

**REGULAR MEETING
OCTOBER 3, 2007
7:00 PM**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:04 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

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

3. OPEN PUBLIC MEETING

Mayor Truex opened the open public meeting.

Phil Busey stated that there had been discussion about moving municipal elections from March to November and he feared the unintended consequences. He did not believe turnout would increase by rescheduling the elections to November, as was claimed. Mr. Busey believed Davie's issues were too important to be buried within a national general election.

Antoine Fourcan, president of Emerald Isles Homeowner Association, advised that they had experienced problems with runoff from the Downtown Davie project. He added that the road had not been repaired either. Councilmember Crowley thought the Engineering had asked the developer to correct the runoff situation. Development Services Director Mark Kutney confirmed there was a Code Compliance case against the project and an MPDES violation on the site.

Judy Paul informed Council that the Davie Area Land Trust had received the full \$10,000 grant for the 8th Street Park. She complimented the developer on the project in process near Shenandoah. Ms. Paul reported that the Davie Board for the Boys and Girls Clubs recently held a summit for the upcoming year. She invited citizens to volunteer for any of these clubs.

Rose Anderson thanked everyone who had attended the Pioneer Dinner at the Old Davie School. She advised that she had still not heard anything from the Town regarding the debris in her backyard. Public Works Director Manny Diez indicated there was a plan to cut the road through in the near future, and the budget estimate to remove the trees from the entire street was \$60,000. He asked Council's suggestions on whether to proceed with the bid process for removal of trees from just one yard or the entire street. Councilmember Crowley asked that this item be put on their next agenda, and options presented to Council.

Mickey Caruana, South Florida Board of Realtors, invited everyone to the Florida Public Summit at Nova Southeastern University on October 26th to discuss the property tax situation.

Shirley Munson would like the Town to return to town-wide elections for Council members as she felt this would better represent their entire population.

John LaDue explained that he was still suffering privacy issues at his property and stated that there was also vandalism occurring in the area. Councilmember Starkey remembered that Council had granted four of Mr. LaDue's five variance requests, denying only the request to place a solid fence through a dry retention area. She wanted to hear from the Central Broward Water Drainage District before granting this variance. Staff agreed to contact Mr. Ladue.

Mayor Truex closed the open public meeting.

Mayor Truex announced that item 4.36 needed to be added.

Vice-Mayor Caletka made a motion, seconded by Councilmember Starkey, to add item 4.36 to the Consent Agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that item 7.7 needed to be added.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to add item 7.7 to the Agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

Mr. Muniz announced that items 4.31 and 6.5 needed to be tabled to November 7, 2007 per the petitioner's request.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to table items 4.31 and 6.5 to November 7, 2007. 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)

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1 August 9, 2007 (Special Meeting) (tabled from September 19, 2007)
- 4.2 July 26, 2007 (Workshop Meeting)
- 4.3 August 15, 2007 (Regular Meeting)
- 4.4 August 20, 2007 (Workshop Meeting)

Home Business Tax Receipts

- 4.5 Duree & Company, Inc., 10740 Pegasus Street
- 4.6 Sawgrass Tours, 12560 SW 12 Street

Resolutions

- 4.7 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST TO WAIVE THE SCENIC CORRIDOR BUFFER REQUIREMENT AS PER THE LAND DEVELOPMENT CODE, CHAPTER 12, SECTION 12-282, AND PROVIDING AN EFFECTIVE DATE. (DG 7-3-07, Vista View Park Expansion, 4001 SW 142 Avenue) (tabled from September 19, 2007) [see related items 4.32 and 6.2]
- R-2007-270 4.8 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO AMEND THE NOTE ON THE PLAT KNOWN AS "LOVY'S ACRES"; AND PROVIDING AN EFFECTIVE DATE. (DG 10-1-06, Lovy's Acres, generally located between the southeast corner of SW 139 Avenue and SW 17 Street) [see related item 4.33]
- R-2007-271 4.9 **AMEND PERSONNEL RULES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING RULE XII, SECTION 3 OF THE PERSONNEL RULES AND REGULATION OF THE TOWN OF DAVIE, FLORIDA, ENTITLED "PAYMENT OF TUITION COSTS IN SELF-DEVELOPMENT COURSES"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
- R-2007-272 4.10 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE HIGHLAND RANCH ESTATES AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.

