

**TOWN OF DAVIE
REGULAR MEETING
MARCH 5, 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 (departed at 11:06 p.m.), Luis and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Arthur Joseph spoke in support of Police Officer Mike Necolettos and believed the Town had unfairly terminated him due to a medical issue. Mr. Joseph remarked on the dangerous nature of a police officer's job and felt if this was a financial issue, there were other areas of the Town's budget that could be cut.

Jeff Poole spoke about Officer Necolettos' firing as well and felt denying Police Officers benefits they deserved was "totally wrong." Mr. Poole noted the stress of the job, and how that could lead to heart disease, including his own. He asked Council to reconsider and give Officer Necolettos his job back.

Mike Necolettos said that Mr. Shimun had lied in an email to a resident, in which he stated Mr. Necolettos had received monetary compensation and benefits for nine months and had refused to apply for Workers' Compensation. Mr. Necolettos advised that he had received a paycheck from the Town for only three months, after which Workers' Compensation suspended his pay and benefits. He informed Council that a judge had ordered that he was not required to see a Workers' Compensation doctor 150 miles away. Mr. Necolettos said he had also turned over his medical records to the Town and Workers' Compensation doctors one week after his heart attack.

Mr. Necolettos stated, "I spent nearly 13 years protecting and serving the City; it would be nice if the City, for once, protected me and my family."

Councilmember Starkey indicated that she had tried to contact Mr. Necolettos through his Union representative, to inform him that Council had not taken this action; however, had been told not to get involved because attorneys were involved. Councilmember Starkey wanted to hold a fund raising event to help Mr. Necolettos and his family.

Jesse Necolettos read a letter from her daughter describing how she felt about her father's firing.

Howard Coen said they were aware that the Davie Tackle Football program had been a financial burden on the Town and they had developed a plan to keep the program in Town without it being a financial burden. He outlined their proposal, in which the Tackle Football program would take full financial responsibility and the Town would no longer pay the AYFL assessments. In return, the program would have use of the facility, fields and equipment.

Parks and Recreation Director Dennis Andresky explained that he was aware of a potential assessment of \$10,000 from the AYFL and other assessments were sometimes added during the year. Mr. Shimun said staff would prepare a resolution pursuant to this for Council to review at their next meeting.

Maria Rubino presented a petition signed by 55 residents of her mobile home park requesting that the blue bus continue to pick up passengers there. She noted that the bus service was a blessing and she wanted to make sure budget cuts did not affect this service. Mayor Truex advised Ms. Rubino to attend the Town's and County's budget meetings to address this issue.

Tom Masters commended Mr. Necolettos for his coaching efforts at St. Bonaventura and asked Council to help Mr. Necolettos.

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Keith Lanford demanded that Mr. Necolettos be reinstated to active duty and felt it was “appalling” how Mr. Necolettos had been treated. Mr. Lanford asked Council to immediately terminate Mr. Shimun with no severance, so he would need to “go to court, sue for it, and see how it feels to live without an income.”

Sergeant John Nasta, President of Fraternal Order of Police Lodge 100, advised that Mr. Shimun had asked them to help develop a policy for when cases like this came up in the future, and they had agreed. Sergeant Nasta asked for Council’s support in resolving Mr. Necolettos’ case.

Judy Paul hoped Council would look at the facts of Mr. Necolettos’ case and perhaps use mediation to resolve it.

Ms. Paul thanked the Town, Special Projects Director Bonnie Stafiej, the Community Redevelopment Agency and Town employees for their work in the Orange Blossom Festival.

Ms. Paul asked for a moment of silence in memory of Patty Gerard.

Frank Serra stated that he had been the victim of a scam by an unlicensed roofing contractor and indicated that his new, licensed contractor had informed him that the Town did not require a permit to repair a mobile home roof. He suggested that a permit be required and that the proceeds could be added to the Mobile Home Trust Fund. Acting Development Services Director Marcie Nolan explained that mobile homes were regulated by the State and the Town did not require permits for roof repairs. Mr. Rayson agreed to review Statute 723 to determine if the Town could require permits.

Doris Monier was concerned about the condition of the main building at Sunny Lake. She believed the building was not included in the grant and the Town needed money for the building. Assistant Town Administrator Ken Cohen said that staff had planned to keep the building and Council had already allocated funding. Ms. Monier also wondered if the wildlife was being protected while work was continuing at Trotters Chase. She asked if the Rose Parcel would be included in Sunny Lake. Mr. Cohen said they intended to incorporate the Rose Parcel and the building.

Mayor Truex closed the open public meeting.

Mayor Truex advised that staff recommended tabling item 4.1 to the next meeting [March 19, 2008].

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

Ms. Nolan advised that staff had requested tabling item 6.9 and the applicant did not object.

Councilmember Starkey made a motion, seconded by Mayor Truex, to table to March 19, 2008. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex confirmed that Planning and Zoning had requested item 6.10 be tabled to April 2, 2008.

