

**TOWN OF DAVIE  
REGULAR MEETING  
JANUARY 17, 2007**

**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 Crowley, Councilmembers Caletka, Paul and Starkey. Also present were Town Administrator Shimun, Town Attorney Jim Cherof, and Town Clerk Muniz recording the meeting.

Mayor Truex advised that the applicant for item 3.7 had requested a tabling to February 7, 2007.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex to table item 3.7 to February 7, 2007. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that item 3.27 needed to be added to the agenda.

Councilmember Starkey made a motion, seconded by Mayor Truex, to add item 3.27 to the agenda.

Councilmember Caletka said he did not know what this item was, and would not support adding it to the agenda. Vice-Mayor Crowley noted that there was no backup on the item and Mayor Truex said someone would explain the item.

In a voice vote, with Vice-Mayor Crowley and Councilmember Paul opposed, all voted in favor. (Motion carried 3-2)

**3. APPROVAL OF CONSENT AGENDA**

*Minutes*

3.1. October 18, 2006 (Regular Meeting) (tabled from January 3, 2007)

3.2. November 1, 2006 (Regular Meeting) (tabled from January 3, 2007)

*Parade Permit*

3.3. 70th Annual Orange Blossom Parade (February 24, 2007)

*Resolutions*

R-2007-11 3.4. **DELEGATION REQUEST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE DELETION TO THE NON-VEHICULAR ACCESS LINE OF THE "W.A.B. II INVESTMENTS," AND PROVIDING AN EFFECTIVE DATE.** (DG 5-1-06, Eddie's Collision Experts, 4375 SW 60 Avenue) (tabled from December 20, 2006)

R-2007-12 3.5. **PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "GRIFFIN LANDMARK" 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 12-2-05, Griffin Landmark Building, generally located east of the Turnpike on the north side of Griffin Road) *Planning and Zoning Board recommended approval subject to the planning report* (reconsidered at the December 20, 2006 meeting and then tabled to January 17, 2007)

**TOWN COUNCIL MINUTES  
JANUARY 17, 2007**

- 3.6. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING FOR THE AMENDING OF THE PLAT NOTE RESTRICTION OF THE "PINE ISLAND COMMERCIAL," AND PROVIDING AN EFFECTIVE DATE. (DG 2-3-06, Pine Island Office Centre, 8501 Orange Drive) (tabled from December 20, 2006)  
R-2007-13
- 3.7. **MEMORANDUM OF AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT TO MODIFY BULK WATER AND SEWAGE USER AGREEMENT BETWEEN THE TOWN OF DAVIE AND FERNCREST UTILITIES TO PROVIDE BULK WATER AND SEWAGE SERVICE; AND PROVIDING AN EFFECTIVE DATE. (tabled from December 20, 2006)
- 3.8. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LEASE AMENDMENT TO AN EXISTING LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND AMERICAN TOWER CONCERNING THE MONOPOLE TELECOMMUNICATIONS TOWER LOCATED AT 3600 FLAMINGO ROAD; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from January 3, 2007)
- 3.9. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "LORSON 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 4-1-06, Lorson Plat, 5355 SW 76 Avenue) (tabled from January 3, 2007) *Planning and Zoning Board recommended approval*
- 3.10. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE DAVIE RODEO ASSOCIATION, INC. AND THE TOWN OF DAVIE, FLORIDA FOR THE USE OF THE BERGERON RODEO GROUNDS FOR A BARREL RACING CLINIC AND WAIVING FEES. (\$1,000 arena rental)  
R-2007-14
- 3.11. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN TEEN CHALLENGE INTERNATIONAL FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR NATIONAL RECOVERY MONTH EVENTS AND WAIVING RENTAL FEES IN PART. (\$750 arena rental)  
R-2007-15
- 3.12. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN ISLAND AWARDS, INC. AND THE TOWN OF DAVIE TO RENT THE BERGERON RODEO GROUNDS FOR A CARIBBEAN FESTIVAL. (\$1,000 arena rental)  
R-2007-16

**TOWN COUNCIL MINUTES  
JANUARY 17, 2007**

- 3.13. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2007-17 AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO A  
DEPARTMENT OF TRANSPORTATION DISTRICT FOUR (4) MAINTENANCE  
MEMORANDUM OF AGREEMENT (FM #413796-1-52-01) FOR TRAFFIC WAYS  
BEAUTIFICATION FOR UNIVERSITY DRIVE WITHIN THE TOWN OF DAVIE  
AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO  
ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO  
SUCH DOCUMENT.
- 3.14. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2007-18 FLORIDA, APPROVING AN EXTENSION OF THE EXISTING CONTRACT WITH  
CPZ ARCHITECTS FOR MISCELLANEOUS ARCHITECTURAL SERVICES.
- 3.15. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2007-19 FLORIDA, APPROVING AN EXTENSION OF THE EXISTING CONTRACT WITH  
SALTZ MICHELSON ARCHITECTS FOR MISCELLANEOUS ARCHITECTURAL  
SERVICES.
- 3.16. **CONTRACT AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2007-20 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT 4 TO THE  
CONTRACT BETWEEN THE TOWN AND FIRST VEHICLE SERVICES FOR  
GARAGE MAINTENANCE OPERATIONS, AND PROVIDING FOR A TARGET  
BUDGET. (\$1,380,835)
- 3.17. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING  
R-2007-21 THE MAYOR TO ACCEPT THE BID RECOMMENDATION FOR THE "PAVILION  
AT MATH IGLER PARK." (\$30,353)
- 3.18. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING  
R-2007-22 THE SUBMISSION OF THE ORANGE PARK N-29A CANAL IMPROVEMENTS  
PROJECT TO THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
(SFWMD) FOR POTENTIAL GRANT FUNDING; AUTHORIZING ACCEPTANCE  
AND EXECUTION OF THE GRANT IF AWARDED; AND EXPRESSING THE  
INTENT TO UTILIZE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)  
FUNDS TOWARD THE PROJECT (\$376,352.50 GRANT REQUEST, WITH  
\$376,352.50 CDBG MATCH). (not budgeted)
- 3.19. **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2007-23 APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE  
LIENS IN CASE NO. 01-081 FROM \$5500.00 IN AMOUNT TO \$1698.48 AND  
PROVIDING AN EFFECTIVE DATE. (Davila/Federman)
- 3.20. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2007-24 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR LEGAL  
SERVICES BETWEEN THE TOWN OF DAVIE AND THE LAW FIRM OF GOREN,  
CHEROF, DOODY, AND EZROL, P.A. TO PERFORM THE DUTIES OF THE  
TOWN ATTORNEY AND PROVIDING FOR AN EFFECTIVE DATE.

