

**TOWN OF DAVIE  
REGULAR MEETING  
MARCH 22, 2007**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:35 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 Cherof, and Town Clerk Muniz recording the meeting.

**3. INVOCATION**

Pastor Daryl Sturenberg, from Gloria Day Lutheran Church, led the Council in the invocation.

**4. CERTIFICATION OF RESULTS - March 13, 2007**

Town Clerk Muniz read the results into the record: By virtue of running unopposed, Vice-Mayor Crowley retained his seat in District 2. Councilmember Starkey was re-elected in District 3, receiving 36.32 % of the vote. Marlon Luis was elected in District 4, receiving 62.96% of the vote.

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

**5. OUTGOING COUNCILMEMBER'S MESSAGE - Councilmember Paul**

Mayor Truex presented Councilmember Paul with a plaque in recognition of her service to the Town as a member of Council. Councilmember Paul said she had spent the morning at the Broward County School Board Site Selection Committee meeting and announced that the Committee had not selected the site in Davie for a new high school.

Councilmember Paul advised that she intended to stay active with the preservation issue, which was important to her. She thanked Town employees who had made the past nine years wonderful for her, stating that their attentiveness to her needs and their desire to serve their community through her was outstanding. Councilmember Paul stated she was proud of her record, and hoped to be remembered by one of her campaign slogans: "Promises made are promises kept" or "Being a voice of the people."

Councilmember Paul said she had tried to stay true to their mission statement, the Town's comprehensive plan, and the future land use map. She noted she had been on the losing side of a vote many times, but she had never let this deter her from her mission: she loved Davie, she had great hopes for Davie for the future and she loved all of the people who made it a great place to live.

Councilmember Paul wished Mr. Luis success and reminded him to be true to his heart, and be a man of his word, use common sense and sound judgment, and remember that his allegiance was to his constituents.

Councilmember Paul thanked everyone for nine great years, and said she was looking forward to her future as an activist.

**6. RECESS**

Mayor Truex recessed the meeting at 7:40 p.m. and reconvened at 7:55 p.m.

**7. OATH OF OFFICE**

Doug Bell of the Central Broward Water Control district swore in Mr. Crowley. Judge Dishowitz swore in Ms. Starkey. Ms. Paul swore in Mr. Luis.

**TOWN COUNCIL MINUTES  
MARCH 22, 2007**

**8. SELECTION OF VICE-MAYOR**

Vice-Mayor Crowley nominated Councilmember Caletka for the position. Councilmember Luis seconded the nomination. In a voice vote, with Mayor Truex and Councilmember Starkey dissenting, all voted in favor. (Motion carried 3-2)

**9. INCOMING COUNCILMEMBER'S COMMENTS**

Councilmember Crowley jokingly remarked that it had been a tough campaign and thanked residents for their faith in him to elect him for another three years. He thanked, and said goodbye as well, to Ms. Paul.

Councilmember Starkey said that the District 3 race had been "spicy" and thanked everyone who had worked in the campaigns.

Councilmember Luis thanked his friends and the residents who had supported him and shared their ideas, frustrations and hopes for a better Davie. He promised to incorporate those ideas into his approach to his new position. Councilmember Luis said he had learned much from Ms. Paul and hoped to maintain her high standards of providing service to her constituents. Councilmember Luis thanked many who had helped in his campaign and supported him, and said he looked forward to working with his new colleagues.

Mayor Truex advised that there had been a request to table item 10.7.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to table to the second meeting in April [April 18, 2007]. In a voice vote, all voted in favor. (Motion carried 5-0)

**10. APPROVAL OF CONSENT AGENDA**

*Minutes*

- 10.1 December 20, 2006 (Regular Meeting) (tabled from March 7, 2007)
- 10.2 January 3, 2007 (Special Executive Session)
- 10.3 January 3, 2007 (Regular Meeting)