- 4.11 R-2007-273 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE HIDDEN COVE OF DAVIE CONDOMINIUM ASSOCIATION, INC. AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- 4.12 R-2007-274 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION TO LEASE THE BERGERON RODEO GROUNDS FOR A CONSTRUCTION CAREER DAYS EXPO. (\$3,000 arena rental fee)
- 4.13 R-2007-275 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH THE DOG OBEDIENCE CLUB OF HOLLYWOOD, INC. FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR ANNUAL DOG SHOWS. (\$6,000 arena rental fee for six dates)
- 4.14 R-2007-276 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN FPL AND THE TOWN OF DAVIE FOR AN ENERGY AND MAINTENANCE AGREEMENT FOR FOUR (4) STREETLIGHTS IN PARK CITY ESTATES. (not budgeted - \$70.41/monthly)
- 4.15 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GYMBAZ, LLC TO PROVIDE A GYMNASTIC PROGRAM AT THE DAVIE PINE ISLAND MULTIPURPOSE CENTER. (registration fees projected at \$12,000 - Town retains 20% to 25% as revenue)
- 4.16 R-2007-277 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR THE ACQUISITION, IMPROVEMENT, OPERATION AND MANAGEMENT OF THE OLD DAVIE SCHOOL HOUSE ADDITION (GS-453); AND AUTHORIZING THE EXECUTION AND FILING OF A DECLARATION OF RESTRICTIVE COVENANTS FOR THE SITE. (not budgeted - Town to receive approximately \$1.933 million dollars as reimbursement) **[see related item 4.23]**
- 4.17 R-2007-278 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR THE ACQUISITION, IMPROVEMENT, OPERATION AND MANAGEMENT OF THE SUNNY LAKE EXPANSION (OS-141); AND AUTHORIZING THE EXECUTION AND FILING OF A DECLARATION OF RESTRICTIVE COVENANTS FOR THE SITE. (not budgeted - Town to receive \$433,700 as reimbursement) **[see related item 4.24]**

- 4.18 R-2007-279 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR THE ACQUISITION, IMPROVEMENT, OPERATION AND MANAGEMENT OF THE BATTEN'S FARM (OS-138); AND AUTHORIZING THE EXECUTION AND FILING OF A DECLARATION OF RESTRICTIVE COVENANTS FOR THE SITE. (not budgeted - Town to receive \$2 million dollars towards the property purchase at closing) [**see related item 4.25**]
- 4.19 R-2007-280 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA RATIFYING AN AGREEMENT BETWEEN THE DAVIE COMMUNITY REDEVELOPMENT AGENCY AND GUIDANCE PATHWAY SYSTEMS, INC. TO RECONSTRUCT THE DAMAGE TO THE WAYFINDING SYSTEM CAUSED BY HURRICANE WILMA, AUTHORIZING THE MAYOR TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING HIS SIGNATURE TO SAID RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. (\$50,870)
- 4.20 R-2007-281 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA RATIFYING THE APPROVAL OF A CONTRACT BETWEEN THE TOWN OF DAVIE COMMUNITY REDEVELOPMENT AGENCY AND DEMO DOCTOR, INC., FOR THE DEMOLITION OF BUILDING STRUCTURES LOCATED ON DAVIE ROAD AND ORANGE DRIVE (B-07-105), AUTHORIZING THE MAYOR TO EXECUTE THE RESOLUTION, AND PROVIDING FOR AN EFFECTIVE DATE. (\$36,400)
- 4.21 R-2007-282 **CONTRACT** - A RESOLUTION RATIFYING THE APPROVAL OF A CONTRACT BETWEEN THE TOWN OF DAVIE COMMUNITY REDEVELOPMENT AGENCY AND GEOTECH ENVIRONMENTAL, INC. FOR SITE REMEDIATION - CRA PROPERTY AT THE NORTHWEST CORNER OF DAVIE ROAD AND ORANGE DRIVE, AUTHORIZING THE MAYOR TO EXECUTE THE RESOLUTION, AND PROVIDING FOR AN EFFECTIVE DATE. (\$94,016.50)
- 4.22 R-2007-283 **LEASE SUPPLEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE LEASE SUPPLEMENT BETWEEN AMERICAN TOWER AND VERIZON WIRELESS CONCERNING THE MONOPOLE TELECOMMUNICATIONS TOWER LOCATED AT 6911 ORANGE DRIVE; AND PROVIDING FOR AN EFFECTIVE DATE. (Town to receive \$14,400 annually with a yearly increase of 3%)
- 4.23 R-2007-284 **MANAGEMENT PLAN** - A RESOLUTION OF THE TOWN OF DAVIE PROVIDING THAT THE TOWN WILL PROGRAM THE OBLIGATIONS SET FORTH WITHIN THE CONCEPTUAL PARK MANAGEMENT PLAN FOR THE OLD DAVIE SCHOOL HOUSE ADDITION (GS-453), INTO THE TOWN'S 5-YEAR CAPITAL IMPROVEMENTS PROGRAM WITHIN TWO YEARS. [**see related item 4.16**]