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

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1 January 16, 2008 (Regular Meeting) (tabled from February 20, 2008)
- 4.2 January 30, 2008 (Workshop Meeting)
- 4.3 February 6, 2008 (Regular Meeting)

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Business Tax License

4.4 American & International Financial, 13700 SW 20 Street

Resolutions

- 4.5 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS "BERMAN STIRLING PLAT"; PROVIDING FOR THE MAYORS SIGNATURE; AND PROVIDING FOR AN EFFECTIVE DATE. (DG 12-1-07, Berman Stirling Plat, generally located on the northeast corner of Stirling Road and SW 58 Avenue) (tabled from February 20, 2008)
- R-2008-45 4.6 **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER #1 WITH E.R.G. ENTERPRISES, LLC. TO CHANGE THE CONTRACTED SCOPE OF WORK AS DESCRIBED IN THE ATTACHED CHANGE ORDER #1. (Sunny Lake Bird Sanctuary - \$9,000)
- R-2008-46 4.7 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR SPORTS OFFICIALS SERVICE FOR ADULT AND FAST PITCH SOFTBALL AND YOUTH SPORTS PROGRAMS AND AWARDING IT TO ADAMS TOP NOTCH OFFICIALS, INC. AND SOUTH BROWARD SOFTBALL UMPIRES ASSOCIATION. (\$60,000)
- R-2008-47 4.8 **SELECTION OF FIRM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF SUNGARD PUBLIC SECTOR, INC. TO PROVIDE A CITIZEN RESPONSE SYSTEM AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SOFTWARE AND TRAINING SERVICES.
- R-2008-48 4.9 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH SUNGARD PUBLIC SECTOR INC, FOR THE PURCHASE OF THE CONSTITUENT RELATIONSHIP MANAGEMENT SOFTWARE (CRM). (\$51,935)
- R-2008-49 4.10 **TELECOMMUNICATIONS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING RGP TOWER GROUP LLC'S SUBMITTED WIRELESS TELECOMMUNICATION INFRASTRUCTURE APPLICATION FOR A NEW STEALTH FACILITY WITHIN THE SHERIDAN HOUSE INC. PROPERTY, AND PROVIDING AN EFFECTIVE DATE.

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- 4.11 **DEVELOPER'S AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, R-2008-50 FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND RAUL E. BOSQUE AND LINDA A. BOSQUE TO MAINTAIN AN EXISTING WOODEN FENCE WITHIN THE TOWN OF DAVIE'S RIGHT-OF-WAY; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 2-1-08, Bosque, 14801 SW 31 Court)
- 4.12 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, R-2008-51 FLORIDA, AUTHORIZING AN AMENDMENT TO THE NON-VEHICULAR ACCESS LINE (NVAL) ON THE PLAT KNOWN AS "BLACKSTONE CREEK," AND PROVIDING AN EFFECTIVE DATE. (DG 11-2-06, Blackstone and Diamond Creek, 3151 SW 154 Avenue) [see related items 4.14, 6.5, 6.7 and 6.8]
- 4.13 **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A R-2008-52 PLAT KNOWN AS "SAFFIE" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. P 9-1-07, Saffie, generally located on the southside of 58th Street and 607 feet west of 106th Avenue) [see related item 6.4]

Quasi-Judicial Consent Agenda

- 4.14 MSP 10-3-06, Blackstone-Diamond Creek, SW 154 Avenue 400 feet south of SW 31 Street (A-1) [see related item 4.12, 6.5, 6.7, and 6.8] *Site Plan Committee recommended approval subject to the staff report and that the applicant would review with staff the photometric plan to make sure that the lighting was adequate at the main entrance; and that the applicant would come back with an architectural plan of the entrance for the Committee to see*

Councilmember Crowley pulled items 4.5 and 4.6 from the Consent Agenda. Mayor Truex pulled items 4.12 and 4.14.

Councilmember Luis made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda, less items 4.5, 4.6, 4.12 and 4.14. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.5 Councilmember Crowley was concerned about this development being retail, considering the access issues on 58th Avenue. He noted that the use was currently office and he did not want to raise the density and traffic use on the parcel.

Vice-Mayor Caletka stated that the residents wanted to see a site plan accompanying the request. He also wanted residents of the 58th Avenue corridor between Griffin and Stirling notified of the public participation meetings.

Mr. Rayson confirmed that the applicant must submit a site plan for approval later if the plat note change was approved. The applicant's representative said the plat note amendment would allow any of the permitted uses within the commercial zoning district to be built there and would take the County out of the process.

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Councilmember Starkey was concerned about the request for additional square footage and she wanted to see a site plan before granting this request. Ms. Nolan advised that the Land Development Code did not require applications to come before Council grouped together and added that the plat note tended to travel in advance of the site plan or any rezoning because this was the first step before applying to the County. She remembered that these use to be brought to Council together, but because of the delays in Broward County's approval process, this was changed to allow each piece to be brought separately.

Mayor Truex felt it would help to approve this now, but wanted the applicant to be aware of his concern regarding 58th Avenue. He hoped this could be addressed in the site plan.

Vice-Mayor Caletka stated that this development was in his district and asked if a site plan could be produced. The applicant's representative did not believe the applicant was in a position to spend the time and money on a site plan within the next six months. He acknowledged that the site plan must address improvement on adjacent roads and access points.

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

Karen Stenzel-Nowicki advised that the residents of Willow Lake Ranch had been informed that this parcel would be office space and/or apartments, never commercial/retail. She believed this would have affected some residents' decision to build their homes in this area. Ms. Stenzel-Nowicki requested that these residents be notified of any work being done or of any request being made regarding this property, even though this was not required.