**TOWN COUNCIL MINUTES  
JANUARY 17, 2007**

- 3.21. **CONTRACT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-2007-25 **FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE  
TOWN OF DAVIE AND LITTLE CRITTER CORRAL, INC. FOR LIVESTOCK  
GRAZING SERVICE AT ROBBINS LODGE PARK. (\$204/month revenue to Town)**

*Quasi-Judicial Consent Agenda*

- 3.22. SP 6-1-06, Hidden Hollow - II, corner of SW 49 Street and SW 66 Terrace (RM-10) *Site Plan Committee recommended approval (tabled from December 6, 2006)*
- 3.23. SP 12-5-05, Griffin Landmark Building, generally located east of the Turnpike on the north side of Griffin Road (Griffin Corridor District - Griffin Commerce Zone 4) *Site Plan Committee recommended approval based on the planning report along with the five waivers and subject to 23 comments: 1) try to get DOT to allow pavers along Griffin Road verses the concrete walk; 2) that the crosswalks across the main entry be done in pavers; 3) that there be paver sidewalks for the interior of the site; 4) that the lift station have a five-foot fence and landscaping around it; 5) move the loading space and increase the size for moving vans adjacent to the ramp to the parking in back at the northeast corner of the building subject to Engineering's approval; 6) at the north parking lot, at the angular turning radius, move the trees to allow a "visibility area" for that tight turn; 7) add two stop signs at the south entry to the parking garage and at the adjacent parking field intersection; 8) increase the exit area outside the elevator lobbies and parking, and add bollards; 9) readdress the photometric plan because several areas are too low, it should not be less than one-foot candles and should be two-foot candles against the building; 10) look at the AD access to the building from the street; 11) on sheet A-101, show the projection of the retail above; 12) on the building fenestrations, add some sort of a build out on the ends that replicate the color changes in the building as well as – pull the elevator lobby out to create a separate element and try to duplicate something similar to that on the opposite side (the Griffin Road side) of the building above the retail space; 13) look at the end stair tower which is facing the turn at Griffin Road, to try to make some sort of an element which is less utilitarian; 14) note that there is no useable area under the raised roof elements; 15) the landscaping plans go back to staff for review and to review the areas around the base of the building to determine if there is sufficient area for the landscaping as shown; 16) pay particular attention to the tightness of the area as shown and see that the appropriate materials are placed in that area; 17) the Committee questions the use of Italian Cypress along the lake side and Griffin Road as to whether this counted towards canopy trees; 18) look at adding building lights at the entrance and some decorative lighting to accent the building; 19) look at possibly adding concrete tree rings around the Royal Palms on Griffin Road; 20) see if DOT allows pushing the sidewalk towards the building and having the landscaping near the curb along Griffin Road; 21) add a toilet at the retail area; 22) add windows to the retail space plan on the floor plan to replicate what was done on the elevation; and 23) provide a color board (reconsidered at the December 20, 2006 meeting and then tabled to January 17, 2007)*
- 3.24. SP 5-4-05, Phase II - Eddie's Collision Experts, 4375 SW 60 Avenue (M-1) (tabled from November 15, 2006) *Site Plan Committee recommended approval subject to the planning report (tabled from December 20, 2006)*

**TOWN COUNCIL MINUTES  
JANUARY 17, 2007**

- 3.25. SP 2-5-06, Pine Island Commercial, 8501 Orange Drive (B-2) *Site Plan Committee recommended approval based on the planning report and the following comments: 1) that there be crosswalks at both entries; 2) increase the Royal Palm trees to ten-foot of grey wood, 35-feet overall height; 3) screen as best as possible the "backflow preventers;" 4) provide some sort of speed control device coming off Pine Island; and 5) relocate the tree at the first parking space off the Pine Island entrance to somewhere at the front of the site (tabled from December 20, 2006)*
- 3.26. SP 12-4-05, Lorson Professional Campus, 5355 SW 76 Avenue (CC) *Site Plan Committee recommended approval subject to the planning report and the following: 1) that the road improvements along 76th Avenue for the length of the site have been agreed upon with the Engineering Department; 2) that the sidewalk and equestrian trail on the eastern side of the property be continued and extend north 330-feet within the existing right-of-way and with the approval from Florida Power and Light; 3) that the photometric at the entrance and in the parking areas be increased to a minimum of 1.5-candle foot; 4) that the two Royal Palm trees in front of the building be increased to 12-foot of grey wood; 5) that the trees located on the north property line must meet the FP&L requirements and be compatible with their code so it may be necessary to make some revisions in the tree selection; and 6) that the roof color be less orange than shown on the reproduction sample and be more compatible with the rendering elevations (tabled from January 3, 2007)*

*Item to be added*

- 3.27 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, URGING MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING ISSUES DURING THE 2007 LEGISLATIVE SESSION.

Councilmember Caletka pulled items 3.2, 3.5, 3.16, 3.19, 3.22, 3.23, 3.26 from the Consent Agenda. Councilmember Starkey pulled items 3.1, 3.8, 3.20. Councilmember Paul pulled items 3.6, 3.25 and 3.27. Councilmember Paul noted that 3.5, 3.23, 5.1 and 5.5 went together. Mayor Truex pulled item 3.9 to be heard with item 3.26.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve the Consent Agenda less items 3.1, 3.2, 3.5, 3.6, 3.8, 3.9, 3.16, 3.19, 3.20, 3.22, 3.23, 3.25, 3.26, 3.27. In a voice vote, all voted in favor. (Motion carried 5-0)

**4. DISCUSSION OF CONSENT AGENDA ITEMS** (these items were discussed later in the meeting)

3.1 Councilmember Starkey had requested a copy of the recording and had not received it yet.

Councilmember Starkey made a motion, seconded by Mayor Truex, to table this item until the first meeting in March. In a voice vote, all voted in favor. (Motion carried 5-0)

3.2 Councilmember Caletka requested a copy of this recording.

Councilmember Caletka made a motion, seconded by Mayor Truex, to table this item until February 7, 2007. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex said in the future, he would not vote in favor of any requests to have verbatim transcriptions of portions of meetings.

**TOWN COUNCIL MINUTES  
JANUARY 17, 2007**

Councilmember Caletka recommended that items 3.23, 3.5, 5.1 and 5.5 they should be heard together as they were related. Mayor Truex noted that two of the items were quasi-judicial.

3.23, 3.5, 5.1 and 5.5 Town Clerk Muniz swore in the witnesses. Mr. Cherof advised that the rules for quasi-judicial proceedings he had stated earlier applied.

Planning and Zoning Manager Bruce Dell entered all four planning reports into the record and summarized the reports.

Dennis Mele, representing the applicant, said he would specifically address questions Council had raised at the previous hearing, and provide them with any updates. Regarding notice, Mr. Mele explained that they had sent notice of this meeting and the community meeting to the Broward County Administrator and the Executive Director of the South Florida Water Management District directly. They had also notified all 100 units in the Griffin Gardens Apartments and 341 mobile home park residents within 1,000 feet. Mr. Mele reported that six residents had attended last night's community meeting, and two of those people were in attendance this evening. He said there was no community opposition.

Mr. Mele listed the conditions Council had noted on December 6, 2006 and said they agreed to abide by them: all staff recommendations, Site Plan Committee recommendations for Griffin Road landscaping, tree grates, pavers, hurricane glass in the building, gated access to the canal, and inclusion of four affordable housing units. The requests for the pedestrian walkway and traffic signal would not be possible per DOT. Mr. Mele said that the applicant had already received approval from Central Broward Water Control District for the paving and drainage plan.

Mr. Mele stated that the Transit Oriented Corridor (TOC) item had been tabled by the Broward County Commission and Commissioner Rodstrom had been concerned about noise corridors from the airport and how this plan might dovetail with that. Mr. Mele noted that before creating the TOC plan, a charette was held regarding the 411 corridor, and this project was consistent with the vision developed in that charette. He believed that the TOC would eventually be approved. He asked Council to support the project and invited their questions.

Mr. Cherof opened the public hearing portion of the meeting.

