

**TOWN OF DAVIE
REGULAR MEETING
APRIL 18, 2007**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:33 p.m. and was followed by the Pledge of Allegiance. The National Anthem was then sung by C.J. Phom, and Mayor Truex presented her with a certificate of appreciation.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Caletka, Council members Crowley, Luis and Starkey. Also present were Town Administrator Shimun, Town Attorney Cherof, and Town Clerk Muniz recording the meeting.

3. PRESENTATIONS

3.1 Florida Department of Transportation I-595

Joe Guierello, Florida Department of Transportation (FDOT), gave a PowerPoint presentation detailing the I-595 history, planned improvements, project phasing, advancement of the project, public/private partnership, project benefits and schedule.

Mayor Truex asked about the new tolls. Mr. Guierello explained that these would be either Sun Pass or open road tolling, in which license plates were photographed and vehicle owners sent a toll bill as there would be no tollbooths.

Councilmember Crowley was most concerned about the proposal to take some Davie homes through eminent domain to accomplish this project. Mr. Guierello said that FDOT had considered this as one option, but as of now, they were concentrating on the golf course/shared use facilities option. If this changed, he agreed to return and provide a report to Council before proceeding.

Councilmember Crowley asked Mr. Guierello to visit the Park City Estates Homeowners Association to explain the project, which Mr. Guierello agreed to.

Councilmember Starkey was concerned about the limited access for police and fire service. Mr. Guierello said that he and Project Manager Phil Swab would meet with the Fire Chief's Association to discuss how to handle incidents on the elevated expressway. Councilmember Starkey remembered discussion of funding a station in the western area with access to the FHP facility to provide this service.

Vice-Mayor Caletka asked how much acreage was needed for the "minor right-of-way." Mr. Swab said that these were very small strips in "a couple of isolated locations." Vice-Mayor Caletka referred to the Dallas incentive program, and hoped Mr. Guierello would consider something like this.

Vice-Mayor Caletka said that Council hoped FDOT would install noise walls on I-75 and the Turnpike. He also hoped that this would be accomplished before I-595 was expanded so the walls would not be left out. Mr. Swab advised that FDOT was aware of the impacts, and they had a noise analyst looking into this issue.

Councilmember Luis asked what part of the project would be undertaken first, if it were not possible to complete it at once. Mr. Guierello said that FDOT must reevaluate its original plan to begin with the operational improvements at grade level, since they were now concentrating on the public/private partnership. Unless there was a new financing option, he expected they would continue in a way similar to that original program. Mr. Guierello explained how work on the median could be done without interfering with traffic.

3.2 Love To Read, Love To Achieve Reading Program

Housing and Community Development Director Shirley Taylor-Prakelt said that the Town had had been approached three years ago through Broward County Schools to encourage boys to read, and the program was a tremendous success. She presented a certificate to Perry Hinton and he presented certificates to those involved in the program.

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3.3 National Fair Housing Month

Ms. Taylor-Prakelt thanked her staff for their efforts.

3.4 National Community Development Week

Ms. Taylor Prakelt remarked on how fortunate Davie was to have partnerships to provide services to residents and described the Community Development Block Grant Program of which they took advantage for neighborhood revitalization. She was proud to work for this Council, the first and only elected body to adopt a moratorium prohibiting the redevelopment and displacement of people from mobile homes to provide the opportunity to study the situation and develop solutions.

Ms. Taylor-Prakelt provided updates on five improvement projects on which her department was working, and thanked the U.S. Department of Housing and Urban Development for their help.

Ms. Taylor-Prakelt presented a proclamation and a poster designed by a child who lived in public or assisted housing to the head of the Florida State Office of Housing and Urban Development, Armando Fana. Mr. Fana thanked everyone, and remarked on Ms. Taylor-Prakelt's dedication.

Ms. Taylor-Prakelt introduced Bill Thompson and Kenya Robinson, who would be replacing Mr. Thompson as CEO of the HOPE Inc. program. She presented Mr. Thompson and Ms. Robinson with a poster and proclamation. Mr. Thompson said he was proud of Davie, and it stood out in its commitment to fair housing.

Ms. Taylor Prakelt presented gift certificates to children who had won first, second and third place in the Davie Fair Housing poster contest: Ruben Bush, Kevin Fuentes and Jessica Mendoza.

3.5 Area Agency on Aging - Edith Lederberg

Ms. Lederberg presented the Town with a 15-year Full Fair Share Advocacy award plaque.

3.6 Forest Ridge Woman's Club - Lorraine Hofheinz

Beverly Payne described the Club's yearly gala, the proceeds of which were donated to the Police and Firemen's Benevolent Associations. She presented checks of \$500 each to Police Chief John George and Fire Chief Don DiPetrillo.

3.7 Friends of the Farm Park - Judy Paul

Judy Paul described the founding of the Friends of the Farm Park, and their work to develop the park. She asked that the Town partner with her organization to help them move forward. Ms. Paul advised that they intended to incorporate as a non-profit organization, which would allow them to accept donations.

