2) serve as a resource to the team of designers working in the community, and 3) serve as a contact point with the press. Ms. Campbell explained that after the review process, the role of the Committee would be to meet with Council and staff to review the report, support the plan as it went through the approval process, and become citizen champions of the proposed plan. She explained that at least three meetings would be necessary prior to the charette. Ms. Campbell announced that the public portion of the charette would begin July 17th. She requested that Council encourage as many residents as possible, including children, children's groups, and at least three Councilmembers attend the public workshop.

Councilmember Hubert asked how long the Town's portion of the construction would take. Ms. Campbell advised that she was not familiar with the Florida Department of Transportation's construction schedule. Mr. Dolstrom indicated that development had already begun.

Vice-Mayor Paul felt that this process would impact the sector planning process that the Town would be commencing. She felt it would be a good opportunity to receive input for the users of 441. Vice-Mayor Paul asked Mr. Kutney what the process was for establishing a Committee as she felt it would be beneficial to have staff involved. Mr. Kutney indicated that staff was very interested and spoke of the next processes.

4.11 Vice-Mayor Paul felt the content of the proposed Davie mission statement did not capture the rural lifestyle priorities of the Town.

Councilmember Starkey wanted to see a Mission Statement that did not deviate too much from the previous one and also reflected the emphasis on family. She read aloud a mission statement suggested by Vice-Mayor Paul at the workshop held on this item, which she felt encompassed more of the Town's priorities.

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

4.14 Vice-Mayor Paul voiced her opposition to the three developments being in Davie, while the concurrency was all outside of the Town's limits.

John Voight, representing the applicant, explained that the County prepared the agreement and the traffic study, determined how many road segments were affected, and tried to locate improvements nearby. He explained that the decision was made by the County.

Vice-Mayor Paul felt Council should send a letter to the County requesting that for issues such as this, they consider areas within the boundary of the community.

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

TOWN COUNCIL MINUTES
MAY 5, 2004

4.15 Councilmember Starkey explained why this item was coming back before Council. She indicated she had received several requests from residents concerned about the dangerous traffic situation at the intersection at Hiatus Road.

Gladys DiGirolamo, of GL Homes, explained the reason for the request.

Councilmember Starkey stated the community was very concerned about traffic issues on 26th Street. She voiced her surprise that other elements were added to this issue and was not sure whether it was better to table this item or approve. Councilmember Starkey advised that some residents had indicated that Town Engineer Larry Peters had asked them to be present to request the tabling. She asked that Council consider the residents' concerns about having a roundabout installed at the intersection. Councilmember Starkey stated that she had already committed \$115,000 of the Town's discretionary district funds for this issue. She advised that she was not adequately notified of residents' concerns about the roundabout and was concerned because the project had gone far in the process. Councilmember Starkey indicated that she would take the position she had on past occasions and ask whether she should recuse herself from this issue as there were legal issues involved. Mr. Kiar advised that since Councilmember Starkey had no special interest in this issue, it was considered an "arm's length transaction". He further advised that Council had the right to defer this item if they had insufficient information to form a basis for a decision.

Vice-Mayor Paul did not feel the plat request itself related directly to the road issue and indicated that her concerns were more related to the proposed six feet of pedestrian path. She felt a path this wide was more like a runway, which invited illegal motor vehicle problems. Vice-Mayor Paul advised that she wanted to see more of a clear zone or a four-foot path. She agreed that a roundabout at 26th Street and Hiatus Road was a good idea.

Councilmember Starkey felt it was better to meet with the community on what would be done about traffic calming for the intersection.

Mr. Peters advised that he had received an e-mail from the president of the homeowners' association regarding a multi-way stop sign for that intersection and how the intersection would be affected by the process.

Mayor Truex asked if the intersection was part of the plat request before Council. Mr. Peters advised it was contiguous with the plat as it bordered Hiatus Road and 26th Street.

