

**TOWN OF DAVIE
REGULAR MEETING
FEBRUARY 6, 2008**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

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

3. OPEN PUBLIC MEETING

Rose Anderson announced that the Orange Blossom Festival would take place on February 23rd, followed by demonstrations at the Old Davie School. A 90-year anniversary Family Weekend event would take place at the Old Davie School on March 8th and 9th as well.

Andrea Rosso, Operations Manager at Old Davie School, invited everyone to attend the anniversary event.

Gerald Barren asked who was responsible for setting utility rates. Mayor Truex responded that Council was responsible. Mr. Barren was surprised by a recent 50% increase in the water bill with no explanation or prior notice. He distributed a diagram of the intersection of SW 39 Street and Davie Road and explained this area was a nightmare, especially during school ingress and egress. Mr. Barren felt the Town should purchase some nearby property that could be used to improve the intersection. Mayor Truex said the Town had done its "level best" to alert everyone to the increase in water rates. He did not know why Mr. Barren had missed this.

Vice-Mayor Caletka said there was a development application coming through Planning and Zoning now for the land to which Mr. Barren referred. Mayor Truex recommended that staff look at Mr. Barren's proposal.

Barbara Tilley thanked the Town for the streetlights at the entrance to Park City Estates and for replacing a storm drain. She described areas where the streets needed repairs and asked for the Town's assistance. Assistant Town Administrator Ken Cohen agreed to look into this issue.

Lorraine Hofheinz remarked on the ease of communication the Town's website used to provide, and staff's excellent responses to her inquiries. She noted the "Talk to Us" website had been inoperable since October 2007 and had been scheduled for repair by December 2007, but was still down. Ms. Hofheinz felt this was unacceptable.

Frank Serra asked if the Town would hold a workshop regarding the mobile home park resident relocation plan. Mr. Cohen advised that this issue was scheduled for discussion at the February 20th Council meeting.

Mr. Cohen announced that there was a request to table item 6.4. He explained that the changes discussed at the previous meeting had not yet been incorporated into the item.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to table item 6.4 to their next meeting [February 20, 2008]. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1 December 19, 2007 (Regular Meeting)

4.2 January 2, 2008 (Regular Meeting)

Parade Permit

4.3 71st Annual Orange Blossom Parade Permit (February 23, 2008)

**TOWN COUNCIL MINUTES
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Resolutions

- 4.4
R-2008-14 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE "RIVIERA COMMERCIAL PARK NORTH," AND PROVIDING AN EFFECTIVE DATE. (DG 9-1-06, Doral Campus Office Park, generally located on the northeast corner of University Drive and NW 33 Street) (tabled from January 16, 2008)
- 4.5
R-2008-15 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS "THE PLAZA"; PROVIDING FOR THE MAYOR'S SIGNATURE; AND PROVIDING FOR AN EFFECTIVE DATE. (DG 10-1-07, The Plaza, 11400 State Road 84) (tabled from January 16, 2008)
- 4.6
R-2008-16 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID SUBMITTED BY JOHNSON-DAVIS, INC. FOR UNIVERSITY DRIVE WATER MAIN OFFSETS PROJECT. (\$29,875)
- 4.7
R-2008-17 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF \$33,450.00 FOR THE PURCHASE OF AN INTERACTIVE TRAINING SIMULATOR FROM SOLE SOURCE VENDOR FAAC INCORPORATED D/B/A IES INTERACTIVE TRAINING.
- 4.8
R-2008-18 **SELECTION OF FIRM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF FIT FIRST, INC. TO OPERATE THE TOWN'S EXERCISE/FITNESS PROGRAM AT THE PINE ISLAND MULTIPURPOSE CENTER AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- 4.9
R-2008-19 **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND IRON MOUNTAIN FOR OFF-SITE RECORD STORAGE SERVICES. (\$10,000/approximate)
- 4.10
R-2008-20 **CONTRACT RENEWAL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A RENEWAL TO THE CONTRACT AWARDED TO DUNLAP & ASSOCIATES FOR FINANCIAL CONSULTING SERVICES.
- 4.11
R-2008-21 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH SUNSHINE AFTER SCHOOL CHILD CARE, INC. FOR THE OPERATION OF SUMMER CAMP PROGRAMS. (Town to receive 25% of the gross amount of program registration fees)

