

**TOWN OF DAVIE
REGULAR MEETING
SEPTEMBER 20, 2006**

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 and Vice-Mayor Crowley, Councilmembers Paul, Starkey, and Caletka. Also present were Acting Town Administrator Cohen, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. PRESENTATION

3.1. Town Administrator Search

Robert Slavin, the Town's consultant, presented Council with summaries of the 10 candidates he was recommending and indicated that he would like Council's "short list" as soon as possible. He recommended individual interviews and then a panel interview. Mr. Slavin explained that his firm had advertised with the ICMA and JOBS, a part of the ICMA geared toward women and minorities.

Mayor Truex wanted the one "in-house" candidate added to Mr. Slavin's list. Councilmember Starkey wanted the female candidate from Miami included in this list because she was pleased with her CRA efforts in South Miami. Councilmember Paul wished to add Roger Desjarlais to the list and Council agreed.

Mr. Cohen recommended that Council present the short list of candidates they wished to personally interview at their next regular meeting. Mr. Slavin suggested they rank each candidate from one to twelve and he would compare their scores. Councilmember Caletka suggested that Council send their individual list to Mr. Slavin for him to create the short list and return with it, which would save travel expenses. Mayor Truex suggested that Mr. Slavin attend their next meeting by phone, which Mr. Slavin had no objection to.

Council agreed that there were now 13 candidates that each Councilmember would rank from 1 through 13; they would submit their ranked list at their next meeting, which Mr. Slavin would attend telephonically; the list would be shortened at that meeting to the top five, and interviews would be conducted on October 13th and 14.

4. PUBLIC HEARING - BUDGET

Resolution

- 4.1. **DEBT SERVICE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2006-250 **ESTABLISHING THE MILLAGE RATE TO BE LEVIED FOR VOTER APPROVED DEBT SERVICE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006, AND ENDING SEPTEMBER 30, 2007. {Approved on First Reading September 6, 2006 - all voted in favor}**

Town Clerk Muniz read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting.

Scott Spages, Budget Advisory Committee member, felt there were areas where additional budget cuts could be made with the first being tuition reimbursement. He reported that the Committee had also voted to advise Council to bid outsourced legal services and to have staff develop a cost comparison for outsourcing versus in-house legal services. The Committee also favored creating a policy and procedure manual using the scope of Moore, Stevens, Lovelace's study. He was particularly concerned with the use of the Town's credit cards. The Committee had also voted to request that Council allow the Director of Technology and Information Management Systems to control technology issues, specifically the costs associated with laptops. Mr. Spages advised that the Committee also asked Council to put the health

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insurance out to bid. Lastly, the Committee asked that Council cease and desist spending and appropriating money from the Community Endowment Fund and instead, put the money back into the Town reserves.

Lori Parrish said several of the items she had requested had not been produced, but thanked Council and Town staff for their cooperation. Regarding debt service, Ms. Parrish said she had been given wrong information at the last meeting. According to Ms. Parrish, the capital report for 2005 either did not exist, or was not produced for her. Budget and Finance Director Bill Underwood said the 2005 capital report had not yet been prepared, and reminded Ms. Parrish that staff had been busy during the past year investigating the former administrator and handling legal matters. He explained the bonds that had been completed since he had been hired. As to the 2005 report, they were awaiting the external auditors' final review to complete it.

Ms. Parrish asked Mr. Cohen if any capital bond projects had begun for which the bonds had not yet been issued. Mr. Cohen responded that there were several projects underway for which bonds had not yet been issued. He explained that during the bond process, staff had requested from Council that reserve funds be used to immediately begin some of the projects, which would be reimbursed the reserve once the bonds were done. Mr. Underwood reported that on the fire bond, approximately \$10 million had been funded from reserves, and on the open space bond, they had funded less than \$100,000 from reserves. Mr. Underwood explained that this money had already been reimbursed to the reserves. Ms. Parrish was unsure if the Town could legally use their reserves, as they had to cover budgeted items before the bonds were done.

Mr. Underwood confirmed that the fire bond had included a number of ambulances, large apparatus and construction. Councilmember Starkey asked Mr. Underwood to reply to Ms. Parrish's question about the legality of using the reserves. Mr. Underwood explained that Council had taken the action to use the reserves and reiterated that the reserve had already been reimbursed.

Mayor Truex stated that the debt service had been approved by the voters and they should approve this item. Councilmember Starkey agreed.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve, and to request information from staff regarding, using the Fire bond payback money to reduce the debt service. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 4-1)

Councilmember Caletka felt that once the fire bond money was repaid to the reserves, Council should consider using the reserves to roll back the debt service. Councilmember Starkey agreed, and wanted information on this idea from staff. Mayor Truex felt Council should discuss the level of the reserves with Mr. Underwood responding that the reserve was set at 25% of operating expenditures.

