

**TOWN OF DAVIE
REGULAR MEETING
DECEMBER 7, 2005**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 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 (via telephone; departed at 8:37 p.m.). Also present were Acting Town Administrator Cohen, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

Mayor Truex advised that Councilmember Starkey was attending the meeting via telephone.

3. OPEN PUBLIC MEETING

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

Doug Notman, 3051 Old Orchard Road, wanted accountability for the selection of Christopher Kovanes as Town Administrator. He spoke of Council's earlier meetings with five executive search firms and questioned the justification for appointing Mr. Kovanes without conducting a search.

Wendy Rosenberg, 3423 Ottawa Lane - Cooper City, requested an update on the installation of guardrails along canals. Councilmember Crowley spoke of his meeting with the South Florida Water Management District, which recognized the need for guardrails along Orange Drive. He indicated that this matter needed to go through the government board for approval and suggested that the Town do some legislative lobbying to acquire funding for this project. Councilmember Crowley requested support from Council to conduct a Town-wide study to identify other canals that needed guardrails.

Marlon Luis, 13251 SW 16 Court, spoke of boardmembers' request to merge the School Advisory Board with the Child Safety task force due to difficulties achieving a quorum.

Marie Etzler, 15040 Windbluff Street, asked about the dog park issue now that the bond issue had been approved. Mr. Cohen advised that individuals were being chosen to make up an advisory board to discuss land purchases. He added that public meetings would be scheduled and that it would be several months before land to be purchased was considered.

Cliff Lockwood, 10851 SW 26 Court, and president of the Davie West Homeowner's Association, thanked the Town for its efforts in Hurricane Wilma cleanup. He also thanked Police Officer Bryan Conroy, Public Works/Capital Projects Director Bruce Bernard and Councilmember Starkey for their work in his neighborhood. Mr. Lockwood asked about the status of Hiatus Road and SW 26 Street and how much it would cost his Association to put FPL lines underground. Mayor Truex thanked Mr. Lockwood for his military service overseas.

Madeline Woodlier, 13800 SW 37 Court, spoke about issues in Oak Hollow Estates. She advised that she had collected signatures indicating that residents did not want construction traffic access through her neighborhood. Development Services Director Mark Kutney spoke of meetings he and Town Engineer Larry Peters had held with the developer who had requested a meeting with the residents. Councilmember Paul felt the developer should not get an extension, as Council's direction was not to use 37th Court.

Barbara Tilley, 1941 SW 87 Avenue, thanked Council, Police Chief John George and his staff, and Mr. Bernard and his staff, for debris cleanup in Park City after Hurricane Wilma.

Michael Davenport, 1401 SW 22 Place, questioned the Town's \$25 million bond issue. He complained about the delay in removing debris in his neighborhood. Mr. Davenport voiced his concern about the embezzlement by Mr. Kovanes and questioned the process of checks and balances.

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Lloyd Phillips, 14220 SW 29 Court, voiced his disappointment with Councilmember Paul regarding bulk waste collection. He complained about a fence adjacent to his property that was a non-conforming land use issue. Mr. Phillips questioned the practice of hiring off-duty details from the Police Department.

John Ladue, 2961 SW 112 Terrace, asked for extra police presence in the Hiatus Road area.

Bryan Caletka, 6332 SW 39 Court, gave holiday wishes to Davie residents.

Marie Kaplan, 5721 SW 54 Court, complained about debris trucks that did not have covers and spoke of the need for better signage for trucks on 58th Avenue. Mr. Cohen advised that more police presence would help.

Monica Byrne-Henry thanked the Town, Housing and Community Development Director Shirley Taylor-Prakelt and Councilmember Starkey for the American Red Cross Shelter at the Davie PAL facility.

Mario Padillo also thanked the Council for its support of the American Red Cross Davie PAL shelter.

Linda Sliver, 5075 SW 70 Avenue, thanked the Town for its efforts on debris removal and asked for an additional pass. Mr. Cohen advised that residents needed to have additional debris out by December 11th and indicated that residents could request additional bulk pickup service.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, thanked staff and Council for its Hurricane Wilma recovery efforts. She requested Council's support to ask FDOT to clear dangerous tree limbs along the Florida pipeline easement.