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- 4.12
R-2008-22 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH WILLIAMS
PAVING COMPANY, INC. FOR THE INSTALLATION OF THE ROUNDABOUT
AT THE INTERSECTION OF HIATUS ROAD AND SW 26TH STREET.
(\$358,786.95)
- 4.13
R-2008-23 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE
FIRM OF NABORS, GIBLIN, & NICKERSON, P.A. TO PERFORM LEGAL
SERVICES RELATED TO THE SOLID WASTE SERVICES ASSESSMENT
PROGRAM FOR FISCAL YEAR 2008-09, AND PROVIDING FOR AN EFFECTIVE
DATE. (\$6,000 annually)
- 4.14
R-2008-24 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT
BETWEEN ISLAND MUSIC AWARDS, INC. AND THE TOWN OF DAVIE TO
RENT THE BERGERON RODEO GROUNDS FOR A CARIBBEAN MUSIC
FESTIVAL. (\$1,500 arena rental)
- 4.15
R-2008-25 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
ENTERING INTO AN AGREEMENT WITH THE SOUTH DADE KENNEL CLUB
FOR THE RENTAL OF THE BERGERON RODEO GROUNDS TO HOLD AN
AMERICAN KENNEL CLUB DOG SHOW. (\$2,000 arena rental fee plus \$300 move
in fee)
- 4.16
R-2008-26 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE
STAFF TO ENTER INTO AN AGREEMENT BETWEEN NOVA SOUTHEASTERN
UNIVERSITY AND THE TOWN OF DAVIE TO PARTICIPATE IN THE
A.D.A.P.T. PROGRAM. (\$20,000)
- 4.17
R-2008-27 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER
INTO A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWN OF
DAVIE AND PETER DEWICK AND ASSOCIATES FOR CONCEPTUAL DESIGN
OF LANDSCAPING ALONG FLAMINGO ROAD; AND TO ACKNOWLEDGE
SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID
AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (\$5,000)
- 4.18
R-2008-28 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE
STAFF TO ENTER INTO AN AGREEMENT BETWEEN THE COMMISSION FOR
FLORIDA LAW ENFORCEMENT ACCREDITATION AND THE TOWN OF
DAVIE POLICE DEPARTMENT TO OBTAIN REACCREDITATION STATUS.
(\$2,900)

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- 4.19 **SUPPORT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, URGING
R-2008-29 MEMBERS OF THE FLORIDA LEGISLATURE TO SUPPORT THE FOLLOWING
ISSUES DURING THE 2008 LEGISLATIVE SESSION.
- 4.20 **OPPOSITION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2008-30 OPPOSING A PROPOSED LOCAL BILL CALLING FOR THE CREATION OF A
TAXING DISTRICT CALLED THE BROWARD URBAN INDEPENDENT FIRE
DISTRICT WHICH WOULD IMPLEMENT A SYSTEM ESTABLISHING ONE FEE
STRUCTURE TO DELIVER FIRE AND EMERGENCY MEDICAL SERVICES TO
PARTICIPATING MUNICIPALITIES; URGING ALL MUNICIPALITIES
LOCATED IN BROWARD COUNTY TO OPPOSE THE PROPOSAL; DIRECTING
THAT THIS RESOLUTION BE FORWARDED TO THE GOVERNOR, THE
MEMBERS OF THE FLORIDA LEGISLATURE, THE BROWARD LEAGUE OF
CITIES, ALL MUNICIPALITIES LOCATED IN BROWARD COUNTY, AND THE
BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING
FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR
AN EFFECTIVE DATE.
- 4.21 **OPPOSITION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2008-31 OPPOSING THE SCHOOL BOARD OF BROWARD COUNTY'S PLAN TO
LOCATE A HIGH SCHOOL, TENTATIVELY TITLED "MMM," AT SW 26TH
STREET AND FLAMINGO ROAD, AND PROVIDING FOR AN EFFECTIVE
DATE.
- 4.22 **BENEFITS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SETTING
R-2008-32 FORTH BENEFITS FOR NON-REPRESENTED FIRE MANAGEMENT STAFF;
PROVIDING FOR AN EFFECTIVE DATE. (\$108,918 - not budgeted)
- 4.23 **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2008-33 AUTHORIZING THE APPLICATION FOR A \$50,000.00 GRANT FROM THE
FLORIDA DIVISION OF EMERGENCY MANAGEMENT PREPAREDNESS AND
ASSISTANCE TRUST FUND AND AUTHORIZING ACCEPTANCE AND
EXECUTION OF THE GRANT, IF AWARDED.
- 4.24 **REGIONAL ACTIVITY PLAN** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2008-34 FLORIDA, APPROVING PHASE IV OF THE REGIONAL ACTIVITY CENTER
(RAC) MASTER PLAN AS DETAILED IN THE SCOPE OF SERVICE
AGREEMENT AND AUTHORIZING PAYMENT FOR PHASE IV TO EDWARD D.
STONE AND ASSOCIATES (EDSA); AND TO ACKNOWLEDGE SUCH
APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID RESOLUTION; AND
PROVIDING FOR AN EFFECTIVE DATE. (\$45,100)

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- 4.25 **APPLICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2008-35 **AUTHORIZING THE MAYOR TO EXECUTE THE APPLICATION TO THE
INTERNAL IMPROVEMENT TRUST FUND OF FLORIDA FOR THE RELEASE
FOR OIL, MINERAL AND CANAL RESERVATIONS TO THE TOWN OF DAVIE;
AND PROVIDING FOR AN EFFECTIVE DATE.**

