

**TOWN OF DAVIE
REGULAR MEETING
MAY 18, 2005**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:15 p.m. and was followed by the Pledge of Allegiance.

Norm Blanco announced that a spaghetti dinner would be held on June 5th at the Davie Police Athletic League, for a Davie employee with cancer.

2. ROLL CALL

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

Mayor Truex advised that item 3.25 needed to be added to the agenda.

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

Mayor Truex advised that item 3.26 needed to be added to the agenda.

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

Mayor Truex advised that item 7.3 needed to be added to the agenda.

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

3. APPROVAL OF CONSENT AGENDA

Minutes

- 3.1. April 19, 2005 (Workshop Meeting)
- 3.2. April 20, 2005 (Regular Meeting)
- 3.3. May 4, 2005 (Special Executive Session)

Home Occupational Licenses

- 3.4. Chad Pfister, 14303 SW 16 Court
- 3.5. Spec Ops, LLC, 1651 SW 139 Avenue

Parade Permit

- 3.6. Town of Southwest Ranches (June 4, 2005)

Resolutions

- 3.7. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2005-133 **AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH BOY SCOUTS OF AMERICA AND THE TOWN OF DAVIE. (May 30, 2005 - waiver of \$500 rental fee)**

- 3.8. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2005-134 **AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN BRAZILIAN MISSION AND THE TOWN OF DAVIE. (June 4, 2005 - \$500 rental fee)**

**TOWN COUNCIL MINUTES
MAY 18, 2005**

- 3.9. **USE PERMIT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-135 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A USE PERMIT WITH
THE BROWARD COUNTY PARKS AND RECREATION DIVISION. (Take A Kid
Fishing - June 4, 2005)
- 3.10. **REFERENDUM DATE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-136 CALLING FOR A MAIL BALLOT ELECTION TO SUBMIT TO THE VOTE OF THE
RESIDENTS OF DAVIE BY REFERENDUM A MEASURE AUTHORIZING THE
ISSUANCE OF GENERAL OBLIGATION BONDS NOT TO EXCEED \$25,000,000.00
FOR THE PURPOSE OF PRESERVING OPEN SPACE, PROTECTING NATURAL
AREAS FROM OVER-DEVELOPMENT, PRESERVING AND IMPROVING
WILDLIFE HABITAT, PRESERVING THE WATER QUALITY OF WATER BODIES
WITHIN THE TOWN OF DAVIE, CONSTRUCTING AND MAINTAINING PARKS
AND COMPLETING THE TOWN OF DAVIE'S RECREATIONAL TRAIL SYSTEM;
AND SETTING THE DATE FOR SAID ELECTION.
- 3.11. **AIRPORT EXPENSES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
CONCERNING THE FORT LAUDERDALE/HOLLYWOOD AIRPORT EXPANSION;
ESTABLISHING EXPENSES FOR THE PROPOSED AIRPORT EXPANSION;
PROVIDING FOR THE TOWN TO PAY FOR ONE-THIRD OF THE EXPENSES
ALONG WITH THE CITY OF HOLLYWOOD AND THE CITY OF DANIA BEACH.
- 3.12. **TAX EXEMPT BONDS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-137 INDICATING THE OFFICIAL INTENT OF THE TOWN COUNCIL TO ISSUE TAX-
EXEMPT BONDS TO FINANCE THE COST OF VARIOUS CAPITAL PROJECTS
OR FOR OTHER MUNICIPAL PURPOSES AND TO USE A PORTION OF THE
PROCEEDS OF SUCH BONDS TO REIMBURSE EXPENDITURES PAID OR
INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF.
- 3.13. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-138 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN
SUMMERLAKE APARTMENTS, LTD. AND THE TOWN OF DAVIE POLICE
DEPARTMENT FOR TRAFFIC CONTROL.
- 3.14. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-139 SELECTING THE FIRM OF BROWN AND CALDWELL TO PROVIDE A WASTE
WEIGHT GENERATION STUDY AND AUTHORIZING THE TOWN
ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR
SUCH SERVICES.
- 3.15. **CONTRACT AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2005-140 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NUMBER
2 TO THE CONTRACT BETWEEN THE TOWN AND FIRST VEHICLE SERVICES
FOR GARAGE MAINTENANCE OPERATIONS, AND PROVIDING FOR A
TARGET BUDGET. (\$1,159,800)