Doris Monier, 5305 SW 48 Street, thought she should have been notified, but was not. She felt seven stories was too high, would bring too much traffic, and would be too visible.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, said approval of this item was based on the belief that the TOC would be approved. She worried what would happen if the TOC was not approved, but this project was. Ms. Stenzel-Nowicki felt the residents would be stuck with a seven-story building that was inappropriate for the area. She was concerned about aviation and other traffic issues and worried that Council was "putting the cart before the horse."

Sylvia Clements said she had researched this issue and could not find a business called "Spear Group" currently in existence. She questioned if Mr. Mele had written the ordinance. Ms. Clements felt the traffic issues had not been addressed properly and the building height had been stated differently at different meetings. She thought there was also a discrepancy in the commercial square footage of the project. Ms. Clements felt the engineering report had not addressed 23 items.

Myrna Gallo did not feel this was true "affordable housing." She discussed the difficulty she would experience trying to find new housing.

Mr. Mele advised that Ms. Monier was not included in the notice area. He noted that the project met all traffic requirements and reiterated that the project was within what the charette had provided. Mr. Mele agreed that the applicant would produce an FAA letter prior to construction. Mr. Mele clarified the applicant's identity by pointing out that the applicant was sometimes referred to as the Spear Group, but was also referred to as Griffin Landmark LLC, which was the official applicant. Griffin Landmark was the owner of the property and was registered with the State. He advised that he had provided those

**TOWN COUNCIL MINUTES  
JANUARY 17, 2007**

documents on December 20, 2006. Mr. Mele said the applicant had agreed to meet the Town's requirements for affordable housing suggested at the December 6, 2006 meeting.

Mr. Mele provided Councilmember Caletka with a list of attendees from the previous evening's community meeting. Mr. Mele explained to Councilmember Paul that the applicant would comply with all the items from the site plan Committee and staff recommendations. Town Engineer Larry Peters explained that all items would be addressed before the plans were approved and building permits were pulled.

Mr. Peters said he had been trying to get a crossing here for years. He explained that the Florida Department of Transportation (FDOT) required a pedestrian signal for pedestrian crossing, but also required a quarter mile distance separation, which could not be accommodated here. Mr. Peters felt there must be places where this distance separation was not strictly honored. He wanted the applicant to install the crosswalk and contribute toward the signal that he hoped would someday be installed. Mr. Dell said most Planning and Zoning comments were related to elevation and Central Broward Water Management, and would be taken care of.

Mayor Truex thought the pedestrian crossing would be more safely located at the light at 441. Mr. Peters said this was more appropriate, but pedestrians did not do this. Mr. Mele remembered promising to install the crosswalk at the December 6, 2006 meeting if DOT would allow it. He reminded Council that Griffin Road was a State Road and DOT had jurisdiction, and DOT wanted the traffic signal. Mr. Mele agreed to bring Mr. Peters to another meeting with DOT.

Council disclosed communications they had regarding this item.

Councilmember Starkey said she would support the project since it was in keeping with their ideas for the area. Councilmember Paul said her main concern had been the safe use of the driveway and the additional traffic. She felt they were "jumping the gun." Councilmember Caletka said he was concerned about the crosswalk and the notifications. He thanked Mr. Mele for his work to re-notice the rental unit residents. Councilmember Caletka felt this was a good "litmus test" for the Town to support the TOC and advised that he would support it.

3.5 Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to approve, subject to the staff recommendations, the Site Plan Committee's recommendations, the landscape items and brick pavers mentioned by Mr. Mele, the hurricane windows, the four affordable housing units, and another meeting with DOT and the Town Engineer regarding the crosswalks.

Councilmember Starkey suggested adding the C-11 canal access.

In a voice vote, with Councilmember Paul dissenting, all voted in favor. (Motion carried 4-1) (Later in the meeting, Councilmember Paul stated that she had meant to vote in favor of this item. (Motion carried 5-0))

3.23 Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to approve item 3.23 subject to the same conditions. In a voice vote, with Councilmember Paul dissenting, all voted in favor. (Motion carried 4-1)

3.6 Councilmember Paul wanted the clarification that this would never be a gas station.

The project architect confirmed that this would be an office building and agreed to a deed restriction.

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley, to approve, based on a deed restriction that this would not be a gas station. In a voice vote, all voted in favor. (Motion carried 5-0)

**TOWN COUNCIL MINUTES  
JANUARY 17, 2007**

3.9 and 3.26 Town Clerk Muniz swore in the witnesses. Mr. Dell summarized the planning reports.

Manny Synalovski, representing the applicant, concurred with staff comments, but was concerned about the request to extend improvements beyond their property frontage. He believed that some of the requested improvements would require dedications and agreed to meet every other request. Mr. Synalovski said he had brought this up at the Site Plan Committee meeting.

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

Mr. Dell explained that the Site Plan Committee desired a trail and sidewalk to be extended, believing that FPL would never make this improvement. Mr. Synalovski remarked on what a “nightmare” it could be dealing with FPL and said he would contact them about this, but did not know how successful he would be.

Vice-Mayor Crowley supported eliminating that comment.

Council disclosed communications they had regarding this item.

Mayor Truex said he did not support this item and indicated that Council had always protected 76th Avenue. He felt they must “build significantly less or... get some other access.” Mr. Synalovski reminded Mayor Truex that the south half of SW 76th Avenue had already had its traffic significantly reduced. Mr. Synalovski questioned why this two-acre property should bear the responsibility of a 20-acre parcel that belonged to FPL. He said they had done all they could to maintain the character of SW 76th Avenue.

Vice-Mayor Crowley made a motion to approve item 3.9, subject to staff recommendation, Site Plan Committee recommendations and eliminating recommendation two regarding extending the equestrian trail through private property. The motion died for lack of a second.

Councilmember Caletka made a motion, seconded by Mayor Truex, to deny item 3.9. In a voice vote, with Vice-Mayor Crowley dissenting, all voted in favor. (Motion carried 4-1)

Councilmember Caletka made a motion, seconded by Mayor Truex, to deny item 3.26. In a voice vote, all voted in favor. (Motion carried 5-0)

3.16 Councilmember Caletka felt this was a lot of money and asked Mr. Shimun if they could realize any savings by putting the contract out to bid. Mr. Shimun said he could not guarantee it. Deputy Budget and Finance Director Menke stated there were other firms performing this service, but recommended granting the final extension to continue service through the fall. Staff could begin the bid process presently.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve with the recommendation to begin preparation for the bid. In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

3.19 Councilmember Caletka said he had received an email from a resident concerning this.

Mr. Davila, the property owner, advised that he had not paid the fine in 2001 because he felt he had done nothing wrong, as he had never had a storage yard on the property. The case was the result of harassment by a neighbor. Councilmember Paul remembered visiting the property and was surprised this case was ongoing.

Danny Stallone, Code Compliance Official, advised that the case had resulted from a neighbor’s complaint that Mr. Davila was using the residential property as an extension of his business by operating a storage facility for boat items. The hearing before the Special Magistrate had been lengthy and there were questions regarding proper service. Mr. Stallone stated that the Town had incurred costs related to

**TOWN COUNCIL MINUTES  
JANUARY 17, 2007**

the Town's request for their attorney to prepare a memo regarding the service requirements. He explained that it was determined that proper notice had been made, the complaints were based on fact, due process was afforded the respondent, the Special Magistrate had found a violation existed, and an order was issued ordering compliance. Another hearing was held proving the property was out of compliance for 11 days, and a fine was issued. A subsequent mitigation process had failed because Mr. Davila did not want to pay any fine. Several years later, the liens appeared on a title search, and the Town had instructed the title company to put the funds in escrow. During the mitigation, Mr. Davila admitted there was a boat on the property that did not belong to him, violating the terms of the original agreement from 2001.