Ordinances - Second and Final Reading

4.2. **MILLAGE RATE - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING THE MILLAGE RATE TO BE LEVIED FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2006, AND ENDING SEPTEMBER 30, 2007. {Approved on First Reading September 6, 2006 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex announced that the Town's tentative operating millage rate for fiscal year 2007 was 5.0500, a 12.96 increase over the rolled-back rate of 4.4707. The tentative debt service millage was .7541.

Mr. Underwood explained that Council could discuss this item this evening, but could not vote until the special meeting scheduled for September 25th.

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Mayor Truex opened the public hearing portion of the meeting.

Ms. Parrish noted that the Town's ad valorem tax collection had increased 25.83% over last year. She was shocked to learn that there was a lack of internal control over purchases and expenditures in the Town and recommended that Council adopt clear and specific policies with respect to purchases. Ms. Parrish specifically wanted more control over the Town's credit cards. She was concerned about the lack of RFP's and bids to provide any kind of cost containment of the routine kind of things that were very expensive. Ms. Parrish said the health insurance had not been bid since 2001 and allowing 90 employees to select a PPO over an HMO for health insurance cost the Town \$1,404,000.

Ms. Parrish said she was also shocked by the number of outside attorneys the Town had, and staff's inability to tell her what services the attorneys had provided. Regarding the Town's lobbyists, Ms. Parrish said they had sometimes waited over a year to bill the Town for certain services, and these additional services had doubled or tripled the lobbyist's annual fee. Ms. Parrish felt \$35,000 for the employee Christmas party was excessive as well. Regarding charitable donations, she felt the Town should not donate more than \$5,000 to any organization that did not provide the Town with a financial statement. Ms. Parrish felt the tuition reimbursement program was "outrageous," both in the amounts reimbursed to individual employees for education, and the way the reimbursement was distributed, by department, without regard to the number of employees per department. She demanded that this be fixed prior to the budget hearing. Ms. Parrish felt the Town must also institute accounting standards regarding their cash disbursements.

Ms. Parrish said Council could not approve the proposed millage rate and budget because it was "wrong, it's unfair, it's twice as much as it should be." She urged Council to give staff clear, specific direction with respect to what policies they expected.

Mayor Truex closed the public hearing.

Councilmember Starkey agreed with many of Ms. Parrish's points and said that Council had taken action by hiring the forensic auditor. Councilmember Starkey pointed out that many of the auditor's recommendations that the Town intended to implement were similar to those needed changes suggested by Ms. Parrish. Additional oversight recommendations had also been made by Mr. Underwood and the Budget Advisory Committee. Councilmember Starkey felt that a management efficiency study would have addressed many of the policy issues. Mr. Cohen agreed to provide information on the status of the policy manual update.

Mayor Truex agreed with some of Ms. Parrish's points as well. Regarding the education reimbursement, he felt the Town's policy was too generous. He agreed the Town should re-bid the health insurance, but noted that they were also talking about cutting benefits. Mayor Truex added that this could be looked at, but when union contracts were involved, benefits or changes across the board could not be made. He agreed that a more definite policy regarding credit cards was needed and felt there was potential for abuse, but he was unsure whether abuse was actually occurring. Mayor Truex thought it was an excellent idea to perform a cost analysis regarding the Town Attorney position. Regarding local charitable contributions, Mayor Truex pointed out that the Town put millions of dollars in parks, trails and open space and he felt they should also donate money that would directly benefit the less fortunate members of the community, but agreed the criteria and application process must be standardized.

Mayor Truex had no objection to reducing the millage rate further, but no "big ticket item" suggestions had been made that could be implemented and have an immediate impact on the millage rate.

Vice-Mayor Crowley said the health insurance was at the top of his list of concerns, and he felt the insurance consultant's fee was high. He thought that Council could continue to seek ways to reduce the millage rate until their deadline in October. Vice-Mayor Crowley thought they could review the budget line by line and continue to find items to cut.

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Councilmember Caletka agreed that Council should perform a “checkup” on the Town’s credit cards, and he felt the charity policy lately was overly generous. He was bothered by the Town’s paying for gas when Town employees took their cars out of Broward County. Councilmember Caletka agreed that the Town should bid the Town Attorney fees to gauge whether the current fees were reasonable. He wanted staff to prepare information incorporating the suggestions made this evening prior to Council making its decision on the millage rate.