The applicant's representative advised Mayor Truex that the applicant needed a Letter of No Objection from Davie prior to applying to the County. Mayor Truex suggested that this item be tabled until the residents could be notified. The applicant's representative said he would not object to mailing notices to Willow Lake Ranch residents if the item were tabled.

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

4.6 Councilmember Crowley wondered why there were so many requests to change the scope of work regarding the open space parcels. He asked staff to take a closer look at future sites so potential issues would be detected in advance.

Public Works Director Manny Diez explained that when this property was purchased, they intended to re-roof the building and had hired a roofing contractor. When the decision was made to demolish the building, the new contractor could not remove the asbestos. Mr. Diez advised that he and the Engineering Department would participate in the property evaluation process in the future.

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

4.12 Mayor Truex said he had no questions regarding items 4.12 and 4.14.

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

4.14 Councilmember Crowley had spoken with Mr. Laystrom and requested a wetland feature on the main lake. Mr. Laystrom stated his agreement to put this on the entryway shelf.

Mr. Rayson swore in the witnesses and opened the public hearing portion of the meeting.

Art Waggenheim said he and his Riverstone neighbors did not object to the projects, but wanted to ask the developer to address the Shotgun lighting issue that FPL was refusing to handle.

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

Council gave their disclosures on this item.

Councilmember Luis agreed the additional lighting would be nice, but his vote would not be contingent upon the developer's agreement to address it. Mr. Laystrom indicated that he had not been able to obtain hard costs for this addition, and would not commit until he had them. He advised that he would not object to making a reasonable contribution, which could be discussed as part of the final approval.

Councilmember Crowley made a motion, seconded by Councilmember Luis, to approve, subject to Councilmember Crowley's request regarding the wetlands. In a voice vote, all voted in favor. (Motion carried 5-0)

6. PUBLIC HEARING

Resolution

6.1 **TOWING FRANCHISE - A RESOLUTION OF THE TOWN OF DAVIE, R-2008-53 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH WESTWAY TOWING, INC. TO AWARD A TOWING FRANCHISE.**

Mr. Rayson read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting.

Roy Bazin, representing A & B Towing, said that over the last 14 years, A & B had paid the Town over \$1.6 million in franchise fees and had towed over 22,000 vehicles, 6,000 of these at no charge. Of all these tows, there had been fewer than 10 complaints. Mr. Bazin described differences in his and Westway Towing's responses to the RFP and he believed there were items with which Westway's application had not complied or qualified but his application had.

Mayor Truex closed the public hearing portion of the meeting.

Councilmember Starkey was interested in continuity of service and noted they already had Westway through BSO, FDOT and the Florida Highway Patrol.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve. 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 - yes. (Motion carried 4-1)

Ordinances - First Reading (Second and Final Reading to be held March 19, 2008)

6.2 **CAPITAL PROJECTS AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2008 - 2012.**

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.

Budget and Finance Director Bill Ackerman explained that there were differences between the 2007 and 2008 Capital Projects, with the largest being the addition of the arena roof. The other was a change in an office space project in this area.

Councilmember Starkey pointed out that re-bidding the Parks and Recreation building for additional square footage would add to the cost. Assistant Town Administrator Ken Cohen said that staff had changed the way they would provide the additional space, and \$100,000 would be saved over the original plan. He advised that this would not be a Green building and there were not Green standards for these buildings.

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

- 6.3 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 6, SECTION 6-9 (a), ENTITLED ESTABLISHMENT OF FINE AND LIEN; PROVIDING FOR INCREASE OF CODE COMPLIANCE FINE PROVISIONS ADMINISTERED BY A CODE ENFORCEMENT BOARD OR SPECIAL MAGISTRATE; PROVIDING FOR COST RECOVERY TO REIMBURSE THE TOWN OF DAVIE TO COVER ALL COSTS INCURRED BY THE TOWN IN ENFORCING ITS CODES AND ALL COSTS OF REPAIRS RELATED THERETO; PROVIDING FOR CRITERIA TO BE CONSIDERED BY THE CODE ENFORCEMENT BOARD OR SPECIAL MAGISTRATE IN DETERMINING THE AMOUNT OF CODE ENFORCEMENT FINES; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rayson read the amendment 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.

Mayor Truex asked how these changes compared with other municipalities. Code Compliance Official Danny Stallone explained that some larger municipalities had similar ordinances and advised that the amounts were the maximum allowed by Florida Statute. He stated that there were established parameters regarding mitigation requests.

Councilmember Starkey approved of this amendment and asked if staff could use the same cost recovery program they used in Code Enforcement. Ms. Nolan confirmed they would.

Mayor Truex approved of this as well and noted it would give the Town options for addressing property owners who were “flagrant” violators.

Councilmember Crowley asked how this would affect water restriction violators. Mr. Stallone said that \$250 was usually charged for a first offense, and repeat violations increased in \$50 increments.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, 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/Quasi-Judicial Item (Second and Final Reading to be held March 19, 2008)

- 6.4 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-1-07, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE TO INCLUDE THE APPROXIMATE 45,307 SQUARE FEET PARCEL,” FROM: A-1 COUNTY TO: TOWN OF DAVIE A-1 AGRICULTURE ONE DWELLING PER ACRE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 9-1-07, Saffie, 10750 SW 58 Street) [see related item 4.13] *United Ranches Preservation Board recommended approval; Planning and Zoning Board recommended approval*

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Mr. Rayson read the ordinance by title and swore in the witnesses. Planning and Zoning Manager David Quigley summarized the report.

