

**TOWN OF DAVIE
SPECIAL MEETING
SEPTEMBER 15, 2005**

The meeting was called to order at 7:03 p.m. and was followed by the Pledge of Allegiance.

Present at the meeting were Mayor Truex, Vice-Mayor Hubert, and Councilmembers Crowley and Starkey. Also present were Assistant Town Administrator Cohen, Town Attorney Kiar and Assistant Town Clerk McDaniel recording the meeting. Councilmember Paul and Town Administrator Kovanes were absent.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to excuse Councilmember Paul. In a voice vote, with Councilmember Paul being absent, all voted in favor. (Motion carried 4-0)

Ordinance - Second and Final Reading

1. AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE
2005-19 COLLECTION OF SOLID WASTE IN THE TOWN OF DAVIE, FLORIDA;
AUTHORIZING THE IMPOSITION AND COLLECTION OF ANNUAL SOLID
WASTE SERVICE ASSESSMENTS AGAINST RESIDENTIAL PROPERTY
THROUGHOUT DAVIE, FLORIDA; PROVIDING FOR DEFINITIONS;
ESTABLISHING THE PROCEDURES FOR IMPOSING SOLID WASTE SERVICE
ASSESSMENTS; PROVIDING THAT SOLID WASTE SERVICE ASSESSMENTS
CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF
ASSESSMENT ROLL; PROVIDING THAT THE LIEN FOR A SOLID WASTE
SERVICE ASSESSMENT COLLECTED PURSUANT TO SECTIONS 197.3632 AND
197.3635, FLORIDA STATUTES, UPON PERFECTION SHALL ATTACH TO THE
PROPERTY ON THE PRIOR JANUARY 1, THE LIEN DATE FOR AD VALOREM
TAXES; PROVIDING THAT A PERFECTED LIEN SHALL BE EQUAL IN RANK
AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR
MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL
OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; AUTHORIZING
THE IMPOSITION OF INTERIM ASSESSMENTS; PROVIDING PROCEDURES FOR
COLLECTION OF SOLID WASTE SERVICE ASSESSMENTS; PROVIDING THAT
ALL ORDINANCES AND PARTS OF ORDINANCES AND ALL RESOLUTIONS
AND PARTS OF RESOLUTIONS IN CONFLICT HEREWITH BE REPEALED TO
THE EXTENT OF SUCH CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

Assistant Town Clerk McDaniel read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Doris Grogan, 7570 SW 42 Court, was opposed to the assessment and felt she would be paying for residents who did not pay their bill. She advised that she had contacted 10 surrounding municipalities and learned that 9 of the 10 billed garbage collection with water, while only Coral Springs placed it on the tax bill. Ms. Grogan stated that several of her neighbors felt the same but could not attend the meeting.

Frank Angelo, 4287 NW 76 Avenue, asked how much the homeowners associations would be impacted. Mr. Cohen explained that without a separate tax bill, the homeowner's associations would still be billed directly by Waste Management as they received commercial service.

Les Brower, 2118 SW 72 Avenue, inquired whether this assessment was tax deductible and asked about the cost relative to 2005.

Mayor Truex closed the public hearing.

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Budget and Finance Director William Underwood stated that he was unable to get an opinion from the Town's auditor regarding if the assessment would be tax deductible. He advised that he had received information from the IRS website indicating that real estate related items could not be deducted.

Mr. Cohen spoke of the increased costs and advised that Waste Management's representative had discussed a reduction of \$4.80, resulting in a fee of \$207.75. He explained that for the first three months of the fiscal year the fee would decrease but would increase in January. Mr. Cohen advised that having the money paid up front would generate additional revenue to fund the Town's budget. However, regarding shared zip codes with other communities, Mr. Cohen stated that some vendors had problems identifying where franchise fees went. He advised that the Broward County Property Appraiser's Office had a better handle on these records, which would result in better franchise fee revenue coming to the Town. Mr. Cohen added that those who did not pay their bills would be obligated to pay as the fee would be on their tax bill and their properties would be subject to liens. He stated that the downside was that the money had to be paid up front instead of quarterly.

