

**TOWN OF DAVIE  
REGULAR MEETING  
JUNE 15, 2005**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 6:32 p.m. and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present at the meeting were Mayor Truex, Vice-Mayor Hubert, and Councilmembers Crowley, Paul (arrived during discussion of item 4.34) and Starkey (departed during discussion of item 6.1). Also present were Town Administrator Kovanes, Town Attorney Kiar (arrived during discussion of item 4.34), Attorney Parke, and Town Clerk Muniz recording the meeting.

**3. PRESENTATIONS**

3.1. Legislative Update - Senator Nan Rich

Senator Rich provided an update on the progress of recent legislative sessions. She advised that she had voted for the \$63 billion budget and was able to provide more input on how funds were spent. Senator Rich stated that the education budget provided for 66,000 new public school students and \$312 million for Bright Futures Scholarships. She indicated that the Senate version of the Medicaid bill had passed and she had sponsored the bill to return the Kid Care program to the open enrollment process. Senator Rich spoke on the insurance issue concerning agricultural landowners. She advised that she would forward information on this issue as it was obtained.

3.2. Robert Schweitzer - Mayor Truex

Mayor Truex spoke of an article in the newspaper regarding Mr. Schweitzer's recent lifesaving efforts. Mr. Schweitzer, a resident of Davie, spoke of the accident he recently witnessed where he participated in rescuing a victim. Mayor Truex presented a certificate to Mr. Schweitzer in recognition of his bravery.

3.3. Tom Brady Photo Shoot - Photographer Donation

Councilmember Starkey spoke of a recent photo session with the Town's children and Mr. Brady of the New England Patriots. Connor Von Minden, a Davie resident, spoke of his experience with Mr. Brady. Councilmember Starkey presented a certificate to Recreation Leader Gene DeBlasio who helped organize the photo shoot with Mr. Brady. Councilmember Starkey commended Nancy and Dennis Devaugh along with Candy Leggett for the volunteer efforts for the Town's sports programs. She presented the Town with a helmet signed by Mr. Brady.

3.4. Miami Dolphins/Guns & Hoses Tournament - Councilmember Starkey

Councilmember Starkey provided an update on the Town's first annual Guns & Hoses Golf Tournament where \$103,000 was raised for the Police/Fire Memorial. She thanked The Miami Dolphins, FPL, Nova Southeastern University, and the Seminole Hard Rock Casino among other sponsors.

3.5. Indian Ridge Middle School PTA - Councilmember Starkey

Councilmember Starkey presented Frank Zagari, principal of Indian Ridge Middle School, with a certificate recognizing the School's PTA membership. She thanked various former PTA members for their efforts. Mr. Zagari thanked Council and staff for their ongoing support.

3.6. Liberty Christian Church's Mission Week - Mayor Truex

Jeff Dudley spoke of his Church's missionary work overseas and advised that the Church planned a local missions outreach activities within Davie this year. He thanked Community Housing and Development Director Shirley Taylor-Prakelt for her participation. Mr. Dudley invited all residents to a fair which would be held the Saturday following the mission trip.

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Ms. Taylor-Prakelt spoke of the importance of partnerships with faith-based organizations in providing outreach to those who needed help most. She thanked Linda Owen, Giovanni Moss and her staff for their work in neighborhood revitalization. Ms. Taylor-Prakelt spoke of an opportunity to help a resident whose mobile home needed urgent repairs.

3.7. Community Redevelopment Agency (CRA)

Chair Mark Engel advised that the Davie/Cooper City Chamber of Commerce's parking lot was currently undergoing approximately \$1.5 million dollars worth of renovations. He stated that the CRA had appropriated an additional \$70,000 for lighting and street improvements at the Oakes Road fire station. Mr. Engel advised that the Children Services Council summer school programs would "go into after school programs for the fall." He indicated that the CRA made an agreement to pay \$25,000 to purchase lighting that conformed to the Code for the McDonald's site. Mr. Engel stated that the contracts had been signed for four houses which would be sold to new residents for \$90,000. He advised that the CRA was working on a master drainage plan for the east side of Davie Road. Additionally, designs had been completed for a parking lot on 63rd Street. Mr. Engel indicated that the CRA was working with Wachovia Bank to make improvements to provide nighttime public parking for businesses on Davie Road. He advised that the CRA was working with the owners of Fulvio's parcel to redevelop the entire block; however, the CRA was not in favor of the Town issuing the variances that were pending. Mr. Engel stated the CRA was working with Vice-Mayor Hubert on traffic calming for 61st Street and 38th Court. He advised that the CRA was working on designs for sidewalk landscaping and lighting improvements on Orange Drive, from Town Hall to 61st Avenue. In addition, work was progressing on master planning for the Regional Activity Center.

Mayor Truex announced that items 4.8, 4.29, 4.30, 4.31 and 6.5 needed to be tabled to July 6, 2005.

Councilmember Starkey made a motion, seconded by Mayor Truex, to table. In a voice vote, with Councilmember Paul being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex announced that item 6.7 needed to be tabled to July 6, 2005.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to table. In a voice vote, with Councilmember Paul being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex asked that staff provide Council with follow up information regarding the DOT.

Mayor Truex advised that items 6.3 and 6.8 had been withdrawn. Mr. Kovanes explained that legal counsel had advised that item 6.3 not be moved forward and that item 6.8 needed to be clarified with legal counsel with regard to specific language.

Mayor Truex asked if anyone present wished to speak on these items.

Michael Coviola, representing the Fraternal Order of Police civilian union, asked whether the withdrawal was permanent. Mr. Kovanes indicated he could not move item 6.3 forward until the Town's legal counsel advised accordingly. He asked Mr. Coviola to clearly indicate his role in any future documentation sent to the Town.