Cliff Lockwood, 10851 SW 26 Court, presented aerial photographs of the area and spoke about the dangerous intersection at Hiatus Road and 26th Street. He requested that Council commission a new traffic study to take into account issues not reflected in the study already completed. Mr. Lockwood wanted to see a temporary four-way stop to slow down traffic as the intersection was very dangerous. He presented facts from the Insurance Institute for Highway Safety regarding roundabouts at specific intersections which had been instrumental in reducing accidents and deaths.

Heather Keith, assistant counsel for the applicant, indicated that the plat issue sent back from the Drainage District was the only matter before Council, and not traffic or the intersection. She stated that the intersection being discussed was not within the boundaries of the plat before Council. She indicated that the developer was installing pavers, medians, a curbing gutter, and a berm to provide aesthetic traffic calming mechanisms. The engineer for GL Homes spoke of the deficiencies of Hiatus Road.

Councilmember Crowley asked if GL Homes was willing to meet with the residents and Council with regard to discussing options for 26th Street. Ms. Keith reminded Council that the condition agreed to for the boundary plat was that the developer would reconstruct Hiatus Road as a 24-foot wide rural section with associated turn lanes onto the site. She stated that the developer had far exceeded this and other requirements of the Town.

Councilmember Starkey spoke of the re-alignment of the roadways away from the power lines and the traffic calming options that were agreed upon previously. She stated her desire to meet with the

**TOWN COUNCIL MINUTES
MAY 5, 2004**

residents to discuss options for this intersection. Councilmember Starkey wanted to plan ahead to put this item on the next agenda for a consultant to study the corner and suggest alternatives that could be presented to the community. Mayor Truex suggested adding this item under New Business for the next Town Council meeting.

Councilmember Starkey advised that May 16 was the next homeowners' association meeting. She suggested that Council attend that meeting.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve subject to changing the meandering pedestrian path from 4 feet and increasing the clear zone to eight feet. After further discussion by Council, Vice-Mayor Paul recommended leaving a six-foot path with only four feet paved. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Paul - yes; Councilmember Crowley - no; Councilmember Hubert - yes; Councilmember Starkey - no. (Motion denied 3-2)

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

4.17 Vice-Mayor Paul expressed her opposition to hiring Ms. Chalifour and indicated that she had concerns about the \$100 per hour fee for her services. Vice-Mayor Paul wanted to see a cap on time limitations with a review of the benefit derived from Ms. Chalifour's work product on a periodic basis. Mayor Truex was in favor of the periodic reviews but felt that it was worth having Ms. Chalifour on the Town's team. Councilmember Starkey felt that Ms. Chalifour was an expert who would be helpful in areas such as eminent domain issues.

Councilmember Hubert questioned what Ms. Chalifour would be doing specifically for Davie versus what she would be doing for Dania Beach. Brenda Chalifour stated that although neighboring cities shared some commonality, there were distinct issues that would affect Davie differently, such as condemnation. She indicated that she regularly dedicated more than 40 hours of her time weekly to working on this issue.

Councilmember Crowley wanted to see the proposed contract terminate at the end of the fiscal year then have the work budgeted for the next fiscal year.

Vice-Mayor Paul asked if the White and Case firm handled any of the issues Ms. Chalifour worked on. Ms. Chalifour spoke highly of White and Case's work and indicated that it would cost the Town much more money to use their services.

Mayor Truex asked Ms. Chalifour to clarify that she would be giving the Town a monthly, hourly statement. Ms. Chalifour agreed.

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

Vice-Mayor Paul asserted her right to comment that she felt the contract should be for fewer hours.

Ms. Chalifour announced there would be a meeting held on May 20th to educate residents about the negative ramifications of airport expansion. She indicated that some residents were already receiving letters from land speculators which caused concern.

Councilmember Starkey advised that the Airport Advisory Board was in the process of completing a flyer to send out to the community for many residents to attend the meeting. She asked if this required approval by Council. Mr. Willi indicated no.

**TOWN COUNCIL MINUTES
MAY 5, 2004**

Councilmember Hubert asked if Council could get copies of Ms. Chalifour's bills. Mayor Truex requested that Mr. Willi comply with this request.