Lo Cong Huynh, 10850 SW 23 Street, spoke of difficulties he had in acquiring a fence for his property. Mayor Truex directed staff to contact Mr. Huynh on the appropriate procedures.

Mayor Truex closed the Open Public Meeting.

4. PRESENTATION - SPECIAL COUNSEL SUSAN DELEGAL

Ms. Delegal provided an opinion that the Town place Mr. Kovanes on administrative leave without pay retroactive to November 16th. She advised that under due process rights, Mr. Kovanes could be given a pre-termination hearing for continued suspension. Ms. Delegal advised Council to appoint a hearing officer and recommended former Judge Patricia Cocalis.

Mayor Truex felt Council had to abide by the law and was in favor of following Ms. Delegal's advice on using Judge Cocalis. Councilmember Starkey agreed with Mayor Truex on using a hearing officer and asked if the hearing officer would be answering directly to Ms. Delegal during the pre-termination hearing. Ms. Delegal responded that the hearing officer would conduct the hearing and present her findings to Council.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve the two recommendations made by Ms. Delegal. Councilmember Starkey clarified that she was moving to retroactively place Mr. Kovanes on administrative leave without pay retroactive to November 16th and retrieve funds from the escrow account and not place any further funds in the escrow account. 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 Paul made a motion, seconded by Councilmember Starkey, to appoint the hearing officer to conduct a pre-termination hearing by the procedure recommended. 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)

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5. APPROVAL OF CONSENT AGENDA

Minutes

- 5.1. October 5, 2005 (Regular Meeting)
- 5.2. October 19, 2005 (Regular Meeting)
- 5.3. October 24, 2005 (Emergency Meeting)
- 5.4. October 28, 2005 (Special Meeting)
- 5.5. October 31, 2005 (Special Meeting)
- 5.6. November 2, 2005 (Regular Meeting)

Proclamation

- 5.7. Rick Case Bike for Kids Day (December 7, 2005)

Home Occupational Licenses

- 5.8. BHT Comics, 14201 SW 31 Court
- 5.9. Davie Wholesale, 3311 SW 118 Terrace

Resolutions

- 5.10. **SETTLEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE TOWN COUNCIL TO EXECUTE A SETTLEMENT AGREEMENT BETWEEN CARMAX AUTO SUPERSTORES, INC. AND THE TOWN OF DAVIE IN CASE NUMBER 04-011773(08), AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from November 16, 2005)

- R-2005-289 5.11. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO A DISTRICT FOUR (4) MAINTENANCE MEMORANDUM OF AGREEMENT (FM #411323-1-52-02) FOR TRAFFIC WAYS BEAUTIFICATION FOR I-595 AND STATE ROAD 817 WITHIN THE TOWN OF DAVIE AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SUCH DOCUMENT. (not budgeted - approximately \$4,000/annually)

- R-2005-290 5.12. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NUMBER 3 TO THE CONTRACT BETWEEN THE TOWN AND FIRST VEHICLE SERVICES FOR GARAGE MAINTENANCE OPERATIONS, AND PROVIDING FOR A TARGET BUDGET. (\$1,254,062)

- R-2005-291 5.13. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR FUNDING FROM THE BROWARD COUNTY MASS TRANSIT, COMMUNITY BUS SERVICE PROGRAM, ON BEHALF OF THE SOUTH FLORIDA EDUCATION CENTER, TRANSPORTATION MANAGEMENT ASSOCIATION.