Mayor Truex advised that items 4.32, 4.33 and 4.34 needed to be added.

Councilmember Starkey made a motion, seconded by Vice-Mayor Hubert, to add items 4.32, 4.33, and 4.34. In a voice vote, with Councilmember Paul being absent, all voted in favor. (Motion carried 4-0)

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Mayor Truex advised that 6.9 needed to be added.

Councilmember Starkey made a motion, seconded by Mayor Truex, to add. In a voice vote, with Councilmember Paul being absent, all voted in favor. (Motion carried 4-0)

**4. APPROVAL OF CONSENT AGENDA**

*Minutes*

- 4.1. May 4, 2005 (Regular Meeting)
- 4.2. May 16, 2005 (Workshop Meeting)
- 4.3. May 18, 2005 (Regular Meeting)
- 4.4. May 23, 2005 (Special Meeting)
- 4.5. May 23, 2005 (Workshop Meeting)
- 4.6. June 1, 2005 (Special Executive Session)

*Home Occupational License*

- 4.7. BP Loans, 11650 SW 25 Street

*Resolutions*

- 4.8. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE "WOLF FAMILY PLAT," AND PROVIDING AN EFFECTIVE DATE. (DG 10-3-04, Lakeside Town Shops, 5700 University Drive) (tabled from June 1, 2005)
- R-2005-169 4.9. **WAIVING/ACCEPTING BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING FORMAL BIDDING AND ACCEPTING THE BID FROM AUDIO VISUAL INNOVATIONS UTILIZING VARIOUS STATE AND LOCAL GOVERNMENTAL CONTRACTS FOR THE TOWN'S EMERGENCY OPERATIONS CENTER (EOC) UPGRADE. (\$155,741.70)
- R-2005-170 4.10. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR A PREFABRICATED METAL SHELTER AT SHENANDOAH PARK. (Contract Connection, Inc. - \$77,297)
- R-2005-171 4.11. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR ASPHALT OVERLAY. (Weekley Asphalt Paving, Inc.)
- R-2005-172 4.12. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY THE CITY OF HOLLYWOOD FOR UNIFORM RENTAL SERVICE, SOUTHEAST FLORIDA COOPERATIVE PURCHASING GROUP BID NO. F-3939-05-RD. (Unifirst Corporation)
- R-2005-173 4.13. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A \$160,040 GRANT FROM THE U.S. DEPARTMENT OF HOMELAND SECURITY, 2005 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM; AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED (WITH \$40,010 MATCHING FUNDS)

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- 4.14. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A \$900,000 GRANT FROM THE 2005 STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANTS PROGRAM; AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED. (\$436,006 in the first year)  
R-2005-174
- 4.15. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR AN \$ 8,000 GRANT FROM THE AMERICAN ACADEMY OF DERMATOLOGY SHADE STRUCTURE GRANT PROGRAM; AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED (WITH NO MATCHING FUNDS)  
R-2005-175
- 4.16. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A \$10,000 GRANT FROM THE BROWARD BEAUTIFUL COMMUNITY GRANTS PROGRAM; AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED (WITH \$10,000 IN MATCHING FUNDS).  
R-2005-176
- 4.17. **POLICY** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING A POLICY ESTABLISHING THE LEVEL OF AVAILABLE UNDESIGNATED UNRESERVED GENERAL FUND BALANCE TO BE MAINTAINED, ESTABLISHING THE DESIGNATED FUTURE CAPITAL IMPROVEMENT FUND BALANCE LEVEL, AND ESTABLISHING AN EFFECTIVE DATE.  
R-2005-177
- 4.18. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN BROWARD COUNTY, NONA J. KENNEDY, AND GLENN KENNEDY, WIFE AND HUSBAND AND STU PESTER, AND THE TOWN OF DAVIE, FOR THE INSTALLATION OF REQUIRED IMPROVEMENTS RELATING TO THE PLAT KNOWN AS "WEST OAK ESTATES"; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 8-1-04, West Oak Estates, 1900 SW 145 Avenue)  
R-2005-178
- 4.19. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS "FOREST LAWN SOUTH" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 4-1-04, Forest Lawn South, 2401 Davie Road)  
R-2005-179
- 4.20. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS "WEST OAK ESTATES" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 4-3-04, West Oak Estates, 1900 SW 145 Avenue)  
R-2005-180

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- 4.21. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA**  
R-2005-181 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND BROWARD COUNTY FOR NOVA DRIVE BEAUTIFICATION; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.22. **POLICY AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA**  
R-2005-182 URGING THE FLORIDA FARM BUREAU TO AMEND THEIR POLICY REGARDING AGRICULTURAL LANDOWNERS THEREBY AFFORDING THIS UNDERSERVED SEGMENT OF THE COMMUNITY THE OPPORTUNITY TO OBTAIN INSURANCE COVERAGE ON THEIR RESIDENCES AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.23. **INSURANCE COVERAGE - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-2005-183 FLORIDA URGING THE FLORIDA DEPARTMENT OF FINANCIAL SERVICES TO INVESTIGATE THE INABILITY OF AGRICULTURAL LANDOWNERS TO OBTAIN INSURANCE COVERAGE ON THEIR RESIDENCES AND PROVIDING FOR AN EFFECTIVE DATE.