Joy Stewart, representing the Open Space Advisory Board, and Jason Hurley, representing the Agricultural Advisory Board, read letters of support from their Boards that had also been sent to Council. Ms. Stewart requested that Council approve the next step for leasing the land for grazing and growing crops, and the due diligence required to proceed with development.

Councilmember Starkey asked why they were forming a 501-C3 rather than creating a line item in the budget. Ms. Paul explained that they had been advised that a line item was not the best route, and the 501-C3 status allowed donors to reap tax benefits. She added that this also allowed partners to utilize in-kind donations and volunteers to assist staff.

Councilmember Luis made a motion, seconded by Mayor Truex, to approve the Town's partnership with the Farm Park non-profit group. In a voice vote, all voted in favor. (Motion carried 5-0)

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3.8 Orange Blossom Festival

Special Projects Director Bonnie Stafiej presented certificates to those who had volunteered at the Orange Blossom Festival.

3.9 Broward County Audubon Society - Mayor Truex

Barry Heimlich, Vice President of the Broward County Audubon Society, gave a PowerPoint presentation regarding global warming. He explained that a grass roots campaign had started in Seattle, Washington with Mayor Greg Nichols four years ago, embracing the Kyoto Protocols and challenging mayors in other cities to join him. Through the U.S. Conference of Mayors, Mayor Nichols had created a program for other mayors to sign on and agree to set emissions goals and encourage state and federal action. Mr. Heimlich presented Mayor Truex with a plaque acknowledging his participation in this program.

Mr. Heimlich described the Intergovernmental Council on Local Environmental Initiatives, and its Cities for Climate Protection program, which was concerned with the reduction of greenhouse gas emissions. This organization had created a climate protection handbook, which Mr. Heimlich distributed to Council members.

Mayor Truex felt this was an important issue, and thought the Town must err on the side of caution, because it affected “the whole future of the planet.”

Mr. Heimlich explained that Hollywood had formed a Green Team Advisory Committee to encourage community participation, and six Broward County cities had already passed green building ordinances. Councilmember Crowley advised that Council had discussed green buildings, and had a goal-setting workshop scheduled. Councilmember Starkey agreed that a green building ordinance had been one of Council’s priorities and she favored creating a short-term task force to assist staff in implementing Council’s objectives. Mr. Shimun felt the Town could utilize existing committees and invite others to attend those to develop this concept. Mr. Heimlich noted that as Davie was in the process of redevelopment, this was an excellent time to build in green concepts.

Mayor Truex asked that this be put on their next agenda and indicated that he liked Councilmember Starkey’s idea concerning the creation of a temporary task force. Councilmember Starkey suggested the task force be put on the Davie Water and Environmental Advisory Board’s next agenda as well.

3.10 Broward County Resource Recovery Board - Ron Greenstein

Earlier in the meeting, Mr. Greenstein advised that the Resource Recovery Board would return approximately \$1.1 million to the Town this year and explained Waste Management’s recycling facility being moved to Pembroke Pines. Mr. Greenstein announced that two years ago, Broward County had thrown away 10 pounds of solid waste per day, per resident. Mr. Greenstein said innovative ways to lower the tipping fee were being explored.

Eugene Steinfeld explained that the Board must decide what to do when the interlocal agreement ended in 2013, remain with Broward County or create independent districts. Mr. Steinfeld felt there were advantages to staying with the district.

Mr. Steinfeld said the most pressing issue was the SWS lawsuit with Coral Springs claiming the flow control ordinance and interlocal agreement were violations of interstate commerce. He said the Board intended to defend their agreements and the ordinance.

Councilmember Starkey asked if the Resource Recovery Board would contribute to the legal defense. Mr. Steinfeld explained that they would hire a special counsel to intervene in Coral Springs. Mr. Greenstein explained that they expected to be named in the Coral Springs lawsuit. Councilmember

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Starkey asked Mr. Shimun to share information with Assistant Administrator Ken Cohen and Code Compliance Official Danny Stallone.

3.11 South Florida Water Management District - Miya Burt-Stewart

Carole Morris, representing for the South Florida Water Management District, said this was “probably the worst drought we have ever experienced.” She thanked staff for encouraging compliance with the Phase II water restrictions.

Councilmember Crowley asked Ms. Morris to give the Town’s proclamation to Ms. Burt-Stewart. He advised that pending a Council vote, Davie would obey Phase I water restrictions year-round.

3.12 Florida Power & Light - Ben Wesley

Mr. Wesley explained the process of converting overhead lines to underground. He stated that FPL had asked the Public Service Commission to allow them to contribute 25% of conversion costs that were government-sponsored, and this was currently under consideration. Mr. Wesley advised that costs ranged from \$500,000 per mile to \$4 million per mile, and cautioned that undergrounding was not a panacea. He advised that the first step was to request an estimate for a very specific area from FPL, for which they would provide a “non-binding, ballpark estimate.” Then the municipality would pay FPL an engineering deposit that could be applied to the final cost of the project, for which FPL would create a facilities layout.