4.21 Councilmember Hubert did not see why the Robbins Lodge caretaker needed to pay the Town rent when they would be at the Town's beck and call. Assistant Town Administrator Ken Cohen indicated that the utilities were paid by the Town and stated that rent was not an issue because any after-hours work required was minimal. He advised that many individuals wanted this position and had no objection to the rent as the benefits of the position outweighed the rent itself.

Mayor Truex was opposed to the exclusion of the right of the caretaker to carry a firearm. Councilmember Hubert was opposed to the low salary. Mr. Cohen indicated this was an entry level position with an appropriate standard salary.

Vice-Mayor Paul asked if the caretaker would be allowed to have a horse. Mr. Cohen advised that the caretaker could have an animal as long as he notified staff.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve, with language included to allow possession of a firearm within the residence for lawful self-defense. In a voice vote, all voted in favor. (Motion carried 5-0)

4.22 Mayor Truex advised that this was a legitimate dispute and indicated that the Town was not giving up anything.

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

4.23 Councilmember Crowley voiced his concern about the location of the stage and advised that residents to the east of the complex were concerned about noise.

An unidentified woman, representing the applicant, indicated the stage would be erected further away from the residential area.

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

4.25 Mayor Truex advised that the Charter dictated that a majority of Council was required to select the Town's auditing firm. Mr. Kiar read the portion of the Charter confirming that a majority of three Councilmember votes was needed to effect any action. Mr. Willi clarified that Mayor Truex was speaking about the ranking, not the final action of Council.

Councilmember Crowley made a motion, seconded by Vice-Mayor Paul, to approve.

Councilmember Hubert took issue with the amount of money being charged in the contract. She asked why the projected fee for 2005 auditing would increase by \$5,000. An unidentified woman, representing the applicant, advised that the 2005 fee reflected a standard increase in billing rates. Mr. Cohen advised that it was standard practice for accounting firms to implement such increases.

In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - no. (Motion carried 3-2)

**TOWN COUNCIL MINUTES
MAY 5, 2004**

6. PUBLIC HEARING

Ordinances - Second and Final Reading

- 6.1. **OCCUPATIONAL LICENSES** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN'S OCCUPATIONAL LICENSE RATE SCHEDULE IN ACCORDANCE WITH CHAPTER 205.0535(4) OF THE FLORIDA STATE STATUTES BY INCREASING THE RATE OF EACH CLASSIFICATION BY FIVE PERCENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. **{Approved on First Reading April 21, 2004 - all voted in favor with Councilmember Crowley dissenting and Councilmember Starkey being absent}**

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 Paul made a motion, seconded by Mayor Truex, to approve. In a roll call vote, with Councilmember Hubert out of the room, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - no; Councilmember Starkey - yes. (Motion carried 4-0)

- 6.2. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 2002-9; DELETING SECTION 2-73(h) OF THE DAVIE CODE OF ORDINANCES ENTITLED, "JOINT ECONOMIC DEVELOPMENT STEERING COMMITTEE"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on First Reading April 21, 2004 - all voted in favor with Councilmember Starkey being absent}**

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

- 6.3. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-1-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-9 (COUNTY), CEMETERY DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 2-1-04, Forest Lawn Memorial Gardens, 2401 Davie Road) *Planning and Zoning Board recommended approval* **{Approved on First Reading April 21, 2004 - all voted in favor with Councilmember Starkey being absent}**

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.

Mayor Truex believed that there were a number of conditions and the motion should be subject to the conditions as was done the last time.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve with the conditions. In a roll call vote, with Councilmember Hubert out of the room, the vote was as follows:

**TOWN COUNCIL MINUTES
MAY 5, 2004**

Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4-0)

Ordinance - First Reading (Second and Final Hearing to be heard May 19, 2004)

6.4. **REVISION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE CAPITAL PROJECTS FUND AND APPROPRIATIONS FOR THE FISCAL YEAR 2004.

Town Clerk Muniz read the ordinance by title.