Councilmember Caletka reiterated his desire to drastically reduce the budget for the Economic Development Office and to charge a fee to employees who removed cars from the County. Mr. Cohen explained that it was primarily police and fire employees who had the vehicles, and this was provided in their contract. He was unsure if the contract addressed being charged a fee for removing a vehicle from the County.

Councilmember Paul stated that for two years, she had not voted for the budget and had tried to get Council to “micromanage” the budget in order to find and fix some of the problems. She was in favor of lowering the millage rate further. She explained that for some of the disbursements, there were offsetting revenues and wondered if there was a way to make this easier for them to see.

Councilmember Paul remembered that only one health insurance company had answered the Town’s RFP three or four years ago, and the Town had ultimately gone with the self-insurance fund, saving \$2 million in the process. She noted that the self-insurance fund currently had approximately \$2.7 million in it and by the end of the year, could have over \$3 million. Councilmember Paul felt it unfair that they were “overcharging the employees because this is their money.” Councilmember Paul felt the 50% dependent coverage could perhaps be offset by the reserve fund.

Councilmember Paul made a motion to reduce the insurance reserve by \$1 million to \$1.5 million to benefit the employee cost for insurance. The motion died for lack of a second.

Mayor Truex wanted some expert advice on this subject before Council voted on it. Councilmember Paul said the consultant had a “book” wherein she outlined a plan to reduce insurance. She offered to provide Mr. Underwood with her copy of the book and suggested that he meet with the consultant.

Councilmember Starkey felt an insurance workshop was needed. She remembered discussing reducing the insurance reserves at the last budget workshop, and expected this to be incorporated in the new “blue sheet,” but it had not been. Mr. Underwood said the health insurance reduction was already included in a prior sheet. He explained that the bond rating the Town had recently received was based partially on those accumulated reserves. Once the reserve was reduced, the premiums would need to be increased to replace the \$1.5 million. Councilmember Starkey thought the consultant had already explained that it would not cost significantly more for the employees. Mr. Cohen agreed that Mr. Underwood would meet with the consultant and have the consultant make a presentation at the September 25th meeting.

Councilmember Paul thought it essential that the Budget Advisory Committee submit quarterly reports, as Council would have caught many things earlier if they had seen quarterly reports. She agreed that Council should move forward with the community chest and thought there should be a clause in the lobbyists’ contracts that bills not submitted in the fiscal year during which the services were rendered would not be paid. Councilmember Paul wanted to consider putting caps on departmental travel allowances. Mayor Truex felt a policy regarding this must be fairly applied and have clear criteria for eligibility.

Councilmember Paul wanted someone to investigate whether the Town was paying Nova for a room rental where the Economic Development Council held meetings, since the Economic Development Council was not supposed to be affiliated with the Town. Ms. Parrish said either Councilmember Caletka or Mr. Underwood had told her that the Town paid \$25,000 to Nova University for room rental and

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refreshments for the Economic Development Council meeting. Neither Mr. Underwood nor Councilmember Caletka could remember having told Ms. Parrish this. Mr. Underwood agreed to determine whether this was true.

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, to recess this item to the end of the meeting. In a voice vote, all voted in favor (motion carried 5-0)

**4.3. BUDGET - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE BUDGET FOR THE TOWN OF DAVIE FOR THE FISCAL YEAR 2007.
{Approved on First Reading September 6, 2006 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

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

Councilmember Starkey made a motion, seconded by Councilmember Paul, to recess this item to the end of the meeting. In a voice vote, all voted in favor (motion carried 5-0)

At 12:17 a.m., Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to reconvene. In a voice vote, all voted in favor. (Motion carried 5-0)

Mr. Underwood explained that he had created a 5-page list of accounts, noting that 16 of them consumed 85% to 90% of the total budget.

Vice-Mayor Crowley wanted to direct staff to make some adjustments on the larger items to enable them to return a report reflecting the new millage rate assuming the removal of \$1.5 million from the insurance reserves. He felt they should also do an RFP for the insurance consultant position. Mayor Truex said that Council must first decide if they would cut benefits for health insurance. Councilmember Starkey felt Council should consider moving from a two-tier to a four-tier deduction process to save employee expenses at no additional cost to the Town. She thought Council should also reduce the amount the Town put into the insurance reserves. Regarding the four-tier system, Mr. Cohen noted that those at the top end would pay more and those at the bottom would pay less, but this would not have any impact on the budget.

Mr. Cohen agreed to prepare a budget reflecting the reduction of the insurance reserve by an amount to be confirmed by the consultant. He explained that the reduction of the reserve would be a "one time deal" to reduce employee insurance payments. Once the reserve was reduced and applied against the employee payments this year, there would be no monies available to do the same thing next year, which would substantially increase the employee rates next year. Mr. Cohen explained that a reduction of the reserves artificially deflated the insurance costs.