- 4.24
R-2007-285 **MANAGEMENT PLAN** - A RESOLUTION OF THE TOWN OF DAVIE PROVIDING THAT THE TOWN WILL PROGRAM THE OBLIGATIONS SET FORTH WITHIN THE CONCEPTUAL PARK MANAGEMENT PLAN FOR THE SUNNY LAKE EXPANSION (OS-141), INTO THE TOWN'S 5-YEAR CAPITAL IMPROVEMENTS PROGRAM WITHIN TWO YEARS. [see related item 4.17]
- 4.25
R-2007-286 **MANAGEMENT PLAN** - A RESOLUTION OF THE TOWN OF DAVIE PROVIDING THAT THE TOWN WILL PROGRAM THE OBLIGATIONS SET FORTH WITHIN THE CONCEPTUAL PARK MANAGEMENT PLAN FOR THE BATTEN'S FARM PROPERTY (OS-138), INTO THE TOWN'S 5-YEAR CAPITAL IMPROVEMENTS PROGRAM WITHIN TWO YEARS [see related item 4.18]
- 4.26
R-2007-287 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY THE CITY OF POMPAÑO BEACH (BID # H-10-07 SOUTH FLORIDA GOVERNMENT COOPERATIVE GROUP) FOR PAVEMENT MARKING. (cost dependent on project scope)
- 4.27
R-2007-288 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACCEPT THE BID RECOMMENDATION FOR IRRIGATION REPAIR AND INSTALLATION SERVICES. (cost dependent upon departmental usage)
- 4.28
R-2007-289 **BID** - A RESOLUTION OF THE TOWN OF DAVIE FLORIDA, ACCEPTING THE BID FROM COLMEX USA GROUP, D/B/A ONE LOW PRICE CLEANERS FOR LAUNDERING SERVICES FOR BOTH THE POLICE AND FIRE-RESCUE DEPARTMENTS. (\$60,000/year Police, \$12,000 Fire-Rescue)
- 4.29
R-2007-290 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACCEPT THE BID RECOMMENDATION FOR JANITORIAL SERVICES FOR THE POLICE DEPARTMENT. (Perm-A-Care Janitorial Services, Inc., \$35,459)
- 4.30
R-2007-291 **BID EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE BID BETWEEN THE TOWN AND A QUALITY BUSHOG SERVICES, INC. FOR BUSH HOG MOWING SERVICES. (\$25,272/year)

Quasi-Judicial Consent Agenda

- 4.31 SPM 2-6-06, Russell Commons, 7800 Davie Road Extension (B-2) (tabled from September 5, 2007) *Site Plan Committee recommended, to approve subject to the following changes to the staff's recommendations: 1) recommendation one and recommendation three are deleted; 2) in lieu of numbers one and three, the applicant shall modify the truck loading dock to open up the entrance to a wider radius opening and review the change with staff prior to submitting for building plans; and 3) the staff modification number two shall be modified to read - Staff recommends that the petitioner place a note on the site plan indicating that both medical office and beauty salon use ~~would~~ may not allow the proposed site plan to meet the minimum parking requirements as per the Land Development Code, Section 12-208 (A)(29)(a) [see related item 6.5]*

- 4.32 MSP 10-1-06, Broward County Vista View Park Expansion, 4001 SW 142 Avenue (RS) (tabled from September 19, 2007) *Site Plan Committee recommended, to approve , subject to there being no round-about on Orange Drive; that the four-foot meandering fence will be installed on the outside (south side) of the horse trail; the parking on the north corner of the park is to remain the same; the entrance from Orange Drive is for special events and emergency use only; revise the plans for Council’s review (sketch); the architecture of the buildings that were presented this afternoon with the upgrades of stone and wood treatments are to be applied to the existing buildings; and all perimeter landscaping to be installed at once (not in phases) [see related items 4.7 and 6.2]*
- 4.33 SP 3-2-06, Lovy’s Acres, located on the southeast corner of SW 139 Avenue and SW 17 Street (R-1) *Site Plan Committee recommended, to approve subject to staff’s comments in the staff report and in addition: 1) that all the Oak trees on the property would meet minimum code in height; 2) that the applicant would remove light poles out of the middle cul-de-sac island and move them to lots three and four, and that within that cul-de-sac, the applicant would landscape that island with a 16-foot tall Live Oak with additional landscaping to include ferns and a perimeter of sod; 3) insure irrigation of all common area landscaping; 4) that on lot number one, the driveway access would be limited to within 40-feet of the east property line; 5) a tree survey would be performed and all invasive plants would be removed and all protected species would be either protected or mitigated; and 6) add a dimension on each lot showing the rear building pad dimension as it relates to the rear property line to help determine the pad size [see related item 4.8]*
- 4.34 SP 6-7-06, Falcon Tire Center, 2600 Davie Road (M-4, County) *Site Plan Committee recommendation, to approve subject to staff’s recommendations and the following conditions: 1) that a note be made on the plans that the walls on the sides of the property be pre-cast concrete, eight-foot high, with columns that would match the rendering as presented; 2) that within the landscaping of the east perimeter, south perimeter and north side of the structure, the Tabebuia trees would be replaced with Bald Cypress; 3) that the construction trailer would be removed prior to any Certificate of Occupancy inspections; 4) that the nine Oak trees on the south side of the property would be increased from 14-feet to 16-feet; 5) make a note on the plans that the front retaining wall would be eight-feet high; and 6) be sure that the dumpster enclosure was wide enough to accommodate the dumpster [see related items 6.3 and 6.4]*
- 4.35 SP 3-2-07, Everglades Land Sales Co & Strong Park, 4100 SW 64 Avenue (B-2) *Site Plan Committee’s recommendation, to approve subject to the staff report and the following additional comments: 1) that the three Oak trees on 41st Street shall be increased in size to match the height of the existing “CRA” trees; 2) make adjustments so that the renderings and materials match before going to Council, or more specifically, make sure that the brick is represented correctly on the rendering or if using a blend, bring the blend brick sample for Council; and 3) to insure that the grease traps when installed would be flush with the “face” surface and if for any reason they cannot be flush, they would be moved to a more appropriate location*

Item(s) to be Added

4.36 Fire Prevention Week (October 7-13, 2007)

Councilmember Luis pulled items 4.7 and 4.32 from the Consent Agenda. Councilmember Starkey pulled items 4.1, 4.3, 4.9, 4.14, 4.16, 4.17, 4.18, 4.23, 4.24 and 4.25. Vice-Mayor Caletka pulled items 4.8 and 4.33. Mayor Truex pulled item 4.15. [Later in the meeting, item 4.34 was reconsidered and denied - see item 6.3.]