**TOWN COUNCIL MINUTES
MAY 18, 2005**

- 3.16. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE
R-2005-141 BID AWARDED BY BROWARD COUNTY, CONTRACT E-7-04-156-M1-1 FOR
MAINTENANCE OF GENERATORS. (All Power Generators Corp. -
\$60/generator/visit plus \$35/hour for labor)
- 3.17. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE
R-2005-142 BID FOR CONSTRUCTION OF THE DAVIE/COOPER CITY CHAMBER OF
COMMERCE PARKING MODIFICATIONS. (Budget Construction Co., Inc. -
\$561,441.50)
- 3.18. **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-143 APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN
IN CASE NO. 03-690 FROM \$9,000.00 TO \$1,294.19; AND PROVIDING AN
EFFECTIVE DATE.
- 3.19. **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-144 APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE
LIENS IN CASE NO. 02-849 FROM \$37,250.00 TO \$6,669.19; AND PROVIDING AN
EFFECTIVE DATE.
- 3.20. **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2005-145 FLORIDA APPROVING AND EXECUTING THE 2005 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.
- 3.21. **AMENDED AGREEMENT** A RESOLUTION OF THE TOWN OF DAVIE,
R-2005-146 FLORIDA APPROVING AND EXECUTING THE 2005 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.
- 3.22. **AMENDED AGREEMENT** A RESOLUTION OF THE TOWN OF DAVIE,
R-2005-147 FLORIDA APPROVING AND EXECUTING THE 2005 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.
- 3.23. **FUNDING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-148 AUTHORIZING FUNDING FOR PREPARATION OF A MASTER PLAN FOR THE
DAVIE REGIONAL ACTIVITY CENTER (RAC); AND PROVIDING AN
EFFECTIVE DATE.

**TOWN COUNCIL MINUTES
MAY 18, 2005**

- 3.24. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A \$230,000 GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE REGIONAL ACTIVITY CENTER CONCEPTUAL MASTER PLAN AND MOBILITY STUDY; AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED.
- R-2005-149

Items to be added

- 3.25. Kathleen Morris Day (May 15, 2005)
- 3.26. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE DELEGATION REQUEST DG 5-1-05 TO AMEND THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS GBC PROPERTIES; AND PROVIDING AN EFFECTIVE DATE. (DG 5-1-05, GBC Properties, Patricia Montalbano/Digital Comm. Link Inc., 10450 State Road 84)
- R-2005-150

Vice-Mayor Hubert pulled items 3.10 and 3.11. Councilmember Paul pulled items 3.1, 3.2, 3.23, and 3.25. Councilmember Crowley pulled item 3.19. Mayor Truex pulled item 3.26.

Vice-Mayor Hubert made a motion, seconded by Mayor Truex, to approve the Consent Agenda minus items 3.1, 3.2, 3.10, 3.11, 3.19, 3.23, 3.25, and 3.26. In a voice vote, all voted in favor. (Motion carried 5-0)

4. DISCUSSION OF CONSENT AGENDA ITEMS

3.25 Councilmember Paul spoke of the upcoming retirement of Kathleen Morris, principal of Flamingo Elementary School and read the proclamation declaring. Councilmember Paul advised that the road from 130th Street to the school would be called Kathleen Morris Way.

Mrs. Morris thanked the Town for its support for her and the Town's schools over the years.

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

3.1 Councilmember Paul made a motion, seconded by Mayor Truex, to table to June 1, 2005. In a voice vote, all voted in favor. (Motion carried 5-0)

3.2 Mayor Truex, Councilmember Paul and Councilmember Starkey indicated they would submit notes.

Mayor Truex made a motion, seconded by Councilmember Paul, to table to June 1, 2005. In a voice vote, all voted in favor. (Motion carried 5-0)

3.10 Later in the meeting, Vice-Mayor Hubert stated that the resolution did not provide when workshops would be held. She advised that she would be requesting four workshops in her district along with Spanish translators. Mayor Truex asked Mr. Kovanes if there was adequate staff and resources to meet the needs for workshops with Councilmembers and the mayor in the various districts. Mr. Kovanes responded in the affirmative and advised that he had met with Vice-Mayor Hubert to discuss the need for such workshops. He advised that workshops could be accommodated with current staff levels.