Vice-Mayor Crowley wanted to see the education/training budget reduced by \$100,000.

Councilmember Paul made a motion, seconded by Mayor Truex, to recess the budget discussion to September 25, 2006 at 5:30 p.m. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Paul noted that item 5.1 was actually the emergency meeting and item 5.2 was the regular meeting.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to table item 5.1 to their next meeting. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex stated that staff had requested that item 5.14 be withdrawn. Mr. Kiar explained that the quit-claim deed submitted by the property owner was deficient in many respects.

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Development Services Director Mark Kutney explained that the applicant for item 5.18 had requested the item be tabled to December 6, 2006. Staff was working with the applicant to resolve problems with the site plan.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to table item 5.18 to December 6. In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

5. APPROVAL OF CONSENT AGENDA

Minutes

- 5.1. July 19, 2006 - Regular Meeting (tabled from September 6, 2006)
- 5.2. August 11, 2006 - Emergency Meeting (tabled from September 6, 2006)

Proclamations

- 5.3. Physician Assistant Day (October 6, 2006)
- 5.4. National Breast Cancer Awareness Month (October 2006) and National Mammography Day (October 20, 2006)

Resolutions

- R-2006-251 5.5. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR GIRLS FAST PITCH SOFTBALL OFFICIALS. (\$25,620 - ASA Umpires United)
- R-2006-252 5.6. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR JANITORIAL SERVICES FOR VARIOUS PARK FACILITIES. (Perm-A-Care Janitorial Services, Inc. - \$124,553.60/year)
- R-2006-253 5.7. **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING FLORIDA STATE CONTRACT 420-590-02-1 FOR THE PURCHASE AND INSTALLATION OF MOVABLE SHELVING FOR STORAGE OF PROPERTY AND EVIDENCE. (Florida Office and Data Systems Incorporated - \$32,654)
- R-2006-254 5.8. **MEMORANDUM OF UNDERSTANDING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE OLD DAVIE SCHOOL FOUNDATION TO SET FORTH PURCHASING PROCEDURES PURSUANT TO THE RESTORATION OF THE VIELE HOUSE.
- R-2006-255 5.9. **PURCHASE RATIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE DEVELOPMENT AGREEMENT AND CONTRACT FOR PURCHASE AND SALE BETWEEN THE DAVIE CRA AND DOWNTOWN DAVIE DEVELOPMENT CORPORATION CONCERNING THE REDEVELOPMENT OF THE .96 ACRE PARCEL AT THE SOUTHEAST CORNER OF DAVIE ROAD AND SW 41 STREET; AND PROVIDING FOR AN EFFECTIVE DATE

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- 5.10. **PURCHASE RATIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S PURCHASE OF PROPERTY FROM HULLY GILL; AND PROVIDING AN EFFECTIVE DATE. (\$850,000)
R-2006-256
- 5.11. **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NUMBER 3 TO THE CONTRACT BETWEEN THE TOWN AND BUDGET CONSTRUCTION COMPANY, INC. FOR THE DAVIE/COOPER CITY CHAMBER OF COMMERCE PARKING MODIFICATIONS. (\$14,860.83)
R-2006-257
- 5.12. **SELECTION OF FIRM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF ADVANCED ROOFING, INC. TO PROVIDE ROOFING CONTRACTOR SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
R-2006-258
- 5.13. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "SESSA DANIELLE PLAT" 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 8-1-05, Sessa Danielle Plat, 4343 South State Road 7)
R-2006-259
- 5.14. **QUIT CLAIM DEED** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ACCEPT A QUIT CLAIM DEED FOR RIGHT-OF-WAY FROM D & L INVESTMENT PROPERTIES INC; AND PROVIDING FOR AN EFFECTIVE DATE.
- 5.15. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A PROPOSED INTERLOCAL AGREEMENT WITH THE TOWN OF SOUTHWEST RANCHES FOR DELIVERY OF EMERGENCY MEDICAL AND FIRE PROTECTION SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.
R-2006-261
- 5.16. **INSURANCE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A ONE (1) YEAR PROPERTY & CASUALTY PARTICIPATION AGREEMENT WITH THE PREFERRED GOVERNMENTAL INSURANCE TRUST (PGIT) PROVIDING FOR PROPERTY, AUTO LIABILITY, GENERAL LIABILITY, AND WORKERS' COMPENSATION INSURANCE COVERAGES TO BE EFFECTIVE OCTOBER 1, 2006 AND THEREAFTER PROVIDING FOR EXTENDING OR RENEWING THE AGREEMENT FOR UP TO FOUR (4) ADDITIONAL ONE (1) YEAR PERIODS.
R-2006-262