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve the Consent Agenda less items 4.1, 4.3, 4.7, 4.8, 4.9, 4.14, 4.15, 4.16, 4.17, 4.18, 4.23, 4.24, 4.25, 4.32 and 4.33. In a voice vote, with Councilmember Crowley dissenting, all voted in favor. (Motion carried 4-1)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.1 Councilmember Starkey requested a correction to page five of the minutes to change “legal *bounds*” to “legal *grounds*.”

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve item 4.1. In a voice vote, all voted in favor. (Motion carried 5-0)

4.3 Councilmember Starkey asked that this item be tabled because some of her comments were not accurately presented in the minutes.

Councilmember Starkey made a motion, seconded by Mayor Truex, to table item 4.3 to the next meeting so she could consult with staff regarding the corrections.

Vice-Mayor Caletka explained that under item 4.17, the “unidentified man” referred to was Howell Axler.

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

4.32 and 6.2 Mr. Rayson swore in the witnesses and read the ordinance by title.

Acting Planning & Zoning Deputy Manager David Abramson summarized the report and advised that item 4.7 would not be needed and should be withdrawn.

Robert Zuccaro, representing the applicant, distributed an updated site plan and described changes made pursuant to requests from the site plan committee. He explained how the gates would be used by Broward County to control access.

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

Judy Paul thanked Broward County Vice Mayor Wexler for helping resolve this.

Art Waggenheim supported the project and was looking forward to it.

Mr. Rayson closed the public hearing portion of the meeting.

Council gave their disclosures on this item.

Councilmember Crowley suggested installing guardrails across from the entrance on Orange Drive, and across from Boy Scout Road.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve item 4.32.

Councilmember Luis made a motion, seconded by Councilmember Crowley, to approve item 4.32 with the addition of the guardrails suggested by Councilmember Crowley. 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)

6.2 Councilmember Crowley made a motion, seconded by Councilmember Luis, to approve item 6.2, with the same condition. 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)

4.7 A representative of the County confirmed this item was withdrawn.

4.8 and 4.33 Mr. Rayson swore in witnesses and read the resolution by title.

Acting Planning and Zoning Manager Marcie Nolan summarized the planning report.

Vice-Mayor Caletka asked about retention requirements. Gus Aguirre, representing the applicant, advised that the project had gone before the Central Broward Water Control District and was found to comply with all requirements.

Councilmember Starkey remarked on the continuing dry retention problem. Mr. Aguirre responded that the applicant had posted a performance bond that specified the Central Broward Water Control District and the Town must approve the project to release the bond. Councilmember Starkey asked Ms. Nolan for the list of requirements for the lots they had already approved. Ms. Nolan agreed to look this up.

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

Council gave their disclosures on this item.

Councilmember Starkey made a motion, seconded by Mayor Truex, to table the item until later in the meeting while Ms. Nolan retrieved the information. In a voice vote, all voted in favor. (Motion carried 5-0)

When Council returned to these items later in the meeting, Ms. Nolan read the five conditions of approval to which the applicant had agreed regarding the bond.

Vice-Mayor Caletka feared that continuing this practice would result in traffic issues on the minor arteries.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve item 4.8, including the conditions submitted by Ms. Nolan with the exception of number three, and to ensure that all four lots were not prohibited from having horses and stalls.

Councilmember Crowley said they could not just eliminate the homeowners association.

Councilmember Starkey amended her motion to include number three. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - no; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 4-1)

4.33 Councilmember Starkey made a motion, seconded by Councilmember Luis, to approve item 4.33, subject to the same conditions. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - no; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 4-1)

4.9 Councilmember Starkey stated that this tuition policy did not match the policy Council had approved, which would allow an employee to add additional fees for the Town to pay. Therefore, she would not support this item. Mr. Shimun explained this was not an additional expense and indicated that it was meant to specify items that would be included in tuition costs. The reimbursement still had a maximum of \$3,500.

Mayor Truex indicated that this issue had been requested by a union, and he felt this could be granted in a union contract instead of made a Town-wide policy. He believed it would increase the costs because now more items would be included within the \$3,500 maximum.

Councilmember Crowley requested that in paragraph 2 of page 65, it should state the Town Administrator or designee *shall* require an employee...

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

4.14 Councilmember Starkey indicated that there had been previous opinions from Town Attorneys that the Town could not use public money to pay for private purposes. She asked if there was criteria that Engineering used to make these decisions. Mr. Shimun explained that this had been

included in the annexation agreement. Assistant Town Administrator Ken Cohen reminded Council that this was a public street, not a private street.

Town Engineer Le Nguyen did not believe there was a policy regarding the lighting. Councilmember Starkey suggested that staff create criteria for this in the future.

Vice-Mayor Caletka reminded Council that FP&L would install the lights and the Town would provide maintenance. He believed FP&L would not waste money to install lights unless they were needed.