Mr. Stallone explained that the original fine of \$5,500 had increased to \$8,400 as the result of interest. The title company had sent the funds to Mr. Stallone's office, and Mr. Davila requested mitigation. Compliance was confirmed in the fall, and staff proceeded with the mitigation.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to set the lien amount at \$2,250.

Lloyd Phillips, 14220 SW 29 Court, said the mitigation amount on the agenda was \$1,698.48.

In a voice vote, with Councilmember Paul and Councilmember Caletka dissenting, all voted in favor. (Motion passed 3-2)

3.20 Councilmember Starkey wanted an amendment that the attorney would not do business with Town employees, directors, the Town Administrator, etc. She provided Mr. Cherof with the text to insert, which he had no objection to this.

Mayor Truex wanted paragraph 3, to reflect the Town Charter's language. Mr. Cherof did not object.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve, with Section 3 to be consistent with the Charter language and to add a provision that during the term of this agreement, neither the law office or its associates would provide any personal legal matters unrelated to the Town of Davie specifically, with the specifics she had submitted. In a voice vote, all voted in favor. (Motion passed 5-0)

3.22 Town Clerk Muniz swore in the witnesses.

Mr. Dell summarized the planning report.

Jeff Evans, representing the applicant, said he had addressed all the planning report's questions, and he was currently handling the Central Broward Drainage District question. He explained he had built the first three "green" homes in Broward County and listed some items that contributed to green design.

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

Mr. Peters confirmed that Mr. Evans had met all engineering concerns. Regarding the 49th Street improvements, Mr. Evans had agreed to make a contribution instead of making improvements.

Council disclosed communications they had regarding this item.

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley to approve, subject to staff recommendations. In a voice vote, all voted in favor. (Motion passed 5-0)

3.27 Town Clerk Muniz explained the item to Council.

Councilmember Paul reported that she said she had received a letter from County Commissioners Rodstrom and Wexler stating concerns about the League of Cities, and she wanted additional time to research the item.

Councilmember Paul made a motion, seconded by Vice-Mayor Crowley to table this item to February 21, 2007. In a voice vote, all voted in favor. (Motion passed 5-0)

**TOWN COUNCIL MINUTES  
JANUARY 17, 2007**

**5. PUBLIC HEARING**

*Ordinances - Second and Final Reading*

- 5.1. **CODE AMENDMENT** - AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN OF DAVIE, FLORIDA, BY AMENDING SECTION 12-32.304 – PERMITTED, RESTRICTED AND PROHIBITED USES OF THE GRIFFIN CORRIDOR DISTRICT BY AMENDING THE PERMITTED USES IN THE GRIFFIN COMMERCE ZONE 4 DISTRICT TO ALLOW RESIDENTIAL USES, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (ZB(TXT) 12-1-05, The Spear Group/Griffin Landmark, LLC, generally located east of the Turnpike on the north side of Griffin Road) (tabled from January 3, 2007) *Planning and Zoning Board recommended approval* **{Approved on First Reading on December 6, 2006. The vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - absent; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes}**

Town Clerk Muniz read the ordinance by title.

Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to approve, subject to the same conditions as item 3.5. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 4-1)

- 5.2. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-2-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 9-2-05, Vietnamese Buddhist Cultural Center of FL Inc., 2321 SW 127 Avenue) (from A-1 to CF) (tabled from November 15, 2006) *Planning and Zoning recommended approval subject to not having to contribute to the “traffic calming phantom fund,” however, they had to improve the roadway* **{Approved on First Reading on October 18, 2006 subject to limiting the number of people living on the property to eight people living; the property is deed restricted to only the Vietnamese Buddhist Cultural Center; if a sale takes place, the property shall revert to the A-1 zoning designation; if a special event takes place, the Vietnamese Buddhist Cultural Center has to come back to Council for a temporary use permit for no more than four events per year; and if more than 100 people are at the event on the property at one time, another option will be required. The vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes}**

Earlier in the meeting, Mr. Cherof read the rules of evidence and Town Clerk Muniz swore in the witnesses. [Items 5.2 and 5.7 were discussed at the same time.]

Deputy Planning and Zoning Manager Marcie Nolan summarized the planning report for item 5.2.

Neal Kalis, the applicant’s representative, said the applicant concurred with the staff report, and added that even though he questioned whether they were legally supportable, his client had agreed to the conditions requested by Council at the first reading. He discussed the concept of freedom of religion and his clients’ flight from Vietnam to the United States, where they would be permitted to practice their religion. Mr. Kalis referred to the Religious Land Use and Institutionalized Persons Act that forbade

**TOWN COUNCIL MINUTES**  
**JANUARY 17, 2007**

government from imposing more restrictive requirements than were necessary on a person's ability to practice their religion. He said that he had met with Mr. Peters to address the transportation and drainage issues on the property. Mr. Kalis felt that denying the rezoning would not be permissible under the laws he had cited, including the Florida Religious Freedom Act. He felt a denial based on loss to the tax base would violate the law as well, and was tantamount to declaring there was no place in Davie for community facility zoning where there was a house of worship. Mr. Kalis pointed out that there were several other religious institutions in proximity to his clients' property, more than one of which had received rezoning in the past.

Mr. Kalis related that at present, there were 48 members of the Center, and they anticipated growing to perhaps 200. He explained there were two services on Sunday, and his client estimated that a maximum of 30 to 40 cars would be present. Mr. Kalis explained that his clients would bring a "cultural and religious diversity that this country was founded on" and would "add to the community in a great way." He presented 490 petitions from Davie residents in support of his clients' request.

Mr. Peters confirmed that he had agreed during his meeting with Mr. Kalis that after proposed improvements had been made to 127th Avenue, it could handle traffic generated by the Center.

Ms. Nolan summarized the planning report for item 5.7.

Mr. Kalis questioned whether Code requirement 12-34(DD), requiring a 2,500-foot separation between houses of worship was constitutional or legal, and he felt it was not being applied correctly. He reminded Council that it had approved the variance on October 18th, and some residents had subsequently indicated they should have received notice but had not, prompting a vote to reconsider the matter. Mr. Kalis stated his belief that the notice requirement had been proper the first time.

Mr. Cherof opened the public hearing portion of the meeting.

John Ufheil, 9410 Live Oak Place, described the religious transitions in the Town over the years. He felt that each new church had brought "dignity and a growth into Davie which it needed." He felt Davie still needed growth "by the type of people that want to practice that religion on that little strip of land on 127th Avenue."

Tam Pham, one of the monks who lived at the Center, thanked the Town for welcoming them and the neighborhood for supporting them. He thanked those who had signed the petitions supporting the rezoning. He reiterated that they currently had 48 members and two services on Sundays, with three special celebrations per year. Mr. Pham said they had fled Vietnam seeking a place to practice their religion. They were happy to find their current location and asked Council to help them.

Tina Frenetic said the Cultural Center had worked very hard and done everything the Town had requested. She felt traffic was not even an issue and did not understand what the problem was. Ms. Frenetic asked Council to help the Center stay in Davie.

Richard Otier, 561 Abingdon Way, stated that "cultural diversity is priceless" and felt that Buddhism brought balance to the community and would enrich the Town.

Michelle Gillee said that she had learned a lot from the Buddhist monks that had benefited herself and her family and prevented her from making the bad choices some of her friends had made.