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- 5.17. **GRANT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A \$87,800.00 GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE IMPLEMENTATION OF AN AGGRESSIVE DRIVING AWARENESS PROGRAM, AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT IF AWARDED.**
R-2006-263

Quasi-Judicial Consent Agenda

5.18. PETITIONER REQUESTING A TABLING TO DECEMBER 6, 2006

SP 10-2-04, Dunkin Donuts Restaurant, 3884 SW 64 Avenue (B-2) (tabled from July 19, 2006) *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*

- 5.19. SPM 9-3-04, Summit-Questa Montessori School, 5452 SW 64 Avenue (CF) *Site Plan Committee recommended approval subject to staff's recommendations minus one, two and three which have been achieved and subject to the following conditions: 1) if exotic plants along the northern boundary were ever removed by natural causes or otherwise, a landscaping plan for that portion must be submitted to Town staff; 2) lower the floor in the gymnasium to gain more height and replace the mansard roof with a hip roof and add a minimum of two large or three cupolas to the gymnasium roof; 3) subject to engineering approval of water drainage plans and septic tank system as on page 4 of 9 with a note that the Committee expresses great concern here; 4) that color number three will be toned down for the base of the building and color number two to be used for the cupolas on that same building; 5) for the eastern north side of the gymnasium building, remove the 'X' banding and add scored stucco grey base around all buildings; 6) show the gravel sidewalk along the eastern side of the existing lower elementary building on the plan; 7) add large yellow pedestrian signs in both directions at all crosswalks on the main drive and provide traffic direction and sign plan to staff for their approval; 8) bring a color sample of the dimensional asphalt roofing to the Committee; and 9) add direct decorative roof supports all around the gymnasium building at the upper wall*

Councilmember Caletka pulled item 5.9 from the Consent Agenda. Councilmember Paul pulled item 5.2. Mayor Truex pulled items 5.8 and 5.15 from the consent agenda.

Vice-Mayor Crowley mad a motion, seconded by Mayor Truex, to approve the Consent Agenda minus items 5.2, 5.8, 5.9 and 5.15. In a voice vote, all voted in favor. (Motion carried 5-0)

6. DISCUSSION OF CONSENT AGENDA ITEMS

5.2 Councilmember Paul stated that on page 12, the word "decounter" should be "discounted" and in the line where she was referring to the attorney for the residents and the planner, it should say the

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attorney for the residents and the homeowner's association planner. Councilmember Starkey clarified that Councilmember Paul wanted these indicated in parentheses to clarify what was said.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve the minutes of Council's August 11, 2006 meeting as amended. In a voice vote, all voted in favor. (Motion carried 5-0)

5.8 Mr. Kiar agreed with Mayor Truex that neither he nor Councilmember Caletka had any conflict in voting on this item.

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

5.9 Councilmember Caletka remarked that this was the beginning of several new projects.

Mr. Kiar noticed that Exhibit "F," was missing a page. Staff confirmed that this document would be included at closing.

Councilmember Caletka made a motion, seconded by Councilmember Starkey, to approve, subject to Mr. Kiar's review and approval of Exhibit F. In a voice vote, all voted in favor. (Motion carried 5-0)

5.15 Mayor Truex asked if providing this service would result in any decrease in the level of service, and if it would adversely affect Davie taxpayers. Fire Chief Don DiPetrillo assured this would not affect the level of service. He agreed with Mayor Truex that it would be a "break even or a little bit ahead for Davie."

Mr. Kiar recommended a change to page 20, section 17.9 - that notice be sent certified or registered mail, and that he and Chief DiPetrillo are sent copies directly.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve, subject to Mr. Kiar's recommended changes. In a voice vote, all voted in favor. (Motion carried 5-0)

7. PUBLIC HEARING

Resolutions

7.1. **PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2006-264 **AUTHORIZING THE MAYOR AND APPROPRIATE TOWN OFFICIALS TO EXECUTE THE PURCHASE AND SALE AGREEMENT WITH THE TRUST FOR PUBLIC LAND FOR THE PROPERTY KNOWN AS THE RYAN PARCELS; AUTHORIZING THAT DUE DILIGENCE PROCEDURES BE CONDUCTED; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Muniz read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting.

Jason Curtis, Secretary of the Broward County Farm Bureau, asked Council to approve the purchase of the land.

Julie Aitken, 3801 Flamingo Road, asked Council to approve this item as well.