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

4.15 Mayor Truex said that a resident had phoned him and informed him the winning bidder did not have an occupational license. As staff was unaware of this, Mayor Truex suggested that the item be tabled to investigate the matter.

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

4.16 Councilmember Starkey stated that for items 4.16, 4.17, 4.18, 4.23, 4.24 and 4.25, the County had requested that whenever they partnered with the Town on a project, that the County be listed on the signage. She felt the Town should do the same: each Councilmember, the Mayor and the Town Administrator should be named on the signs. She had spoken with Mr. Diez who had informed her that the signs could be reused for different projects.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve item 4.16, with the condition that the name of each Councilmember, the Mayor and the Town Administrator be included on the signs.

Mayor Truex objected to this practice of including individuals' names, saying it was "over-the-top," and was one of the reasons people hated government. He did not object to adding the Town's name. Councilmember Crowley agreed.

Councilmember Starkey amended her motion to include the Town of Davie's name only on the signs. In a voice vote, all voted in favor. (Motion carried 5-0)

4.17 Councilmember Starkey made a motion, seconded by Vice-Mayor Caletka, to approve, on the condition that the Town of Davie's name appear on the signs. In a voice vote, all voted in favor. (Motion carried 5-0)

4.18 Councilmember Starkey requested that pursuant to a request from the Agricultural Advisory Board, that organic farming plots and green farmers markets be added.

Mr. Cohen explained that everything in the grant proposal had been included. Councilmember Starkey was concerned that these activities would be prohibited without this amendment. Mr. Rayson felt this could be included under the management plan, item number 4.25.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve, on the condition that the Town of Davie's name appear on the signs. In a voice vote, all voted in favor. (Motion carried 5-0)

4.23 Councilmember Starkey made a motion, seconded by Mayor Truex, to approve, on the condition that Town of Davie's name appear on the signs. In a voice vote, all voted in favor. (Motion carried 5-0)

4.24 Councilmember Starkey made a motion, seconded by Mayor Truex, to approve, on the condition that the Town of Davie's name appear on the signs. In a voice vote, all voted in favor. (Motion carried 5-0)

4.25 Councilmember Starkey made a motion, to approve, on the condition that Town of Davie's name appear on the signs and that the management plan allow for organic farming plots and a green markets.

Councilmember Crowley objected to the whole concept, as he had heard residents of District 2 object to this at the public meetings.

Mayor Truex wanted to approve the item without Councilmember Starkey's condition, and to pursue those changes in an appropriate community forum.

Councilmember Starkey amended her motion, seconded by Mayor Truex, to approve on the condition that the Town of Davie's name appear on the signs. In a voice vote, all voted in favor. (Motion carried 5-0)

6. PUBLIC HEARING

Ordinance - Second and Final Reading

6.1 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 7-1-06, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO RO, RESIDENTIAL OFFICE DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-1-06, Miller Legg and Associates/Easy Home of Davie, LLC, 5655 SW 64 Avenue) *Planning and Zoning Board recommended denial {Approved on First Reading September 19, 2007, all voted in favor}*

Mr. Rayson 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 portion of the meeting.

Councilmember Crowley made a motion, seconded by Councilmember Luis, 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)

Ordinance - First Reading (Second and Final Reading to be held October 17, 2007)

6.2 **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION APPLICATION VA 7-1-07 "VISTA VIEW PARK" VACATING PORTIONS OF RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 7-1-07, Vista View Park, 4001 SW 142 Avenue) (tabled from September 19, 2007) *Planning and Zoning Board recommended approval [see related items 4.7 and 4.32]*

This item was approved earlier in the meeting.

Ordinance - First Reading/Quasi-Judicial Item (Second and Final Reading to be held October 17, 2007)

6.3 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 6-2-06, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-4 (COUNTY), LIMITED HEAVY INDUSTRIAL DISTRICT TO M-3, PLANNED INDUSTRIAL PARK DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 6-2-06, Barranco Gonzalez Architecture/Anchor Development, LLC, 2600 Davie Road) (tabled from September 5, 2007) *Planning and Zoning Board recommended approval [see related item 6.4]*

Mr. Rayson read the ordinance by title. Mayor Truex announced that a public hearing would be held on this item at the October 17, 2007 meeting.

Mr. Rayson swore in the witnesses.

Mr. Abramson summarized the staff report.

Vice-Mayor Caletka asked for an estimate of the number of commercial truck trips that would be generated by this site. He presented a letter from Douglas Johnson and Associates opposing this rezoning. The project architect responded that both the Site Plan Committee and the Planning and Zoning Board had unanimously approved the rezoning. He explained that the rezoning was required to go from the County's M-4 zoning to the Town's equivalent M-3.

Fernando Sousa, the applicant, explained that according to their study, the number of vehicles visiting the property varied from day-to-day from 10 to 25 vehicles per day.

The project architect advised that staff had recommended restricting the use to commercial truck tire changing. The owner would like to restrict uses by covenant, and the architect recommended not allowing any sexually oriented uses.

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

Doug Johnson stated, "Davie Road is the vision of the Town of Davie," and felt this type of business did not belong there.

Mr. Rayson closed the public hearing portion of the meeting.