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- 5.14. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING
R-2005-292 THE APPLICATION FOR A \$4,179.50 GRANT FROM THE MUNICIPAL PARKS
RECYCLING GRANT PROGRAM; AND AUTHORIZING ACCEPTANCE AND
EXECUTION OF THE GRANT, IF AWARDED. (no Town funds needed)
- 5.15. **BOARD EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
EXTENDING THE AIRPORT ADVISORY BOARD FOR ONE YEAR.
- 5.16. **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-293 ACCEPTING CERTAIN EASEMENTS FROM SUNDANCE AT DAVIE, INC.,
PROPERTY OWNER; AND PROVIDING AN EFFECTIVE DATE.
- 5.17. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING
R-2005-294 THE PLAT KNOWN AS "STIRLING TRIANGLE II" 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 4-2-05, Stirling Road Triangle II,
Associated Engineers of South Florida Inc./Stirling Triangle Professional Building
Corp., 6115 Stirling Road) *Planning and Zoning Board recommended approval*
- 5.18. **NON-VEHICULAR ACCESS LINE REVISION** - A RESOLUTION OF THE TOWN
R-2005-295 OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE NON-VEHICULAR
ACCESS LINE OF THE "HULMES PLAT", AND PROVIDING AN EFFECTIVE
DATE. (DG 5-2-05, Pirtle Office Building, 5700 Griffin Road)
- 5.19. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2005-296 FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE
RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE "HULMES PLAT," AND
PROVIDING AN EFFECTIVE DATE. (DG 5-3-05, Pirtle Office Building, 5700
Griffin Road)
- 5.20. **DELETION OF EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2005-297 FLORIDA, DELETING A 50-FOOT ACCESS EASEMENT BETWEEN PARCELS
"A" AND "B," AS WELL AS A 24-FOOT ACCESS EASEMENT WITHIN PARCEL
"B" FROM THE HULMES PLAT; AND PROVIDING AN EFFECTIVE DATE. (DG
9-4-05, Pirtle Office Building, 5700 Griffin Road)
- 5.21. **MITIGATION GUIDELINES** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2005-298 FLORIDA, ADOPTING REVISED CODE ENFORCEMENT MITIGATION
GUIDELINES RELATIVE TO CODE ENFORCEMENT FINES OR LIENS

Temporary Use Permits

- 5.22. TU 7-4-05, St. Bernadette Church, 7450 Stirling Road (carnival)
- 5.23. TU 8-1-05, Lowell Homes-Provence, southeast corner of SW 127 Avenue and SW 14
Street (temporary construction trailer)
- 5.24. TU 9-9-05, Nova Southeastern University, 3301 College Avenue (festival)

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Quasi-Judicial Consent Agenda

- 5.25. SP 6-4-04, Medical Center, 3100 North University Drive (B-2) *Site Plan Committee recommended approval based on the planning report; that a paver crosswalk be added across the entrance at University Drive and that a raised, keystone decorative element be added to the west elevation with the address numbers on it*
- 5.26. SP 1-1-05, Quality Homes Estates, 5151 SW 76 Avenue (R-3) *Site Plan Committee recommended approval based on the planning report and to substitute the 14-foot Holly trees in the front with eight-to-ten foot tall Holly trees and make up the difference in the reduce heights by adding eight-to-ten foot tall Cypress trees in the retention area. If the Central Broward Water Control District does not allow the Cypress trees in the retention area, then the applicant would plant 16-foot tall Live Oak trees (instead of 14-foot tall) along the streetscape to makeup the height loss*
- 5.27. SP 4-7-05, Pirtle Office Building, 5700 Griffin Road (Griffin Road Corridor East Gateway Zone) *Site Plan Committee recommended approval based on the planning report and the following: 1) to add six awnings at the north elevation at each end above the second floor windows which are above the little balconies (three on each side); 2) that the applicant look into a cross-access agreement with the property owners to the west; 3) on the first floor north elevation, move the existing wall with four doors back five feet to the south to create an open covered walkway and that there be adjustments made to the openings as discussed in order to work with the parking beyond; 4) the Committee recommends as a waiver, a three-foot landscape screen be provided adjacent to the parking areas on either side of the building in lieu of the three-foot wall called for in the Code; 5) the Committee approved of the uses at this location (minus item six in the planning report); and 6) that at the street line, there be a paver crosswalk if allowed by DOT, otherwise there should be crosswalk striping*
- 5.28. SP 4-9-05, Steak N' Shake, Lakeside - Town Shoppes, 5480 SW 70 Avenue (CC) *Site Plan Committee recommended approval based on the planning report; that there be striping at all crosswalks on the site; that on the west elevation, on the raised stone element, that it be made their main sign; and that the 14- to 16-foot tall double Alexanders in front of that stone element be substituted with a 5- to 6-foot double Phoenix Roebelenii*

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to table item 5.10 to December 21, 2005. In a voice vote, with Councilmember Starkey absent, all voted in favor. (Motion carried 4-0)