Mr. Wesley said there were two options for placement of the facilities: private easements and public rights-of-way. After easements were obtained and a detailed engineering plan completed, FPL would create a “binding cost” that was valid for six months. The municipality would then pay the full costs up front for the conversion, and determine how to recoup costs from residents.

Councilmember Starkey thanked Mr. Wesley for working with neighborhoods interested in undergrounding, and suggested that Council create a resolution to urge the Public Service resolution.

Councilmember Luis asked Mr. Wesley if there were interim measures that could be used to strengthen the infrastructure. Mr. Wesley explained that FPL had already embarked on a hardening plan called “Storm Secure” that included increased pole inspections, and critical infrastructure hardening for public safety locations such as hospitals, police and fire facilities and Port Everglades.

3.13 Kids’ Day America International - Dr. Davis Schwartz

Dr. Schwartz described Kids’ Day America International as a health, safety and environmental event for kids, which would be held on May 19th at David Posnack JCC. The event would benefit Hope Outreach Center. Events would include kids’ health screenings.

Mayor Truex announced that staff had withdrawn item 4.3 from the agenda.

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1 February 7, 2007 (Regular Meeting) (tabled from April 4, 2007)
- 4.2 February 21, 2007 (Workshop Meeting)

Resolutions

- 4.3 **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. (tabled from March 22, 2007)**

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- 4.4
R-2007-102 **SELECTION OF FIRM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF ACAI ASSOCIATES, INC. TO PROVIDE MISCELLANEOUS ARCHITECTURAL SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AGREEMENTS FOR SUCH SERVICES.
- 4.5
R-2007-103 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ACCEPTING AND AWARDING THE BID FOR YOUTH SPORTS OFFICIALS TO ADAMS TOP NOTCH OFFICIALS, INC. (\$40,000)
- 4.6
R-2007-104 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AWARDING THE BID FOR A MINI EXCAVATOR AND TRAILER TO EVERGLADES FARM EQUIPMENT CO., INC. (\$33,361.20)
- 4.7
R-2007-105 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR HORTICULTURAL CHEMICALS. (lowest and most responsive and responsible bidder)
- 4.8
R-2007-106 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID AWARDED BY THE STATE OF FLORIDA, BID No. 725-330-05-1 FOR CELLULAR EQUIPMENT AND SERVICES. (Verizon Wireless - approximately \$120,000/year)
- 4.9
R-2007-107 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH WILLIAMS PAVING CO., INC. FOR A SEGMENT OF ORANGE DRIVE ROADWAY IMPROVEMENT. (\$324,822)
- 4.10
R-2007-108 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH JULIA HARPER FOR USE OF ROBBINS LODGE FOR A SPECIAL NEEDS CAMP AND TO REDUCE THE RENTAL FEE FOR SAID USE TO \$150 PER DAY.
- 4.11
R-2007-109 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND G.C. WORKS, INC. FOR DEVELOPMENT AND CONSTRUCTION OF A FORENSIC CRIME PROCESSING AND STORAGE LABORATORY AT THE DAVIE POLICE DEPARTMENT. (\$120,975)
- 4.12
R-2007-110 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE ACTION OF THE DAVIE COMMUNITY REDEVELOPMENT AGENCY TO ENTER INTO AN AGREEMENT WITH 95 WHSE, INC. TO LEASE OFFICE SPACE AT 3921 SW 47 AVENUE, #1008. (\$20,406.72)

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- 4.13
R-2007-111 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH SCOUTMASTER'S CAMPOREE, SOUTH FLORIDA COUNCIL, BOY SCOUTS OF AMERICA AND THE TOWN OF DAVIE FOR UTILIZING THE BERGERON RODEO GROUNDS AND HOLDING A MEMORIAL DAY PARADE AND WAIVING RENTAL FEES AND GRANTING PERMISSION FOR THE USE OF SERVICES AND EQUIPMENT. (not budgeted - \$3,300)
- 4.14
R-2007-112 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN REBUILDING TOGETHER BROWARD COUNTY, INC FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR A BUILDERS DECATHLON EVENT. (\$1,000)
- 4.15
R-2007-113 **SIGNAGE** - A RESOLUTION OF THE TOWN OF DAVIE TO HAVE THE MAYOR EXECUTE A FLORIDA DEPARTMENT OF TRANSPORTATION GENERAL USE PERMIT APPLICATION TO CONSTRUCT DIRECTIONAL SIGNAGE FOR THE BERGERON RODEO GROUNDS ON INTERSTATE I-595.
- 4.16
R-2007-114 **DECLARATION OF RESTRICTIVE COVENANTS** - A RESOLUTION OF THE TOWN OF DAVIE AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE AND FILE AN AMENDED DECLARATION OF RESTRICTIVE COVENANTS FOR OPEN SPACE SITE OS-77, ALSO KNOWN AS MATH IGLER GROVE.
- 4.17
R-2007-115 **SELECTION OF FIRM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF GLOBALTECH, INC. TO DESIGN/BUILD A COLOR REMOVAL SYSTEM AT THE WATER TREATMENT PLANT AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- 4.18 **SELECTION OF FIRM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF AON CONSULTING, INC. TO PROVIDE HEALTH INSURANCE CONSULTANT SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- 4.19
R-2007-116 **DEVELOPER'S AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND THE PLAZA AT DAVIE INC., FOR THE INSTALLATION OF IMPROVEMENTS TO SATISFY TRAFFIC CONCURRENCY RELATING TO THE PLAZA PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 2-1-07, The Plaza, 11202 State Road 84)