*Temporary Uses*

- 4.24. TU 4-2-05, Sterling Townhomes, 3875 NW 76 Avenue (temporary construction trailers)
- 4.25. TU 4-3-05, Davie Merchants Industrial Association, Inc., 2701 North University Drive (firework sales)
- 4.26. TU 4-4-05, Davie Merchants Industrial Association Inc., 7110-7160 Stirling Road (firework sales)
- 4.27. TU 5-1-04, Florida Street Rods, Inc., 1904 South University Drive (weekly car show)
- 4.28. TU 5-2-05, Harvest Fellowship/Holiday Charities, 6770 Stirling Road (firework sales)

*Quasi-Judicial Consent Agenda*

- 4.29. MSP 8-1-04, Regency Plat, 4900 SW 148 Avenue (County, PUD) *Site Plan Committee recommended approval based on the one comment in the planning report and the addition that crosswalks and concrete pavers be added at each of the four entrances*
- 4.30. SP 8-9-04, Regency Plat Parcel B, 4900 SW 148 Avenue (County, PUD) *Site Plan Committee recommended approval based on the planning report and 1) to add gutters to the drop-off canopy and the end of the walkway going to the drop-off canopy; 2) change the 14 "ROY" trees to 14 Fox Trail Palms, 14-foot overall height, match; and 3) change the 15 single Alexanders to five triple Alexanders, 14-foot overall height, subject to the planning staff's approval*
- 4.31. SP 11-1-04, Regency Plat Parcel C, 4900 SW 148 Avenue (County, PUD) *Site Plan Committee recommended approval based on the planning report and 1) that gutters be added to the drop-off canopy and the end of the attached and 2) that at the northeast corner, the three Sabal Palms be changed with Chinese Fan Palms, 14 foot, 16 foot, 18 foot overall height, staggered*

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*Items added*

- R-2005-184 4.32. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING VARIOUS FIRMS TO PERFORM GEOGRAPHICAL INFORMATION SYSTEM SERVICES AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH EACH OF THE SELECTED FIRMS.
- R-2005-185 4.33. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE MIAMI DOLPHINS FOR THE RENTAL OF THE BERGERON RODEO GROUNDS
- R-2005-186 4.34. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CLARIFYING THE INTENT OF THE TOWN OF DAVIE CODE OF ORDINANCES AS IT PERTAINS TO THE DEFINITION OF COMMERCIAL VEHICLES AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Crowley pulled item 4.28. Vice-Mayor Hubert pulled items 4.11, 4.27 and 6.1. Councilmember Starkey pulled items 4.23 and 4.34. Mayor Truex pulled items 4.9, 4.19, 4.32 and 4.33. Councilmember Starkey pulled item 4.1 for Councilmember Paul's benefit. Mayor Truex asked if there were any items Councilmember Paul might have wanted to pull. Mr. Kovanes indicated items 4.18 and 4.20. Mayor Truex advised the public that if an item on the Consent Agenda was approved, individuals were free to leave if their item was not pulled. He encouraged residents to stay in the event that Councilmember Paul pulled a particular item when she appeared. [Item 4.10 was pulled later in the meeting.]

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve the Consent Agenda minus items 4.1, 4.9, 4.11, 4.18, 4.19, 4.20, 4.23, 4.27, 4.28, 4.32, 4.33, and 4.34. In a voice vote, with Councilmember Paul being absent, all voted in favor. (Motion carried 4-0)

**5. DISCUSSION OF CONSENT AGENDA ITEMS**

4.34 Councilmember Starkey spoke of the recent dispute regarding the definition of commercial vehicles and Mr. Kiar had advised Council that a police vehicle was not a commercial vehicle. She stated that the resolution being considered was clean-up language to provide further definition in keeping with Florida State Statutes.

Mayor Truex invited the public to speak on this item.

Lloyd Phillips, 14220 SW 29 Court, asked if the vehicle was equipped with equipment to respond to Davie's needs on a 24-hour basis, or was the vehicle simply being stored for the individual's convenience. He voiced his concerns about the cost of warehousing police vehicles and about safety. Mr. Phillips questioned the anonymity laws for police officer's addresses when their vehicles could be parked in front of their homes and felt the Florida privacy statute should therefore be eliminated.

Rob Wilcox, a lieutenant with the Miami-Dade Police Department, felt this was not an issue about the vehicle itself, but about the particular homeowner's association's perception of the police officer's status. He spoke of his background and training on the job, which he brought home to Davie. Lieutenant Wilcox discussed the expertise police and fire officials provided to neighborhoods in the aftermath of emergencies and other critical emergency operation. He stated that the radio in the vehicle would be operational in the event it was needed in a crisis and he was offended at what he felt was an "elitist" attitude of the community in question.

Stanley Swindling, 13700 Carlton Drive, spoke in support of Officer Milan parking his police vehicle in front of his home as he felt this was a safety asset and posed no harm to the community.

Kathy Bucci, 3440 Carlton Lane, thanked Council for taking quick action on this matter.

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Vice-Mayor Hubert spoke of correspondence she received from the attorneys indicating the homeowner's association (HOA) wanted no cars parked in driveways, but rather in garages. She felt there were two sides to the story and wanted to hear both.

Councilmember Starkey was looking at the distinction made about police vehicles and added that Florida Statutes superceded local municipalities and HOAs. She read a letter from Officer Tony Phillip, on behalf of the FOP Lodge 100, thanking Council and the Town for its support for Officer Milan. Councilmember Starkey also read a letter of support from Miami Beach Police Chief Don DeLuca thanking the Town for assisting Officer Milan. She advised that Officer Milan was an on-call officer who needed to respond 24-hours a day and felt this should be recognized. Councilmember Starkey advised that State Attorney Charlie Crist would be responding to this favorably the following day.

Councilmember Crowley voiced his continued support for Officer Milan, but requested removing the specific reference to the Carlton Ranches HOA and using language making this a Town-wide resolution. Councilmember Starkey indicated that Council could direct the Town Clerk's Office to eliminate language stating, "direct the Clerk's Office to send a resolution to the attorney for Carlton Ranches." Councilmember Paul added that Council was not targeting any particular HOA but instead, clarifying the Town's Code in relationship to State Statutes, since the Town's Code was used in the original argument.