*Resolutions*

- R-2007-84 10.4 **LEASE AMENDMENT - 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 February 21, 2007)
- R-2007-85 10.5 **CONTRACT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND ARCHIVESONE FOR OFF-SITE RECORD STORAGE SERVICES.** (\$5,600 storage fees)
- R-2007-86 10.6 **CONTRACT RENEWAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A RENEWAL TO THE CONTRACT AWARDED BY BROWARD COUNTY, CONTRACT E-7-04-156-M1-1, FOR MAINTENANCE OF GENERATORS.** (All Power Generators Corp. - \$60/visit plus \$35/hour labor)

**TOWN COUNCIL MINUTES**  
**MARCH 22, 2007**

10.7 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GYM-BAZ, LLC TO PROVIDE A GYMNASIAC PROGRAM AT THE DAVIE PINE ISLAND MULTIPURPOSE CENTER. (not budgeted - instructor to be compensated 75% of the fee)

10.8 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA  
R-2007-87 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE FLORIDA POWER AND LIGHT (FP&L) COMPANY FOR THE EASTSIDE STREET LIGHTING PROJECT TO BE FUNDED THROUGH THE TOWN'S COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM; AUTHORIZING THE MONTHLY MAINTENANCE FEE OF \$1,227.40 FROM THE TOWN'S GENERAL FUND; AND AUTHORIZING AN EFFECTIVE DATE.

*Temporary Use Permit*

10.9 TU 2-1-07, Rick Case, R+R Davie LLC, 3550 Weston Road (2 tent sales events)

*Master Site Plan Amendment*

10.10 Nova Southeastern University, 3301 College Avenue, Davie Florida

**11. DISCUSSION OF CONSENT AGENDA ITEMS**

Councilmember Starkey pulled items 10.4 and 10.10 from the consent agenda.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve the consent agenda minus items 10.4 and 10.10. In a voice vote, all voted in favor. (Motion carried 5-0)

10.4 Councilmember Starkey did not agree with co-locating any cell tower co-providers on this monopole because the Town was considering redesigning the Fire Station 68 site or finding a new site. She felt there were other options, such as disguising it as a flagpole. Mr. Shimun confirmed for Mayor Truex that co-locating was the preferred alternative, and he thought it would be similar to what was already there.

Councilmember Crowley assumed the item had been tabled a couple of times to iron out some potential issues. He wanted to hear explaining what issues existed. Chief Don DiPetrillo said there were several issues. First, the existing site was not being maintained properly. This amendment presented an opportunity to get the owner to do what was necessary.

Program Manager Phillip Holste said American Tower was not interested in relocating the tower, and the Town would have to bear that expense. He informed Vice-Mayor Caletka that the Town realized \$60,000 in revenue each year from this and the additional co-location would add \$12,000.

Mayor Truex felt Council should approve it, but wanted to find a way to ensure that it was maintained. Mr. Cherof said this was possible, but it was not currently a provision of the contract. They could add this to the amendment, but it would then become negotiable. Mayor Truex thought this should be added. Mr. Holste explained that the amendment included bringing the site up to code regarding the landscape buffer and similar issues. There was a 10-day deadline for this, and if they failed to comply, the Town could make the improvements and charge the tower owner for the work.

Councilmember Starkey made a motion to deny. Motion died for lack of a second.

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

**TOWN COUNCIL MINUTES**  
**MARCH 22, 2007**

10.10 John Santulli, Vice President of Nova Southeastern University (NSU), introduced Kona Gray from EDSA, and Adolpho Kotia from Akai Associates, and presented the annual update to the campus Master Plan.

Mr. Gray explained they had created a campus within a campus for the K-12 Program for safety. Mr. Kotia presented the rendering for the Center for Collaborative Research and described its configuration.

Councilmember Starkey asked about tax revenues the Town would receive from the private school. Mr. Santulli stated that the taxable portion was the academical village, which would begin construction in approximately one year. Mr. Santulli informed Councilmember Luis they would apply for permitting in approximately one year for the academical village and the research building. For the university school buildings, they would apply in approximately eight months.

Councilmember Crowley asked Mr. Santulli if the Town had indicated they could meet the new building's water needs. Mr. Santulli believed the Town currently had the capacity, but reminded Councilmember Crowley that the infrastructure agreement Council had approved two weeks ago included a provision allowing the school to build the Town's capacity if it impeded the NSU from moving forward, and to be reimbursed when other projects tied in. Councilmember Crowley thought the water might not be available and wanted to know whether the Town would be able to provide the water before large developments such as this moved forward.