The architect presented renderings and explained that the applicant had met with the Site Plan Committee and made "dramatic changes." The Site Plan Committee had expressed concern regarding the view of the building from the roadway and the owner had agreed to build an eight-foot tall retaining wall and install plantings at the top of the berm. The architect described how the trucks would enter the bays without blocking parking.

Council gave their disclosures on this item.

Councilmember Luis asked staff if this fit in with the Town's Regional Activity Center (RAC) plans. Mr. Abramson explained that a master plan had been approved and adopted and staff was working with consultants regarding a master plan for the RAC area.

Mr. Abramson explained to Mayor Truex that site plan approval for this project [item 3.4] had been approved on the Consent Agenda.

The architect agreed to Vice-Mayor Caletka's request that the applicant restrict overnight outside storage of commercial vehicles on the property, and outside storage of products such as tires.

Councilmember Starkey made a motion, seconded by Mayor Truex, to reconsider item 4.34. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex suggested that Council consider the variance request first. He did not believe this was what they had in mind with regard to the RAC. He asked Mr. Rayson if they had discretion regarding the rezoning, and what criteria they should use to make their decision. Mr. Rayson advised that Council must consider that the property had been zoned M-4 from the County, which was heavy industrial. He believed the burden was on the applicant to prove that the rezoning to Davie's M-3 was consistent with the existing County zoning. It was Mr. Rayson's opinion that going from the County's M-4 Limited Heavy Industrial to the Town's M-3 Planned Industrial Park was a downgrade to a lesser zoning category. Council must also consider what they were seeking to accomplish in the RAC. Mr. Rayson explained they could not arbitrarily deny the rezoning, and indicated that they must have substantial reasons, based on evidence.

Ms. Nolan stated that the RAC had specific policies regarding intensification and redevelopment of the corridor and using parcels to their highest and best use. The Council had adopted three phases of the master plan by resolution and these identified the visions and goals of the Town. Ms. Nolan advised that the Land Development Code regulations were still in draft form and had not been subject to any public hearings yet.

Councilmember Starkey believed that additional truck traffic, on top of existing student and residential traffic, would be too great, which would be contrary to Land Development Code compatibilities. She also believed that the rezoning would adversely affect the existing and future living conditions, and was contrary to the Town's vision for that area, and Council's goals for the RAC.

Councilmember Crowley felt Council should address the site plan and the variance and then the rezoning request. Mr. Rayson recommended that Council conclude the hearing regarding the rezoning first, since the public hearing on this was complete.

Vice-Mayor Caletka felt the Foreman annexation agreement, which included this property, had included some "very liberal" concessions on the Town's part. As he saw it, the M-3 zoning category fell within the annexation agreement. Vice-Mayor Caletka felt the question was whether the site plan fell within the Council's vision of the RAC. He believed that Council must grant the zoning change or they would be in a "legally precarious" situation, but they had discretion regarding the variance.

Mr. Rayson said that staff had presented the use proposed by the applicant was allowable under M-1, M-2 or M-3 zonings and the applicant had testified that M-3 was the closest to the former County zoning. He stated that the applicant was entitled to the zoning category, but the other requests were up to Council.

Mr. Kutney suggested that Council had more leeway in this type of rezoning than they did under normal rezoning. He explained that rezonings were considered quasi judicial in the State of Florida and were not legislative. This meant that if it was shown that the rezoning request was consistent with the land use by providing evidence that the zoning was appropriate, it would be approved. Mr. Kutney continued that the RAC was a specialized land use category, containing many zoning categories within its boundaries. This meant that Council must "look more site specifically, and more at the evidence that's being provided... it might not be as cut and dried as if you had a request for a residential zoning/residential land use."

Councilmember Starkey made a motion, seconded by Mayor Truex, to deny the rezoning item 6.3, based on the information she provided and cited.

Councilmember Luis asked if the Town could "zone down" a property. Mr. Rayson responded, "He's seeking the rezoning, so with his consent, you can certainly do it."

Vice-Mayor Caletka asked if this use would be allowed under B-4 zoning. Mr. Abramson responded in the negative and advised that the highest business district would be B-3, which would not permit major/commercial vehicle repair. This use would require at least M-1 zoning. Vice-Mayor Caletka asked if the Town had previously zoned from M-4 to any B-level zoning. Mr. Abramson responded that all of the applications in the RAC within the last couple of years had rezoned to either an M district or a higher commercial density district. He advised that they had dropped some M-4 properties down to M-3 or B-3 within the last five years.

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

Councilmember Crowley made a motion, seconded by Vice-Mayor Caletka, to grant a rezoning to M-1.

Vice-Mayor Caletka recommended the following amendments: no outside storage of used truck tires, no overnight outside storage of commercial vehicles, and no sexually oriented businesses. Councilmember Crowley agreed.

Mr. Sousa did not object to the M-1 zoning.

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

4.34 Mr. Rayson swore in the witnesses.

Mr. Abramson summarized the staff report.

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

Doug Johnson asked that his previous statements be included for this item.

Mr. Rayson closed the public hearing portion of the meeting.

Council gave their disclosures on this item.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to deny.