Mayor Truex asked Mr. Kiar if an HOA could enforce its by-laws prohibiting parking vehicles in front. Mr. Kiar responded in the affirmative, but added that this discussion had extended to the definition of commercial vehicles. Mayor Truex spoke in support of the resolution clarifying the Town's Code, but pointed out that any HOA's independent rules could be enforced as they chose. He felt any blanket rule whereby "HOAs could not prohibit police vehicles" was a matter for the Florida legislature and not Council.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve subject to removing the reference to the attorney and Carlton Ranches and directing the Town Administrator to mail a copy. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised Councilmember Paul on items that were pulled from the Consent Agenda. Councilmember Paul pulled item 4.10.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to reconsider item 4.10. In a voice vote, all voted in favor. (Motion carried 5-0)

4.1 Councilmember Starkey requested correction to page 4, discussion 4.1, to change the wording from "integrated research" to "integrated water resource plan."

Councilmember Paul made a motion, seconded by Councilmember Crowley, to table to July 6, 2005. In a voice vote, all voted in favor. (Motion carried 5-0)

4.9 Mayor Truex questioned clarification on the language stating the bid was a piggyback off of "various state and local contracts". Fire Chief Don DiPetrillo advised that the Town used many contracts, which were all compiled under GSA contract. He spoke of the technicalities of running this project more efficiently with a group versus breaking it up into parts. Mayor Truex stated that the reason he was not in favor of this because he felt the open competitive bid process was the best way to ensure companies would not try to set prices or operate in their own best interest.

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

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4.10 Councilmember Paul had spoken with Chief DiPetrillo about the temporary station and questioned whether a meeting with residents had been scheduled. Public Works/Capital Projects Director Bruce Bernard stated that the site plan drawings and renderings were arriving that week and advised that meetings would be scheduled once received. He advised that the pavilion illustrated would stay on the site for recreational purposes.

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

4.11 Vice-Mayor Hubert spoke about problems with the asphalt on 61st Avenue. Mr. Bernard advised that the company had returned and repaired the problem at their cost.

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

4.18 Regarding the roundabout improvements, Councilmember Paul asked if the \$30,000 could be used by the Town toward improvements to put flashers at the crosswalks. Town Engineer Larry Peters responded in the affirmative.

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

4.19 Mayor Truex questioned where the access road was. Mr. Peters advised that the access road was off eastbound State Road 84. Mayor Truex asked if Mr. Peters was comfortable with this in light of the traffic. Mr. Peters responded in the affirmative, but stated that FDOT had plans to modify the off ramp to make this feasible.

Councilmember Starkey questioned whether Broward County was no longer paying into the improvements. Deputy Planning and Zoning Manager Marcie Nolan explained that the County was two trips over on their concurrency run and no longer had to do the mitigation.

Vice-Mayor Hubert asked if the funeral home would handle cremations. Ms. Nolan advised there were no plans for a crematorium at the site.

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

4.20 Councilmember Paul wanted the number of homes on the plat to be reduced as she felt the property needed more water retention. She questioned why a road was being put on the south side of the property. Mayor Truex questioned why Mr. Bender had made the motion to have one less home. Councilmember Paul stated this was basically to allow for more water retention. She stated there was no site plan but an existing house and plans to add eight more houses. Mayor Truex questioned why more homes were not removed.

Mr. Peters explained that the applicant had initially submitted the plat with the road on the north side but because of its proximity to 18th Street and misalignment it was not safe, therefore, the road was moved to the south. Councilmember Paul voiced her concern about the 75-foot opening. Mr. Peters stated that 25 feet was required on either side of the driveway plus the road width. He agreed with Councilmember Paul with regard to the drainage issue but pointed out that the site was well in excess of the Code. Mr. Peters felt that a pond was needed, but the applicant had Central Broward Drainage District's approval. Councilmember Crowley stated that the applicant only had plat approval.

Gus Aguirre, representing the applicant, stated that there would be sufficient water retention on the site to support the nine units, and was awaiting site plan approval. Councilmember Paul preferred to start

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with the plat and move the concept along to be more consistent. Councilmember Starkey stated that the Town was trying to encourage the rural lifestyle with the minimum lot size of one true acre.

Vice-Mayor Hubert made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, with Councilmembers Paul and Starkey dissenting, all voted in favor. (Motion carried 3-2)

4.23 Mayor Truex indicated he had pulled this item by mistake.

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

4.24 Mayor Truex asked about the estimated timeframe for construction as the permit language stated "while the construction is going on." Mayor Truex asked if anyone would support a review of this item.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to reconsider 4.24. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey made a motion to approve with the condition of a maximum of one year." Mayor Truex wished to stipulate a specific time, and if the applicant had a serious issue, Council could later move to reconsider this item as approved. He wanted language to stipulate during construction but not to exceed 18 months.

Development Services Director Mark Kutney suggested using Code language as this was stronger. Councilmember Starkey suggested leaving a disclaimer for staff so that when reviewing temporary permits, the form would fully disclose that a temporary trailer for construction was typically given one year or 18 months. Ms. Nolan stated that staff could inform the applicant that Council was looking for a more specific timeframe.

Mayor Truex restated that the motion was to approve during construction not to exceed 18 months.

Mayor Truex seconded the motion. In a voice vote, all voted in favor. (Motion carried 5-0)

4.27 Vice-Mayor Hubert asked about the credit for rainy days. Mayor Truex asked if the Town incurred expenses during the show. Police Chief John George indicated that an off-duty police detail was provided. He stated that other than a cost for service, there was no expense to the department.