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- 4.20
R-2007-117 **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) (denied by Council on January 17, 2007; item was reconsidered on February 7, 2007 and tabled for 60 days) [see related item 4.22] Planning and Zoning Board recommended approval**

Temporary Use Permit

- 4.21 NSU Health Fair, 1904 South University Drive

Quasi-Judicial Consent Agenda

- 4.22 SP 12-4-05, Lorson Professional Campus, 5355 SW 76 Avenue (CC) (denied by Council on January 17, 2007; item was reconsidered on February 7, 2007 and tabled for 60 days) **[see related item 4.20]** *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*

- 4.23
R-2007-118 **RE-APPROVING SITE PLAN - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RE-APPROVING SITE PLAN APPLICATION, SP 5-7-02 “DAVIE CHARTER SCHOOL,” AND PROVIDING AN EFFECTIVE DATE. 10/10/2002 - Site Plan Committee recommended approval subject to staff’s recommendations and the following: 1) make the east and west architecture match or be similar to the north and south sides; 2) provide a new rendering for the Town Council’s review to reflect the actual green areas and the existing houses; 3) revise the landscape plan and bring it back to this Committee and address the special notes in staff’s comments regarding the perimeter buffer, also focus on the north parking property line and focus on the east property line which concerned the residents; 4) change the chain-link fence to a metal picket fence; and 5) add “bollards” at the main entrance; 01/02/03 - Council approved based on the understanding that the school was going to work with the residents and develop a perimeter that was going to be pleasing and something that they could agree to (the addition of an eight-foot concrete wall along the north property line adjacent to the residential properties); that staff make another attempt to contact the Florida Department of Transportation and try to resolve points-of-view issues; and based on consideration from the Drainage District; 01/07/03 - Site Plan Committee recommended approval subject to the addition of an eight-foot concrete wall along the north property line adjacent to the residential properties**

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Councilmember Luis pulled item 4.18 from the Consent Agenda. Councilmember Starkey pulled item 4.16. Councilmember Crowley pulled items 4.9, 4.19 and 4.23. Vice-Mayor Caletka pulled items 4.20 and 4.22 together.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve the Consent Agenda less items 4.9, 4.16, 4.18, 4.19, 4.20, 4.22 and 4.23. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.9 Councilmember Crowley asked Town Engineer Larry Peters the extent of the improvements. Mr. Peters responded that the improvements began at Flamingo Road and stopped at the eastern property line of Willow Creek, the western property line of Flamingo Commons. Councilmember Crowley asked about funds from Imagination Farms for an Orange Drive overlay. Mr. Cohen was not aware of any funds from Imagination Farms for an overlay. Mr. Peters agreed to provide a list of contributions to the road improvement fund.

Councilmember Crowley made a motion, seconded by Vice-Mayor Caletka, to approve.

Councilmember Starkey suggested that the Town approach the South Florida Water Management District to request a contribution for a guardrail and lighting along Orange Drive. Mr. Peters said Broward County was paying for the lighting, and the guardrail at strategic spots would be part of the contract.

In a voice vote, all voted in favor. (Motion carried 5-0)

4.16 Councilmember Starkey supported this resolution and wanted the public to know that Math Iglor Grove was finally being developed. She requested a timeline for the item. Mr. Cohen agreed to provide the information to Council the following day.

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

4.18 Councilmember Luis wondered why the cost for this had risen from \$65,000 to \$95,000. Mr. Cohen explained that the rate actually fluctuated from \$60,000 to \$80,000 and this rate had been proposed as a flat, non-fluctuating rate. He noted that an experienced consultant could save the Town more than the cost of the consultant.

Vice-Mayor Caletka asked to table the item, as he had some questions he would like staff to address regarding the applicants.

Vice-Mayor Caletka made a motion, seconded by Councilmember Crowley, to table the item to May 2, 2007. In a voice vote, all voted in favor. (Motion carried 5-0)

4.19 Councilmember Crowley said it appeared that not all of the improvements would be within the Town, which he opposed. Councilmember Starkey was concerned as well, but said this was how the County did things. Mr. Peters advised that he had mentioned this concern to the petitioner, who had volunteered to match the County-allocated funds.

George Platt, representing The Plaza at Davie Inc., said that the applicant had pledged to donate an equal amount that the Town could use within the Town's border as Council saw fit. He agreed to put this commitment in writing.

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

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4.20 Vice-Mayor Caletka advised that the applicant had been unable to find a way to divert traffic to University Drive, so the project was the same as when it had originally been presented to Council.