Councilmember Paul pulled items 5.7, 5.15, 5.21 and 5.26. Councilmember Crowley pulled item 5.10. Mayor Truex pulled item 5.18, 5.19, 5.20, 5.23, 5.27 and 5.28.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve the Consent Agenda minus items 5.7, 5.15, 5.18, 5.19, 5.20, 5.21, 5.23, 5.26, 5.27, and 5.28. In a voice vote, with Councilmember Starkey being absent, all voted in favor. (Motion carried 4-0)

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6. DISCUSSION OF CONSENT AGENDA ITEMS

5.7 Councilmember Paul 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)

Mayor Truex read the proclamation declaring December 7, 2005, Rick Case Bike for Kids Day. Mr. Case thanked Council for the recognition.

5.15 Councilmember Paul requested that the Airport Advisory Board function be expanded to cover transportation issues in general. Councilmember Crowley supported Councilmember Paul's recommendation. Mayor Truex felt this item should be tabled in order to consider Councilmember Starkey's opinion. He felt the Board members should be notified about the expansion of their responsibilities.

Councilmember Crowley made a motion, seconded by Mayor Truex, to table to December 21, 2005. In a voice vote, with Councilmember Starkey being absent, all voted in favor. (Motion carried 4-0)

5.18, 5.19, 5.20 and 5.27 Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses.

Mayor Truex was concerned about this hearing and stated that on visiting the neighborhood, he learned that some residents had not been notified. He was not in favor of moving forward until he was able to ensure that enough residents had an opportunity for public participation on this item. Mayor Truex requested that the notices be remailed.

Planning and Zoning Manager Bruce Dell advised that staff had sent out 56 notices to residents regarding the site plan. He added that meetings were held on June 1st and June 15th.

Councilmember Crowley stated that the applicant had consultants present and indicated that there was a large buffer between the residents and the building. He stated that he was willing to listen to this issue tonight and saw no reason not to move forward. Vice-Mayor Hubert felt enough notification had been given and pointed out that some residents may have forgotten.

Michael McGuinn, representing the applicant, advised of the process that was taken to hold the public participation meetings; however, no one attended either meeting.

Mayor Truex made a motion to table for one month and then in the interim, notices be sent out to the same list to all residents notifying them of a citizen participation meeting and that meeting be scheduled sometime within the next month. The motion died for lack of a second.

Mr. Dell summarized the planning report.

Jim Kahn, representing the applicant, explained the features of the property.

Councilmember Paul asked if the building was three levels above the garage. Mr. Kahn advised the building was two levels above the covered garage.

Councilmember Crowley asked about rental and living space. Mr. Kahn advised there would be rental space above but no living space. Councilmember Crowley was in favor of the project but wanted lighting reduced to a zero spillover on the south property line. Mr. Kahn advised that the applicant had been working with staff on this issue.

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

Mayor Truex advised he had spoken with some residents. Councilmember Crowley advised he had spoken with Mr. Pirtle and Mr. Stewart, the engineering of record.

Mr. Kahn regarding that recommendation #3 from the Site Plan Committee, the applicant believes they comply with the intent of the Town's ordinance to convey the sense of a porch but he did not

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recommend it. He indicated that this was a vandalism and security problem for the building and asked that it not be part of Council's consideration.

Councilmember Paul questioned why a covered walkway was recommended. Mr. Dell advised this was an architectural feature for visual purposes.

Mayor Truex advised that there was no big buffer or barrier for the residents. He said it was much too close and was a lot of building in someone's backyard and did not think it was right. Mayor Truex stated that he would be voting against the project. Councilmember Crowley indicated that he would agree if the request was a land use change and the applicant has a right to build a commercial project on the site. He indicated that he was in favor of the project.

5.18 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 Paul - yes; Councilmember Starkey - absent. (Motion carried 4-0)

5.19 Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve. Councilmember Paul voiced her concerns about increasing the buffer to the south. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - absent. (Motion carried 3-1)

5.20 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 Paul - yes; Councilmember Starkey - absent. (Motion carried 4-0)

5.27 Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve, subject to removing Site Plan Committee recommendation #3.

Councilmember Paul asked to amend the motion "to look at the siding issue to provide more texture." Jean Lee, representing the applicant, advised that trees would be installed at a 14-foot height with a 6-foot spread and that royal palms would go along the south side of the building.