Councilmember Crowley asked if all parcels in the new incorporated area would go through this process. Mr. Quigley explained that if this parcel had been two acres, rezoning would not be required.

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

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

Quasi-Judicial Items

6.5 **VARIANCE** - V 1-1-08, Southern Homes of Davie V, LLC, SW 31 Street and I-75 (A-1) (reducing the required minimum lot frontage from 140 feet to 125 feet, the minimum front setback of 40 - 50 feet to 25 feet, and the minimum side setback of 30 feet to 25 feet for residential lot numbers 33, 34, and 35) [see related items 4.12, 4.14, 6.7 and 6.8] *Planning and Zoning Board approved*

Earlier in the meeting, Mr. Rayson swore in witnesses.

Mayor Truex asked why the variances were needed. Bill Laystrom, representing the applicant, explained that years ago, there were two site plan approvals for Blackstone and Diamond Creek. The whole project was approved as a rural lifestyle project, however, the Diamond Creek lots had never been rezoned to the rural lifestyle overlay and did not conform with it. Mr. Laystrom noted that there had been no changes to the lots since the first approval. Planning and Zoning Deputy Manager David Abramson informed Mayor Truex that the alternative was to redesign the northern portion in order to meet the new Code or rezone to the overlay.

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 Crowley made a motion, seconded by Councilmember Starkey, 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)

6.6 **VARIANCE** - V 1-3-08, Latino, 2709 SW 84 Terrace (R-3) (to reduce the required 15 foot side setback to 8 feet along the southern property line) *Planning and Zoning Board approved*

Mr. Rayson read the ordinance by title and swore in the witnesses. Mr. Quigley summarized the report.

Mr. Quigley confirmed for Vice-Mayor Caletka that they were not required to present this to the Central Broward Water Control District. He advised that no neighbors had attended the public meeting and none had sent a letter of objection.

The applicant confirmed that no letters of objection had been received.

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

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- 6.7 **SPECIAL PERMIT** - SE 9-2-06, Southern Homes of Davie, LLC (Charleston Oaks), SW 142 Avenue and SW 26 Street (R-1) (removal of any materials (including sand, gravel, rock, or topsoil) which exceeds 250 cubic yards) **[see related items 4.12, 4.14, 6.5 and 6.8]** *Planning and Zoning Board approved subject to the following conditions: 1) that the applicant use only the route as specified on exhibit 'A,' 2) that the applicant agrees not to sell any of the fill removed from the property; 3) that they limit the removal of the fill to the hours of 9 a.m. to 5 p.m., Monday through Friday and not on national holidays; 4) that the applicant provide monitoring at their cost by an off-duty Davie police detail; 5) that any violation of the terms of the special permit including but not limited to violations of the route, the time, all the abovementioned conditions, will result in the immediate termination of the special permit; 6) that the applicant agrees to repair any damage that results in any of the roadways from their efforts; 7) to coordinate with FDOT regarding the bridge schedule in order not to transport fill while FDOT was constructing the bridge over Orange Drive; and 8) should additional issues arise and a Planning and Zoning Board member request a hearing, the Board member shall notify the Town and Mr. Laystrom, and the applicant shall appear within two weeks of notice, and the special permit shall be subject to amendment and revision*

Mr. Laystrom, representing the applicant, asked to have items 6.7 and 6.8 heard simultaneously. Council did not object.

Mr. Rayson read the request and swore in the witnesses.

Mr. Laystrom referred to the truck route and noted this was different from the original exhibit, and it avoided 26th Street. He confirmed that all of the fill would go from one of their projects to another; it would not leave the Town. Mr. Laystrom had considered the lighting issue discussed earlier and he agreed to pay 50% of the costs, up to a total contribution of \$5,000. He was concerned with condition #5 and wanted the Town to exercise reasonableness regarding conditions for terminating the permit.

Councilmember Starkey was concerned about stacking to enter the site and remembered requiring a developer in the past to notify the contractors of the working hours at the site during the bid process. They had also instituted a fine for stacking trucks to enter the site, to be paid by the drivers or the developers. Mr. Laystrom did not object to including these conditions and preferred being fined to having the permit revoked.

Councilmember Luis preferred a fine to a revocation of the permit, but wanted the applicant to appear before Council instead of the Planning and Zoning Board for an infraction.

Councilmember Starkey reminded Council they had a similar agreement regarding the fill with Camelot Estates to make sure the developer kept up with maintenance issues.

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

Mike Bender, Planning and Zoning Board Chair, advised that he had abstained from voting on this item when it was before the Planning and Zoning Board due to a possible conflict. He said that this applicant had violated an agreement made with the Town when the project was first approved and the project had been shut down several times because trucks were forming a convoy on 31st Court. Mr. Bender explained that this was why condition #5 was worded this way. If a fine were imposed, this would be considered the cost of doing business by the developer. He wanted to send a message that applicants would be held to agreements they made with the Town. Mr. Bender confirmed that the Planning and Zoning recommendations were in addition to the staff recommendations.