Councilmember Paul recommended establishing a calendar of timelines for workshops to be held and asked about using the Davie Update as long as the language was neutral. Councilmember Crowley pointed out that the Town had a provision within the budget to prepare a special Davie Update on this issue, outlining the pros and cons. Vice-Mayor Hubert requested Spanish translation for one of the

TOWN COUNCIL MINUTES
MAY 18, 2005

meetings. Mr. Kovanes asked to couple this with other items needing funding from contingency sources. Council was in agreement.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert, to approve, subject to four workshops being scheduled, and providing Spanish translators for the workshops and related print materials. In a voice vote, with Mayor Truex dissenting, all voted in favor. (Motion carried 4-1)

3.11 Vice-Mayor Hubert asked what the cap would be on these expenses and what the Town had received for its money so far. Councilmember Starkey requested tabling this item until June 1, 2005 to review plans to lay out the contract and to review billing. Councilmember Paul recalled that Council's direction was to include plans for mitigation.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to table to June 1, 2005. In a voice vote, all voted in favor. (Motion carried 5-0)

3.19 Councilmember Crowley stated that he could not support the reduction request from \$37,000 to \$6,000, because of the length of the case.

Mayor Truex asked if this figure was within mitigation guidelines. Development Services Director Mark Kutney responded that the figure was within mitigation guidelines, which were subject to Council's discretion. Mayor Truex asked Councilmember Crowley what figure he felt was appropriate. Councilmember Crowley responded \$12,000 which Mayor Truex agreed with. Vice-Mayor Hubert objected as she felt Council was not following mitigation guidelines on a consistent basis. Mayor Truex stated that while he acknowledged existing mitigation guidelines, nothing dictated that Council had to give the full benefit. He added that some mitigation was necessary to bring individuals into compliance. Councilmember Crowley stated that he looked at these issues on a case by case basis and pointed out that the individuals concerned had likely made a lot of money using their property for business purposes. Councilmember Paul agreed and felt mitigating too low would send the message that the Council was not strict on lawbreakers. Councilmember Starkey requested that staff circulate a draft proposal of what it might want and recommend to Council with regard to mitigation guidelines.

Councilmember Crowley recalled that at the recent goal setting session, Council had discussed beefing up Code enforcement issues. He reiterated that Council had guidelines, but could view this as an individual case. Councilmember Crowley indicated he would be willing to work with staff on the draft.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve to mitigated amount of \$12,000. In a voice vote, with Vice-Mayor Hubert dissenting, all voted in favor. (Motion carried 4-1)

3.23 Councilmember Paul asked if every party in the agreement was paying an equal amount. Mr. Kovanes responded in the affirmative. Councilmember Paul asked if the Community Redevelopment Agency was paying an additional \$20,000 or so for the Town's portion. Mr. Kovanes responded in the affirmative. Councilmember Paul asked about the possibility that any funds could return to the Town through grants. Mr. Kovanes advised this was a possibility.

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

3.26 Mr. Kutney explained the nature of the request. Councilmember Starkey asked if this would result in a reduction of square footage on the site. Mr. Kutney responded in the affirmative.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve.

Councilmember Paul asked if the usual agreement had been made for this item. Mr. Kutney responded in the affirmative and advised that improvements would be made with regard to traffic

TOWN COUNCIL MINUTES
MAY 18, 2005

concurrency. He did not feel it would be out of order for the Town to attach a condition of approval to the applicant to ensure they accommodated the Town's needs. Councilmember Paul asked Town Engineer Larry Peters what the Town did in the past with regard to placing funds in a pool for traffic concurrency issues. Mr. Peters advised that there had been no specific amount associated with this item. Council was satisfied with this agreement. The petitioner was present and was also in agreement with Council.

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

Mayor Truex advised that items 7.2, 5.1 and 3.10 would be taken out of order.

5. PUBLIC HEARING

Ordinances - Second and Final Reading

2005-9 5.1. **BOND REFERENDUM - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE DAVIE TOWN COUNCIL TO SUBMIT TO THE VOTE OF THE RESIDENTS OF DAVIE BY REFERENDUM, A MEASURE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS NOT TO EXCEED \$25,000,000.00 FOR THE PURPOSE OF PRESERVING OPEN SPACE, PROTECTING NATURAL ACRES FROM OVER-DEVELOPMENT, PRESERVING AND IMPROVING WILDLIFE HABITAT, PRESERVING THE WATER QUALITY OF WATER BODIES WITHIN THE TOWN OF DAVIE, THE CONSTRUCTION AND MAINTENANCE OF PARKS AND THE COMPLETION OF THE TOWN OF DAVIE'S RECREATIONAL TRAIL SYSTEM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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 Starkey wanted to recognize the Mayor of Gainesville, who was present in the audience. She stated that as part of the Mayor's involvement with the Trust for Public Lands (TPL), she was also present to lend support from the State level to the Town's preservation efforts.

