

**TOWN OF DAVIE
REGULAR MEETING
NOVEMBER 2, 2005**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:03 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 and Starkey. Also present were Assistant Town Administrator Cohen, Town Attorney Kiar and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

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

Howard Kusnick, representing Republic Services, offered the company's services if the Town so desired.

John Ladue, 2961 SW 111 Terrace, wanted to know how much gas could be stored at a residence in light of the various residents using generators. He spoke of vandals who had spray painted his fence and wanted them caught. Mr. Ladue asked staff for an update on the new fence ordinance. Development Services Director Mark Kutney advised this would go forward at the next Planning and Zoning Board meeting.

John Ramsay, representing Andrews Roofing, offered the company's services to the Town.

Bryan Caletka, 6332 SW 39 Court, spoke of residents' concerns about the noise issue with the Seminole Tribe. Mayor Truex advised that the meeting on this issue had been delayed due to the hurricane. Councilmember Paul advised that another meeting was being scheduled.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, commended staff and Council for helping residents recover from Hurricane Wilma. She asked that the noise issue with the Seminole property be pursued expeditiously as her area had lost its tree canopy and noise buffer.

Lloyd Phillips, 14220 SW 29 Court, spoke of negligence on the part of FPL in the maintenance of power poles. He discussed the reduced bulk pickup schedule and complained that this did not serve the Town well. Mr. Phillips complained about residents placing debris on public property. Councilmember Paul spoke of the debris pickup schedule that would begin the following day in every district.

Mayor Truex thanked employees and department heads for their efforts in the recovery efforts and summarized the progress of recovery efforts throughout the Town. He spoke of residents' request for more e-mail notices to be posted on the Town's website. Mayor Truex asked if there would be a close out briefing on the hurricane. Mr. Cohen advised that staff wanted to meet to assess the issues once recovery assessments were completed.

Councilmember Paul asked Public Works/Capital Projects Director Bruce Bernard discuss the debris removal plan. Mr. Bernard advised that no parks were open yet due to continuing cleanup. He advised that by the following Monday morning, 45 trucks would be operating townwide for debris removal in all four Districts. Mr. Bernard stated that 60-70% of the debris was being separated and advised that the Town was charged the same price for mixed debris. Councilmember Paul asked about root balls being placed in the rights-of-way. Mr. Bernard stated that the contract with AshBritt had stipulations for certain stump sizes. Councilmember Paul asked what could be placed in the vegetative debris pile. Mr. Bernard stated that anything burnable could be placed in this pile.

Mr. Cohen wanted to clarify that the bulk pickup by Waste Management would begin again November 14th.

Mayor Truex closed the Open Public Meeting.

**TOWN COUNCIL MINUTES
NOVEMBER 2, 2005**

4. PRESENTATIONS

4.1. WITHDRAWN BY STAFF - ITEM HEARD ON OCTOBER 19, 2005

Comprehensive Annual Financial Report - Grau & Company
This item was withdrawn.

Mayor Truex announced that item 5.7 was being rescheduled.

4.2. STAFF REQUESTING A TABLING TO NOVEMBER 16, 2005

Wild Life Care Center - Councilmember Paul

Councilmember Paul made a motion, seconded by Councilmember Starkey, to table to November 16, 2005. In a voice vote, all voted in favor. (Motion carried 5-0)

5.2 & 5.3 Mayor Truex advised staff had requested to withdraw these items. Mr. Kutney advised that these items would be brought back at a later time.