Councilmember Crowley wanted to include the condition that Councilmember Paul would work with the developer on the landscape buffer and on adding more trees on the north side of the lake.

After further discussion, Council amended the motion to include "moving the wall to the edge of the parking lot, and adding a green chain link fence around the lake with a hedge line along the fence on the south side of the fence."

In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - absent. (Motion carried 3-1)

5.21 Councilmember Paul wanted to change the new base fee to \$1,500. Mr. Kutney explained the reasoning behind the fine for non-compliance and added that it was the Council's discretion to set stricter guidelines if it wished.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve subject to adding language stating, that the base fee may increase as costs are incurred by the Town. In a voice vote, with Councilmember Starkey being absent, all voted in favor. (Motion carried 4-0)

5.23 Vice-Mayor Hubert made a motion, seconded by Mayor Truex, to approve subject to an 18-month timeframe for the permit. In a voice vote, with Councilmember Starkey being absent, all voted in favor. (Motion carried 4-0)

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5.26 Mayor Truex turned this item over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses.

Mr. Dell summarized the planning report.

Councilmember Paul felt all utilities should be underground and asked that this provision be included. She also asked for a green guardrail and a hedge instead of tall grass by the lake. Jay Evans, representing the applicant, agreed to these requests.

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

Councilmember Crowley disclosed that he had spoken with Mr. Evans.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert, to approve subject to all utilities going underground, installing green guard rails adjacent to the cul-de-sac, adding a hedge pending approval of the SFWMD for trees around the lake area, and ensuring that the developer work with Council if there were any issues with lighting. In a voice vote, with Councilmember Starkey being absent, all voted in favor. (Motion carried 4-0)

5.28 Counsel Andre Parke read the rules of evidence and swore in the witnesses.

Mr. Kutney summarized the planning report.

In response to Mayor Truex's question, Tom Rice, representing the applicant, advised that the main entrance would be on the north side. Mayor Truex asked if a variance would be requested. Mr. Rice advised that they would apply for the signage and use the allotted square footage.

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

Vice-Mayor Hubert made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, with Councilmember Starkey being absent and Councilmember Paul out of the room, all voted in favor. (Motion carried 3-0)

7. PUBLIC HEARING

Ordinances - First Reading (Second and Final Reading to be held December 21, 2005)

7.1. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING CODE AMENDMENT APPLICATION ZB(TXT)10-1-05, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, BY AMENDING SECTION 12-286 ENTITLED RURAL LIFESTYLE REGULATION, SUBSECTION (B); PROVIDING SUPPLEMENTAL REGULATIONS FOR FENCES; AMENDING SECTION 12-309(A) ENTITLED REVIEW FOR VARIANCES; PROVIDING FOR FENCE DESIGN VARIANCES IN THE RURAL LIFESTYLE; AMENDING SECTION 12-34 ENTITLED STANDARDS ENUMERATED SUBSECTION (B) ANIMALS ADDING SUBSECTION (12); PROVIDING FOR INTENT SECTION AND REGULATIONS FOR THE MAINTENANCE OF HOBBY FARMS; AND AMENDING SECTION 12-503 ENTITLED DEFINITIONS; PROVIDING FOR DEFINITIONS FOR HOBBY FARMS; AND PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE. (tabled from November 7, 2005)

Town Clerk Muniz read the ordinance by title. Mayor Truex advised there would be a public hearing held on this ordinance at the December 21, 2005 meeting.

Mayor Truex opened the public hearing. As no one spoke, Mayor Truex closed the public hearing.

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In response to Mayor Truex's question, Mr. Kutney advised staff had no concerns about the hobby farm.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Paul - out of room; Councilmember Crowley - yes; Councilmember Starkey - absent. (Motion carried 3-0)

- 7.2. **PENSION PLAN 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.**

Town Clerk Muniz read the ordinance by title. Mayor Truex advised there would be a public hearing held on this ordinance at the December 21, 2005 meeting.

Mayor Truex opened the public hearing. As no one spoke, Mayor Truex closed the public hearing.

Budget and Finance Director William Underwood advised that the attorney for the pension plan was available to answer specific questions.