Councilmember Crowley said he had considered the project carefully and did not object to it in the designated commercial area. He acknowledged it was not possible to obtain an entrance on University Drive.

Councilmember Luis would prefer commercial use of the property where activity was concentrated between 8:00 a.m. and 5:00 p.m. so as not to interfere with horseback riding in the area. He noted that horses were generally ridden in the road on 76th Avenue, and there were some speed humps there, but not in front of the Wolf Lake entrance. Councilmember Luis recommended a requirement be added for a speed hump at the Wolf Lake entrance.

Bill Laystrom, representing the applicant, pointed out that at the hearing, there was no comment from any resident, and only Mayor Truex had attended the citizen participation meetings. Mr. Laystrom said the applicant had maintained the scenic road corridor throughout the site, met all the platting requirements, located the building as far west as possible to keep it away from the corridor, and located the lake adjacent to SW 76 Avenue to maintain the ambience. Mr. Laystrom added that the applicant had already agreed to provide up to two traffic-calming devices and to remove a 12.5-foot easement for a path. He felt nothing in the Code allowed Council to deny the application and noted that this was a “very high tax generator with relatively low impact.”

Mayor Truex reminded Mr. Laystrom that four of five Council members had agreed that the project did not meet the required criteria and was not compatible with that neighborhood. Mr. Laystrom responded that Council was “coming up with a standard that’s not there.”

Councilmember Starkey asked if the concerns could be addressed by the addition of a scenic buffer, an irrigation fountain, noise buffering brick pavers, speed humps, and the incorporation of Green Building concepts. Councilmember Crowley suggested a street crossing instead of speed humps, perhaps including brick pavers. He felt the project met scenic corridor requirements.

Vice-Mayor Caletka felt the commercial use would have intense traffic from 9:00 a.m. to 5:00 p.m., and this presented a public safety issue on a small street.

Mayor Truex referred to the future land use policy, which stated commercial land uses should be located with access to primary transportation facilities, and noted that this project did not meet this criteria. He also felt it did not meet the criteria requiring that the development not adversely affect existing and designated residential areas, and compatibility with existing and planned uses.

Mayor Truex thought Council would owe Target and the people at the end of 76th Avenue an apology if they granted this and noted that there were parcels nearby that would someday be residential. He felt if they allowed this, it would not be the last request of this type, and they would set a trend.

Vice-Mayor Caletka reminded Council that when they had denied Wal-Mart, they had agreed to keep 76th Avenue as rural and scenic as possible.

Councilmember Crowley made a motion, seconded by Councilmember Luis, to approve item 4.20 subject to staff recommendations. In a voice vote, with Mayor Truex and Vice-Mayor Caletka dissenting, all voted in favor. (Motion carried 3-2)

4.22 Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve item 4.22 subject to staff recommendations, subject to Councilmember Starkey’s comments, and subject to Councilmember Luis’s comments on the crosswalk in front of Wolf Lake Park.

Councilmember Starkey listed her recommendations: pavers at the entranceway, a fountain, incorporation of green building concepts, the site plan recommendations noted at both hearings, and staff recommendations.

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Acting Planning and Zoning Manager Marcie Nolan clarified that speed humps were not included in the motion, and that the following items were: brick pavers in front of the access, an equestrian crossing on 76 Avenue with brick pavers and an equestrian sign on both sides, LEED Building concepts, more native plantings, and an irrigation fountain.

Councilmember Crowley noted that the Planning and Zoning Board had recommended approval.

In a voice vote, with Mayor Truex and Vice-Mayor Caletka dissenting, all voted in favor. (Motion carried 3-2)

4.23 Mr. Cherof swore in witnesses.

Ms. Nolan summarized the planning report and explained that the approved site plan had expired. She advised that the original site plan had not gone through the public participation process because this had not been required at the time, but public meetings were held subsequent to the site plan's approval for public input.

Councilmember Starkey said there had been concerns that the developer had addressed after several neighborhood meetings. She thought that some delay had been caused by Town staff. Ms. Nolan explained that substantial changes had been required as a result of the public participation process. These resulted in an abnormally lengthy site plan approval process, but still within 18 months. After that, there were regulatory issues outside the Town's control that the applicant had to address.

Councilmember Starkey said that since changes had been made to the site plan subsequent to Council's approval, she wanted to review the newest version. Ms. Nolan explained that the site plan had not changed, only the drop off/pick up point. She said staff had no objection to the request for extension.

Nectaria Chakas, representing the applicant, explained the changes to the drop off/pick up point and the landscape buffer on either side of the wall. She explained that Charter Schools required a longer review process than public schools, which included site plan approval.

Ms. Chakas explained that the civil drawings showed that the retention area did not conflict with the recreation area, even though the site plan made it appear that it did. She had already asked the architects to modify this on the site plan.

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

Dina Miller, principal of Somerset Academy, said the parents were looking forward to this opportunity to provide their children with a quality education. Their presence here this evening spoke to their commitment and appreciation of the school.