Hanh Truong, 12735 SW 4 Street - Miramar, said the Cultural Center had helped young adults in the community to reduce violence. He asked Council to consider the benefits the Center provided and asked for their help.

Sam Lee, a Davie resident, said it was important that the Temple stay because there were no other temples nearby. She noted that children also learned Vietnamese at the Temple and asked Council to support them.

In Cho, Chair of the Vietnamese Community of Florida, said they had a long relationship with the Center and it was very important. He asked Council to approve the request.

**TOWN COUNCIL MINUTES  
JANUARY 17, 2007**

Thomas Vo, 6201 SW 37 Street, said denying the request might deprive the younger generation of an opportunity to benefit from the Center, and urged Council to support it.

Meng Win, a Temple member, discussed the benefits of having the Temple in Davie and how important it was to keep it here.

Trae, operator of a West Palm Beach temple, said they had experienced problems at first in West Palm, but they were now accepted in the community. He stated his support for the Davie temple.

Khen Fung, a Temple member, explained he had designed the Temple's site plan, and they had met all requirements and suggestions the Town had made. He asked Council for their support.

Wing, a Temple member, said he supported the Center.

Chao Trav Van, a monk from the Center, felt they could make a rich contribution to American culture.

Lily, a Buddhist, discussed help the Temple had given her. She asked the community to open their hearts and give the Center an opportunity to share.

Thai Ann Tran, 2651-4 East Avon Boulevard - Sunrise, said the Temple was the only place nearby she could go on Sunday and indicated that she previously had to drive to Miami. She asked Council to support the Center.

Maude Vittel, 15 Manor - Summer Lake, agreed that having the Center in the community would be an enriching experience, but was concerned about the future growth. She objected to Center's request for rezoning, because she felt zonings were intended to protect people, and allowing modifications made zoning rules meaningless. Ms. Vittel was also worried about an increase in traffic and crime if 127th Avenue were connected to any other streets.

Kathy Tibbetts, 2730 Hiatus Road, remembered promises made when Calvary Chapel was built, and said her family could not be outside her home some evenings because of the noise from events at the Chapel. She feared 127th Avenue would become a thoroughfare.

Stuart Alvarez, 12791 SW 26 Street, said the issue was the appropriate use of land and added that he was not properly notified the first time. He felt the current infrastructure could not support the traffic the Center would generate and the intended use was inconsistent with the current land use. Mr. Alvarez asked Council to "not stray from the rationale and criteria typically used for granting variances and rezoning, irrespective of the emotional issue that they represented here..."

Donna Friedwald, 12911 SW 26 Street, resident, expressed concern about the possible increase in traffic. She asked that the variance be denied and the zoning remain agriculture. She said she was not against a Buddhist Temple, provided it was located on a major artery.

Joseph Pensabene, 12732 SW 26 Street, was concerned about the growth of the Temple and the impact on the local traffic. He asked Council to deny the request.

Les Eglinger, 1700 SW 127 Lane and Vice President of Summer Lakes Homeowners Association, submitted photos, stating that on occasion, Temple members drove through the neighborhood and had "not been very nice." He noted that there had been as many as 15 cars at the facility on a Monday night, and presented photos of this as well. Mr. Eglinger felt the facility's parking was inadequate for their special functions.

Darlene Sierocuk, 12882 SW 26 Street, said if the Center had access to Flamingo Road, she would not object to it. She objected to what she felt was Mr. Kalis' allusion to racism being a factor for opposing the Center and asked Council not to allow this to sway its decision.

June Connors, 1701 SW 127 Avenue, said "freedoms are slowly diminishing in Summer Lake" and she was concerned about more traffic in the neighborhood. She described early morning noise from Calvary Chapel that woke her.

**TOWN COUNCIL MINUTES  
JANUARY 17, 2007**

Mr. Kalis apologized to Ms. Sierocuk for her interpretation of his presentation, and said his intention had been to highlight the religious freedom the United States afforded, and the Town's obligations to honor land use laws.

Regarding Mr. Englander's photo, Mr. Kalis could detect blurry taillights, and could not make out whose cars these were. He was unsure what the photo was meant to show.

Mr. Kalis described Evanston, Illinois, and how that community had not been adversely affected by the location of a church with no parking area in the neighborhood. He said the Town's Comprehensive Plan stated that CF zoning was compatible with a residential land use and noted that Summer Lake was approximately a half mile away from the Center. Mr. Kalis said there were opportunities for access to Flamingo Road if the Town desired it.

Mr. Kalis informed Mayor Truex that the building was 4,800 square feet and said the applicant would agree to restrict if they received the variance to 4,800. He identified the section of 127th Avenue that his client and the Engineering Department had agreed they would pave to meet the section of the street the Town would pave. Mr. Peters explained that the Code required a developer to complete the infrastructure for any adjacent roadway from the centerline to their property only. In order to access this parcel, they must pave to the next paved section, and the Center had agreed to pave the full 24 feet to the next paved section.

Councilmember Starkey asked Mr. Cherof whether Council would be able to enforce their conditions if it proved to be unconstitutional and/or illegal, as Mr. Kalis had suspected. Mr. Cherof responded that the approval with the conditions would remain enforceable and future Councils could only modify these by conducting new public hearings. Mr. Kalis reminded Councilmember Starkey that his client had already agreed to the conditions, so they were enforceable. Mr. Cherof said the ordinances were deemed enforceable and constitutional until a court determined otherwise. He felt the provisions of the Florida Religious Preservation Act were not applicable in this case.

Mr. Cherof closed the public hearing.

Mr. Cherof stated staff had recommended that approval of the rezoning be contingent upon approval of the variance application.

Mr. Muniz read the ordinance by title. Council disclosed their communications regarding this item.

Councilmember Caletka said he did not support the rezoning and variance.

Mayor Truex remarked that there were few places for a group like this to go. He respected the residents' concerns about traffic, but said he would vote to approve it. Mayor Truex felt if Davie's ordinance were challenged, it would prove unenforceable, and if it were determined to be enforceable, it should not be. He believed that in most cases, a house of worship was more of a benefit to a community than a detriment, and he felt this would be no exception.

Vice-Mayor Crowley said he supported it and noted that it was a very small congregation in a small community.

Councilmember Starkey said she was concerned that the Center would grow too big. She said she had visited the community cut through many times and had witnessed "not a whole lot of meeting on Sunday, maybe 15 – 20 people." Councilmember Starkey said she wanted assurance that it would not grow too big. She also wanted the applicant and Mr. Kalis to reaffirm agreement with the previously stated conditions, and Mr. Cherof to reaffirm that the agreement was enforceable. Mr. Cherof stated that the four conditions were in the ordinance, and approval was contingent upon satisfactory documentation, and this would be recorded. Mr. Kalis agreed to limit the building to 4,800 square feet, and to limit parking to designated spots. He also agreed to limit parking area lighting at night.

Councilmember Paul noted that the assurances made by Calvary Chapel had not been kept. She said she had tried to avoid the emotional component of the issue and over the years, she had stayed with

**TOWN COUNCIL MINUTES  
JANUARY 17, 2007**

the Code to enforce the distance separation for churches. Councilmember Paul felt the realtor was wrong for having sold the Center a piece of property that would require rezoning for their use. Mayor Truex noted that the houses of worship that grew were those that had a positive impact on people's lives. He reminded Councilmember Paul that the realtor had warned the Center about the property's zoning and he did not believe she should be blamed.