Councilmember Starkey remembered discussions with NSU regarding plans for the taxing district so it would not cost the Town to build the water infrastructure for the not-for profit and university schools. Mr. Santulli said the Community Development District would be brought forward next month, and that would play a role in this. The infrastructure agreement also included road improvement projects, water and sewer improvements and a new lift station.

Development Services Director Mark Kutney confirmed for Mayor Truex that the agreements Council had already approved were the product of several months' negotiations, and included contingencies stipulating that if there were a problem, Nova would assist the Town.

Regarding the water issue, Mr. Shimun informed Council that staff recognized that within the next three years, they would need to come up with something, and were actively seeking alternative sites. Councilmember Crowley felt this indicated that when a master plan such as this came before them, staff must work closely in a partnership with the applicant.

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

**TOWN COUNCIL MINUTES  
MARCH 22, 2007**

**12. PUBLIC HEARING**

*Ordinance - Second and Final Reading*

- 12.1 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,  
2007-6 AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE XII.,  
DIVISION 3 SITE PLAN REQUIREMENTS AND PROCEDURES, SECTION 12-373,  
EXPIRATION OF SITE PLANS; SECTION 12-380 EFFECTIVE PERIOD OF  
APPROVAL; EXTENDING SITE PLAN AND MASTER PLANNED  
DEVELOPMENT APPROVAL EXPIRATION TO EIGHTEEN (18) MONTHS;  
PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR  
CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN  
EFFECTIVE DATE. *Planning and Zoning Board recommended approval {Approved  
on First Reading on March 7, 2007. The vote was as follows: Mayor Truex - yes;  
Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul -  
no; Councilmember Starkey - yes}*

Mr. Cherof read the ordinance by title.

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

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

*Resolution*

- 12.2 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2007-88 AUTHORIZING THE MAYOR AND APPROPRIATE TOWN OFFICIALS TO  
EXECUTE THE PURCHASE AND SALE AGREEMENT WITH DAVIE 2005 LLC  
FOR THE PROPERTY KNOWN AS THE OLD DAVIE SCHOOL ADDITION; AND  
PROVIDING FOR AN EFFECTIVE DATE. (not budgeted - \$2,283,827)  
**(Supermajority vote required)**

Mr. Cherof 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 Crowley believed the price was “up in the double digits as far as percentage over the average appraised value.” He wanted staff to negotiate further with the owner and offer 6% above the average appraised value.

Councilmember Crowley made a motion, seconded by Mayor Truex, to direct staff to offer the owner 6% above the average appraised value of the property.

Councilmember Starkey agreed, noting that funds from Tallahassee would be difficult to come by this year. She advised staff to also work with the Trust for Public Lands, which might intercede in the purchase. Mayor Truex said this additional staff direction would be added to the motion.

Mr. Cherof recommended that Council approve the contract with an adjusted purchase price, to recalculate the price to 6% over the appraised value, and return the contract to them with that figure. Councilmember Crowley amended his motion to include Mr. Cherof’s recommendation, and Mayor Truex agreed. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 5-0)

**TOWN COUNCIL MINUTES**  
**MARCH 22, 2007**

**13. APPOINTMENTS**

13.1 Mayor Truex

- 13.1.1 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)

No appointment was made.

- 13.1.2 Senior Citizen Advisory Committee (two exclusive appointments - terms expire April 2008) (members shall be a minimum 60 years of age)

Mayor Truex reappointed Betty Gemma.

- 13.1.3 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.

- 13.1.4 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.

13.2 Councilmember Luis

Councilmember Luis stated that he had served on a number of advisory boards and obtaining a quorum was one of the major issues. He suggested that if a board member was absent and a quorum could not be reached, this would count as an absence. Mayor Truex questioned how this would work if the meeting was cancelled because of no quorum prior to the meeting being held. Town Clerk Muniz advised that staff currently did not include absences when meetings were cancelled. Mayor Truex asked that staff look into how to implement Councilmember Luis' suggestion.