7.1 & 7.2 Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table to December 7, 2005. In a voice vote, all voted in favor. (Motion carried 5-0)

5.9 Vice-Mayor Hubert made a motion, seconded by Councilmember Crowley, to table to January 18, 2006. In a voice vote, all voted in favor. (Motion carried 5-0)

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

5. APPROVAL OF CONSENT AGENDA

Minutes

5.1. September 15, 2005 (Special Meeting)

Home Occupational Licenses

5.2. ABM Services, Inc., 1721 SW 115 Avenue (administration of properties)

5.3. Bonsai Creations, Inc., 1721 SW 115 Avenue (landscaper)

5.4. Great Family Mortgage Corporation, 13180 SW 28 Court (mortgage broker)

Resolutions

5.5. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-279 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH MGT OF AMERICA TO PERFORM A PAY AND CLASSIFICATION STUDY. (\$42,925)

5.6. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-280 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE RELATING TO THE MONITORING OF DEVELOPMENT ACTIVITY AND ENFORCEMENT OF PERMITTED LAND USES IN THE REGIONAL ACTIVITY CENTER; TO ACKNOWLEDGE SUCH AGREEMENT BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

**TOWN COUNCIL MINUTES
NOVEMBER 2, 2005**

5.7. **WITHDRAWN BY STAFF - TO BE HEARD AT A LATER DATE**
NOISE DISTURBANCES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE TOWN ADMINISTRATOR TO CONTACT THE APPROPRIATE OFFICIALS OF THE SEMINOLE TRIBE OF FLORIDA AND FORMULATE PROCEDURES AND POLICIES TO ADDRESS NOISE DISTURBANCES EMANATING FROM THE SEMINOLE HARDROCK CASINO.

5.8. **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE**
R-2005-281 **BID AWARD TO IBM BY THE STATE OF FLORIDA, CONTRACT 250-000-03-1. (\$300,000)**

Quasi-Judicial Consent Agenda

5.9. **STAFF REQUESTING A TABLING TO JANUARY 18, 2005**
SP 10-2-04, Dunkin Donuts Restaurant, 3884 SW 64 Avenue (B-2) (tabled from September 21, 2005) *Site Plan Committee recommended denial because the Committee was of the opinion that the Town would never accomplish what it expected of the downtown if it continued to approve parcel-by-parcel items which did not meet the intent of the Western Theme. The Committee decided on an addendum to its recommendation that the following comments be implemented into the site plan should the Council decide to reverse the Committee's recommendation to deny: 1) address the covered walkway on the north side of the building to be extended the entire length and that the east side of the building was totally barren; 2) the pavers at the corner are to match the current pattern; 3) look at the handicapped space location do to slope into the building; 4) bike racks are missing; 5) the Committee did not like the signage colors; and 6) parking arrangement has a dead end, no outlet parking area which does not work*

Item to be added

5.10. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE
R-2005-282 MAYOR TO ACCEPT AND EXECUTE AN AGREEMENT WITH BERGERON LAND DEVELOPMENT, INC. FOR THE ACCEPTANCE OF STORM RELATED VEGETATIVE DEBRIS, AT BERGERON PARK OF COMMERCE, AND PROVIDING FOR AN EFFECTIVE DATE.

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

6. **DISCUSSION OF CONSENT AGENDA ITEMS**
No items were discussed.

7. **PUBLIC HEARING**
Quasi Judicial Items

7.1. **STAFF REQUESTING A TABLING TO DECEMBER 7, 2005**
SE 6-1-05, O'Brien/Sam Jazaryi, Nova 95, Inc., 2240 SW 71 Terrace (M-1, Old Code) (permit for an outdoor running track) (tabled from October 5, 2005)

This item was tabled earlier in the meeting.

**TOWN COUNCIL MINUTES
NOVEMBER 2, 2005**

7.2. STAFF REQUESTING A TABLING TO DECEMBER 7, 2005

SP 8-4-03, DiBenedetto Multi-Tenant Building, 5490 Griffin Road (Griffin Corridor District, East Gateway Use Zone 3) (tabled from September 21, 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.

8. APPOINTMENTS

8.1. Airport Advisory Board (one exclusive appointment - Councilmembers Crowley and Paul; terms expire December 2005)

No appointments were made.

8.2. Community Redevelopment Agency (one exclusive appointment - Councilmember Paul; term expires April 2006) (members shall either reside or engage in business within the jurisdiction of the Town)

No appointment was made.