Vice-Mayor Hubert made a motion, seconded by Councilmember Paul, to approve with the rainy day credit at a half hour. In a voice vote, all voted in favor. (Motion carried 5-0)

4.28 Councilmember Crowley objected to this item because of the parking congestion close to the location chosen for firework sales. He felt this had to be looked at in the future and pointed out that other vendors pulled out last year for the same concern. Councilmember Crowley questioned the distance between firework sales. Mr. Kutney stated that the Code did not provide a distance requirement. Councilmember Crowley asked that this be looked at in the future.

Robert Doler, representing Harvest Fellowship, stated that the location was used last year without traffic or parking problems as they had used barriers to avoid congestion. He added that most of the stores would be closed on July 3rd and 4th. Mayor Truex asked how much Harvest Fellowship was paid for this. Mr. Doler stated they would be paid \$2,200- \$2,500, depending on the amount of sales.

Vice-Mayor Hubert made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, with Councilmember Crowley and Mayor Truex dissenting, all voted in favor. (Motion carried 3-2)

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4.32 Mr. Kovanes advised that vendors had submitted proposals and Council was provided with six firms.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, with Councilmember Starkey out of the room, all voted in favor. (Motion carried 4-0)

4.33 Special Projects Director Bonnie Stafiej advised that the Miami Dolphins had requested use of the Bergeron Rodeo grounds for team practice throughout the hurricane season on a “must-use basis”. She advised that the Dolphins were aware that other activities were held in the arena and no contract would be compromised for the Dolphins’ use.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve. In a voice vote, with Councilmember Starkey out of the room, all voted in favor. (Motion carried 4-0)

**6. PUBLIC HEARING**

*Resolution*

6.1. **CAPITAL PROJECTS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2005-187 **ADOPTING THE 5-YEAR CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2006-2010.** (tabled from June 1, 2005)

Councilmember Starkey asked why certain items in her district had been eliminated from the Capital Projects. Councilmember Paul indicated that a number of her projects had also been eliminated.

Town Clerk Muniz read the resolution by title.

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

Councilmember Crowley asked why this item could not wait two weeks. Budget and Finance Director William Underwood explained that some items were time critical based on anticipated funding.

Councilmember Paul questioned why Council could not establish a policy wherein the capital budget could be amended once or twice a year if the need arose. Mr. Underwood indicated that he and Mr. Kovanes had spoken about including a semi-annual amendment process.

Councilmember Paul voiced her concern about operational and maintenance items such as park fencing and playground surfacing that were included under the capital budget.

Councilmember Starkey felt that some of staff’s recommendations could be removed altogether such as the deep well injection item and the cost of expanding the water treatment plant to include residents of United Ranches. She voiced her concern about items which had been listed in the plan for years but had disappeared from this budget. Assistant Town Administrator Ken Cohen advised that some improvements were still planned which would be funded from outside sources.

Councilmember Starkey inquired about the Math Iglar Grove item. Mr. Cohen indicated this was funded for 2005. Councilmember Starkey felt this should be funded in the five-year plan. She inquired about the wetland for the Van Kirk site. Mr. Kovanes advised that the developer had agreed to put in the amenities, apart from the nature center. He added that he and Mr. Underwood planned to set an amendment date for October. Councilmember Starkey felt the Van Kirk site nature center and the upland areas should be in the five-year plan. Councilmember Starkey objected to the Bamford Park shade structures being removed from the budget.

Councilmember Starkey objected to the Bamford Park water play area, the water amenity and bathroom improvements being removed. Councilmember Starkey pointed out that this was funded from the original bond issue and questioned where the money had been spent. Mr. Underwood advised that the water play area was to be funded by a grant which was not forthcoming; therefore, staff could not move the program forward. Councilmember Starkey questioned where the bond money had been spent. Mr. Underwood advised that all prior bond issue monies had been consumed by projects. Mr. Bernard

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advised that \$12 million was spent on all capital projects and \$200,000 of the bond money had been allocated for the water play area at the Pine Island Park. However, no bids had been received for the scope of work the Town wanted. Mr. Bernard advised that \$360,000 was budgeted for this fiscal year and that plans were moving ahead for the water play area; however, the remaining monies needed to complete the project next year would not be available.

Councilmember Starkey was not comfortable with this budget and was concerned about projects promised to the public that eventually evaporated. She felt it was not right to approve the budget while more “wish lists” were being added. Mr. Kovanes advised that staff could come back to Council with an amendment to include the missing items addressed by Councilmember Starkey, within the current year’s budget. Mr. Cohen added that staff could come back with a supplement indicating what projects were in place.

Vice-Mayor Hubert stated that the Town should not try to spend money it did not have.

Mr. Kovanes indicated his goal to set a formal schedule for amendments to the capital budget. Councilmember Starkey questioned where the monies had been spent for projects that had been funded but not built. Mr. Cohen responded that staff would provide a schedule showing where the monies were spent. Mr. Kovanes advised that dollar amounts had been set based on what was anticipated for the current year.

Councilmember Crowley supported placing the Van Kirk and Westridge sites back on the budget. He asked what section of Orange Drive was included in the improvements. Mr. Peters responded that the area covered Flamingo Road to several areas along Orange Drive. Councilmember Crowley asked if some funding for the overlay was still in place. Mr. Peters responded in the affirmative. Mr. Bernard added that the County would straighten out the curve and build an overlay to Shotgun Road. Councilmember Crowley asked if the equestrian crossings for Griffin Road were included. Mr. Bernard responded in the affirmative.

Councilmember Starkey asked Mr. Kovanes if he recommended moving the funding for the western fire station to 2007. Mr. Kovanes responded in the affirmative. Chief DiPetrillo indicated that the most critical need was the Flamingo Road station and the temporary station would suffice until the station was built. He added that the west station could be moved by one year.