Mr. Kiar referred to revised bond language that had been circulated. Town Clerk Muniz advised that this had to be changed in the ordinance as well.

Councilmember Starkey stated it was important that the funds be distributed evenly as she felt Districts 1 and 2 needed more parks and trails.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve.

Councilmember Crowley pointed out that the word "natural" was still in the language and pointed out that "natural areas referred to the Everglades." Counsel Andre Parke explained that the revised language had been provided by the TPL, based on the Council's requested changes.

Pegeen Hanrahan, representing the TPL, stated that TPL had submitted alternate bond language because respondents across the Town indicated that water quality was their main concern. She referred to Vice-Mayor Hubert's concern about funds and advised that this applied to even distribution across the four districts. Ms. Hanrahan felt the language as it stood met the intent and would serve the Town well.

Councilmember Paul suggested taking the word "natural" out and substituting the words "protect areas from development." Ms. Hanrahan advised she had met with Mr. Spages earlier to discuss the Town's goals and needs. She pointed out during the TPL survey that was conducted, the number one concern of citizens was growth and development.

Councilmember Crowley stated he would accept "natural areas" if the additional word "water" was eliminated. He agreed with starting language to state: "to protect the quality of water bodies."

**TOWN COUNCIL MINUTES
MAY 18, 2005**

Councilmember Paul made a motion, seconded by Councilmember Starkey, amended the motion to approve based on the revised addition eliminating the word “water” to read “to protect the quality”, along with the other changes mentioned, and with the words preservation, protection, and taking out the word “and”. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Hubert - no; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 3-2)

5.2. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA**
2005-10 **AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, ENTITLED “OFFENSES AND MISCELLANEOUS PROVISIONS”, TO ESTABLISH ARTICLE III, TO BE ENTITLED “SEX OFFENDERS” AND ESTABLISHING SECTION 16-31, ENTITLED SEX OFFENDER RESIDENCY PROHIBITION,” PROHIBITING SEX OFFENDERS CONVICTED UNDER CERTAIN FLORIDA STATUTES FROM LIVING WITHIN 2500 FEET OF SPECIFIED LOCATIONS WITHIN THE TOWN OF DAVIE; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE. {Approved on First Reading May 4, 2005 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Reggie Burns, president of the Crossbow Homeowner’s Association, asked what Statutes and locations were referred to in the ordinance. He felt the distance separation would not make much of a difference. Mr. Burns felt pedophiles and predators were “sick people” who generally did not go right across the street, as expected, but rather went outside of the community and hunted victims. He spoke of a sexual predator living in his community who appeared to be doing everything required and indicated that the residents of his neighborhood had been cast in an unfavorable light in recent newspaper articles. Mr. Burns stressed the importance of parenting to protect children from predators.

Frank Hernandez thanked Council for the ordinance. He spoke of actions taken by his neighbors to inform the public about a sexual predator and ensuing acts of vandalism that followed. He agreed with Mr. Burns that the predator would likely go outside the neighborhood.

Marlon Lewis, 13251 SW 16 Court, pointed out that this ordinance gave the Town a bit more ammunition and commended Council for its work on this ordinance.

Nancy Colgan supported Council on this ordinance and felt awareness was the key issue in fighting this problem.

Mayor Truex closed the public hearing.

In response to Mr. Burns’ questions, Mr. Parke read Section A of Article 16-31. Councilmember Starkey felt the language in Section A was consistent with language in the existing Florida Statute with an additional 1,500 feet of separation.

Mayor Truex asked what language regarding “where children regularly congregate” meant. Mr. Parke responded that no broad listing was evident. Councilmember Starkey felt children congregated at activity centers such as Kabooms.

Mayor Truex asked if this ordinance applied to people living in the Town now, or only to those wanting to move to the Town. Mr. Parke advised that Section C limited the criteria to those who committed offenses after October 1, 2004. He advised that no one currently fit this criteria.