8.3. Open Space Advisory Committee Agency (one exclusive appointment - Vice-Mayor Hubert; term expires April 2006)

No appointment was made.

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

No appointments were made.

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

No appointments were made.

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

No appointments were made.

9. OLD BUSINESS

No old business was discussed.

10. NEW BUSINESS

10.1. Vehicle Disposal Procedure – Vice-Mayor Hubert

Vice-Mayor Hubert stated she would be willing to upgrade a cargo van that would be available in June 2006, at her expense, if the Town would donate it to the Boys and Girls Club. Mayor Truex suggested getting a letter from the Boys and Girls Club stating that they would take responsibility for the

**TOWN COUNCIL MINUTES
NOVEMBER 2, 2005**

vehicle. He felt Vice-Mayor Hubert should not have to pay for the repairs. Council directed staff to prepare a resolution to move this forward.

11. MAYOR/COUNCILMEMBER'S COMMENTS

VICE-MAYOR HUBERT

MOBILE HOMES. Vice-Mayor Hubert spoke of mobile home residents' fears about being evicted, as their mobile homes were uninhabitable. Fire Chief Don DiPetrillo spoke of efforts by FEMA, the Army Corp of Engineers and mobile home park owners to make damage assessments in these communities. He explained different options available to residents with regard to temporary housing. Chief DiPetrillo added that FEMA could not go into individual homes unless residents signed waivers. He stated that residents would not be removed from their homes unless they were deemed uninhabitable by park owners. Chief DiPetrillo advised that only 300 mobile homes were currently available in the state.

Councilmember Starkey did not see as much Red Cross assistance in the community as before and asked who Council should refer residents to for further assistance. Chief DiPetrillo provided the following contact information for residents: FEMA: 1-800-621-FEMA, www.fema.gov (Individual Assistance Center) and Red Cross: 954-921-0990 Ext. 2105 and 2100

Mayor Truex asked for a breakdown of uninhabitable units. Chief DiPetrillo did not have the latest numbers available. Mr. Kutney stated that based upon recent calls, the number of uninhabitable residences was approximately 1,500. Councilmember Starkey asked that the updated numbers be provided to the media and thanked the media for its helpful hurricane briefings. She also thanked staff for the outstanding job they did.

COUNCILMEMBER PAUL

HURRICANE EFFORTS. Councilmember Paul thanked staff for all their hard work. She talked about the efforts of J.C. Nadeau who offered to help Special Projects Director Bonnie Stafiej at the rodeo arena. Councilmember Paul spoke of the Ward family and the ongoing flooding problem in their backyard which needed serious attention. She wanted an opportunity to discuss this further with Councilmember Crowley and Mr. Peters.

Vice-Mayor Hubert spoke of an apartment building with a collapsed roof on 60th Avenue and asked where the residents went. Mr. Kutney stated that for a normal structure, the building official had the authority to make residents vacate the building. He advised that he had not heard about this particular building and would check into this issue.

12. TOWN ADMINISTRATOR'S COMMENTS

EMERGENCY REPAIRS. Mr. Cohen asked Council to waive the formal bid process to provide for emergency repairs to the Ivanhoe fire station and police buildings. Councilmember Crowley asked Mr. Kiar if this violated the Charter. Assistant Town Attorney Andre Parke advised of a provision that would allow the Town to waive the formal process in an emergency. Mayor Truex asked that this request be approved subject to attorney review.

Councilmember Crowley made a motion, seconded by Councilmember Paul, to approve subject to attorney opinion with regard to the Charter. In a voice vote, all voted in favor. (Motion carried 5-0)

13. TOWN ATTORNEY'S COMMENTS

HURRICANE EFFORTS. Mr. Kiar stated he was proud of the efforts of residents and Council.

**TOWN COUNCIL MINUTES
NOVEMBER 2, 2005**

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 8:03 p.m.

Approved _____

Mayor/Councilmember

Town Clerk