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 Paul - yes. Councilmember Crowley - out of room; Councilmember Starkey - absent. (Motion carried 3-0)

- 7.3. **PENSION PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE POLICE PENSION PLAN TO COMPLY WITH CHAPTER 185, FLORIDA STATUTES; AMENDING THE DEFINITION OF COMPENSATION IN SECTION 1.7 TO INCLUDE UP TO 120 HOURS OF OVERTIME; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Muniz read the ordinance by title. Mayor Truex advised there would be a public hearing held on this ordinance at the December 21, 2005 meeting.

Mayor Truex opened the public hearing. As no one spoke, Mayor Truex closed the public hearing.

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 - absent. (Motion carried 4-0)

Quasi Judicial Items

- 7.4. **SPECIAL PERMIT - 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) *Planning and Zoning recommended approval***

Mayor Truex turned this portion of the meeting over to Mr. Kiar who deferred to Mr. Parke. Mr. Parke read the rules of evidence and swore in the witnesses.

Mr. Kutney provided an overview of the project.

Shaun O'Brien, representing the applicant, spoke of his positive experience with staff since moving to the Town.

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Mayor Truex asked if this facility was only to be used by members. Mr. O'Brien responded affirmatively. Mayor Truex asked if this adjoined residences. Councilmember Crowley pointed out that the front of the building was adjacent to residences but the activity was to the rear.

Mr. Parke opened the public hearing. As no one spoke, Mr. Parke closed the public hearing and turned this portion of the meeting over to Council for disclosures. Councilmember Crowley advised he had spoken with Mr. O'Brien

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 Paul - yes; Councilmember Starkey - absent. (Motion carried 4-0)

- 7.5. **SITE PLAN** - 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*

Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses.

Mr. Kutney summarized the plans and advised they were only conceptual in nature and that Mr. DiBenedetto would have to come back before Council if this item were approved. Mr. Kiar asked Mr. DiBenedetto if he understood that Council's approval of any concept did not mean full approval of the plan, and that he would have to come back to staff and Council. Mr. DiBenedetto responded affirmatively.

Vice-Mayor Hubert asked if living spaces would be allocated as affordable housing. Mr. DiBenedetto replied in the negative. Councilmember Crowley felt the plan was an improvement but preferred to see a two-story building as there would be better buffering.

Mr. Kiar opened the public hearing.

Joe Cosner felt this was too large a project for the small parcel and objected to its proximity to adjacent residents.

Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures. Vice-Mayor Hubert disclosed that she had spoken with the applicant.

Councilmember Paul was opposed to a three-story project on the site. Mr. DiBenedetto did not foresee any problem with adequate space. Mayor Truex could not support this project and advised the applicant to submit a project that met all the Codes and setback criteria.

Vice-Mayor Hubert was concerned about the applicant's land right use to go upgrade the property. Mr. Kutney advised that staff would be willing to work with the applicant to come up with a plan suitable to Town Code and legal criteria.

Mayor Truex objected to the commercial usage of this building being imposed on a "scrap of land" in a residential area. Councilmember Paul felt this was a situation of "buyer beware" in light of the fact that the applicant had done his homework prior to the property changing hands.

Councilmember Crowley made a motion, seconded by Mayor Truex, to deny. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - no; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - absent. (Motion carried 3-1)

**TOWN COUNCIL MINUTES
DECEMBER 7, 2005**

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. Parks and Recreation Advisory Board Agency (one exclusive appointment - Councilmember Crowley; term expires April 2006) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

8.5. 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.

8.6. 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)

Vice-Mayor Hubert appointed Yvonne Siegrist.

8.7. 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

There was no old business to be discussed.

10. NEW BUSINESS

10.1. Florida Power and Light Hurricane Issues

Councilmember Paul advised that she had invited Florida Power and Light representative Ben Wesley to give a presentation to Council.

Councilmember Crowley made a motion, seconded by Councilmember Paul, to table to January 18, 2006. In a voice vote, with Councilmember Starkey being absent, all voted in favor. (Motion carried 4-0)

**TOWN COUNCIL MINUTES
DECEMBER 7, 2005**

10.2. Best Practices Analysis of the Town's Purchasing Policies and Procedures

Earlier in the meeting, Mr. Cohen advised that staff needed Council's decision on a list of organizations being considered to conduct a best practices analysis of the Town's purchasing policies and procedures. Councilmember Paul asked if the companies suggested performed actual audits. Mr. Cohen advised that only an analysis of purchasing was considered versus a comprehensive audit. Councilmember Paul spoke of issues she wanted addressed.