Quasi-Judicial Consent Agenda

- 4.26 MSP 7-1-07, Saddle Bridge, 7655 Griffin Road (Griffin Road Corridor - University Drive Node) 01/08/08 - *Site Plan Committee recommended approve subject to the staff report and with the following comments: 1) the applicant shall reexamine relocating the dumpsters to the opposite sides of the commercial buildings if they can swap parking with the dumpster enclosures; 2) the applicant will reexamine the entrance radiuses on the main driveway off of Griffin Road to see if it was at all possible to go from a 20-foot radius to a 30-foot radius and potentially add signage on the landscape island by the loading area to help direct traffic into the project rather than into the loading dock area; 3) the applicant will add xeriscape in the island between the office buildings where the 16-foot spaces overhang the landscaping; 4) on the commercial buildings, add some articulation on the wall under the roof features where the peaks are on the south side of the commercial buildings to create shadows under those peaked areas and also add architectural features and a balcony rail engaged to the wall over the windows on the second floor; 5) on the south side of the commercial buildings, add awnings over the windows on the first floor and louvers over the windows on the second floor; 6) on the residential elevations of all the buildings, the applicant would make an effort to change the flat planes on the roof lines, have alternate color palates for different buildings, add architectural and design elements to the elevations to break up the monotony of the elevation, add scoring and banding, provide alternate roof colors so that not all the roofs are identical in color; and 7) that the applicant can move forward to Council for approval after which they would come back to the Committee to review the changes for adequacy; 01/22/08 - Site Plan Committee agreed that their recommendations had been completed and they were satisfied*

Mayor Truex pulled items 4.2, 4.19, 4.21 and 4.26 from the Consent Agenda. Councilmember Crowley pulled item 4.12. Councilmember Starkey pulled items 4.5 and 4.22.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda less items 4.2, 4.5, 4.12, 4.19, 4.21, 4.22 and 4.26. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.2 Mayor Truex asked to table this item to the next meeting.

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

4.5 Councilmember Starkey felt it was premature to ask for additional square footage until a site plan was submitted.

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Susan Delegal, representing the applicant, described the parcel location and stated that this parcel was 2 acres out of a total 38. She explained that the request was for an increase on the plat note amendment. It was not a request for any development on the property. The Town would still retain site plan approval rights.

Mayor Truex pointed out that Council wanted to encourage commercial development along this corridor.

Councilmember Crowley did not object to the request. Vice-Mayor Caletka and Councilmember Luis supported this request.

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

Councilmember Starkey wanted the site plan and the modifications to be presented together. This would allow them to consider what the traffic impact would be.

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

4.12 Councilmember Crowley wanted to review plans or blueprints for projects such as this. Mr. Cohen agreed to provide a copy of the plans to Councilmember Crowley and invited him to contact Public Works with any concerns.

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

4.19 Mayor Truex confirmed that this item was a resolution to support the priorities of the Florida League of Cities. He noted the lack of backup materials and questioned some items and objected to others. Councilmember Starkey suggested tabling the item to allow time for Mayor Truex to investigate the items further.

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

Vice-Mayor Caletka suggested amending the motion to remove the "Traffic Cam" item from the resolution. Councilmember Crowley agreed to this amendment, but Councilmember Starkey refused. In a voice vote, with Mayor Truex and Vice-Mayor Caletka dissenting, all voted in favor. (Motion carried 3-2)

4.22 Councilmember Starkey asked Fire Chief Montopoli to make a presentation on this benefit package. Chief Montopoli described the package, noting it was intended to correct the pay disparity that existed between union members and administrators.

Councilmember Starkey suggested Council table the item until they heard from the Public Employment Relations Commission. Mr. Cohen advised her that this item already factored in the possibility of the Battalion Chiefs' going to the Public Employment Relations Commission. It was within Council's discretion to reduce or increase the pay differentials.

Vice-Mayor Caletka felt firefighters should be rewarded for staying with the Town and managers should be paid more than their subordinates.

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

Chief Montopoli confirmed for Councilmember Luis that this was the same parity increase that had been given to police officers. Councilmember Luis supported the resolution.

Mayor Truex believed that this followed logically from the union contract. He felt it was a conflict of interest for Fire Department administrators to be included in the decision making process. Councilmember Starkey supported this in concept, but wanted to be more conservative and institute a 5% across the board instead of 10%.

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

4.21 Earlier in the meeting, Phyllis Hope, Broward County School Boardmember, advised that she had met with the Town's residents to discuss a course of action if a new school were not built in western Davie. She did not support the Town's resolution opposing the construction of "MMM" school in Davie. Ms. Hope believed the resolution would hinder her ability to represent and protect Davie students. She stated, "I would hate to be any of you Councilmembers on this Board, to wake up and have to tell these parents in Davie, 'I voted for a resolution opposing the school, and now guess where your children will go.'"