Judy Paul said she had attended the Planning and Zoning Board meeting, and their conditions for approval made her more comfortable about the fill movement. She stated that the bridge mentioned in

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Planning and Zoning Board condition 7 was not over Orange Drive, but over the C-11 canal. The developer must also coordinate with FDOT for the time when Orange Drive was closed.

Art Waggenheim wondered where the developer would access the property from if not 31st Street. He wanted to make sure the area across from his development did not become a storage lot for soil waiting for development for years. Mr. Waggenheim suggested the soil not be moved until construction began.

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

Council gave their disclosures on this item.

Mr. Laystrom stated that the applicant would install a bridge/culvert across the canal west of Shotgun Road to access the site. They intended to move the fill within 90 days and Mr. Laystrom agreed they would flatten it on the site. He appreciated that the Town wanted a means to keep the developer mindful of the stipulations of the permit, but he would rather be fined for minor infractions than have the Town revoke the permit.

Councilmember Luis said the residents' biggest concern was dust generated on the site and dirt remaining on the site.

Mayor Truex agreed with Mr. Bender that imposing a fine for violating the conditions was not a sufficient deterrent. Mayor Truex wanted to hone the language to indicate that material or repeat violations must be addressed with Planning and Zoning immediately. He also felt that under condition 8, a Planning and Zoning Board member could notify Council, who would address the additional issue(s) with the developer.

Councilmember Luis made a motion, seconded by Councilmember Crowley, to approve item 6.7, subject to staff and Planning and Zoning Board recommendations, and changing Planning and Zoning Board recommendation #8 to indicate that any additional issues would be addressed with Town Council, and that language in Planning and Zoning Board condition #5 indicate that "any material or repeat violation after notice" must be addressed with the Planning and Zoning Board immediately. The developer also agreed to pay 50% of the costs to address the lighting issue, up to a total developer contribution of \$5,000. 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)

- 6.8 **SPECIAL PERMIT** - SE 11-2-06, SE 9-2-06, Southern Homes of Davie, LLC (Millcreek Ranches), SW 142 Avenue and SW 29 Street (A-1) (removal of any materials (including sand, gravel, rock, or topsoil) which exceeds 250 cubic yards) [**see related items 4.12, 4.14, 6.5, and 6.8**] *Planning and Zoning Board approved subject to the following conditions: 1) that the applicant use only the route as specified on exhibit 'A'; 2) that the applicant agrees not to sell any of the fill removed from the property; 3) that they limit the removal of the fill to the hours of 9 a.m. to 5 p.m., Monday through Friday and not on national holidays; 4) that the applicant provide monitoring at their cost by an off-duty Davie police detail; 5) that any violation of the terms of the special permit including but not limited to violations of the route, the time, all the abovementioned conditions, will result in the immediate termination of the special permit; 6) that the applicant agrees to repair any damage that results in any of the roadways from their efforts; 7) to coordinate with FDOT regarding the bridge schedule*

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in order not to transport fill while FDOT was constructing the bridge over Orange Drive; and 8) should additional issues arise and a Planning and Zoning Board member request a hearing, the Board member shall notify the Town and Mr. Laystrom, and the applicant shall appear within two weeks of notice, and the special permit shall be subject to amendment and revision

Councilmember Luis made a motion, seconded by Councilmember Crowley, to approve item 6.8 with the same conditions stated for item 6.7. 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)

Items to be tabled

6.9 STAFF REQUESTING A TABLING TO MARCH 19, 2008

V 5-6-07, Tuscan Villas/1380 South Flamingo Road

This item was tabled earlier in the meeting.

6.10 PLANNING AND ZONING BOARD TABLED TO MARCH 12, 2008; COUNCIL CAN TABLE TO APRIL 2, 2008

VARIANCE - V 11-1-07, Stonebridge Estates, 2651 Flamingo Road (R-1)

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 Councilmember Crowley

7.2.1 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.

7.2.2 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.

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

No appointment was made.

- 7.4 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

- 8.1 Devine Parcels: County and State Grants

Mr. Rayson reported that the Town was currently engaged in due diligence regarding this purchase.

Councilmember Starkey stated that the Broward County Commission was also looking at all of the items. She asked that the Town move forward and pursue County and State funding for this site. Councilmember Starkey asked that this be moved forward to the Land Preservation Advisory Board and the County Commission for funding.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve the Devine Parcel for County funding from the Land Preservation Advisory Board.

Mr. Cohen confirmed that the Devine property was the only commitment in District 1 at this time. Staff wanted to try for additional funding for this property in order to reallocate funding to a second, yet unidentified, property.

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

Councilmember Starkey reported that a District 1 Pine Island Ridge site had failed negotiations because there was an ownership issue regarding the property. The property was already zoned conservation land and would stay that way until the issue was resolved. Mr. Cohen stated that the Town did not want to pursue this property because whoever owned it had to maintain it. Councilmember Starkey suggested this property be removed from consideration and funding used elsewhere. Mr. Cohen recommended concentrating on one property for funding and withdrawing the requests on the other two properties.

Vice-Mayor Caletka did not want to remove the Pine Island Ridge property now. Mr. Cohen reminded Vice-Mayor Caletka that no matter who owned the property, it must be maintained as it was.

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Vice-Mayor Caletka was concerned about proper maintenance of the property. Mr. Cohen agreed to pursue the Devine property with the County and to not discuss the Pine Island Ridge property.