Councilmember Caletka made a motion, seconded by Councilmember Paul, to deny. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Crowley - no; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - no. (Motion failed 3-2)

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve item 5.2, to include compliance with the Night Sky ordinance, and the other issues raised, most importantly the reversion clause: should the property change hands from Mr. Tam and the Vietnamese Buddhist Cultural Center, the property would revert back to agriculture. Other issues of concerns were the additional paving, the building limit of 4,800 square feet, and Councilmember Starkey wanted the surrounding area to remain green, and suggested a pervious parking area, providing it met Central Broward Drainage District standards. Mr. Kalis also agreed there would be no on-street parking. All of the conditions from Councilmember Starkey's original motion would apply as well.

Vice-Mayor Crowley added that approval was subject to site plan approval. Councilmember Starkey agreed. Mr. Kalis agreed to the conditions as stated.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 3-2)

*Ordinance - First Reading/Quasi Judicial Item (Second and Final Reading to be held February 7, 2007)*

5.3. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-2-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM MH-10, MOBILE HOME DISTRICT TO RM-10, MEDIUM DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-2-04, Colonnade Construction Group/Ponderosa Development, Inc., 4701 and 4631 SW 73 Avenue) (tabled from December 20, 2006) *Planning and Zoning Board recommended denial*

Town Clerk Muniz read the ordinance by title. Mayor Truex announced that a public hearing on the ordinance would be held on February 7, 2007. Town Clerk Muniz swore in the witnesses.

Ms. Nolan summarized the planning report.

Director of Housing and Community Development Shirley Taylor-Prakelt said she had been working with the property owner and explained that the applicant had removed the Ponderosa Mobile Home Park from the application. She noted that this owner had worked very hard to develop an exit plan for the residents. Ms. Taylor-Prakelt stated the mobile home park no longer operated, so she did not object to the rezoning.

John Voigt, representing the applicant, noted that the two parks were separately owned, so they had removed the second park from the rezoning application. He said this process was begun more than a year ago and the residents had been fairly compensated.

Mr. Cherof opened the public hearing portion of the meeting.

**TOWN COUNCIL MINUTES  
JANUARY 17, 2007**

Scott Cristol, resident of the adjacent Dell Mobile Home Park, said there would be a “huge environmental impact,” noise, and dust problems from the demolition that he felt would be unbearable. He opposed the rezoning because “it suggests that it’s okay to kick out the tenants and then rezone and then close the mobile home parks after you’ve evicted the tenants.”

Mr. Sissio, Mr. Cristol's neighbor, agreed with Mr. Cristol's statements. He felt allowing this would affect everyone in Town.

Mr. Voigt reiterated that the former residents had been dealt with fairly.

Council disclosed communications they had regarding this item.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to approve, subject to site plan approval. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 3-2)

*Ordinance - First Reading (Second and Final Reading to be held February 21, 2007)*

5.4. **MORATORIUM** - AN ORDINANCE OF THE TOWN OF DAVIE, PROVIDING FOR A MORATORIUM ON THE ACCEPTANCE OF DEVELOPMENT APPLICATIONS FOR THE REDEVELOPMENT OF MOBILE HOME PARKS WITHIN THE CORPORATE LIMITS OF THE TOWN; PROVIDING FOR EXEMPTIONS; PROVIDING FOR VESTED RIGHTS; PROVIDING FOR APPEALS; PROVIDING FOR EXHAUSTION OF ADMINISTRATIVE REMEDIES; PROVIDING A TERM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Ms. Taylor-Prakelt urged the approval of the moratorium. She noted the acuteness of the affordable housing crisis in Davie, with 23,000 residents living in mobile homes and added that most mobile home residents were living on a fixed income. Ms. Taylor-Prakelt felt the magnitude of this problem necessitated a one-year moratorium to develop solutions. She advised that she had received “hundreds and hundreds” of calls from distraught residents fearful of becoming homeless in the wake of redevelopment.

Mr. Cherof advised that a moratorium was a legal, viable tool in this circumstance. He explained that Section 12-311 of the Town’s Code provided for enactment of a moratorium and recommended Council begin with a 180-day period, with the acknowledgment that an extension was possible. Mr. Cherof disagreed with the opinion of attorney Paul Figg that a moratorium violated State Statute Chapter 723.

Mayor Truex opened the public hearing portion of the meeting.

Frank Serra, 12591 SW 6 Street, stated his support for the resolution for one year. He said that the task force should: develop an exit/relocation plan, establish a method for studying current zoning laws pertaining to mobile home parks, redefine and upgrade Florida Statute 723, work with landowners to develop solutions, consider homeowner associations in mobile home parks. Mr. Serra urged Council to approve a one-year moratorium and create the task force to address the problem.

Henry Whidden, 472 SW 125 Terrace, informed Council of House Bill 259, regarding the statewide mobile home issue. He presented a petition with 469 signatures opposing the closing of mobile home parks and supporting the moratorium and study. Mr. Whidden also presented a letter from a family to Mayor Truex. He felt the moratorium would make Davie a “leader in the State and set an example of fine community leadership and management of your resources.”

## TOWN COUNCIL MINUTES JANUARY 17, 2007

Maria Rubino, Park City West Mobile Home Park resident, feared that all mobile homes would disappear and many people would become homeless. She said that Councilmember Starkey had always been there for her constituents and asked her to not let them down now.

Patricia Goralewski, manager of Park City West Mobile Home Park, agreed with Ms. Rubino about the need to keep affordable housing.

Scott Cristol, 4633 SW 73 Avenue, urged Council to deny rezoning and redevelopment. He wanted to maintain the existing affordable housing. He also felt six months was not sufficient time for a moratorium.

Jim Dale, owner of Rexmere and Paradise Village mobile home parks, assured residents that he had made significant investments in the parks and was not leaving. He indicated that he would provide relocation assistance of \$10,000 and a rent discount to those who relocated to one of his parks.

Terry Hahn, 270 SW 10th Court - Pompano Beach, asked Council to consider the financial impact of their decision on the Town's economy. He agreed with the moratorium and felt if it started at six months, the ordinance provide for an automatic extension for an additional six months. Mr. Hahn believed that residents should be compensated fairly for the loss of their homes to development.

Elizabeth Snyder, 13411 SW 6 Place, presented a frightening scenario of a person who might lose a home and asked Council members to put themselves in this situation. She asked Council to save their homes and perhaps set an example for other towns and cities.

Tina Taravella, 360 SW 133 Terrace, said residents were afraid of losing their homes. She presented a petition with 668 signatures of people in favor of the one-year moratorium.

Myrna Gallo, from Ranch Margate Mobile Home Park, said developers had begun to demolish her park prior to being granted the land use change. She presented another petition and said two of the signatures were from builders working in her park. Ms. Gallo stated, "It's like eminent domain without the fair market value." She explained she had lost her last home due to becoming ill, and feared she might lose this house as well.

Janet Riley, Legal Aid attorney, advised that she had received calls every day from panicked mobile home residents. She described the drastic increases in apartment rental prices in Broward County that were not affordable to the average mobile home park resident. Ms. Riley commended Council for recognizing the problem and agreeing to a moratorium in order to study the issue.

Dawn Pollock, 13441 SW 6 Place, described the scenario many residents would face if they were forced to leave their current homes and asked Council to approve the moratorium.

Bridget Parks, 13451 SW 6 Place, was very concerned about losing her home, and said there was nowhere else she could afford to live. She asked Council to approve the moratorium.

Frank Souder, 4701 SW 73 Avenue, explained what was at stake if his mobile home park closed and said he opposed rezoning the parks.