Mayor Truex was "outraged" by Ms. Hope's speech. He asked her what was wrong with South Plantation High School, and "why are we scaring Davie students and telling parents that it's a big problem that we're sending them to South Plantation High School?" Ms. Hope had been contacted by residents expressing the desire to keep their children at South Plantation High. She stated that she had attended tonight's meeting to inform Council about the scenario that would be presented to them on February 13th.

Councilmember Starkey agreed with Mayor Truex, and clarified that there were several possible scenarios. Councilmember Starkey confirmed that their discussion and resolution did not concern boundaries, only the MMM school site. She was especially concerned about traffic issues at the 26th Street site. Ms. Hope reminded Council that boundaries were contingent upon the school's location and asked Council to table their resolution for a few weeks.

Vice-Mayor Caletka believed Council should not act on their resolution right now as he felt it sufficient that Council had unanimously opposed locating MMM on 26 Street. Vice-Mayor Caletka wanted to postpone a vote on the proposed resolution at least until after the boundary meeting. Ms. Hope informed Council that the Broward County School Board policy dictated that if any city passed a resolution opposing a site, the School Board could not even discuss it. She suggested that she would lose leverage in site selection if the Council passed this resolution.

Councilmember Luis said this was more a boundary issue to him than a location issue for MMM. He wanted to create a resolution to adopt map 4.3 that Ms. Hope had provided.

Councilmember Starkey felt it imperative that Council send a loud message to the School Board to make them aware of the Town's serious concerns regarding the community's health and safety if the 26th Street site were utilized. She explained that the boundary process was separate from the siting process. Councilmember Starkey felt that if Council tabled the vote on the proposed resolution until after boundary discussions, the School Board would not appreciate the seriousness of their concerns.

Mayor Truex did not see the point in trying "to trick somebody into thinking we've got an open mind and we're considering it, because I'm not considering it at all."

Vice-Mayor Caletka agreed with Ms. Hope that Council should not paint themselves into a corner, and should wait two weeks to vote on their resolution.

Vice-Mayor Caletka made a motion to table this item to Council's second meeting in February. The motion died for lack of a second.

Councilmember Luis believed that if the School Board would open Nova High School to Davie students, none of the scenarios would be frightening the residents. He asked Ms. Hope to continue to pursue this. Ms. Hope said she had suggested that more Davie students attend Nova High School, but felt she was in the minority on this issue.

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Councilmember Crowley agreed with Councilmember Luis that Nova High School could serve this area and asked Ms. Hope to bring this suggestion back to the School Board. Councilmember Crowley pointed out that the Town's resolution did not indicate they opposed a new school anywhere in Davie, just that they opposed this particular site. Ms. Hope was glad to hear that Council did not oppose a new school anywhere in Davie and invited suggestions for an alternate site.

Councilmember Starkey believed the resolution would prevent further negotiations in which the School Board was currently involved to purchase the 26th Street property. She feared if the resolution was not passed, the School Board might purchase the property and ultimately be unable to develop it.

Ms. Hope referred to a lawsuit with the South Florida Water Management District regarding the closure of 36th Street in Weston to build a levee that would affect the feasibility of the Weston site. She assured Council that the School Board would not purchase any property for a school that was unsuitable. Ms. Hope warned that if a school could not be constructed on either of these sites, the School Board would be forced into the scenario she had shown them.

Councilmember Starkey explained that last week, representatives from Weston, School Board staff and the South Florida Water Management District had met and resolved some of the issues regarding the Weston site.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve the resolution so the School Board could put its energy into considering other areas within Weston or the west Davie area and eliminate any thought of moving forward on this particular site. In a voice vote, with Vice-Mayor Caletka dissenting, all voted in favor. (Motion carried 4-1)

4.26 Mr. Rayson read the Site Plan Committee comments and swore in witnesses.
Deputy Planning & Zoning Manager David Abramson described the project.

Scott Backman, representing Saddle Bridge, explained that the changes read by Mr. Rayson had been made to the site plan. Public access to 76th Avenue had been removed, with emergency access guarded by a gate used only by emergency vehicles. The Engineering and Fire Departments had consented to changing the one-way exit onto SW 48 Street to a "T" turnaround.

Mr. Backman asked that the commercial phase of the project commence after the first seven buildings were completed. Mayor Truex preferred the original language. Mr. Backman requested relief from the staff comment requesting he widen 76th Avenue. He stated this was relief "that's been granted for every other project up and down 76th Avenue that doesn't have access on 76th Avenue."

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

Valerie Bamford read a letter from Susan Theodocio, her neighbor, stating her objection to widening 76th Avenue. Ms. Theodocio believed straightening the road would encourage increased traffic and speeding. Ms. Theodocio supported the widening of the canal and objected to any plan to connect University Drive and 76th Avenue.