Mayor Truex announced there would be a public hearing on this item on May 19, 2004.

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

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

Ordinance - First Reading/Quasi Judicial Hearing (Second and Final Hearing to be heard at a later date)

6.5. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CC, COMMERCE CENTER DISTRICT TO UC, URBAN COMMERCIAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-1-03, Stiles Development Co./Wolf, 5700 University Drive)

Town Clerk Muniz read the ordinance by title.

Mayor Truex announced there would be a public hearing on this item to be held at a later date.

Mayor Truex turned this portion of the meeting over to Mr. Kiar.

Development Services Director Mark Kutney requested that Council consider having the quasi-judicial portion of the rezoning request at the second reading, in order to address issues concerning language in the Town's Comprehensive Plan.

Bonnie Miskel, representing the applicant, was in agreement with this request.

Mr. Kiar had no objection to this request as long as the next reading was properly noticed.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table to May 19, 2004. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Ordinance - First Reading (Second and Final Hearing to be heard at a later date)

6.6. **TEXT AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS, APPLICATION LA(TXT) 04-4 AMENDING THE TEXT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE RECREATION, OPEN SPACE AND CONSERVATION ELEMENT TO ESTABLISH A POLICY TO PROVIDE SAFE PUBLIC ACCESS TO WATER BODIES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title.

**TOWN COUNCIL MINUTES
MAY 5, 2004**

Mayor Truex announced there would be a public hearing on the ordinance to be held at a later date.

Mr. Leiva explained the reason for the request for approval.

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

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to approve.

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

Quasi Judicial Item

6.7. **SPECIAL PERMIT** - SE 8-1-03, Lethbridge/Sunny Lake, 5400 Griffin Road (RO) (to fill any water body with material obtained from off-premises in excess of 3,000 cubic yards) *Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting.

Items to be Tabled or Withdrawn

6.8. **STAFF REQUESTING A TABLING TO MAY 19, 2004**

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 February 18, 2004) **{Approved on First Reading September 3, 2003 - all voted in favor with Councilmember Paul dissenting}**

Council discussed tabling the ordinance for further discussion on May 19, 2004.

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to table to May 19, 2004. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - no; Councilmember Starkey - yes. (Motion carried 4-1)

Rick Case advised Council that if the 1,500-foot from residential requirement were implemented, no sites would work as studies showed there were no possible locations along I-75, I-595 or the Turnpike in the Town that would fit this requirement. He requested that the requirement be changed to 500 feet to make it possible to locate a billboard site.

Special counsel Michael Burke outlined the proposed changes and provisions of the billboard ordinance that was before Council. He recommended that the ordinance provide that the Town maintain a list of the billboards that were approved under the ordinance. Mr. Burke advised that the Town Administrator's Office had a list of 10 billboards approved under the ordinance which could later be updated to reflect 13 billboards.

Councilmember Hubert spoke about the difficulty of selecting billboard firms and felt that a lottery system would be more equitable.

Council held general discussion on possible locations for the billboards.

Vice-Mayor Paul indicated that she was not in favor of billboards, but if the Town had to have more, she would rather they be erected in industrial areas.

Mayor Truex felt that any site approved should be approved for 20 years, after which it could be opened up so other applicants could apply for it.

**TOWN COUNCIL MINUTES
MAY 5, 2004**

Mr. Burke asked Council about the criteria. Council wanted to keep the criteria intact. Mayor Truex asked that the ordinance include his request that the agreements be in place for 20 years. Council agreed.

Mayor Truex wanted to know how much support the billboard amendment had. Councilmember Starkey and Vice-Mayor Paul both indicated they were opposed. Councilmember Crowley indicated that he was heading in the same direction and losing interest in the issue. Councilmember Hubert was in favor of the billboards because they provided support for charities. She felt the Town could not provide the charities with financial support offered by proceeds from billboards.

Councilmember Starkey spoke on behalf of residents in her district who were also opposed to billboards.

Councilmember Hubert indicated the people in her district needed the financial support provided from charities such as EASE and HOPE.