8.2 Affordable Housing Ordinance

David Crowe, representing the National Association of Home Builders, stated that mandatory inclusionary zoning was essentially a tax on housing. He felt affordable housing could be accomplished through a voluntary program. Mr. Crowe said that a study regarding affordable housing showed that inclusionary zoning did not increase housing supply, but increased the price and reduced the size of housing. He continued that the 20% suggested set aside and 30 years' restricted use were both "on the high side" nationwide. Mr. Crowe encouraged the Town to find alternative ways to address the affordable housing issue. He referred to case studies of how different communities had successfully addressed affordable housing. Mr. Crowe felt the Trust Fund was a good idea, but thought it should be funded some way other than "in lieu of" payments for inclusionary zoning.

Mr. Rayson reported that the working group had decided to reduce the restricted use period to 15 years. He agreed the 20% set aside was aggressive, but pointed out that the Town was experiencing a crisis. Mr. Rayson believed that the draft ordinance was cutting-edge and very well thought out. He advised that he had incorporated the salient features of existing municipal ordinances he had consulted. Mr. Rayson disagreed with Mr. Crowe's assertion about inclusionary zoning being a tax on home construction, noting that the Town provided compensatory benefits such as fee waivers and bonus densities. Only if these compensations were not provided could this be considered confiscatory. Mr. Rayson remarked that in municipalities where affordable housing was not mandated, little affordable housing was actually built.

Mr. Rayson explained changes in the latest proposal: 1) the "in lieu of" fee was \$9 per square foot, capped at 1,600 square feet to fund the Affordable Housing Trust Fund; 2) the first priority for the use of the Trust Fund was to build affordable housing; 3) the requirement for ADA compliant inclusionary units had been reduced from 50% to 25%; 4) the gross income requirements for participation had been clarified; 5) the threshold for participation began at 10 units, with adjustments for density bonuses; 6) the terms of funding were consistent with State and County guidelines; 7) examples were included for clarity; and 8) flexibility was allowed regarding where the affordable units were built.

Mr. Rayson had discovered that the County prohibited granting bonus densities in exchange for payment into the Trust Fund, so this would be removed. Mayor Truex felt this could have been construed as a fee to be granted additional density.

Mr. Rayson advised that the ordinance called for monitoring and review and explained that the Town Administrator would present a status report to Council regarding implementation each year. There was also a provision for Council to review fees on an annual basis.

Mr. Rayson confirmed that the sliding scale bonus density allowed for twice the bonus units for each very low-income unit. He agreed that development of fewer than five units per acre did not qualify for density bonuses.

Mr. Rayson explained that rental units were included in the inclusionary zoning, at the same ratio and bonus densities as homes. He calculated that on 10 units, there would be a requirement to build 2 affordable units, or to pay a \$144,000 "in lieu of" contribution at \$9 per square foot, up to 1,600 square feet. Councilmember Luis said this seemed like a lot of money and worried about the possible impact on development. Mr. Rayson countered that the average home in Davie was 3,500 square feet, and the average housing price was \$300,000. Councilmember Luis believed this would affect multi-family units, where affordable units were most needed. Mr. Rayson advised that when builders were creating row, tract or rental housing, it would prove more cost effective to add on 10 units, 5 of which were

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bonus density and 5 of which were affordable. He reminded Councilmember Luis of the permit fee waivers offered as additional compensation.

Vice-Mayor Caletka feared developers would avoid building a ninth unit on a ten-acre parcel in order to avoid paying into the trust fund. Mr. Rayson agreed this was possible, but reported the average development in Davie was 25 units. Mr. Cohen reminded Council that over 20,000 units were approved for the Regional Activity Center and Traffic Oriented Corridor and he was certain these individual developments would be 25 or more units. He did not believe a developer would refrain from building the tenth home on a ten-acre parcel because these homes were typically worth \$1 million.

Housing & Community Development Director Shirley Taylor-Prakelt pointed out that the Town had gone through a yearlong process to build consensus among stakeholders and had created a well-developed, constitutionally stable list of recommendations to address Davie's affordable housing crisis. She remarked that Davie was different from most communities because there were more mobile home dwellers per capita than any other community and this housing tended to be substandard as well. The Town did not possess comparable housing should mobile home dwellers become permanently displaced. Ms. Taylor-Prakelt stated that her department was still working to place residents displaced by Hurricane Wilma.

Ms. Taylor-Prakelt remarked on the varied interested parties involved in the issue and said she believed the ordinance was very good, but did not represent everything she felt was in the Town's best interest. She asked Council to consider several points in regard to the ordinance. Ms. Taylor-Prakelt referred to the fifth "whereas," and said the working group requested changing the language to state "Incomes have not kept pace with the increased cost of rental housing and home ownership." In Number 12 of the definitions, under Eligible Housing, Ms. Taylor-Prakelt recommended indicating that priority would be given not only to individuals who worked in the Town, but also to existing Davie mobile home occupants and/or Davie renters living in substandard or overcrowded conditions.