Karen Stenzel-Nowicki said her daughter had attended a Charter School and she supported the Charter School system.

A resident of Rexmere Village said her child attended the school, "here was not a better school out there" and the school's expansion was "essential to this community."

Harry Hill felt his kids were getting the best education they could possibly get at Somerset."

Marcie Crawford said her daughter had suffered reading problems, but teachers at Somerset had helped her.

Sophia Brown said Somerset had accommodated her daughter's advanced reading level, and her daughter had flourished there. She hoped her daughter could continue there through middle school after the expansion.

Brenda Mann-Kelly said she was a substitute teacher, and could attest that Somerset was an A-one school.

Council disclosed communications they had regarding this item.

Councilmember Starkey made a motion, seconded by Councilmember Crowley to approve the extension to 18 months, subject to the terms and conditions of what they were modifying on the site plan.

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Mayor Truex said he had previously voted for this, but intended to vote against it now. He said he had met with neighbors in Pine Island Bay who were very angry. He asked that the item be tabled so a citizen participation meeting could take place to address neighbors' objections.

Councilmember Starkey said she had followed this process since 2002 because this had been her district and acknowledged that many issues had been resolved. She would not agree to table the item and noted that they had met with the community many times to address their concerns. Councilmember Starkey said that some concerns could never be addressed because "a few of the residents weren't satisfied with anything being built there."

In a voice vote, with Mayor Truex dissenting, all voted in favor. (Motion carried 4-1)

6. PUBLIC HEARING

There were no public hearings to be heard.

7. APPOINTMENTS

7.1 Mayor Truex

7.1.1 Community Redevelopment Agency (one exclusive appointment; term expires April 2011) (members shall either reside or engage in business within the jurisdiction of the Town)

Mayor Truex made a motion, seconded by Councilmember Crowley, to re-appoint Mark Engel. In a voice vote, all voted in favor. (Motion carried 5-0)

7.1.2 Planning and Zoning Board/Local Planning Agency (one exclusive nomination; term May 26, 2007 to May 21, 2006) (member must be a resident and qualified voter; **nominations require Council approval**)

Mayor Truex made a motion, seconded by Councilmember Crowley, to reappoint Mr. Stevens. In a voice vote, all voted in favor. (Motion carried 5-0)

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

No appointment was made.

7.1.4 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.

7.1.5 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.

7.2 Vice-Mayor Caletka

7.2.1 Planning and Zoning Board/Local Planning Agency (one exclusive nomination; term May 26, 2007 to May 21, 2006) (member must be a resident and qualified voter; **nominations require Council approval**)

No appointment was made.

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7.3 Councilmember Crowley

- 7.3.1 Planning and Zoning Board/Local Planning Agency (one exclusive nomination; term May 26, 2007 to May 21, 2006) (member must be a resident and qualified voter; **nominations require Council approval**)

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

7.4 Councilmember Luis

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

- 7.4.2 Planning and Zoning Board/Local Planning Agency (one exclusive nomination; term May 26, 2007 to May 21, 2006) (member must be a resident and qualified voter; **nominations require Council approval**)

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

7.5 Councilmember Starkey

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

No appointments were made.

- 7.5.2 Planning and Zoning Board/Local Planning Agency (one exclusive nomination; term May 26, 2007 to May 21, 2006) (member must be a resident and qualified voter; **nominations require Council approval**)

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

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

No appointment was made.

- 7.4 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.

8. OLD BUSINESS

8.1 Steve Rodriguez, 12600 SW 13 Street

Earlier in the meeting, Mr. Cherof explained the driveway requirements, and noted that the 1,000-foot maximum length was exceeded because Mr. Rodriguez's driveway was approximately 1,100 feet and the turnout was not standard. He indicated that SW 13 Street did not have adequate right-of-way for the standard 12-foot driveway. Mr. Cherof said that Mr. Rodriguez had tried diligently and unsuccessfully to obtain right-of-way from adjacent property owners to construct a 20-foot roadway to Flamingo Road [the third option].

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Mr. Cherof summarized staff's justification for the options to address the problem: the site could legally connect to 127th Avenue now and the site could also access through SW 14 Street using existing right-of-way. He explained that adequate right-of-way did not currently exist to access SW 13 Street because more than four homes used this street and it must be constructed as a roadway. Amending the Code would negate the non-conforming nature of SW 13 Street.

Don Lunney, representing the homeowner, said it would be cheaper to complete option one, but they were trying to accomplish the better public good to keep a future option open for a parkway, bridal way or linear park. He noted that only a Code amendment could solve the long-term issue of building out the neighborhood.

Mr. Lunney proposed that they would do the following: keep the right-of-way in the private sector until the Town collected enough right-of-way to meet a public standard; grant a license agreement allowing anyone in the 20 acres to use the T-shaped piece of property; and impress a covenant on the T-shaped property to convey the property by deed when the Town requested it. They would also agree that the property owner could not revoke the license.