Vice-Mayor Hubert wanted to remove software and technology for the Police Department, along with physical fitness exercise equipment for the fire station, from the budget. Chief George explained the need for upgraded software to improve the Police Department’s level of service to the community. Chief DiPetrillo explained that under accreditation and State requirements, exercise equipment was needed in the department’s facility.

Councilmember Paul stated that the general obligation park bond was actually an open space bond. Mr. Kovanes advised that staff could put back the original funded name in the column. Councilmember Paul stated that some items would not match the conceptual plan recently passed by the MPO. She advised that staff needed to send an amendment to the MPO in order to correct items considered to be funded by the Town.

Mayor Truex requested that staff provide Council with information on items that were added on or removed.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve, “with the recorded amendments that Mr. Kovanes said he would take care of.” 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 - absent. (Motion carried 4-0)

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*Ordinances - Second and Final Reading*

- 2005-12 6.2. **FRANCHISE - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, GRANTING TO FLORIDA POWER & LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, AN ELECTRIC FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS RELATING THERETO, PROVIDING FOR MONTHLY PAYMENTS TO THE TOWN OF DAVIE, AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading June 1, 2005 - all voted in favor}**

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

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

Councilmember Crowley 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 Starkey - yes; Councilmember Paul - yes. (Motion carried 5-0)

- 6.3. **PENSION AMENDMENT - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA; AMENDING THE RETIREMENT PLAN AND TRUST FOR THE MANAGEMENT AND GENERAL EMPLOYEES OF THE TOWN OF DAVIE; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE. {Approved on First Reading June 1, 2005 - all voted in favor with Councilmember Crowley dissenting}**

This item was withdrawn earlier in the meeting.

*Ordinance - First Reading (Second and Final Reading to be held July 6, 2005)*

- 6.4. **PENSION AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE POLICE PENSION PLAN AS PROVIDED BY THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN AND THE FRATERNAL ORDER OF POLICE, LODGE 100; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from June 1, 2005)**

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this ordinance at the July 6, 2005 meeting.

Mayor Truex opened the public hearing portion of the meeting.

Adam Levinson, representing the Pension Board, advised that Council would shortly receive a new contract negotiated for 2005-2007. He explained that the item before Council concerned the 2001-2004 contract.

Mayor Truex closed the public hearing.

Mr. Underwood referred to page 3, Section 3.1, regarding "80% final average earnings" which should be corrected to state "90%." He referred to the bottom of page 3 and indicated that the Town, the Pension Board Chair and Council agreed to strike the language "the plan earns" and insert between "the" and "rate" "actuarially assumed rate". Mr. Underwood referred to Section 7, to language stating "assignment pay" which should be added "as part of the compensation of final average earnings."

Mr. Underwood voiced his support for Council moving this ordinance forward with these amendments. Mr. Levinson indicated he was in agreement with these amendments.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert, to approve "with the additions as recommended by Mr. Underwood." 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 - absent;. (Motion carried 4-0)

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*Ordinance - Second and Final Reading*

- 6.5. **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 June 1, 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* **{Approved on First Reading May 18, 2005 - all voted in favor}**

This item was tabled earlier in the meeting.

*Ordinance - First Reading/Quasi Judicial Item (Second and Final Reading to be held July 6, 2005)*

- 6.6. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-1-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-3, LOW DENSITY DWELLING DISTRICT TO A-1, AGRICULTURAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 2-1-05, La Tierra De Monstera Deliciosa, 6838 SW 43 Court) *Planning and Zoning Board recommended approval*

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

Mayor Truex announced there would be a public hearing on this ordinance at the July 6, 2005 meeting. Mayor Truex turned this portion of the meeting over to Mr. Kiar.

Mr. Kiar read the rules of evidence and swore in the witnesses. Ms. Nolan summarized the request.

Vice-Mayor Hubert asked whether the landowner would get a tax break if the site was rezoned to agricultural. Mr. Kiar stated if there was a bona fide agricultural use, the owner could apply for agricultural exemption.

Bob Martinez, the property owner, provided background history on the property and its previous owner. He explained that he was in negotiations to purchase the lychee crop and spoke of his intent to grow other commercial varieties of fruit.

Councilmember Crowley voiced his support for Mr. Martinez and welcomed him to the Town. Councilmember Starkey also voiced her support for Mr. Martinez. Councilmember Paul advised Mr. Martinez that she could give him contact information with the 4-H Club in the event he wished to donate to them in the future.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Crowley advised he had spoken with Mr. Martinez. Vice-Mayor Hubert advised she had spoken with Mr. Martinez.

Councilmember Crowley 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 Starkey - yes; Councilmember Paul - yes. (Motion carried 5-0)

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*Site Plan/Quasi Judicial Item*

- 6.7. SP 8-4-03, DiBenedetto Multi-Tenant Building, 5490 Griffin Road (Griffin Corridor District, East Gateway Use Zone 3) (tabled from May 4, 2005) *Site Plan Committee recommended approval based on the planning report and 1) that the engineering and landscape plans be brought back before this Committee corrected and matching the site plan with consistent landscaping throughout the property; 2) that the drainage issues be addressed; 3) to reduce the number of steps coming from the parking area to one, five-foot wide; 4) that the applicant apply for a parking variance; and 5) that the tabulations for parking reflect the daytime use and nighttime use*

This item was tabled earlier in the meeting.