Ms. Bamford did not object to granting access for the Fire Department, but suggested a double gate with a "super lock" instead of the arm gate. She asked Council not to approve any three-story buildings on Griffin Road.

Joe Cossner felt a metal roof would be more appropriate. He also suggested some form of soundproofing.

Scott McLaughlin felt the chicane on 76th Avenue was somewhat dangerous and requested that the road be re-striped.

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

Council gave their disclosures on this item.

Mr. Backman agreed to consult with the Fire Department regarding the gate.

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Mayor Truex asked about the horse trail. Mr. Backman confirmed there would be a sidewalk and an equestrian trail.

Mr. Backman explained the design changes to Councilmember Crowley regarding the metal roofs. Councilmember Crowley opposed improvements on 76th Avenue, but wanted the jog straightened for safety. Mr. Backman confirmed he would somewhat straighten the jog,

Regarding the emergency access, Chief Montopoli stated that the Fire Department was developing a standard for non-conforming roadways. He agreed to consult with Mr. Backman regarding the gate.

Mr. Backman agreed to comply with any Town requirements and requests regarding the lighting.

Councilmember Crowley agreed with Mayor Truex regarding the construction schedule for the commercial buildings. Mr. Backman reiterated his request to wait to pull the building permit for the commercial construction until they requested their 43rd Certificate of Occupancy.

Councilmember Starkey wanted to ensure there was full disclosure to prospective residential buyers regarding the commercial component. Mr. Backman explained that disclosure would be included with homeowner documents at the time of purchase. He pointed out that their marketing materials pictured the residential and commercial development side by side.

Mayor Truex noted that pulling the building permit for the commercial component was no guarantee that construction would begin. The Town was encouraging commercial building in this area and he favored the original wording of that provision to ensure the commercial buildings would be built "sooner rather than later."

Councilmember Luis wondered why Mr. Backman wanted to postpone the commercial construction. Robert Steigal, representing Center Line Homes, insisted they were committed to the commercial buildings, but wanted the additional time to allow them to pre-lease the buildings prior to construction.

Mr. Steigal explained to Councilmember Starkey that they would begin with construction of the townhomes at the rear of the development. He noted they would sell out each building prior to beginning construction in order to avoid vacancies. The amenities would be built up front.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve and eliminating the requirement to reconstruct 76th Avenue.

Mayor Truex confirmed that the road jog would be straightened and the amenities on the side of 76th would be installed. Acting Development Services Director Marcie Nolan stated that the widening of 76th Avenue would not be required.

Vice-Mayor Caletka was willing to allow the postponement of the commercial component and he felt voting against this amounted to voting against the project. Mayor Truex said, "The more I hear, the more nervous I get that if something happens...that commercial might not be built for years."

Councilmember Crowley amended his motion to indicate the building permit for the commercial component would be pulled prior the issuance of the 31st Certificate of Occupancy [for the fifth building] and construction would begin on the commercial building within 30 days.

Mayor Truex objected to the amendment and requested a vote on Councilmember Crowley's original motion.

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

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Councilmember Starkey made a motion, seconded by Councilmember Luis, to approve with the condition that the building permit for the commercial component would be pulled prior to the issuance of the 43rd Certificate of Occupancy [for the seventh building] and eliminating the requirement to widen 76th Avenue.

Councilmember Luis suggested adding that construction of the commercial component must begin within 30 days of pulling the permit. Councilmember Starkey agreed to this amendment and added that all of the conditions to which Mr. Backman agreed were included as well.

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. PUBLIC HEARING

Ordinances - Second and Final Reading

2008-3 6.1 **TEXT AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE III, BY ADDING THE FOLLOWING SECTIONS: 12-32.500 "RAC" REGIONAL ACTIVITY CENTER DISTRICTS, 12-32.501 INTRODUCTION, 12-32.502 TERMINOLOGY AND ABBREVIATIONS, 12-32.503 INTENT/PURPOSE, 12-32.504 APPLICABILITY, 12-32.505 TRANSIT-ORIENTED STREETS, 12-32.506 RAC DISTRICTS INTENT AND REQUIREMENTS, 12-32.507 PERMITTED USES, 12-32.508 COMPONENTS OF PLACE STREETS AND BLOCKS, 12-32.509 INTENSITY OF USE STANDARDS, 12-32.510 SITE DEVELOPMENT STANDARDS, 12-32.511 BUILDING FRONTAGE TYPES AND RIGHT-OF-WAY ENCROACHMENTS, 12-32.512 RULES OF TRANSITION, 12-32.513 USE OF PUBLIC RIGHT-OF-WAY, 12-32.514 MASSING AND ARTICULATION, 12-32.515 GENERAL PROVISIONS, 12-32.516 NONCONFORMITIES, 12-32.517 OFF-STREET PARKING REQUIREMENTS, 12-32.518 GENERAL OPEN SPACE PRINCIPLES AND REQUIREMENTS, 12-32.519 TYPES OF OPEN SPACES PRINCIPLES AND MINIMUM STANDARDS, 12-32.520 SIGNAGE REGULATIONS, 12-32.521 LANDSCAPING REQUIREMENTS AND GUIDELINES, 12-32.522 SITE PLAN PROCEDURES, 12-32.523 VARIATIONS IN DESIGN ADMINISTRATIVE RELIEF, 12-32.524 BUILDING DESIGN GUIDELINES, 12-32.525 ADDITIONAL DESIGN GUIDELINES, 12-32.526 GREEN BUILDING, 12-32.527 DEFINITIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on First Reading January 16, 2008 subject to the Town Attorney's recommendations on the Hacienda Village area. All voted in favor.}**