Ms. Taylor-Prakelt discussed the "payment in lieu of" fee and noted that given the average cost of construction, the fee was not onerous on the developer. She reminded Council that they had adopted a meaningful affordable housing incentive plan that waived all fees for affordable units except water and sewer impact fees. Ms. Taylor-Prakelt said in the past, they had been able to utilize grant funds to pay those fees on behalf of the developer, but the fees had recently increased dramatically and the available grant funds were no longer sufficient. She suggested that the Trust Fund could help to cover these impact fees.

Ms. Taylor-Prakelt calculated that instead of making a 32% profit, the developer would make 16% to 18%, which was the industry standard. She pointed out that the bonus density formula had already been adopted under Section 8 of the Broward County Land Use Plan.

Ms. Taylor-Prakelt agreed with the restricted use period reduction to 15 years.

Ms. Taylor-Prakelt stated that it was crucial to provide affordable housing to those involuntarily displaced by condo conversions, fires, hurricanes and mobile home park conversions, and to develop safe housing to replace the existing substandard housing. Under Qualifications for Eligible Households, Ms. Taylor-Prakelt felt the requirement to be employed in the Town or to be a three-year resident did not adequately address the aforementioned situations. She recommended the three-year residency requirement be changed to one year.

In place of the Second Mortgage Assistance Program, Ms. Taylor-Prakelt recommended that Council adopt all of the housing programs for which the housing trust fund would be expended. She stated that the Second Mortgage Assistance Program did not help the people the Town was trying to serve.

Ms. Taylor-Prakelt informed Council that even though administration of the ordinance would require additional positions, the trust fund would pay for itself and would be self-supporting.

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Councilmember Starkey noted that the most recent version of the ordinance Council received included many of the changes Ms. Taylor-Prakelt mentioned. Mr. Rayson provided Ms. Taylor-Prakelt a copy of the latest version of the ordinance. He referred to pages 9 and 10, and noted the addition of “Davie residents currently in substandard housing” under “Purchase,” and the language Ms. Taylor-Prakelt suggested under “Priority Participation in Affordable Housing Rental.”

Mr. Cohen supported making the changes Ms. Taylor-Prakelt recommended. He believed the “in lieu of” fee amount was on the low side and advised Council to consider this. Councilmember Starkey asked how this figure was calculated. Mr. Rayson explained that the fee was calculated based upon the cost to create one unit of affordable housing at \$65 per square foot [\$78,000] being almost funded through fees paid on five non-affordable units [\$72,000]. Ms. Taylor-Prakelt said they had consulted many different types of developers regarding a figure to construct one unit of affordable housing, and the cost was closer to \$115 per square foot “without the dirt.” She referred to research provided to Council and wondered how Mr. Rayson had arrived at the \$65 per square foot figure.

Mayor Truex opened the public hearing portion of the meeting.

Mitchell Chester remarked on the pressure and divisiveness in the working group, and said they were seeking fairness to all parties. He commended Ms. Taylor-Prakelt and her staff for their skill and expertise, but disagreed with removing the reference to the Town’s Housing and Community Development Department from the ordinance even though the Town Administrator ran the Town, including that department. Mr. Chester stated that the Task Force unanimously agreed that the Department should oversee the affordable housing programs and the trust fund.

Regarding qualifications and priorities for the Affordable Housing Program, Mr. Chester did not believe the proposed ordinance adequately addressed the needs of renters who paid more than 50% of their household income for housing. He also felt the Mortgage Assistance Program was not practical.

Mr. Chester cautioned that the legislative intent must be expressed very clearly for judges that would be construing this ordinance. He urged that the rental issue be stressed in the “whereas” clauses, and that the recommendation from Jamie Ross and the Thousand Friends of Florida be incorporated.

Mr. Chester did not believe there would be enough money in the Affordable Housing Trust Fund for years, and they must seek additional, immediately available funding sources.

Janet Riley, Mobile Home Task Force member, reminded Council that the Task Force was created to address the mobile home crisis, but the ordinance did not accomplish this. She wondered what would happen to mobile home dwellers until affordable housing was actually built and available.

Brandon Biederman, Builders Association of South Florida, agreed they must address the other Task Force recommendations. He acknowledged the housing crisis and stressed there must be a community-wide solution. Mr. Biederman felt the 20% set-aside and the “in lieu of” fee were too high.

Armando Guinaga commended the Town for its desire to create affordable housing. He wanted the Town to ensure that the blend of the fee and bonus density created an incentive to build affordable housing, not a burden.

Mr. Crowe noted that building was a very competitive industry and he felt the Town was running the risk of an overall decrease in all housing development in Davie.

Frank Serra said no mobile home park resident had attended the last two Mobile Home Task Force meetings and he wondered why the meetings could not be held in the evenings to accommodate the residents. He recommended allocating 20% of a “roof inspection fee” on all mobile homes to the trust fund.

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Paul Figg stated that there was a provision in Florida Statute 197.307 authorizing the Town to defer ad valorem taxes on affordable rental housing by adoption of an ordinance. He was compiling a list of distressed housing and would provide to Ms. Taylor-Prakelt as potential affordable housing.

Mayor Truex closed the public hearing portion of the meeting.

Mr. Rayson believed the ordinance was sound and the worst they could do was nothing. It was Council's responsibility to decide how to fund the trust fund and to determine appropriate set-asides.