Mayor Truex stated that his main issue with this matter was the truck stacking. He felt there was potential for the trucks to back up onto Davie Road. Councilmember Crowley agreed. He believed the site was too small for the proposed use and did not like the look of the bay doors facing the street.

Vice-Mayor Caletka liked the architecture of the building and thought the appearance from the street was good. He felt it was appropriate because it was located between a vehicle repair shop and a tool shop. Vice-Mayor Caletka indicated that some concerns could be addressed with restrictions.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - no; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - yes. (Motion carried 4-1)

Quasi-Judicial Items

6.4 **VARIANCE** - V 3-1-07, Barranco Gonzalez Architecture/Anchor Development, LLC, 2600 Davie Road (M-4, County) (to reduce required parking to 16 spaces from 24 spaces) (tabled from September 5, 2007) *Planning and Zoning Board recommended approval [See related item 6.3]*

Councilmember Crowley made a motion, seconded by Councilmember Starkey to deny. 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)

6.5 **VARIANCE** - V 5-2-07, Associated Engineers of South Florida, Inc./Russell, 7800 Davie Road Extension (B-2) (to reduce the required 20-foot side setback abutting residential zoned properties to 1.15 feet along the western property line) (tabled from September 5, 2007) *Planning and Zoning Board recommended approval [see related item 4.31]*

This item was tabled earlier in the meeting.

7. **APPOINTMENTS**

7.1 Mayor Truex

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

No appointment was made.

7.1.2 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 Open Space Advisory Committee (one exclusive appointment; term expires April 2008)

Vice-Mayor Caletka reappointed Mr. Greenbaum.

- 7.3 Councilmember Crowley
7.3.1 Budget Advisory Board (one exclusive appointment - term expires April 2008) (members shall have experience in financial related occupation or similar skills)

No appointment was made.

- 7.3.2 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.

- 7.4 Councilmember Starkey
7.4.1 Airport Advisory Board (one exclusive appointment - terms expire December 2007)

No appointment was made.

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

No appointment was made.

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

No appointments were made.

- 7.5.2 Open Space Advisory Committee (one exclusive appointment; term expires April 2008)

Councilmember Luis reappointed Tony Webb.

- 7.6 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.

- 7.7 Affirmation of the Community Redevelopment Agency's Selection of Chair and Vice Chair (Chair - Mark Engel; Vice-Chair - Neal Kalis)

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

8. OLD BUSINESS

- 8.1 Doug Amos Construction, Inc. (SW 49 Street)

Mr. Shimun drew Council's attention to the expenses explanation included in the backup and advised that he did not have the authority to grant this type of project on his own. He needed Council to determine what they wished to do. Mr. Shimun pointed out that the bond the Town was holding was

not relevant to the road; it was for other work performed. Mr. Kutney explained they had made this a one-way road to allow the issuance of a Certificate of Occupancy.

Mayor Truex did not favor the Town's paying for this and did not believe the road was safe in its present state. Mayor Truex asked what leverage the Town had to make the developer pay for the road. Councilmember Crowley thought they would need to sue the developer in order to recover costs. Since it was a Town street constructed by the Town at the direction of Council, he believed they must cover the costs.

Councilmember Crowley made a motion, seconded by Councilmember Luis, to accept the costs of building the road and release the bond that was not related to the road.

Councilmember Starkey asked Mr. Rayson how the Town could recover the cost. Mr. Rayson stated that now that the job was completed and the property owner had not agreed to pay for it, attempting to recover the costs would be difficult at best. He asked how the road had been built and Mr. Shimun responded that a previous Town Administrator had made a deal with the individuals when he had no authority to do so. Mr. Rayson said that it might be possible to assess a percentage of the cost to every property owner who benefited from the street.

Councilmember Crowley noted that the road served an entire neighborhood, and the Town would have the opportunity in the future to obtain additional right-of-way from a currently vacant property.

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

8.2 Take Home Cars - Councilmember Crowley

Councilmember Crowley supported the elimination of take-home vehicles, but acknowledged that this would be removing a benefit employees had been offered when they were hired. He provided a copy of an ad on the Town's webpage for a building inspector's position that included a take-home vehicle. Councilmember Crowley felt employees who currently had take-home vehicles should retain them, and the practice should be phased out as new employees were hired.

Vice-Mayor Caletka never thought this was a good idea and he believed it was financially prudent to eliminate the take-home vehicles. He acknowledged that they could not violate a union contract, if this was included in it.

Councilmember Starkey pointed out that many employees with take-home cars did not respond to after-hours calls, so she could not support the additional expenses for these employees. She noted that there were a few employees who did respond to after-hours calls and suggested they could be provided an allowance. Councilmember Starkey believed that Council had the right to change benefits in tight budget years.

Mr. Kutney explained that in 1999, the Town had a very low pay scale for inspectors and could not hire or retain inspectors, and because of this had been threatened with sanctions by the Board of Rules and Appeals. In 2000, the Town Administrator had increased the salaries to be some of the highest in the County, added the \$3,600 per year incentive and provided a take-home car. Other cities had since enacted similar increases, and Davie was again in the position of having too few inspectors. Mr. Kutney cautioned that removing these benefits would make it much more difficult to staff those positions in the future.