Council gave direction to Mr. Burke to drop this issue.

Vice-Mayor Paul asked residents to put canned foods out to support the Mail Carriers' Food Drive on Saturday, May 8.

6.9. ITEM WITHDRAWN BY PROPERTY OWNER

ZB 3-1-04, Continental Florida Materials, Inc./Forman and Forman, 3575 SW 49 Way

This item was withdrawn.

7. APPOINTMENTS

7.1. Agricultural Advisory Board (one exclusive appointment - Councilmember Starkey; term expires April 2006) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

Councilmember Starkey reappointed Margie Maine.

7.2. Airport Advisory Board (one exclusive appointment - Mayor Truex; term expires December 2004)

No appointment was made.

7.3. Budget Advisory Committee Board (one exclusive appointment - Councilmember Crowley; term expires April 2006) (members shall have experience in a financial related occupation, or similar skills)

No appointment was made.

7.4. Child Safety Board (two exclusive appointments - Councilmembers Crowley, Hubert, and Starkey and Mayor Truex; one exclusive appointment - Vice-Mayor Paul; terms expire April 2006) (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.

7.5. Community Relations Advisory Boards (one exclusive appointment - Councilmembers Crowley and Hubert and Mayor Truex) (terms expire April 2006)

No appointments were made.

**TOWN COUNCIL MINUTES
MAY 5, 2004**

- 7.6. Open Space Advisory Committee Agency (two exclusive appointments - Mayor Truex; one exclusive appointment - Councilmember Starkey and Vice-Mayor Paul; terms expire April 2006)

Councilmember Starkey appointed Casey Lee. Vice-Mayor Paul appointed Mike Ruggieri. Mayor Truex deferred his appointments.

- 7.7. Parks and Recreation Advisory Board Agency (two exclusive appointments - Councilmembers Crowley and Starkey; one exclusive appointment - Vice-Mayor Paul and Mayor Truex; terms expire April 2006) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointments were made.

- 7.8. Planning and Zoning Board/Local Planning Agency (one exclusive nomination per Councilmember - must be a resident and qualified voter; **nominations require Council approval**) (term May 26, 2004 to May 24, 2005)

Vice-Mayor Paul appointed Mike Bender. In a voice vote, all voted in favor.

Councilmember Hubert appointed Casey Lee. In a voice vote, all voted in favor.

Councilmember Starkey appointed Mimi Turin. In a voice vote, all voted in favor.

Councilmember Crowley appointed Scott McLaughlin. In a voice vote, all voted in favor.

Mayor Truex deferred his appointment.

- 7.9. School Advisory Board (one exclusive appointment - Councilmember Crowley, Vice Mayor Paul and Mayor Truex; terms expire April 2006) (insofar as possible, members are to have experience in educational matters)

Councilmember Crowley appointed Becky Orlando. Vice-Mayor Paul appointed Marcy Fallahzadeh. Mayor Truex deferred his appointment.

- 7.10. Senior Citizen Advisory Committee terms expire April 2006) (two exclusive appointments - Councilmember Crowley; one exclusive appointment - Councilmember Hubert and Mayor Truex; members shall be a minimum 60 years of age)

Councilmember Crowley appointed Janet Nilsen. Mayor Truex and Councilmember Crowley deferred their appointments.

- 7.11. Water and Environmental Advisory Board (two exclusive appointments - Councilmember Crowley and Mayor Truex; terms expire April 2006) (insofar as possible, one member shall be a licensed engineer)

Councilmember Crowley appointed Paul Cirinese. Mayor Truex deferred his appointments.

- 7.12. Community Redevelopment Agency (one non-exclusive appointment; term expires April 2008) (members shall either reside or engage in business within the jurisdiction of the Town)

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

**TOWN COUNCIL MINUTES
MAY 5, 2004**

7.13. Metropolitan Planning Organization - Community Involvement Roundtable
Vice-Mayor Paul made a motion, seconded by Mayor Truex, to appoint John Pickett. In a voice vote, all voted in favor.