Mr. Rayson read the ordinance by title.

Ms. Nolan described the title language that had been clarified.

Jeff Katims explained the changes made since the ordinance's first reading.

Mayor Truex was concerned about the expiration of annexation and developer agreements. Mr. Katims explained that these regulations would defer to any court-ordered settlement agreements. Provisions related to annexation agreements were a legal question.

Mayor Truex opened the public hearing portion of the meeting.

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Michael Manis, representing several M-1 and M-2 businesses on College Avenue and 66th Terrace, requested a provision be added to allow properties to be granted continuing five-year extensions for their current uses until the Regional Activity Center existed.

Mayor Truex closed the public hearing portion of the meeting.

Mr. Rayson was confident the Regional Activity Center would start within ten years and granting additional extensions would not be necessary. Ms. Nolan confirmed that as of now, the properties would be legal, conforming for five years, with one five-year extension allowed.

Councilmember Crowley made a motion, seconded by Mayor Truex 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)

Jim Brady, representing NND Holding, asked if Council's motion included the Steering Committee's letter. Councilmember Crowley clarified that his motion did not include the letter. Council agreed they had understood this when they voted on the motion.

6.2 **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2008-4 APPROVING REZONING PETITION ZB 10-1-07, CHANGING THE
CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE'S
REGIONAL ACTIVITY CENTER (RAC) LAND USE CATEGORY WITH THE
EXCEPTION OF THE REGIONAL ACTIVITY CENTER-ACADEMICAL
VILLAGE DISTRICT (RAC-AV) FROM THE FOLLOWING DISTRICTS:
MEDIUM DENSITY (R-4A(OLD CODE)), RECREATION AND OPEN SPACE
(RS), LIGHT INDUSTRIAL (M-1 (OLD CODE)), MEDIUM INDUSTRIAL (M-2
(OLD CODE)), PLANNED INDUSTRIAL PARK (M-3 AND M-3 (OLD CODE)),
LIMITED HEAVY INDUSTRIAL (M-4 (COUNTY)), BUSINESS PARK (BP),
COMMUNITY BUSINESS (B-2), PLANNED BUSINESS CENTER (B-3),
COMMERCE CENTER (CC), MEDIUM INDUSTRIAL (M-2), CEMETERY
DISTRICT (A-9 (COUNTY)) TO: REGIONAL ACTIVITY CENTER-RESEARCH
AND TECHNOLOGY DISTRICT WEST (RAC-RTW) FROM: MEDIUM-HIGH
DENSITY DWELLING (RM-16), NEIGHBORHOOD BUSINESS (B-1),
COMMUNITY BUSINESS (B-2), PLANNED BUSINESS CENTER (B-3),
COMMUNITY FACILITIES (CF), LOW DENSITY DWELLING (R-3),
RECREATION AND OPEN SPACE (RS), AGRICULTURAL (A-1) TO: REGIONAL
ACTIVITY CENTER-EDUCATIONAL DISTRICT (RAC-ED) FROM:
NEIGHBORHOOD BUSINESS (B-1), COMMUNITY BUSINESS (B-2), MEDIUM-
HIGH DENSITY DWELLING (RM-16), HIGH DENSITY (RM-25 (COUNTY)),
TRAILER PARK (T-1 (COUNTY)), AGRICULTURAL (A-1 (COUNTY)), (A-3
(COUNTY)), PLANNED INDUSTRIAL PARK (M-3), HEAVY INDUSTRIAL (M-3
(COUNTY) & M-3 (HAC VILL)) TO: REGIONAL ACTIVITY CENTER-
RESEARCH AND TECHNOLOGY DISTRICT EAST (RAC-RTE) FROM:
UTILITIES (U), AGRICULTURAL (A-1), LOW DENSITY DWELLING (R-3),
LOW MEDIUM DENSITY DWELLING (R-5), MEDIUM-HIGH DENSITY
DWELLING (RM-16), COMMUNITY FACILITIES (CF), COMMUNITY
BUSINESS (B-2), RECREATION AND OPEN SPACE (RS), LIGHT INDUSTRIAL