Linda Greck, 3121 SW 116 Avenue, stated her support for the purchase and noted that the parcel already had a substantial amount of funding guaranteed from the County and State. She felt the park would help preserve the agricultural heritage of the Town, and provide valuable educational programs. Ms. Greck said they had worked with the Trust for Public Land to accomplish this project.

Mayor Truex closed the public hearing.

Councilmember Paul distributed copies of emails in support of the purchase from Fred Siegel and Art Waggenheim. She hoped to obtain some corporate support for the project to help with maintenance costs and to build the education center.

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Mr. Kiar asked that the motion include the amendment to change the closing date from November 10th to November 20th.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve including the amendment regarding the closing date. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - no. (Motion carried 4-1)

Mr. Underwood explained that money from the open space bond issue would be used to purchase the land. Councilmember Paul said the funds from the Florida Communities Trust would be available as soon as they had a management plan for the park, which she thought was already begun.

Councilmember Starkey said she supported the farm park, but felt it did not comply with the criteria of the bond issue, and therefore could not vote for it this evening.

Vice-Mayor Crowley thanked the Ryan family for their help with the purchase. He wanted to be sure their family name stayed with the park name.

Mr. Underwood explained that this would be a “loan” from the other districts. He said Councilmembers loaning the funds to District 4 could set the terms and conditions of the loan, as long as it did not surpass the usury law.

Councilmember Starkey was concerned about the Town’s carrying costs while waiting for the closing. Councilmember Paul felt it could be as much as \$64,000. Ms. Condon from the Trust for Public Land explained that all “hard costs” would be covered, but she was not sure about holding costs, and agreed to find out for Council.

7.2. **FLEX ALLOCATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2006-265 **AUTHORIZING THE ALLOCATION OF INDUSTRIAL TO COMMERCIAL FLEX**
TO THE SESSA DANIELLE PLAT UNDER THE TWENTY (20) PERCENT
INDUSTRIAL-TO-COMMERCIAL FLEXIBILITY RULE IN ACCORDANCE WITH
THE BROWARD COUNTY LAND USE PLAN AND THE ADMINISTRATIVE
RULES DOCUMENT: BROWARD COUNTY LAND USE PLAN; AND PROVIDING
FOR AN EFFECTIVE DATE. (FX 12-2-05, Sessa Danielle Plat/Linda Strutt
Consulting, Inc./Danielle, 4343 South State Road 7)

Town Clerk Muniz read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting.

Rod Feiner, representing of the owner, stated this was the equivalent of a “glitch bill,” conforming the land use to what already existed on the property. Mr. Kutney explained that this was a “housekeeping” item. Mr. Feiner said since this conformed the land use to the zoning, it would facilitate future development.

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

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Quasi Judicial Items

7.3. **VARIANCE** - V 2-1-06, O'Connor, 2273 SW 132 Way (A-1) (to reduce the minimum side setback from 30 feet to 25 feet from the property line) (tabled from July 19, 2006) *Planning and Zoning Board recommended approval based upon the applicant providing a drainage plan to the Town Engineering Department to make sure it meets Code showing pervious and non-pervious areas, that there was not too much lot coverage, showing how the lot was to drain, keeping 100% retention on the lot; and to provide a landscape plan for the addition showing how to "hide" the 183-foot wall subject to approval by the Site Plan Committee*

Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Kutney summarized the planning report. He advised that the applicant had presented staff with a rendering, but it had arrived too late to be distributed to Council prior to the meeting. Mr. Kutney indicated that Council could table the item until staff could provide an opinion.

Wesley Curran, representing the petitioner, agreed with 30-foot setbacks, but this rule was adopted after this community was built, and every home in this development had setbacks of 25 feet or less. The only party who could see the section of the building in question was the next-door neighbor, who had provided a letter stating his support for the project.

Mr. Curran said the size of the addition had recently been reduced, which was indicated in his new rendering. Regarding drainage, He stated that the site had drainage easements in place and the addition did not infringe upon them in any way. Mr. Curran indicated that the petitioner had a plan to ensure that the side yard would retain rain that fell on the property.

Mr. Kiar read the neighbor's letter of support to which Mr. Curran had referred, into the record. Mr. Curran confirmed that he had attended the homeowner's association meeting where they had voted to approve this project. Mr. Kutney advised that Emerald Springs Homes of Davie had sent a letter indicating approval of the variance request.

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

Councilmembers stated their disclosures.

Mr. Kutney asked Council to require the applicant to provide an updated rendering to staff reflecting the current plans. Mr. Curran agreed. Vice-Mayor Crowley wanted to eliminate the requirement to retain 100% of the drainage on site, and to allow staff the opportunity to approve the landscape plan.