Patty Rose 361 SW 135 Terrace, described her life in her current home and noted reasons it would be impossible to move.

Vicky Love, a Sunshine Village resident, said she did not know where she would go if she were forced to leave her home.

Mitzi Clark, 13281 SW 8 Street, said compensation must be fair, and "somebody needs to step up to the plate and fight for these people." She felt that Council was working diligently to do so and favored the moratorium and the task force.

Fleming Schroeder, a Kings Manor resident, said he had been devastated by hearing people's fear of becoming homeless. He thanked Mr. Dale for his offer.

Yanick Mercier, 6052 SW 34 Street, spoke of her fear of losing her home and her support for the moratorium.

**TOWN COUNCIL MINUTES  
JANUARY 17, 2007**

Jeff Englander, 12421 SW 6 Court, felt the State had to get involved as soon as possible. He asked Council to approve the moratorium, to oppose zoning changes, and to keep the mobile home parks because they were affordable housing.

Isabel Fugatt, a Sunshine Village resident, discussed the impact the redevelopment would have on mobile home dwellers. She noted they had “nothing to gain and everything to lose.”

Amber Weaver and Kaylan Padilla asked for Council’s help to prevent them from becoming homeless.

Mr. Sixto, a Dale Trailer Park resident, supported a one-year moratorium.

David Ellis, 430 SW 133 Terrace, discussed Aztec Mobile Home Park that was owned by UniProp, as was Sunshine Village and Kings Manor. Aztec had already closed, and he had received a letter from UniProp indicating their intention to sell Sunshine Village. Mr. Ellis agreed the moratorium was important, but said the answer to this problem was “no, we’re not going to rezone the parks” because there was too much at stake for the community.

Crystal Lavers, a Kings Manor resident, asked Council to save her home.

David Brooks, a Sunshine Village resident, said he could not afford a house, and neither could many others. He asked Council to “do whatever is possible to make sure that we remain here because this is where we want to be.”

Joanie said she had lost two mobile homes due to park closings and was now homeless. She begged Council to do something to help mobile park dwellers.

Frederick Blanchard asked for Council’s help.

A representative of Code One Group, the company that performed most mobile home installations in Davie, offered his help with the task force.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, asked that the task force address the problem of disposing of abandoned mobile homes because of the safety issues to the community. She also wanted the task force to deal with the sale of mobile homes, since owners were sometimes left with mortgages after they were evicted.

Navin Ramjattaw explained that he had been evicted from Aztec and moved to Kings Manor recently, and had been assured by UniProp that they had no intention of closing Kings Manor. Now he had received the notice of their intent to close the park. He felt someone must do something about UniProp.

Mayor Truex closed the public hearing.

Mayor Truex was convinced that Council should enact a one-year moratorium to address all of the issues sufficiently. He acknowledged that there was much work to do to resolve the issues. Councilmember Starkey hoped the Council would enact a moratorium for at least one year, and to include all involved parties in the task force. Councilmember Paul said they must protect the residents and agreed they should enact a one-year moratorium. Vice-Mayor Crowley wanted to alleviate some of the residents’ fear and supported the one-year moratorium. Councilmember Caletka supported the one-year moratorium and also wanted mobile home residents to be notified of any projects that would affect them.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve the one-year moratorium as written with an addition that in so far as the items that the task force are not sufficiently completed, this item would be readdressed “in item section seven to extend it to an additional one year, and also to make sure that we ensure that staff has appropriate supports with that as well, to ensure that the task force and staff and welcome people from the State and County, local agencies, as federal government and so forth to help and assist us with this crisis and being a model for the rest of the State and the country.”

Mayor Truex suggested Councilmember Starkey include the recommendations made by Mr. Cherof regarding notice and other “legal technicalities.” Councilmember Starkey agreed. Mr. Cherof

**TOWN COUNCIL MINUTES  
JANUARY 17, 2007**

advised Council that the second reading should be two meetings from tonight, and the formalities would be handled by Town Clerk Muniz.

Councilmember Paul requested to amend the motion regarding the length of the moratorium and the renewal. Councilmember Starkey said, "One year, with a six-month possible renewal in the event that the task force hadn't concluded." Councilmember Paul suggested the language "six-months renewals, if necessary" to allow another extension every six months. Mr. Cherof said section seven and the Town's Code already provided for extensions, upon request. Councilmember Starkey wanted to retain the specificity of her motion to preclude a legal challenge. Therefore, her motion would be "for one year, with six-months renewal if the task force hasn't come up, along with your notification and to have it in two meetings from now for the second reading."

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)

Discussion followed on the makeup of the task force. Council agreed to appoint two task force members per Councilmember, and two at-large, for a total of twelve members.

*Resolutions*

5.5. **FLEX ALLOCATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2007-26 **AUTHORIZING THE ALLOCATION OF RESIDENTIAL FLEXIBILITY UNITS TO THE "GRIFFIN LANDMARK" PLAT; AND PROVIDING FOR AN EFFECTIVE DATE. (FX 5-1-06, The Spear Group/Griffin Landmark, LLC, generally located east of the Turnpike on the north side of Griffin Road) *Planning and Zoning Board recommended approval* (reconsidered at the December 20, 2006 meeting and then tabled to January 17, 2007)**

Town Clerk Muniz read the resolution by title.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve, subject to the same conditions as item 3.5. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 3-2)

5.6. **LOCAL PROJECTS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2007-27 **APPROVING THE SUBMISSION OF COMMUNITY BUDGET ISSUE REQUESTS TO THE FLORIDA LEGISLATURE AND APPROPRIATION REQUESTS TO THE U.S. CONGRESS TO SEEK SUPPORT FOR THE TOWN'S PRIORITY LOCAL PROJECTS.**

Town Clerk Muniz read the resolution by title.

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

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

**TOWN COUNCIL MINUTES**  
**JANUARY 17, 2007**

*Quasi Judicial Item*

- 5.7. **VARIANCE** - V 9-1-05, Vietnamese Buddhist Cultural Center of FL Inc., 2321 SW 127 Avenue (to reduce the distance between freestanding houses of worship from 2,500 feet to 1,609.64 feet from the Hanmi Baptist Church and 2,310.54 feet from the Calvary Chapel Sawgrass) (A-1) (tabled from November 15, 2006) *Planning and Zoning recommended approval*

Earlier in the meeting, Mr. Cherof advised Council to include the same list of conditions in their motion regarding the variance.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve the variance with the same conditions stated for the rezoning approval. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 3-2)

**6. APPOINTMENTS**

6.1. Mayor Truex

- 6.1.1. 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)

Mayor Truex appointed Todd Evans.

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

No appointment was made.

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

No appointment was made.

- 6.1.4. 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)

No appointment was made.

6.2. Councilmember Caletka

- 6.2.1. Airport Advisory Board (one exclusive appointment; term expires December 2007)

Councilmember Caletka appointed David Oakes.

- 6.2.2. United Ranches Preservation Board (one-exclusive appointment - member shall reside in the United Ranches area; term expires December 2008)

Councilmember Caletka appointed Ivan Gonzalez.

**TOWN COUNCIL MINUTES  
JANUARY 17, 2007**

- 6.3. Councilmember Paul  
6.3.1. Airport Advisory Board (two exclusive appointments; terms expire December 2007)

No appointments were made.

- 6.4. Councilmember Starkey  
6.4.1. Airport Advisory Board (one exclusive appointment; term expires December 2007)

No appointment was made.