Councilmember Starkey wanted to examine the ordinance to ensure the appropriate changes were made. She disagreed with the second mortgage program and felt they could provide residents with references to other entities offering second mortgages instead. Councilmember Starkey thought they should remove some items and address these through policy instead. Mayor Truex agreed that the second mortgage program should be removed. Councilmember Luis felt this could be handy in a rare instance, but would not be upset if it were removed. Vice-Mayor Caletka wanted it removed as well. Mayor Truex directed Mr. Rayson to remove the second mortgage language from the ordinance.

Mr. Rayson agreed to change language in the fifth "whereas" clause and said the working group requested changing the language to state, "Incomes have not kept pace with the increased cost of housing, including rental housing..." He explained that the requirement to create a relocation assistance program had been stricken because this would be accomplished separately. Mr. Rayson recommended striking the words "loan assistance" from that "whereas" clause as well.

Councilmember Starkey referred to recommendations she had received from Jamie Ross. In the last "whereas" on page 1, she recommended adding the following: *"The Town Council finds the adoption of this ordinance serves an important public purpose and...is in the best interest of public health, safety and welfare of the residents of the Town of Davie."*

Vice-Mayor Caletka felt they should concentrate on the major points and they should investigate acquiring some of the distressed properties about which Mr. Figg spoke.

Ms. Taylor-Prakelt suggested the reference to the second mortgage program be stricken and indicate, "The Town Council, by resolution, shall adopt" and then list the descriptions of the affordable housing programs to be implemented by the funds. She said they had been considering purchasing distressed properties.

Mayor Truex wondered if they should consider lowering the 20% for development that did not qualify for bonus densities to 15%. Vice-Mayor Caletka agreed. Councilmember Luis felt this was too high and favored the 12% as suggested by Mr. Biederman. Councilmember Starkey suggested starting at 10% except "where otherwise indicated." Mr. Rayson stated, "They're not going to build any affordable housing at 10, you need to have it higher." Mayor Truex acknowledged they would not reach consensus on this item this evening.

Mr. Cohen agreed to make the changes Council had directed.

Mayor Truex did not object to the "payment in lieu of" and asked how Council felt about using a sliding scale in 10% increments. Mr. Cohen said the numbers suggested by Mr. Rayson should be considered the low end and the scale should increase from there. Mayor Truex withdrew his suggestion. Council agreed to keep Mr. Rayson's figures for discussion purposes.

Mayor Truex felt they had heard much public comment and suggested having none on this item at the next meeting. Mr. Serra objected.

Mayor Truex requested a list of the suggestions Ms. Taylor-Prakelt had made.

Mr. Rayson read the Statute referred to by Mr. Figg earlier and agreed to provide this to Council.

Mayor Truex confirmed this item would be on Council's next agenda.

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Mr. Serra asked again why the workshops could not be held in the evening. Mayor Truex asked Mr. Rayson to try to accommodate as many people as possible when the working group met. Mr. Rayson said they could do this and stated they had set up a conference call center.

8.3 Nova High School Boundary

Mayor Truex pointed out that this was the item was on the agenda pursuant to a request from Councilmember Crowley. As Councilmember Crowley had left the meeting, Council agreed to table this item to their next meeting.

9. NEW BUSINESS

9.1 Sunsetting of Certain Boards - Mayor Truex (tabled from February 20, 2008)
Council agreed to table this item to their next meeting.

9.2 Broward Days 2008 - Councilmember Starkey (tabled from February 20, 2008)

Councilmember Starkey indicated that one or more Councilmembers typically attended and the Town was a platinum sponsor. She asked the minimum membership fee they must pay in order to attend. Mr. Shimun agreed to determine this by their next meeting.

10. SCHEDULE OF NEXT MEETING

This item was not discussed.

**11. MAYOR/COUNCILMEMBER'S COMMENTS
COUNCILMEMBER STARKEY**

RELAY FOR LIFE. Councilmember Starkey announced this event would be held on March 15th and 16th at Cooper City High School and distributed information to Council.

PARK CITY MANAGEMENT CORPORATION LETTER. Councilmember Starkey suggested that Mayor Truex respond and follow up with FDOT. Mayor Truex said they had a "pretty strong disclaimer," in writing, from FDOT indicating they had no intention of doing this.

SHERIDAN HOUSE DINNER. Councilmember Starkey indicated that she had attended and congratulated Sheridan House for a successful event.

BROWARD COUNTY CHARTER REVIEW PUBIC HEARINGS. Councilmember Starkey announced these would take place on March 12th and April 9th

LETTER QUESTIONING TOWN COMPLIANCE. Councilmember Starkey asked if staff was responding to a letter regarding the Town's compliance with a comprehensive plan. Ms. Nolan advised that staff was drafting a response, and it was staff's opinion that the Town was in compliance with the Growth Management Act. Mayor Truex asked about the letter's contention that no further approvals from the Town were required. Ms. Nolan and Mr. Shimun said this was not the Town's position. Ms. Nolan explained this was not a comprehensive plan issue, it was a zoning issue.

12. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided.

13. TOWN ATTORNEY'S COMMENTS

WASTE MANAGEMENT SETTLEMENT. Mr. Rayson announced that he had reached a settlement regarding tipping fees in the amount of \$30,000.

WAL-MART. Mr. Rayson reported that Wal-Mart had sought certification to the Florida Supreme Court.

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14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 11:55 p.m.

Approved _____

Mayor/Councilmember

Town Clerk