Councilmember Crowley asked about the difference between what was proposed and a forensic audit of departments. Mr. Cohen explained this analysis was more procedural and informal, whereas a forensic audit was more in-depth. Councilmember Crowley asked if this had to be advertised for other firms to be considered. Mr. Cohen indicated that Council could choose to advertise.

Mayor Truex asked if a bid was required or whether this could be considered professional services. Budget and Finance Director Bill Underwood advised that this service did not fall under the CCNA procedure.

Councilmember Starkey wanted to move forward with selecting a firm. She felt this was a good first step but wanted to pursue a full forensic audit.

Vice-Mayor Hubert advised that she had spoken with Mr. Andre Parke about the concept of using an inspector general who would investigate each department then report directly to Council. Mayor Truex felt the Town needed to get a handle on its procedures first. Councilmember Starkey felt a forensic auditor would act in the same role as an inspector general and requested a presentation for Council. Vice-Mayor Hubert wanted Mr. Cohen to contact the City of Miami to see how they contracted with the inspector general.

Ms. Stenzel-Nowicki felt it was important to use the community's help with the process and requested a review of the Charter.

Mr. Cohen agreed with Councilmember Starkey and felt more firms should be sought. He also agreed with Ms. Stenzel-Nowicki that adding the public was fine, but questioned the amount of time residents could dedicate to the process.

Mayor Truex requested that the list of firms be provided by the next Council meeting and that the selection be made at the first meeting in January 2006.

Councilmember Crowley made a motion, seconded by Councilmember Paul, to accept proposals for a presentation with the cut-off date by January 4th and to add Vice-Mayor Hubert's proposal on the investigator general. In a voice vote, all voted in favor. (Motion carried 5-0)

10.3. I-595 East West Transit

Councilmember Paul recalled that she had requested a resolution that would incorporate the Town's position on what it wanted in Davie. She was opposed to alternatives that placed elevated lanes along the south side of I-595. Mayor Truex supported the alternative that placed reversible lanes in the center. Councilmember Crowley wanted an option that would alleviate the traffic at the university complex but was opposed to elevated lanes west of University Drive. Vice-Mayor Hubert was not in favor of any of the alternatives. Mayor Truex felt the Town should state its opposition regarding anything elevated, any elevated transit on the south side, and any elevated transit west of University Drive.

11. MAYOR/COUNCILMEMBER'S COMMENTS

VICE-MAYOR HUBERT

HOLIDAY ACTIVITIES. Vice-Mayor Hubert spoke of her Thanksgiving activities and thanked staff for their help. She advised that a company was willing to come to Davie on December 17th to host holiday activities.

**TOWN COUNCIL MINUTES
DECEMBER 7, 2005**

COUNCILMEMBER CROWLEY

ABSENCE. Councilmember Crowley advised he might not attend the meeting on December 21, 2005.

COUNCILMEMBER PAUL

50-STAR SCHOOLS. Councilmember Paul indicated that out of 75 schools designated as 50-star schools, several were in Davie and commended Davie school principals for their efforts.

MAYOR TRUEX

NEW MOBILE HOMES. Mayor Truex spoke of documentation he received from Mr. Dale about new mobile homes, which he felt, would have safer codes.

CONFLICT. Mayor Truex spoke of a conflict issue he had discussed with Mr. Kiar and advised he would not be able to vote on the Wal-Mart project.

12. TOWN ADMINISTRATOR'S COMMENTS

DEBRIS REMOVAL. Mr. Bernard advised of his conversation with FEMA representatives regarding stumps. He stated that FEMA would not be able to review the 10% sampling of the stumps in the rights-of-way until sometime in January.

Mr. Bernard advised that almost 545,000 cubic yards of debris had been collected.

Town Clerk Muniz advised that staff would provide Council with reasonable estimates on the total costs of hurricane debris removal within a few weeks.

13. TOWN ATTORNEY'S COMMENTS

No comments were provided.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 11:40 p.m.

Approved _____

Mayor/Councilmember

Town Clerk