*Item to be withdrawn*

- 6.8. **PENSION AMENDMENT - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE FIREFIGHTERS PENSION TRUST FUND TO CODIFY THE COLLECTIVE BARGAINING AGREEMENT NEGOTIATED BETWEEN THE TOWN AND THE IAFF; AMENDING SECTION FOUR OF THE PLAN TO PROVIDE FOR INCREASED EMPLOYEE CONTRIBUTIONS; AMENDING SECTION SIX OF THE PLAN TO INCREASE THE NORMAL RETIREMENT BENEFIT; AMENDING SECTION SIX OF THE PLAN TO PROVIDE AS THE NORMAL FORM OF RETIREMENT BENEFIT FOR A MARRIED PARTICIPANT A 60 PERCENT JOINT AND SURVIVOR ANNUITY OR AN UNREDUCED TEN YEAR CERTAIN AND LIFE ANNUITY; AMENDING SECTION FOURTEEN OF THE PLAN TO INCREASE THE MAXIMUM PERIOD OF DROP PARTICIPATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.** (tabled from June 1, 2005)

This item was withdrawn earlier in the meeting.

- 6.9. AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, DECLARING A MORATORIUM FOR A PERIOD OF ONE HUNDRED AND EIGHTY (180) DAYS COMMENCING UPON THE ADOPTION OF THIS ORDINANCE; STATING THE FINDINGS AND REASONS FOR A MORATORIUM; PROHIBITING THE FILING OF ANY APPLICATION FOR ANY ADULT ENTERTAINMENT FACILITY OR ANY OTHER APPLICATIONS PERMITTED UNDER THE DAVIE CODE OF ORDINANCES RELATED TO THE USE OF ANY BUILDING FOR THE OPERATION OF AN ADULT ENTERTAINMENT FACILITY WITHIN THE TOWN OF DAVIE DURING THE MORATORIUM PERIOD; PROVIDING THE SCOPE OF THE MORATORIUM; PROVIDING FOR A DURATION; PROVIDING FOR SEVERABILITY, AND AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this item at the July 6, 2005 meeting.

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

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

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**7. APPOINTMENTS**

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

Councilmember Paul appointed Jason Hurley.

7.2. 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.

7.3. 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.

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

No appointment was made.

7.5. Affirmation of the Community Redevelopment Agency's Selection of Chair and Vice-Chair (Chair - Mark Engel; Vice-Chair - Neal Kalis)

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Councilmember Starkey being absent, all voted in favor. (Motion carried 4-0)

**8. OLD BUSINESS**

8.1. SW 70th Avenue Road Closure - Larry Peters

Earlier in the meeting, Mr. Peters requested that the road be closed for approximately 30 days. Mayor Truex asked if workers could work six days per week. Mr. Peters responded in the affirmative and indicated that the workers had offered to work on Sundays to reduce the timeframe if necessary. Mayor Truex asked why the road could not be moved further east and kept open during construction. Mr. Peters advised that the workers had to come up with a safe plan because of the restricted access and narrowness of the road. He stated that the engineering firm would not certify a temporary road plan as it was necessary to close the road.

Councilmember Crowley was not in favor of closing the road for 30 days and asked why the entire road had to be rebuilt instead of installing an overlay. Mr. Peters explained that water quality was a concern. Councilmember Crowley asked if tests had been done. Mr. Peters responded that tests completed had indicated that the sub-base, base and the roadway had to be replaced.

Mayor Truex asked if there would be an emergency access lane on the east side. Mr. Peters responded in the affirmative. Mayor Truex asked why the road could not be blocked to the south temporarily during construction, while local residents used the emergency lane. Mr. Peters advised that the engineers felt this was not possible as the required curvature could not be safely met. Councilmember Crowley asked what was considered emergency usage. Mr. Peters indicated fire and police vehicles were considered emergency usage.

Dick Coker, representing the developer, indicated that the traffic and civil engineers were present and available to speak. He spoke of the unsafe conditions of the road and advised that testing had been conducted by their engineers. Mr. Coker suggested that Council allow the developer and Mr. Peters to meet and discuss a proper overlay which would not require closing the road. Councilmember Starkey

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wanted a bond to be considered for improvements to the road in the event the road did not hold up as it should.

Mayor Truex requested that the developer's engineer explain why a lane could not be added on the east side. Dennis Miller explained that this would involve moving traffic off the old alignment onto a new alignment which required that specific formulas and criteria be met.

Mayor Truex asked why it would take five weeks to build the road. Howard Javelin, engineer for the developer, explained the various phases of the project that were calculated to take approximately 27 working days with allowance for 2-3 rain days.

Mayor Truex invited members of the public to speak.

Steve Lewis, 4800 SW 70 Avenue, questioned why the road was being closed when repairs were only being done to 600 feet of the road. He felt the developer should provide a police officer to help flag residents on and off Stirling Road.

Don Horn, 4711 SW 70 Terrace, felt it was disastrous to try to make a left hand turn onto Stirling Road and objected to the road closure. He agreed that it was necessary to have police officers assist people making left hand turns.

Steve McAvo, 4671 SW 70 Terrace, objected to the road closure and suggested making the road one-way to get residents out onto Griffin Road.

Scott Morecroft, 4650 SW 70 Terrace, objected to the closing and agreed that police officers would be necessary to help residents trying to turn left. He also felt the rest of the road should be improved.

Mayor Truex asked why a 10 mile-per-hour speed limit could not be used. Mr. Peters stated that he could not get the developer's engineer to sign off on this and added that only Council could make the final determination on closing the road.

Mr. Coker stated that there was a possibility to expand in stages to 24 feet with a new  $\frac{3}{4}$ -inch asphalt overlay, which would avoid closing the road. He indicated further discussions could be held with Mr. Peters to come to a suitable agreement. Mr. Javelin advised the plan was to take the road slightly away from the canal and added that the drainage facilities could remain so that all the runoff went to the swale.

Councilmember Crowley asked that all residents be notified in the event that the engineers could not come to an agreement and had to return to Council to close the road. Mr. Peters advised that the developer could be bonded for the work to ensure that it stayed. Mayor Truex asked the developer to notify all individuals on the petition in the event the plans did not work.