Councilmember Crowley wanted to find the way to get Mr. Rodriguez and his family legally into their home. Mr. Cherof said the quickest route to this was the first option: connecting to 127th Avenue. Councilmember Crowley felt the option proposed by Mr. Rodriguez was best for him and the neighborhood, and he favored this option.

Mayor Truex asked Mr. Rodriguez how much he would contribute to the special assessment to construct the road in the future. Mr. Rodriguez said he was happy to give SW 13 Street to the Town at no cost, and to contribute his share of a special assessment in the future.

Vice-Mayor Caletka agreed with Councilmember Crowley and felt this would require a Code amendment. He believed that since the math did not always work out for some developments, they would see repeated litigation.

Mr. Cherof stated that the Town's building official could grant a temporary Certificate of Occupancy to Mr. Rodriguez under certain conditions. Mr. Lunney said if they were considering a Code amendment, they would evaluate a temporary Certificate of Occupancy during the enactment period, or "we would agree to execute an agreement to do the option 1.5, which is my over and up and we'd bond for it." He indicated that then, everyone would know that if the Code amendment did not work, his client would build the other access way.

Mr. Shimun said that in his experience, if they changed the Code, this would "trade one set of problems for a new set of problems." This would also remove the incentive to correct the problem anywhere else.

Councilmember Luis acknowledged that something must eventually be done on 13th Street, and asked Mr. Cherof how they would proceed. Mr. Cherof said 13th Street was private property, so they would not be forced to do anything unless they decided that streets throughout the Town like 13th Street needed to be public right-of-way. They could acquire the right-of-way through eminent domain or through voluntary cooperation of the property owners.

Mayor Truex asked if everyone agreed to require option 1 while option 4 was pending, and if the Code were not amended, Mr. Rodriguez would be bound to option 1. Vice-Mayor Caletka did not agree. Mr. Cherof said that Mr. Rodriguez could get a temporary Certificate of Occupancy for 90 days, which could be extended to 180 days, while they created the Code amendment. Council agreed to this plan.

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9. NEW BUSINESS

9.1 Traffic Calming Round-about at Hiatus Road and Ernest Boulevard

Earlier in the meeting, Mr. Peters gave a presentation depicting the proposed roundabout at Hiatus Road and Ernest Boulevard behind the proposed Sierra Ranches subdivision. He drew Council's attention to a brochure describing the positive effects of a roundabout versus a "T" or full intersection. Mr. Peters stated that they would need to acquire additional right-of-way in the future to make the roundabout function, and the applicant had agreed to fund the roundabout in lieu of building the intersection. He estimated this would cost \$375,000 and he had asked the applicant to place a bond in place for 110% of the cost and after the Town acquired the right-of-way, the applicant could construct the roundabout. The applicant would rather give the Town the cash to build the right-of-way in the future.

Councilmember Starkey disagreed with staff's approach. She noted that Council had approved the site plan including improvements to Hiatus Road, which had not included roundabouts. She felt it was inappropriate to bring this item back to Council now. Councilmember Crowley suggested that they accept the applicant's donation and use it to build a roundabout on 26th Street.

Nectaria Chakas, representing the Sierra Ranches developer, said one condition for approval of the old site plan had been to provide a preliminary design for a roundabout on Hiatus Road into the development as an alternative design. They had provided this design to staff, but had been unable to acquire the right-of-way to complete it. Rather than pursuing additional approvals, the developer wanted to provide the Town with the cash for other road improvements. Councilmember Starkey said the roundabout was approved on the site plan as an entry feature. Ms. Chakas said they proposed to eliminate the feature inside the property because they had already designed the site plan and it would no longer work.

Mayor Truex asked Mr. Kutney if they must amend the site plan. Mr. Kutney informed him that the applicant had filed a site plan modification, which the Council had the option to review. Councilmember Crowley stated that the agenda item concerned the roundabout on Hiatus, not the revised site plan. Ms. Chakas said the applicant wanted to proceed with the amended site plan.

Vice-Mayor Caletka suggested that the Town accept the donation for the road improvements and that Council review the amended site plan.

Councilmember Crowley made a motion, seconded by Vice-Mayor Caletka, to accept \$400,000 for the offsite improvements for a roundabout on 26 Street and Hiatus Road. In a voice vote, all voted in favor. (Motion carried 5-0)

10. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER CROWLEY

67 AVENUE RIGHT-OF-WAY. Councilmember Crowley said that someone was dumping in the right-of-way and asked Mr. Shimun to alert the appropriate staff.

401K INQUIRY. Councilmember Crowley said he had heard from an employee who was frustrated because staff had not yet responded to her inquiries regarding her 401K. Mr. Cohen said they were assembling a package of 401K information to distribute to employees. Mr. Shimun hoped this would be distributed prior to their next meeting.

SOUTH FLORIDA WATER MANAGEMENT DISTRICT PRESENTATION. Councilmember Crowley announced that on May 19th, the South Florida Water Management District would give a presentation at the Florida League of Cities at the Roasted Pepper.