- 13.2.1 Airport Advisory Board (two exclusive appointments; terms expire December 2007)

No appointments were made.

13.3 Councilmember Starkey

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

No appointment was made.

- 13.3.2 Mobile Home Task Force (one exclusive appointment - representing a mobile home park owner/manager)

No appointment was made.

**TOWN COUNCIL MINUTES**  
**MARCH 22, 2007**

- 13.3.3 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.

- 13.4 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.

- 13.5 Broward League of Cities (appointment of Director, Alternate and Second Alternate; term is October 2007 - September 2008)

Vice-Mayor Caletka made a motion, seconded by Councilmember Starkey, to appoint Councilmember Crowley the Director, Councilmember Starkey the alternate, and Vice-Mayor Caletka the second alternate. In a voice vote, all voted in favor. (Motion carried 5-0)

**14. OLD BUSINESS**

- 14.1 SW 8 Street Park Site Fencing

Parks and Recreation Director Dennis Andresky reminded Council of their discussion to identify a funding source and advised that open space bond funds were available for that district. He explained that the fence was needed to prevent people visiting the site at night and creating a neighborhood nuisance.

Councilmember Starkey said there was a law enforcement issue in the park. She objected to spending so much money on such a small park, and felt Council should include this in the capital plan instead of utilizing bond money. Councilmember Crowley agreed this should be part of the capital project plan, and they should wait to fence it until there were improvements on the parcel. Mr. Andresky noted that fencing would prevent vehicles from entering the area.

Councilmember Starkey made a motion to approve this with the fencing, along with the other improvements in funding in the capital project. Mr. Andresky reminded Council that a portion of the bond fund was for parks improvements. Councilmember Starkey asked Mr. Andresky if this could be part of a FRDAP grant. Mr. Andresky responded in the affirmative. Councilmember Starkey said she did not object to the funds coming from the district bond money and then pursuing a FRDAP grant as soon as possible.

Councilmember Starkey clarified her motion, seconded by Councilmember Crowley, to use the district fund money, and allow it to be reimbursed through the FRDAP grant, and to apply for that as soon as possible. In a voice vote, all voted in favor. (Motion carried 5-0)

**15. NEW BUSINESS**

There was no new business discussed.

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

**MAYOR TRUEX**

**SILVER RIDGE ELEMENTARY.** Mayor Truex reported that the school had an ecology project, and wanted to start recycling at Bamford Park. He indicated that he had spoken with a representative from Waste Management, who informed him it was possible, but noted that in his experience, this was often unsuccessful. Mayor Truex still wanted to do it, but wanted to get the students involved in a public

**TOWN COUNCIL MINUTES  
MARCH 22, 2007**

awareness program. Council agreed that Mayor Truex should work with the school's ecology club to work toward this.

**PROPERTY TAX SITUATION IN THE LEGISLATURE.** Mayor Truex said he had not attended Broward Days, but he understood the Senate would take this issue, and he would travel to Tallahassee then to lobby on behalf of the Town. He felt it was not too early to be concerned and felt they must prepare alternative budget scenarios.

**AIRPORT MITIGATION.** Mayor Truex said that he and Councilmember Starkey had recently attended a Broward County Commission meeting where airport expansion mitigation was discussed. He said many of the proposals would displace people, and would dramatically impair the quality of life in Town.

**TOWN ATTORNEY.** Mayor Truex stated that he would like to see Council appoint Mr. Cherof as the permanent town attorney. Mayor Truex said he was favorably impressed with Mr. Cherof and his firm's performance, and noted this position was not something the Town was required to bid. He asked if Council wanted to place this issue on an agenda.

Vice-Mayor Caletka wanted to examine hiring an in-house attorney and he thought Mr. Cherof was "doing a fine job." Vice-Mayor Caletka also wanted Councilmember Luis to have the opportunity to provide input as well. Councilmember Crowley also wanted Councilmember Luis to have some input and wanted the item put on the agenda as well. He agreed that Mr. Cherof was doing an excellent job.