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

7.4. **VARIANCE** - V 2-2-06 Rousseau, 2461 SW 131 Terrace (A-1) (to reduce the minimum side setback from 30 feet to 25 feet from the property line) (tabled from July 19, 2006) *Planning and Zoning Board recommended approval contingent upon a drainage plan to be presented to the Town Engineer or inherent department for approval and a landscaping plan to be reviewed by the Site Plan Committee*

Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Kutney summarized the planning report. He explained that the support letter from the homeowner's association was included in the packet for this item.

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Wesley Curran, representing the petitioner, agreed that Planning and Zoning should review the landscape plan. He noted that there was already a drainage easement on the property that they would not touch.

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

Councilmembers stated their disclosures.

Councilmember Paul wanted the approval to include the recommendations of the Planning and Zoning Board and the condition that no trees be planted in the drainage easement. Vice-Mayor Crowley wanted to include the condition staff would approve the landscape plan.

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

8. APPOINTMENTS

8.1. Mayor Truex

8.1.1. Airport/Transportation Advisory Board (one exclusive appointment - term expires December 2006)

No appointment was made.

8.1.2. Agricultural Advisory Board (one exclusive appointment - term expires April 2008) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

Mayor Truex appointed Greg Hoover.

8.1.3. Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (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.

8.1.4. Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

8.1.5. Water and Environmental Advisory Board (one exclusive appointment; term expire April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

8.2. Councilmember Caletka

8.2.1. Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

Councilmember Caletka appointed Cindy Taylor.

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Councilmember Starkey recommended that the Youth Education and Safety Advisory Board continue to meet at the Police department and continue to have a Police Department liaison. Police Chief John George confirmed that the liaison was a civilian, not an officer, and he had no objection. Council agreed.

- 8.3. Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

No appointments were made.

Mr. Kutney advised that the Dunkin Donuts property was boarded and therefore, was not considered unsafe. The other property was still being researched concerning its historical value.

9. OLD BUSINESS

- 9.1. Procurement Procedures Manual - Preparation and Training (tabled from September 6, 2006)

R-2006-266 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE FIRM OF MOORE STEPHENS LOVELACE, P.A. TO PREPARE PROCEDURES MANUALS, PROVIDE TRAINING, AND PROVIDE MONITORING SERVICES.

Mr. Underwood explained that the hourly rates had been attached to the agenda item. He agreed to provide monthly reports and a report whenever there was a draw request. Mr. Underwood said this project would include not only the recommendations from the audit, but also travel and per diem, education and training reimbursement, and other items Council wished to include.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve subject to the status reports requirement and the 180-day limit. In a voice vote, all voted in favor. (Motion carried 5-0)

- 9.2. Engineering Fee Analysis

Town Engineer Larry Peters reported that in response to an inquiry from Mr. Schmidt at Council's July 9th meeting regarding engineering fees, staff had researched fees in the surrounding communities and found that Davie was 50% below the highest fee. Mr. Peters stated that the Engineering Department's budget and revenues were both approximately \$1.2 million and he felt their fees were fair overall. Mr. Kutney said that since the Town would own part of the property for the Schmidt project, the Town could consider reducing the fee for that project, but he felt they must be very careful about this.

Councilmember Starkey felt Council should not consider adjusting any fees, as this would set a bad precedent. Councilmember Paul agreed.

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, to charge the Schmidt project the normal engineering fee. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5 - 0)

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9.3. District Boundaries Review

R2-006-260 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GEOWEB CONSULT SERVICES FOR DISTRICT BOUNDARY REVIEW CONSULTANT SERVICES, AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz explained that the new bid from FAU was more than twice the original bid from GeoWeb. He added that FAU timeline was not acceptable.

Scott Burton, representing GeoWeb, agreed to honor their original timeline. He felt the key to accomplishing the project on time was to coordinate meetings with the District Boundaries Review Committee.

Councilmember Paul felt they must move ahead rapidly.

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

Councilmember Starkey wondered if they might need legal representation to address any legal issues. Mr. Burton said that some communities did this, but most deferred to the municipal attorney or legal department. He assured Councilmember Caletka that he would present them with four viable plans.

10. NEW BUSINESS

There was no new business to be discussed.

**11. MAYOR/COUNCILMEMBER'S COMMENTS
COUNCILMEMBER CALETKA**

POLICE PRESENCE. Councilmember Caletka thanked Chief George for the police presence in his district.

SILVER LAKE PARK. Councilmember Caletka wanted Silver Lake Park open as soon as possible.

STIRLING ROAD TURNPIKE EXIT. Regarding the Stirling Road exit from the Turnpike, Councilmember Caletka said his constituents were opposed to it. He felt the exit would only congest Davie's minor arteries and asked Council to consider a resolution against this exit.