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(M-1), MEDIUM INDUSTRIAL (M-2), RESIDENTIAL/OFFICE (RO), EASTSIDE NEIGHBORHOOD ZONING (ENSZD) TO: REGIONAL ACTIVITY CENTER-DOWNTOWN NEIGHBORHOOD DISTRICT LOW DENSITY (RAC-ND-2) AND REGIONAL ACTIVITY CENTER-DOWNTOWN NEIGHBORHOOD DISTRICT, MEDIUM DENSITY (RAC-ND-4) FROM: PLANNED RESIDENTIAL DISTRICT (PRD-20 AND PRD-22), MEDIUM DENSITY DWELLING (RM-10), MEDIUM-HIGH DENSITY DWELLING (RM-16), AGRICULTURAL (A-1), COMMUNITY FACILITIES (CF), RECREATION AND OPEN SPACE (RS), MEDIUM DENSITY (MH-10), GRIFFIN CORRIDOR DISTRICT (WGZ), GRIFFIN CORRIDOR DISTRICT (DZ), NEIGHBORHOOD BUSINESS (B-1), COMMUNITY BUSINESS (B-2), PLANNED BUSINESS CENTER (B-3) TO: REGIONAL ACTIVITY CENTER-TOWN CENTER DISTRICT (RAC-TC); IN ACCORDANCE WITH THE ADOPTED REGIONAL ACTIVITY CENTER MASTERPLAN (#R-2006-155 AND R-2006-335); AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on First Reading January 16, 2008 subject to the Town Attorney's recommendations on the Hacienda Village area. All voted in favor.}**

Mr. Rayson read the ordinance by title, noting changes to the title as he read.

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 Starkey made a motion, seconded by Councilmember Crowley, to approve including the changes indicated by Mr. Rayson. 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)

6.3 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE,**
2008-5 **FLORIDA, AMENDING CHAPTER 25 OF THE TOWN CODE ENTITLED "UTILITIES"; BY AMENDING SECTION 32 ENTITLED "WATER CONSERVATION" BY REVISING THE MONTHLY WATER RATE CHARGES AND BLOCK ADJUSTMENTS AND PROVIDING FOR YEAR ROUND WATER CONSERVATION, PROVIDING FOR CONFLICTS, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. {Approved on First Reading January 16, 2008. 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 Starkey 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)

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- 6.4 **BUDGET REVISION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE ESTIMATED REVENUES AND APPROPRIATIONS FOR FISCAL YEAR 2008. {Approved on First Reading January 16, 2008. The vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - no; Councilmember Crowley - no; Councilmember Luis - yes; Councilmember Starkey - yes}**

This item was tabled earlier in the meeting.

Ordinance - First Reading (Second and Final Reading to be held February 20, 2008)

- 6.5 **EXTENDING MORATORIUM - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, FURTHER DEFINING THE LEGISLATIVE INTENT OF ORDINANCE NO. 2007-4 AND EXTENDING THE MORATORIUM FOR 90 DAYS FROM FEBRUARY 21, 2008, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Rayson read the ordinance by title. Mayor Truex announced that a public hearing on the ordinance would be held at the February 20, 2008 meeting.

Mayor Truex opened the public hearing portion of the meeting.

Frank Serra, Chair of the Mobile Home Task Force, stated the Task Force's support for this item. He asked about progress on the exit/relocation plan and other items recommended by the Task Force.

Mitchell Chester urged Council to take action on the recommendations as quickly as possible. He requested copies of the exit/relocation plan submitted by Mr. Rayson. Mayor Truex agreed to provide a copy.

Mayor Truex closed the public hearing portion of the meeting.

Mr. Rayson suggested a workshop before Council's next meeting, stating that he needed direction.

Councilmember Crowley remembered agreeing to discuss additional items at future Council meetings, not at workshops. Mr. Cohen stated that this moratorium was intended to allow time to do just that. He did not feel they needed another workshop, as the "big items" had been discussed.

Councilmember Starkey felt this represented taking a step backward. She recalled giving direction that Council wanted the legally enforceable items to be presented to them at the first meeting in January as a draft ordinance.

Mr. Cohen recommended setting aside time at their next meeting to discuss the remaining items and decide which items to add to the ordinance.

Vice-Mayor Caletka favored creating multiple ordinances to allow voting on individual items. He also wanted a draft ordinance presented for the three items on which Council had already agreed to move forward.

Councilmember Luis agreed with Mr. Cohen and felt the purpose of the moratorium was to allow Council time to be thorough.

Mayor Truex remarked that "This is moving like a glacier." He thought Mr. Rayson would create a draft ordinance incorporating the items they had previously discussed and distribute this to Council. Mr. Rayson indicated that he had already provided a "pretty good" draft ordinance, and remarked that some of the comments required a more thorough understanding. He believed there was widespread community support to extend the moratorium to May 21, 2008.