7.14. Broward's Everglades Task Force
Vice-Mayor Paul recommended that Councilmember Crowley be the Town's representative on the Task Force. In a voice vote, all voted in favor.

8. OLD BUSINESS

8.1. Sector Planning (tabled from April 21, 2004)

Vice-Mayor Paul voiced her concern about delaying work on the process. She felt that based on the information presented before Council, a current zoning in progress might be affected and would require attention soon. She spoke of her concerns related to limiting acreage for properties and with regard to preparing the Town for buildout. Vice-Mayor Paul asked how the sector plan would interact with the EAR process. Mr. Leiva advised that staff would work on the scope of work and specific criteria to lay the foundation for the sector plan, which would be built into the EAR process. He indicated that it would take time to get a consensus on what the future of the Town would look like.

Mr. Kutney indicated that staff needed direction from Council on several areas of the process. Council gave direction to hold a workshop on this item on May 19, 2004 at 5:30 p.m.

8.2. Billboard Criteria

This item was discussed earlier in the meeting.

9. NEW BUSINESS

FLAMINGO ROAD ESTATES. Vice-Mayor Paul spoke of a letter Council had received from John Voight regarding clarification on Flamingo Road Estates. She asked if this item had been taken care of. Mr. Willi advised that the item had been turned over to staff and that he would report the status to Council when he received clarification.

FAMILY POOL PASSES. Councilmember Hubert spoke of a previous discussion by Council regarding giving family pool passes of \$37.50 during the summer to ease the financial hardship of daily fees for families. Mr. Cohen indicated staff could come back before Council at the next meeting with a resolution proposing additional rates beyond the existing 6-month and 12-month passes.

9.1. Town Administrator's Evaluation

Director of Human Resource Management Mark Alan explained the information and forms in the packet provided to Council. He felt Council should have some discussion regarding an overall rating and arrive at a consensus.

Councilmember Starkey indicated that she did not feel it was proper for her to comment on Mr. Willi's evaluation as she and her attorney were still involved in the process of reviewing comments that were made at legal depositions and to the Miami Herald.

Councilmember Hubert felt that if this item were tabled and if Mr. Willi was to be granted a merit raise, it should be retroactive to his anniversary date in February. Mr. Alan indicated that Mr. Willi's last evaluation was February 20, 2003.

Councilmember Crowley asked if he could change his evaluation if this item were tabled. Mr. Alan advised there was no formal rule and Council could change its scores at its discretion.

**TOWN COUNCIL MINUTES
MAY 5, 2004**

Councilmember Starkey suggested tabling this item as she would need time to complete the evaluation after review of Mr. Willi's comments.

Vice-Mayor Paul indicated that she did not have a problem moving forward as the majority of Council had completed the evaluation. Councilmember Crowley did not understand the need for tabling as Council was not voting on the issue but submitting the evaluation to Mr. Willi.

Mayor Truex agreed with Councilmember Hubert regarding a retroactive, however, deference has been given to Council. He asked Mr. Willi if this item could be discussed at the next meeting. Mr. Willi indicated that a tabling would be Council's decision and he respected the time that Council spent on completing the evaluation. He stated that he would be able to glean a lot of information on areas that needed to be improved upon. Mr. Willi believed that the comments by Councilmember Starkey were irrelevant and was another form of harassment. Councilmember Starkey advised that certain things were said under oath at the State Attorney's Office that warranted an investigation to determination if the statements were truthful. She indicated that these comments would affect how she completed the evaluation.

Councilmember Crowley indicated that the evaluation he submitted based on what he thought of Mr. Willi and whatever happened between Councilmember Starkey and Mr. Willi was between them. Councilmember Crowley did not have an objection with waiting to vote on a salary increase or contract changes.

Councilmember Crowley asked Mr. Alan if he had the overall ratings. Mr. Alan responded that he had individual overall ratings. Councilmember Crowley felt the evaluation already been submitted and he did not see any changes. Vice-Mayor Paul and Mayor Truex agreed that Councilmember Crowley's comments were well put and accurate.