- 6.5. 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.

**7. OLD BUSINESS**

**7.1 Pilot Program for Down Payment Assistance**

Mayor Truex advised that staff was waiting for direction from Council regarding Mr. Dale's presentation on a pilot program for down payment assistance. Mr. Shimun indicated that staff had discussed this issue internally. Ms. Taylor-Prakelt stated that staff had reviewed Mr. Dale's proposal, which had merit, but had recommended that Mr. Dale's proposal was not timely because the outcome of the moratorium was not known; however, she would like to explore this at a later time.

Mr. Dale explained that program provided that the Town would contribute \$50,000 and he would contribute \$66,000, which would go to public employees. He advised that he would agree that if the Town lost its asset, "I'll give them back their \$6,000 for each home."

Mayor Truex wanted to move forward with this and hoped that the result of the task force would be that those in the pilot program would be protected as well. Councilmember Paul and Vice-Mayor Crowley agreed. Councilmember Starkey agreed and added that the timing was important because budgeting for the next year was coming up. Council directed staff to look at the issue and to determine if funding it was available.

**7.2 Town Attorney's Work in Progress**

Mayor Truex wanted Mr. Cherof to review pending items and determine which items it would benefit the Town to have Mr. Kiar complete. Mayor Truex asked Mr. Cherof to review Mr. Kiar's contract regarding the Town's obligations. Mayor Truex felt the Town owed Mr. Kiar a severance and rather than pay another attorney, the Town should have Mr. Kiar work until the severance had been paid. Vice-Mayor Crowley agreed. Mr. Cherof indicated that he would review the contract and provide a report. Mayor Truex stated that Mr. Kiar had indicated that he was at the Town's disposal for the six months as part of his contract. Councilmember Caletka indicated that he had questions regarding the validity of the contract. Mr. Cherof stated that it was not unusual for attorneys to transition work and to work out a plan that fit the client. Councilmember Caletka stated that there was a clause in the contract that provided for an assessment of the rates that came before Council in August and he requested an opinion on the validity of the contract since no one ever came before Council to revalidate the rates.

**TOWN COUNCIL MINUTES  
JANUARY 17, 2007**

**8. NEW BUSINESS**

**8.1. Reschedule March 21, 2007 Council Meeting - Councilmember Paul**

Councilmember Paul indicated that she had previously indicated that she would not be in Town due to Broward Days in Tallahassee. Councilmember Starkey, Vice-Mayor Crowley and Councilmember Caletka indicated their interest in attending Broward Days.

Councilmember Paul made a motion, seconded by Mayor Truex, to reschedule the March 21, 2007 meeting to March 22, 2007. In a voice vote, all voted in favor. (Motion carried 5-0)

**8.2. Request to Schedule Meeting with the Management and General Employees Pension Board of Trustees - Mayor Truex**

Ms. Menke said that a meeting was requested by members of the pension plan to the Pension Board. Mayor Truex recommended that a workshop be scheduled sometime in April.

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

**58th AVENUE TRAFFIC STUDY.** Councilmember Caletka reported that the Town's engineer concluded that there was sufficient traffic to merit "real" speed bumps and he requested a cost estimate for this issue. Development Services Director Mark Kutney confirmed that there was an existing process for an application for speed bumps. Mayor Truex asked Councilmember Caletka to consult with the Fire Chief Don DiPetrillo on issues that the Fire Department had and then put the item on a future agenda.

**NOTIFICATION OF PROPOSED PROJECTS.** Regarding upcoming projects, Councilmember Caletka asked Mr. Shimun to prepare a Code amendment to provide that the occupants of the surrounding areas be notified which would include renters. Mr. Kutney requested that staff be allowed to provide a report on this request as this amendment would be very time consuming. Councilmember Caletka stated that there were several options to obtain addresses. Councilmember Paul questioned why it was the Town's obligation to provide the list to the developer. Mayor Truex stated that if the Town did not provide a mechanism on how the list was to be generated, the list would always be in dispute. Councilmember Caletka said ideally, the Town would provide the addressed envelopes for developers to use. Mayor Truex suggested that Councilmember Caletka meet with Mr. Shimun on this issue.

**STAFF CREDIT CARDS.** Councilmember Caletka felt Council should hand in their credit cards to set an example for staff and asked that the issue of Council surrendering their credit cards be placed on the next agenda. Councilmember Starkey asked Mr. Shimun to prepare a report regarding credit card usage and policy.

**VICE-MAYOR CROWLEY**

**DOWNTOWN DAVIE.** Vice-Mayor Crowley said he had been meeting with Downtown Davie and Emerald Isles, and he felt Downtown Davie would be meeting with Emerald Isles to arrive at a resolution.

**FORENSIC AUDIT REPORT.** Vice-Mayor Crowley asked for the forensic audit report within the next few weeks.

**ANNUITIES.** Vice-Mayor Crowley indicated that Council had given direction for staff to contact the insurance company on the process. Mr. Shimun stated that he had spoken with the insurance company and said he was preparing a letter pursuant to this discussion.

**COUNCILMEMBER STARKEY**

**CONSERVATION EASEMENT.** Councilmember Starkey wanted to know when Mr. McBroom could get what Council had approved in order to get the easement. Mr. Peters said he had no new information, but would follow up and report to Council.

**TOWN COUNCIL MINUTES  
JANUARY 17, 2007**

**COUNCILMEMBER PAUL**

**TRAFFIC ISSUES.** Councilmember Paul referred to the serious accident at Flamingo and 36th near Flamingo Gardens. She felt the problem there was that the traffic signal only had a left turn arrow for one of the four directions. A resident had emailed her regarding this, and suggested left turn arrows for all directions. Councilmember Paul advised that another resident had sent an email with several recommendations for improvements to Orange Drive and Shotgun Road. Councilmember Paul thought money had been donated for these changes but no work had been done.

**FPL PRESENTATION.** Councilmember Paul requested that FPL give a presentation regarding underground utilities.

**STATE ROAD 7 COLLABORATIVE REPRESENTATIVE.** Upon questioning by Councilmember Paul Mr. Kutney informed Councilmember Paul that one of the two representatives must be an elected official. Councilmember Paul stated that this appointment needed to be added to an upcoming agenda.

**WESTERN HIGH TENNIS COURT LIGHTS.** Councilmember Paul said she had received complaints that these lights were not working and asked staff to look into this issue.

**AMERICAN FARM BUREAU CONFERENCE.** Councilmember Paul said she had attended the conference and a major topic had been the growing need for alternative fuels. She had spoken with a coffee plantation owner and wanted Assistant Town Administrator Ken Cohen to meet with him to discuss his ideas.

**CALDER FARMS.** Councilmember Paul had heard from a resident of Calder Farms who was concerned about the need for a permit to rebuild his barn. She asked staff to look into this issue.

**MAYOR TRUEX**

**GLOBAL WARMING AND GREENHOUSE EMISSIONS.** Mayor Truex said he would sign the mayor's initiative to fight global warming and greenhouse emissions. He advised that the issue was to get municipalities to be more "green" and circulated information for Council to review. Mayor Truex indicated that if anyone were opposed, he would not sign the petition. Vice-Mayor Crowley and Councilmember Starkey indicated their support.

**10. TOWN ADMINISTRATOR'S COMMENTS**

No comments were made.

**11. TOWN ATTORNEY'S COMMENTS**

No comments were made.

**12. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 2:15 a.m.

Approved \_\_\_\_\_

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

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