Mayor Truex asked if there were maps to identify where these people lived. Police Chief John George stated that staff was working to create maps that identified parks, schools, trails, children’s centers, bus stops, etc., to show a radius of 1,000 and 2,000 feet. He hoped this would be ready the following week.

TOWN COUNCIL MINUTES
MAY 18, 2005

Mayor Truex asked if a sexual predator had to register with the Town. Chief George responded in the affirmative and he spoke of measures that would be taken if violations occurred.

Councilmember Paul asked if the wording about where children congregated was crafted to give more discretion to the police in including other areas. Mr. Parke believed this was the case.

Councilmember Starkey added that the Town Attorney's Office had been working with other municipalities and the Attorney General on how this ordinance might be enforced. She advised that a task force, as well as the Child Safety Board and School Advisory Board, would also look at other recommendations.

Vice-Mayor Hubert described a hypothetical scenario involving a teenage offender and a minor, and asked if this offender could be forced out of the parents' home if charges were pressed for statutory rape. Mayor Truex felt if the offender fit the category, the answer would be yes. Chief George added that this also depended on the classification of the case. He pointed out that juvenile issues were handled non-judicially. Chief George felt there would be some venues to be taken with the courts but added this was a unique and infrequent case.

Councilmember Starkey advised that the Child Safety Board and School Advisory Board unanimously supported this ordinance.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve.

Vice-Mayor Hubert asked if the Town had the right to force an offender out of Davie if a school bus stop was relocated closer to where an offender lived. Chief George advised that no individual fitting the criteria referenced in the ordinance currently lived near schools as defined by the ordinance. He added that if the ordinance was enforced, predators would not be able to move into those areas.

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

Councilmember Starkey advised that the Child Safety Board and School Advisory Board were asking permission to continue meeting jointly as a task force and include other individuals who could assist with this issue. She advised that the boards requested the following three dates to meet: May 23rd, 6:30 p.m., May 31st at 6:30 p.m. and June 6th at 6:30 p.m. Councilmember Starkey stated that the task force wanted to look at short term plans to train coaches over the summer and long term plans for the community including refresher courses and meetings with parents and children. The task force was requesting that the Broward County State Attorney's Office attend a meeting, and wanted to involve Nova Southeastern University's mental health division, other child care facilities and businesses. Councilmember Starkey advised that the task force would also research existing registrations and the Jimmy Rice Center for recommendations. She indicated that she had been contacted by the National Safety Council - South Florida Region, which requested a meeting with the Town and the Child Safety Board, to discuss training for parents, schools and parks and recreation areas. Councilmember Starkey advised that Council would need to give permission for the task force to continue these meetings. She stated that the task force was willing to record their meetings and provide Council with their summary reports. Mayor Truex felt a staff person should be assigned as well. He added that the Attorney General was interested in meeting with the Town.

Councilmember Paul was in agreement with allowing the task force to continue meeting. She spoke of a program that would allow parents to follow the activities of their children online, which the Child Safety Board had given out over the past two years.

TOWN COUNCIL MINUTES
MAY 18, 2005

Ordinances - First Reading/Quasi Judicial Item (Second and Final Reading to be held June 1, 2005)

- 5.3. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 8-1-04 REGENCY SQUARE, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: PUD (BROWARD COUNTY); TO: B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 8-1-04, Regency Square, Regency Square at Broward Joint Venture/C. William Laystrom Jr., 4900 SW 148 Avenue) (tabled from May 4, 2005) *Planning and Zoning Board recommended approval subject to the condition of an eight-foot wall as requested by the residents and that the developer look at some kind of added landscaping*

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this ordinance at the June 1, 2005 meeting. Mr. Kiar read the rules of evidence and swore in the witnesses.

Bill Laystrom, representing the petitioner, spoke of meetings held with the surrounding residents regarding their requests for buffering and a wall along the property. He advised that this agreement had been drafted and would be signed between the first and second reading. Mr. Laystrom asked for Council's support for the project. He advised that this item would go before the Site Plan Committee the following week. Mr. Kiar referred to the last meeting and asked if residents had been able to give their input. Mr. Laystrom responded in the affirmative.