Vice-Mayor Paul discussed a salary chart that was provided. Councilmember Starkey asked that level of education and years of experience be included in the chart. Mr. Alan advised that this information was not readily available but could be obtained.

After a brief discussion, it was decided that the subject of Mr. Willi's salary would be placed on the May 19th meeting. Councilmember Starkey questioned the discussion of the review. Vice-Mayor Paul thought that Council was ready to move to the next step. Mayor Truex added that if Councilmember Starkey want to discuss this, he would not "cut" her off.

9.2. Rescheduling September 15, 2004 Town Council Meeting to September 14, 2004

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to reschedule the September 15, 2004 meeting to September 14. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

10. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER CROWLEY

DRIFTWOOD TRANSPORTATION. Councilmember Crowley asked about transportation for Driftwood residents. Mr. Cohen indicated that a van and schedule would be needed to run at specific times.

COUNCILMEMBER STARKEY

LISA STRONG EVENT. Councilmember Starkey spoke of a successful event for resident, Lisa Strong.

GOLF TOURNAMENT. Councilmember Starkey announced that the Soroptimists International of Davie were holding their annual golf tournament and encouraged residents to contact the group for information.

**TOWN COUNCIL MINUTES
MAY 5, 2004**

PROPERTY. Councilmember Starkey was pleased about the grant for the Sunny Lakes property. She asked for an update on Math Iglar Grove at the next meeting.

VICE-MAYOR PAUL

VALEDICTORIANS. Vice-Mayor Paul spoke about a Davie resident who might be valedictorian at a local high school graduation. She wanted to get the names of other local valedictorians who were Davie residents in order to present them with certificates.

CIVILIAN POLICE ACADEMY. Vice-Mayor Paul also spoke of the 30th Annual Civilian Police Academy beginning May 11th and encouraged residents to participate.

MEETINGS. Vice-Mayor Paul spoke of a meeting schedule for Shenandoah residents and advised that she would announce the schedule as soon as she could set the appropriate hours.

TOWN ATTORNEY LEGAL BILLS. Vice-Mayor Paul was concerned of the need for Council to review Mr. Kiar's legal bills. She indicated that the bills were becoming high and asked if there was any way to cross-reference items on the bills to provide a clear picture on what was transpiring for each issue. Mr. Kiar advised that the bills were meticulously laid out and accurate and was based on formats existing prior to his service for the Town. He advised that staff reviewed the bills with a fine-tooth comb and requested that the bills be processed expeditiously. Mr. Kiar stated that he had five employees working on issues for the Town and his and special counsel's bills came in well within the Town's budget. Vice-Mayor Paul stated that she was not questioning the accuracy of the Town Attorney's bills. She indicated that the costs were escalating and she wanted to see how the balance compared between the different law firms that worked for the Town. Mr. Cohen asked if a summary was being asked for or a more detail as to what service each law firm was being performed. Vice-Mayor Paul asked for the latter. Mayor Truex asked that this information be provided to Council.

Councilmember Hubert asked that the number of attorneys working on the issue be noted. Mr. Kiar responded that generally, one attorney worked on a project; however, when more than one attorney worked on a project, the Town was being charged for one attorney's time.

11. TOWN ADMINISTRATOR'S COMMENTS

SPACE NEEDS STUDY. Mr. Willi indicated the Town would be hiring a space consultant to make final recommendations, which would be followed by improvements to the capital budget to meet these needs.

12. TOWN ATTORNEY'S COMMENTS

CITRUS CANKER. Mr. Kiar advised that he had spoken to the Chief Appellate Attorney who had spoken with the Department of Agriculture, which indicated that if the Town and the Coalition did not wish to seek any further injunctive relief, then each party should absorb its own cost. He stated that the Chief Appellate Attorney further advised that it was the appropriate time to consider dismissing the case. He asked Council for direction. Council agreed with the dismissal.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 12:47 a.m.

Approved _____

Mayor/Councilmember

Town Clerk