Mr. Cohen agreed with Vice-Mayor Caletka that items would be best presented as separate ordinances. Mayor Truex wanted to discuss the ordinance prepared by Mr. Rayson at their next meeting.

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Councilmember Crowley made a motion, seconded by Mayor Truex, to approve the moratorium extension. 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)

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 Councilmember Crowley

7.2.1 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

7.2.2 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

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

No appointment was made

7.3 Councilmember Luis

7.3.1 Airport/Transportation Advisory Board (one exclusive appointment; term expires December 2007)

No appointment was made

7.3.2 Open Space Advisory Committee Agency (one exclusive appointment; terms expires April 2008)

Councilmember Luis appointed John Capozzoli.

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

No appointment was made

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7.4 Councilmember Starkey

7.4.1 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made

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

No appointment was made

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

No appointments were made

8. OLD BUSINESS

This item was not discussed.

9. NEW BUSINESS

9.1 Rodeo Arena Roof Repair Funding

Earlier in the meeting, Councilmember Crowley made a motion to move forward and send out Requests for Proposals for the roof replacement and the overhang.

Councilmember Starkey wanted to explore possible grants for the project and to put it out to bid.

Mr. Cohen stated this was an unfunded Capital Project and stated that staff would bring a proposal to Council to amend the current year's capital projects to supply funding. Council would approve this and staff would start the bid process.

Councilmember Crowley made a motion, seconded by Mayor Truex, to direct staff to move this item forward as soon as possible. In a voice vote, all voted in favor. (Motion carried 5-0)

9.2 Ivanhoe Students at Cypress Bay - Councilmember Luis

Early in the meeting, Councilmember Luis referred to map 4.3, a hybrid generated at the January 22nd workshop, which he believed this was the best scenario for all Davie residents.

Councilmember Luis made a motion, seconded by Councilmember Starkey, to create a resolution for the School Board to adopt this map as the best scenario.

Mayor Truex explained that he opposed any resolution regarding boundaries as he felt it was the School Board's duty to do this, utilizing input from various sources. Councilmember Crowley advised that he would oppose this as well, because he did not see Nova High School included.

Vice-Mayor Caletka supported the resolution because he believed it represented what all residents wanted, which was the status quo. Councilmember Starkey agreed.

Ms. Hope agreed with Mayor Truex and reminded Council that boundaries were being changed specifically to relieve crowding at Cypress Bay. If staff determined there was a better scenario to accomplish this, she would favor it.

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

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10. SCHEDULE OF NEXT MEETING

This item was not discussed.

11. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER STARKEY

CITY HALL PHOTOS. Councilmember Starkey presented photos of other city halls she had taken on vacation.

EMPLOYEE TERMINATIONS. Councilmember Starkey was concerned about recent employee terminations and asked if Mr. Rayson had been consulted. Mr. Rayson stated that he had not been notified. Councilmember Starkey suggested that Mr. Rayson should be notified in the future to ensure proper procedures and policies were being followed.

COUNCILMEMBER LUIS

IVANHOE COMMUNITY CENTER FEE. Councilmember Luis asked about the fees charged to use the center. Mr. Cohen informed him the Town allowed homeowner's association to rent the space for meetings only if no other meeting space was available. He noted that the rates charged were "maintenance rates."

COUNCILMEMBER CROWLEY

WATER MATTERS DAY AT TREETOPS PARK. Councilmember Crowley agreed to forward an e-mail from Broward County to Mr. Cohen regarding this event, requesting the assistance of the Davie Police Explorers for parking services. Councilmember Starkey confirmed the Explorers had already agreed to provide this service.

MAYOR TRUEX

I-595 IMPROVEMENTS. Mayor Truex referred to a memo Chief Montopoli had sent voicing concerns over this issue. He requested a resolution incorporating the points Chief Montopoli brought up. Mr. Cohen agreed to prepare something for Council's February 20th meeting.

MEMO REGARDING BOARDS. Mayor Truex referred to a memo from Mr. Muniz regarding the Town's advisory boards. Mr. Muniz reported that some boards had difficulty maintaining membership. Mayor Truex requested this item be discussed under New Business at a future meeting.

12. TOWN ADMINISTRATOR'S COMMENTS

There were no comments made.

13. TOWN ATTORNEY'S COMMENTS

TIPPING FEE SETTLEMENT. Mr. Rayson reported that he had reached a settlement with Waste Management to pay the Town \$30,000 regarding tipping fees.

ELECTION/TERM OF OFFICE CHANGES. Mr. Rayson reported the results of an Attorney General's opinion indicating that the Town could move the date for elections and extend terms using an ordinance. He indicated that a referendum was not needed and agreed to provide a copy of the opinion to Council.

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14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:46 p.m.

Approved _____

Mayor/Councilmember

Town Clerk