Mr. Poliakoff, representing residents in the area, thanked Council for giving the time necessary to meet with Mr. Laystrom, his client and residents of Chelsea. Mr. Poliakoff advised that in the latest version of the agreement, the Town had been eliminated as a party.

Mayor Truex asked if declarations could be enforced by the Town. Mr. Laystrom referred to the standard declaration included in Council's backup documentation and advised that as of 2:00 p.m. that day, the lists were not the same. Mayor Truex asked if Mr. Laystrom could incorporate the lists. Mr. Laystrom responded in the affirmative but wanted to go through the zoning ordinance.

Mr. Kiar clarified what was included in the standard declarations and requested a copy of the agreement between the developer and the Homeowners Association.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed. He turned this portion of the meeting over to Council for disclosures.

Mayor Truex asked if there were any new disclosures since the last discussion. Council responded no.

Councilmember Paul asked Mr. Wellborn if he agreed with the presentation by Mr. Poliakoff.

David Wellborn, president of the Chelsea Homeowner's Association stated that he was in agreement, and thanked Council for its efforts.

Councilmember Crowley asked if the Planning and Zoning Board's recommendations for the right-foot wall would provide adequate screening. Mr. Laystrom responded in the affirmative.

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

**TOWN COUNCIL MINUTES
MAY 18, 2005**

- 5.4. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-2-04 SCARBOROUGH II, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: CF, COMMUNITY FACILITIES DISTRICT; TO: B-2, COMMUNITY BUSINESS DISTRICT AND ALLOCATING COMMERCIAL FLEXIBILITY; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 9-2-04, Scarborough Land Development, Inc., 10650 State Road 84) (tabled from May 4, 2005)
Planning and Zoning Board recommended approval

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this ordinance at the June 1, 2005 meeting. Mr. Kiar read the rules of evidence and swore in the witnesses.

Mr. Kutney summarized the planning report.

Peter Gallow, representing the petitioner, was present.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed. He turned this portion of the meeting over to Council for disclosures.

Council offered no disclosures.

Vice-Mayor Hubert felt that if the Town sold this developer the land, then it should not restrict what the owner could build on it.

Councilmember Starkey suggested that a reversion clause be added as a condition of approval. She would be more comfortable on such issues, if the land could revert to its original designation if owners did not file site plans within one year of a rezoning. Mayor Truex felt this was too restrictive and that there was no precedent for this. Mayor Truex asked if a site plan had been submitted. Mr. Gallow advised that a conceptual had been developed and would be submitted within the next month.

Councilmember Crowley asked if the language proposing the wall was being voted on that night and suggested that more language might be needed.

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

6. APPOINTMENTS

- 6.1. Child Safety Board (one exclusive appointment - Mayor Truex; term expires April 2006) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

- 6.2. School Advisory Board (one exclusive appointment - Vice-Mayor Hubert; terms expire April 2006) (insofar as possible, members are to have experience in educational matters)

No appointment was made.

- 6.3. Senior Citizen Advisory Committee (two exclusive appointments - Vice-Mayor Hubert; terms expire April 2006) (members shall be a minimum 60 years of age)

No appointments were made.

**TOWN COUNCIL MINUTES
MAY 18, 2005**

6.4. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex; terms expire April 2006) (insofar as possible, one member shall be a licensed engineer)
No appointment was made.

6.5. Broward League of Cities Voting Delegate and Alternate (June 2005 - May 2006)
Councilmember Crowley indicated that he was the alternate last year, but he had not heard back from staff regarding this item. Councilmember Starkey stated that this needed to be addressed at the next Board of Director's meeting and that Executive Director Eileen Cudney needed to place this on the agenda for the next Board of Director's meeting.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert, to appoint Councilmember Starkey as delegate and Councilmember Crowley as alternate. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey requested that staff prepare a letter on her behalf to Ms. Cudney requesting that the item for Councilmember Crowley to be voted on as the alternate be placed on the next Board meeting.

7. OLD BUSINESS

7.1. Conservation Easement - Councilmember Starkey

Councilmember Starkey referred to the handout pertaining to "conservation easements protecting archaeological sites and historical buildings on private lands." She advised that the Town was close in its negotiations with Mr. McBroom and commended Public Works/Capital Projects Director Bruce Bernard and staff on their efforts. Councilmember Starkey stated that the two attorneys needed to finalize the agreement to connect Robbins Lodge from the west side of the canal to Orange Drive.