Councilmember Starkey agreed they should get the figures for hiring an in-house attorney and agreed that Mr. Cherof was doing an excellent job. She also wanted this issue on a future agenda.

Councilmember Luis said he had met with Mr. Cherof and was very impressed, and agreed they should "look at the numbers" before a decision was made.

Council agreed to put this item on the agenda in one month.

**COUNCILMEMBER LUIS**

**COUNCIL.** Councilmember Luis said he was looking forward to working with Council.

**COUNCILMEMBER STARKEY**

**PROPERTY TAX ISSUE.** Councilmember Starkey discussed the property tax debate being discussed in Tallahassee and thanked staff for providing her with an impact analysis that she presented to the legislators. She said that the House intended to move forward with their proposal, but there would be no consensus until after the holiday. Councilmember Starkey felt the Town must prepare for the "worst case scenario" regarding the budget because it would be a very tight budget year in Tallahassee.

**HOUSE BILL 259 - MOBILE HOMES.** Councilmember Starkey said she had worked with the Bill's creator, Representative Frank Atkinson, who pledged to work with the Town. Councilmember Starkey said Senator Baker would present a companion bill and he was leaning toward what Representative Atkinson would provide.

Councilmember Starkey said the committee was chaired by Representative Mike Davis, and she had provided testimony on behalf of the Town based on the Town's moratorium issue. She reported that the bill had passed "with those concerns and possible bifurcating the financial impacts and letting it go forward allowing the cities to conduct studies of how individually...from one city around this state to the next that it would provide an impact, they would have to have an impact study." Councilmember Starkey said that the legislators had understood that the relocation amount could not relocate a mobile home.

Councilmember Starkey stated that she would provide a written report to Council and agreed to brief Mr. Shimun further on what the Town needed to do.

**TOWN COUNCIL MINUTES  
MARCH 22, 2007**

**DAVIE POLICE/FIRE MEMORIAL.** Councilmember Starkey stated that she had been proud to unveil the memorial and asked everyone to visit the statue. She was pleased to see children visiting the memorial and hoped it would inspire them to become public servants in the future.

**COUNCILMEMBER CROWLEY**

**LOBBYIST REPORT.** Councilmember Crowley hoped the Town’s lobbyists would provide a written report within the next two weeks on their activities in Tallahassee.

**FDOT PRESENTATION.** Councilmember Crowley asked if the presentation on the I-595 Corridor improvements had been scheduled yet. Town Engineer Larry Peters confirmed that FDOT would give a presentation on April 18th.

**WATER RESTRICTION ENFORCEMENT.** Mr. Peters confirmed for Councilmember Crowley that Code Enforcement would handle enforcement of water restrictions.

**TREE LEGACY PROGRAM.** Councilmember Crowley wanted an update on this item. Mr. Peters said Urban Forester Tim Lee would manage this program.

**VICE-MAYOR CALETKA**

**BROWARD DAYS.** Vice-Mayor Caletka said he had represented the Town at Broward Days and thanked Councilmember Starkey for recommending that he become involved with the Broward League of Cities. He said his goal had been to bring home appropriations related to water, but had been informed that no appropriations would be approved this year.

**CONGRATULATIONS TO.** Vice-Mayor Caletka congratulated Councilmembers Crowley, Starkey, and Luis on their elections.

**17. TOWN ADMINISTRATOR’S COMMENTS**

**BROWARD DAYS.** Mr. Shimun thanked Councilmember Starkey and Vice-Mayor Caletka for attending Broward Days.

**PROPERTY TAX ISSUES.** Mr. Shimun said he had experience managing in a municipality that had rather draconian tax laws, and he referred to this as “managing under decay.” He described how this decay progressed and hoped the Legislature would lead by example and examine their own budget and spending history over the last several years, and would take a path that made sense.

**18. TOWN ATTORNEY’S COMMENTS**

**WAL-MART.** Mr. Cherof reported that special counsel Andy Maroudis had been successful, and the court had ruled in the Town’s favor.

**19. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 9:48 p.m.

Approved \_\_\_\_\_

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

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