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VICE-MAYOR CALETKA

PUBLIC LANDS OPENING TO VEHICULAR ACCESS. Vice-Mayor Caletka reported that the Parks and Wildlife Department was considering opening 140,000 acres in central Florida to the general public and vehicles. The Sierra Club had contacted Vice-Mayor Caletka regarding a presentation at a Council meeting.

CONTRACT LIMITS. Vice-Mayor Caletka felt it would be prudent for Council not to support increasing contract values for any renewals, and vendors should be warned of this when they renewed. Councilmember Crowley acknowledged that this would be a tight budget year, and vendors should be warned that they could lose their renewals if they requested a large increase. He would oppose any increases this year.

Mr. Cohen clarified if this meant that if any vendor requested an increase, staff should just bid the contract out, or if he should bring the request to Council first. Vice-Mayor Caletka responded that staff needed to bid it out. Mayor Truex suggested Mr. Cohen inform vendors of the general policy, and inform them they should provide sound reasons to warrant an increase. Council decided vendors should be made aware of the new policy, but Council wanted to review the contracts.

TOWN ATTORNEY POSITION. Vice-Mayor Caletka wanted to request letters of interest for the Town Attorney position because the Town had “been in trouble on more than one occasion for not going out and advertising and doing a national search.” He wanted to request letters of interest from potential parties interested in being outside or in-house counsel. Councilmember Starkey wanted to see staff comparison of in-house versus outside counsel first. Councilmember Luis said he would feel more comfortable if he had more facts before making a decision. Vice-Mayor Caletka asked staff to provide the comparison at their next meeting.

DEVELOPMENT WATER SUPPLY. Vice-Mayor Caletka noted that some developments presented to Council did not clearly have adequate water supply. He felt they should consider an additional water treatment plant and pointed out that a feasibility study for this would be free.

COUNCILMEMBER STARKEY

OLD DAVIE SCHOOL. Councilmember Starkey announced that the School had hosted Taste of Generations on April 14th.

GOLF TOURNAMENT SPONSORSHIP. Councilmember Starkey said they were seeking sponsors for the Soroptomists and the Boys and Girls Club Golf Tournaments. She invited interested parties to contact her.

COUNCILMEMBER LUIS

ADVISORY BOARD ATTENDANCE. Councilmember Luis reiterated his stance that advisory board members’ absences resulting in lack of a quorum should count against their individual attendance.

COMMONS PETITION. Councilmember Luis stated that he had been asked to announce that the minutes of the February 7th meeting did not indicate that there were 1,000 signatures on the petition opposing The Commons.

MAYOR’S STANCE ON GLOBAL WARMING. Councilmember Luis said he appreciated Mayor Truex’s stance on global warming.

MAYOR TRUEX

SKATEBOARDING AT MCDONALD’S. Mayor Truex said he had received a complaint from a resident regarding skateboarding at McDonald’s.

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DANIEL CANTOR WULTZ FOUNDATION. Mayor Truex announced that Mr. Davenport had requested that a basketball court in a park be named for Daniel Cantor Wultz, a Weston teen who died as a result of an Israeli suicide bomb attack.

TRASH IN CANAL ON 58TH AVENUE. Mayor Truex said he had received emails about this problem. Councilmember Crowley advised that this issue had been addressed.

RESIDENTS' ADDRESSES IN MINUTES. Mayor Truex had received an email questioning the wisdom of including residents' addresses in the minutes, since these were posted to the Town's website. There was no Statute addressing this, and Mr. Cherof advised Council that it was possible to omit this from the minutes. He confirmed that a speaker could not be compelled to provide this information.

DOWNTOWN DAVIE CONSTRUCTION. Mayor Truex asked if the Town was holding up the construction. Mr. Peters explained that the permits were issued with the provision that the builder obtain the adjacent property owner's permission for the existing drainage. He stated that 48 Emerald Isle parking spaces would be blocked off during construction. The Town had asked the developer to provide a secondary access to the blocked spaces, and additional parking spaces for the easement-area parking that would be inaccessible until the pipe was in the ground. Mr. Peters advised that this had not occurred as yet and the Town had stopped the project after requesting proof that Emerald Isle owners had agreed to allow the developer to enter their property to perform the work.

MR. CHEROF'S ASSUMING TOWN ATTORNEY POSITION. Mayor Truex favored Mr. Cherof's continuing as Town Attorney because he felt Mr. Cherof was doing an excellent job.

11. TOWN ADMINISTRATOR'S COMMENTS

ANNUITY. Mr. Shimun said that the Town had received a refund check for the full amount plus interest from Allianz for the annuity totaling \$289,233.25.

12. TOWN ATTORNEY'S COMMENTS

SPECIAL LEGAL COUNSEL. Mr. Cherof recommended Stearns Weaver as special legal counsel for the Airport Environmental Impact Statement issue. Councilmember Starkey noted that the materials regarding the EIS were available online, so their representatives need not attend the meetings. Council agreed that Stearns Weaver attorneys should act as their legal counsel for the Airport EIS.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 12:37 a.m.

Approved _____

Mayor/Councilmember

Town Clerk