Mayor Truex asked if the bike path would go further south. Councilmember Paul responded in the negative. Mayor Truex felt the sidewalk was unsafe because of the driveways along the road. Councilmember Paul stated that the easement would not accommodate both and added that the original discussion with Mr. McBroom was for equestrian purpose. Councilmember Starkey requested that this documentation be shared with the Davie Land Trust and Open Space Advisory Committee.

7.2. Special Election Report

This item was not discussed.

7.3. Capital Projects - Old Davie School

Mr. Kovanes asked Council to expedite \$80,000 in funding toward the project to restore the Viele House as the rainy season was approaching. Councilmember Crowley spoke of the urgent need for repairs to the Viele House as he felt that the Viele House would not survive the rainy season. Assistant Town Administrator Ken Cohen advised that \$60,000 had been estimated for repairs. Mr. Kovanes stated that there was a concern about covering most necessary items for preservation under the \$80,000.

Councilmember Crowley made a motion, seconded by Councilmember Paul, to designate \$80,000 for capital improvements for the restoration of the Viele House. Mayor Truex asked Mr. Kiar if there would be a conflict with his vote, as his wife served on the Board with Mr. Kiar indicating in the negative. In a voice vote, all voted in favor. (Motion carried 5-0)

8. NEW BUSINESS

There was no new business to be discussed.

**TOWN COUNCIL MINUTES
MAY 18, 2005**

9. MAYOR/COUNCILMEMBER'S COMMENTS

VICE-MAYOR HUBERT

AWARD CEREMONY. Vice-Mayor Hubert felt that one of the Councilmembers should attend one of the ceremonies for the Davie Police Department's accreditation ceremony. Councilmembers Starkey and Paul voiced their interest in attending the July ceremony in Boston. Vice-Mayor Hubert and Mayor Truex voiced their interest in attending the ceremony in Jacksonville.

COUNCILMEMBER CROWLEY

PENSION BOARD. Councilmember Crowley asked about employee attendance at the May 20th Defined Pension Plan Board meeting. Mr. Kovanes advised that there had been good attendance and that staff had requested that directors be flexible in allowing staff to attend the afternoon meetings.

COUNCILMEMBER PAUL

EAST-WEST TRANSIT. Councilmember Paul requested that the discussion pertaining to the wording of the resolution for the East-West Transit issue be circulated to Council prior to being added to the next Agenda.

HURRICANE PREPAREDNESS. Councilmember Paul reminded the public to begin hurricane preparedness efforts.

COFFEE PLANTATION. Councilmember Paul spoke of the Davie Coffee Plantation press conference.

METROPOLITAN PLANNING ORGANIZATION (MPO). Councilmember Paul asked for a Councilmember to serve on the MPO.

TRAFFIC CROSSINGS. Councilmember Paul spoke of traffic crossing countdown features in large cities, which she thought were an excellent idea to add to major intersections and equestrian crossings. She wanted the costs of these to be considered for developer input in relation to traffic concurrency. Councilmember Paul spoke of in-pavement light features that alerted motorists to pedestrians crossing and felt such a feature could be tied into roundabouts which needed better pedestrian protection. She would start looking into getting support from developers for these issues.

MAYOR TRUEX

WASTE MANAGEMENT. Mayor Truex advised that he had met with staff and Waste Management and requested that another public meeting be scheduled.

COUNCILMEMBER STARKEY

HURRICANE TAX EXEMPTION. Councilmember Starkey spoke of her conversation with Representative Goldstein and requested that residents be informed on the Town's website about the state-enacted Hurricane Tax Exemption during the first two weeks of June.

10. TOWN ADMINISTRATOR'S COMMENTS

LEGISLATION. Mr. Kovanes advised that House Bills 1477 and 1045 had passed, however, House Bill 1521 regarding the CRA did not pass.

11. TOWN ATTORNEY'S COMMENTS

LITIGATION. Mr. Kiar advised that Lamar Electronics had offered \$200,000 in settlement of retroactive fines and wished to be released of any further liability with regard to all parcels including the five-acre parcel next to Silver Lake. Mr. Kiar requested Council's approval for another Special Executive Session before the next Council meeting. Council was in agreement.

TOWN COUNCIL MINUTES
MAY 18, 2005

12. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 9:32 p.m.

Approved _____

Mayor/Councilmember

Town Clerk