TOWN ATTORNEY BILLING. Councilmember Caletka objected to some of the Town Attorney's billing for phone calls with residents. Mayor Truex felt the only way to prevent this was to stop allowing residents to phone the Town Attorney. He thought this did not amount to a large sum and Mr. Kiar deserved to be compensated for his time.

Mr. Kiar said he normally did not bill the Town when residents phoned him. He did bill for a conversation with Mr. Chapnick, who had given Council considerable input on a very difficult issue.

COUNCILMEMBER CROWLEY

COUNCIL MEETINGS. Vice-Mayor Crowley said some of his constituents wanted to view City Council meetings from neighboring communities on Davie TV, specifically Southwest Ranches, Cooper City and the Broward County Commission. Public Information Office Braulio Rosa agreed to look into this issue.

COUNCILMEMBER STARKEY

ROAD ASSESSMENT. Councilmember Starkey felt Council should address road assessments for single-family homes. Mr. Kutney said the Rodriguez issue to which Councilmember Starkey referred was a private driveway, not a public roadway and advised that the Engineering Department had been trying to craft a solution to this with Mr. Rodriguez' attorney. Councilmember Starkey said she was receiving calls

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from Mr. Rodriguez regarding his frustration and she thought Council should consider instituting some sort of policy regarding this.

Councilmember Starkey thought that perhaps contributing to a fund for future road improvements might be appropriate. Mayor Truex felt that Town residents should not be paying for something that would only benefit a few people.

Mr. Peters clarified that there was never any intention to connect two roadways. He stated that Mr. Rodriguez could have had his permit months ago had he put a driveway in on an existing public right-of-way. Mr. Peters explained that Mr. Rodriguez had refused to do this because he wanted to connect his driveway to SW 13th Street. Mr. Peters said the Town had a policy regarding this, which stated that no lot or parcel should be constructed without public access for more than four residences, and the driveway may not extend more than 1,000 feet.

Mr. Peters advised that he had met with Mr. Rodriguez and his attorney prior to his purchase of the property and assured Mr. Rodriguez that he had access to existing public right-of-way on the property. Mr. Peters stated that Mr. Rodriguez had complained that another resident on SW 13th Street had been given a permit; however, this resident had no other public access.

Mr. Peters had offered to allow Mr. Rodriguez to improve SW 13th Street and to be reimbursed in the future when someone else used it. The street was currently non-conforming, and the Town sought to get it to comply with land use regulations. Councilmember Starkey said that Mr. Peters was asking one single-family homeowner who's building to pay for all these improvements now." Mayor Truex stated that it "sounds like he's not being asked to do anything if he chooses to." Mr. Peters reiterated that Mr. Rodriguez had a viable alternative and he was not being asked or required to do anything. Councilmember Starkey indicated that this had to be a policy decision by Council. Mayor Truex responded that there was is a policy in place if it was in the Land Development Code. He added that as there was an alternative, the Town was not asking Mr. Rodriguez to do anything that was unreasonable.

MAYOR TRUEX

BROADVIEW PARK. Mayor Truex stated that the County's attorney had written that the arrangement to compensate the Town was not legal. He indicated that the Broadview Park annexation bill needed to include language that the Town would be reimbursed as the Town was not in the position to absorb millions of dollars a year.

Councilmember Paul advised that she had spoken with Representative Ryan who had indicated that the direction was to get an independent firm to look at the numbers and the Town would approve that firm.

ANNUITY. Mayor Truex asked the status of the professional fee on the annuity paid to Harry Venis. Mr. Cohen responded that Susan Delegal was looking into this issue and had promised to phone Mr. Cohen the next day.

VENDOR RECOVERY. Mayor Truex asked Mr. Cohen the status of the vendor recovery that was recommended by the forensic auditor. Mr. Cohen advised that staff was trying to schedule a meeting next week with the forensic accountants, whom Council had authorized to act as settlement negotiators.

Mayor Truex asked the status of the road near the Methodist Church. Mr. Cohen stated that the road had not been paved and as it was in the Capital Projects, the paving would require Council approval. Staff would work with the forensic auditors to determine how to address this and bring it back to Council.

12. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided.

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13. TOWN ATTORNEY’S COMMENTS

DECLARATION OF CONTINUING OBLIGATIONS. Mr. Kiar said he had reviewed the declaration of continuing obligations relating to item 5.9 and it looked fine.

He wished Councilmember Paul a happy holiday

REPRESENTATION. Mr. Kiar stated that he represented the Town and all five Councilmembers whom he respected.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 12:38 a.m.

Approved _____

Mayor/Councilmember

Town Clerk