Council gave staff direction to meet and plan installation of an overlay. Mayor Truex clarified that the petitioner would notify the homeowners and those who signed the petition "if it did not work out." He advised residents the road would be left open unless they heard otherwise.

**9. NEW BUSINESS**

9.1. Community Redevelopment Agency's Position on New Town Hall - Councilmember Paul  
Earlier in the meeting, Councilmember Paul asked if the CRA could continue their report which was given earlier. Council was in agreement.

Mr. Engel spoke of the vision for downtown Davie and Town Hall. He spoke of Nova Southeastern University's (NSU) proposal for adding a governmental center on their campus, to possibly include Town Hall. Mr. Engel indicated that the CRA was in support of NSU's efforts. He stated that the CRA's only concern was the potential of losing Town Hall and the downtown area and the negative effects of this. Mr. Engel spoke of plans made by the CRA 15 years earlier with regard to improving and updating the area around the rodeo grounds and Town Hall. He stated that the CRA hoped to hold a charette process to include input from Council, CRA, residents and property owners.

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Vice-Mayor Hubert asked if any work had been done from the time the plans were made 15 years ago. Mr. Engel advised that the CRA was just now getting the resources to conduct work on this scale. Redevelopment Administrator Will Allen stated that restrictions on Town-owned property and other mitigating circumstances had affected the earlier plans. He indicated that the CRA currently had resources in place to assist the Town but felt it would be a loss to the area if Town Hall moved. Vice-Mayor Hubert asked if it would be a problem to move Town Hall to Griffin Road. Mr. Engel stated that the general idea was to keep Town Hall in the downtown CRA area.

Councilmember Paul agreed with the CRA's position on keeping Town Hall downtown. She felt it was premature to discuss moving Town Hall in light of the Town's budgetary constraints and added that the Town should hold a workshop with NSU. Councilmember Paul commended NSU's work but felt it also had "to take care of its back door and have connectivity to the community." She felt the Town needed to preserve the energy of downtown Davie. Mayor Truex asked Councilmember Paul if she was in favor of a charette with Councilmember Paul responding in the affirmative. Councilmember Paul added that the Town "had a very secure contract with an individual who was very concerned about preserving open space in the area and tying it in with the rodeo arena." She pointed out that both parties would have to agree to any changes and then reimburse for improvements. Mr. Engel indicated that the CRA was willing to work with this individual to come to an agreement on the developments being discussed.

Vice-Mayor Hubert asked about building a Town Hall on the old Winn-Dixie lot. Mayor Truex advised that Council had already passed a resolution and made a commitment regarding moving some Town Hall space.

Councilmember Starkey was in favor of updating the older study. She discussed the overcrowding and the need to update ADA requirements at the existing Town Hall. Councilmember Starkey spoke further about the desperate need for improvements in Town Hall offices and asked Mr. Kovanes about the space study. Mr. Kovanes advised that he had received a draft of the study that day.

Councilmember Starkey wanted the Town to review its options and voiced her support for fostering a better climate of cooperation with the CRA to make the best decisions for the residents. She agreed with Councilmember Paul about maintaining the historical character of the area. Mayor Truex asked Councilmember Starkey if she was in favor of the charette. Councilmember Starkey responded in the affirmative.

Councilmember Crowley stated he looked forward to meeting with the CRA.

Mayor Truex voiced his support for the CRA's position and agreed that Council needed to start looking at options. He also felt it was important to keep the Town Hall in the same general area and the CRA could help with development.

Mayor Truex stated that the Town should move forward on the Downtown Davie project. Councilmember Starkey asked about the status of this project. Harvey Mattle provided an update on the project and advised of a meeting with FPL and of plans to bury the power lines. Mr. Mattle reported there was a waiting list of about 4,500 people for 245 units and spoke of the need to conclude the contract as construction drawings would be completed by July. Mr. Kovanes indicated that he would have a resolution for Council at the next meeting.

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

**VICE-MAYOR HUBERT**

**DISCUSSION WITH ATTORNEY.** Vice-Mayor Hubert asked when Council could speak with the attorney as a group. Mayor Truex suggested speaking with the attorney privately.

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**COUNCILMEMBER CROWLEY**

**PROCLAMATION.** Councilmember Crowley requested that a proclamation be prepared for the Nova Titans.

**COUNCILMEMBER PAUL**

**MPO MEETING.** Councilmember Paul voiced her concern about the recent MPO meeting where approval was given on a conceptual plan regarding the airport. She spoke of the need to make the Town's voice heard on the east-west transit system.

**TURNPIKE NOISE WALL.** Councilmember Paul advised of a recent update on the Turnpike noise wall and spoke of the need to hold a meeting to discuss the height requirement for the wall. Mr. Peters advised that a meeting was scheduled for June 27th.

**EAST-WEST TRANSIT.** Councilmember Paul recommended that each Councilmember consider how it would re-address the east-west transit system from Davie's perspective.

**MAYOR TRUEX**

**CITRUS CANCER ERADICATION PROGRAM.** Mayor Truex spoke of a letter received from the Commissioner of Agriculture regarding the citrus canker eradication program. Mayor Truex requested that staff communicate with residents and educate them adequately on this issue.

**MOBILE HOME DISPLACEMENT.** Mayor Truex spoke of a letter received from Pembroke Park, which had passed a resolution concerning mobile home displacement. Mr. Kutney stated that there were Statutes to protect mobile homes from displacement.

**MEETING WITH WASTE MANAGEMENT.** Mayor Truex indicated the next meeting with Waste Management was scheduled for July. Mr. Kovanes indicated that the meeting was scheduled for July 14th.

**11. TOWN ADMINISTRATOR'S COMMENTS**

No comments were provided.

**12. TOWN ATTORNEY'S COMMENTS**

No comments were provided.

**13. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 11:11 p.m.

Approved \_\_\_\_\_

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

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