Mayor Truex did not want to lose any more inspectors and suggested the program continue for one more year, but make it clear that this would be phased out at the end of that year. Staff should then make some arrangement to compensate employees whose vehicles would be taken away. Mr. Shimun could make recommendations regarding salary adjustments and these could be incorporated into the next budget.

Council agreed with Mayor Truex's idea, and Councilmember Crowley requested something the Council could vote on regarding the policy change. Mayor Truex directed Mr. Shimun to provide this.

9. NEW BUSINESS

9.1 Operational and Efficiency Study

Earlier in the meeting, Dan O'Keefe summarized the findings of his study.

Councilmember Crowley said they should renegotiate higher fees in the interlocal agreements.

Mr. Shimun requested Council's permission to work with Mr. O'Keefe to devise some RFPs for the four items Mr. O'Keefe had suggested.

Councilmember Starkey hoped they would investigate other cost recovery methods such as the interstate accident fees and fire inspection fees. She agreed with Councilmember Crowley regarding the Southwest Ranches interlocal agreement and requested a report from staff regarding true costs. Councilmember Starkey liked the idea of tailoring personnel evaluations, but believed there should be standard criteria for job performance, with additional criteria specific to job functions.

Mayor Truex pointed out what he felt were shortcomings in the report. He believed the Florida Highway Patrol would not assume responsibility for highway incidents, and the Town would not want their public safety personnel present without their own police presence. Mayor Truex agreed with Mr. O'Keefe's calculations regarding the Southwest Ranches interlocal agreement, but said this agreement was mutually beneficial to both the Town and Southwest Ranches. Mayor Truex did not want to revisit the highway fire/rescue response cost recovery. He was not in favor of outsourcing the IT department, because he believed it was better to have on-site personnel.

Vice-Mayor Caletka remembered Council's discussion regarding the highway incidents fees, and the attorney's opinion that these would prove unconstitutional. He agreed they should request proposals.

Councilmember Luis believed Council should consider the highway incidents fees to recover costs.

Mr. Cohen confirmed there were funds available to enter into another agreement with Mr. O'Keefe to work with staff on the RFP process. Mr. Shimun said this would require Council's approval. Councilmember Crowley questioned why staff could not create the RFPs. Mr. Shimun responded that the consultant would help direct staff to specific areas that should be considered.

Mr. Cohen agreed to consult with Mr. Rayson regarding the highway incident fees to determine if they should bring something back to Council.

10. MAYOR/COUNCILMEMBER'S COMMENTS

VICE MAYOR CALETKA

RETIREMENT. Vice-Mayor Caletka thanked Police Chief John George for his years of service to the Town.

MPO MEETING. Vice-Mayor Caletka stated that the issue of the reversible lanes had been discussed at the meeting and he had pointed out that Davie residents would not use this, but would be required to pay for the emergency equipment service. Broward County Vice-Mayor Wexler had suggested that Davie should be compensated for this.

SHORTFALL IN POLICE PENSION PLAN CONTRIBUTIONS. Vice-Mayor Caletka wondered where the money would come from to offset the shortfall. Mr. Cohen agreed to research this and report at Council's next meeting.

COUNCILMEMBER CROWLEY

NEW TOWN DUMP. Councilmember Crowley said he had received a flyer regarding a new mulch/dump operation. He requested that Code Compliance investigate this.

COUNCILMEMBER STARKEY

RETIREMENT. Councilmember Starkey thanked Chief George for his 30 years of service.

POLICE/FIRE CHIEF SELECTION COMMITTEE. Councilmember Starkey reported that the Charter Review Board had discussed utilizing a citizen selection committee when hiring a new Police or Fire Chief and advised that this process had been utilized to select Chief George. She would like to utilize this process to select the next police chief and to include the union representative on the committee. Councilmember Starkey remarked that this method had worked very well in the past.

Councilmember Starkey made a motion to establish a citizen selection committee for the selection of police chief. Motion died for lack of a second.

AIRPORT NOISE CONFERENCE. Councilmember Starkey reported that this conference was scheduled for November in New Orleans and urged someone to attend this conference. She believed it was important for the Town to be a member of the noise organization as well.

ILLEGAL DUMPING. Councilmember Starkey referred to a recycling letter they had received and she was concerned that this company was associated with illegal dumping in the Town. Mr. Cohen reported that Code Compliance was already investigating this issue.

COUNCILMEMBER LUIS

OAK HILL CRIME WATCH MEETING. Councilmember Luis announced that the Oak Hill residence would hold a Crime Watch meeting on October 10th.

TRAIL RIDE. Councilmember Luis announced that there would be a trail ride at Robbins Lodge on October 6th.

MAYOR TRUEX

TOWN COUNCIL AGENDA. Mayor Truex commended the Town Clerk's office for their preparation of the Council agenda.

COUNCILMEMBER ABSENCES. Mayor Truex felt it would be more appropriate in the future for a Councilmember to explain his or her absence than for the Council to vote to excuse the absence. He said in the future, he would not vote to excuse a Councilmember's absence.

11. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided.

12. TOWN ATTORNEY'S COMMENTS

LITIGATION REPORT. Mr. Rayson distributed the litigation report that had been requested.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 11:42 p.m.

Approved _____

Mayor/Councilmember

Town Clerk