Mayor Truex stated that this option would make everyone pay into the system. He felt the arguments against it were valid and acknowledged that this would be a hardship for some people.

Councilmember Crowley was still opposed to this item and stated this was a subcontractor service and not a tax. He was concerned about residents on fixed incomes who would find it a financial burden to pay all fees up front. Councilmember Crowley felt it would appear the Town was raising taxes with this item on the tax bill.

Vice-Mayor Hubert was in favor as she felt this option forced everyone to pay his or her fair share.

Councilmember Starkey stated that Council was charged with looking at the health and welfare of the entire Town. She referred to the Town Attorney's opinion on the assessment and felt this measure provided a cleaner, safer and fairer environment for the Town. Councilmember Starkey thought this was a better option in the long run and suggested that residents could also discuss this measure with their tax consultant.

Councilmember Crowley asked what the tax collector charged. Mr. Cohen advised the tax collector would charge 15¢ for each tax bill for the first year. He explained there was also a charge from the revenue collector. Tony Spadaccia, representing Waste Management, advised that the initial startup fee for the program was \$1 per resident after which it would be 20¢ per tax bill.

Councilmember Starkey summarized that the bulk rate would be reduced by 4¢ and the Waste Management fee to residents would be reduced by an additional 40¢ quarterly. Mr. Cohen explained that there would actually be a small increase due to the general cost of living increase and charges from the property appraiser and revenue collector. Mr. Spadaccia explained that the increases included the annual cost of living and tipping fee adjustments.

Councilmember Crowley felt that if this was the best option, more cities would utilize this method.

Mayor Truex reopened the public hearing.

Ms. Grogan asked if the Town had solicited bids from other waste companies. Mayor Truex advised that the contract was bid out last year. Councilmember Starkey advised that Waste Management was the lowest responsible bidder.

Ellen Christopher, 3666 Valley Green Drive, asked if this fee was only for residents. Mr. Cohen explained that everyone registered with four units or fewer would be considered as receiving residential service. Ms. Christopher asked if this price was a contract and for how many years. Mr. Cohen advised the contract was for one year and that every year the contract would be reviewed to factor in cost of living increases and the tipping fee.

Mayor Truex closed the public hearing.

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Vice-Mayor Hubert made a motion, seconded by Councilmember Starkey, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - no; Councilmember Paul - absent; Councilmember Starkey - yes. (Motion carried 3-1)

Resolutions

2. R-2005-255 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS IN THE TOWN OF DAVIE, FLORIDA; DESCRIBING THE METHOD OF ASSESSING SOLID WASTE COSTS AGAINST ASSESSABLE PROPERTY LOCATED WITHIN THE TOWN OF DAVIE, FLORIDA; DETERMINING THE SOLID WASTE COST AND IMPOSING THE SOLID WASTE SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN; APPROVING THE ASSESSMENT ROLL; IMPOSING INTERIM SOLID WASTE SERVICE ASSESSMENTS; PROVIDING FOR THE ASSESSMENT LIEN; AND PROVIDING AN EFFECTIVE DATE.

Assistant Town Clerk McDaniel read the resolution by title.

Mr. Cohen advised that this resolution was to set the rate and requested that the motion set the accurate rate of \$207.75.

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

Councilmember Starkey made a motion, seconded by Vice-Mayor Hubert, to set the solid waste service assessment rate at \$207.75. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - no; Councilmember Paul - absent; Councilmember Starkey - yes. (Motion carried 3-1)

3. R-2005-254 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; REIMPOSING FIRE RESCUE ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF DAVIE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005; APPROVING THE RATE OF ASSESSMENT; APPROVING THE ASSESSMENT ROLL; AND PROVIDING AN EFFECTIVE DATE.

Assistant Town Clerk McDaniel read the resolution by title.

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

Fire Chief Don DiPetrillo explained that the current fire assessment rate was \$88 and that the proposed increase was to \$106. He stated that this was approximately \$50 from the lowest assessment rate but \$300 from the highest assessment.

Councilmember Crowley asked if a decrease was anticipated in the upcoming years. Chief DiPetrillo responded that this fee could stay stagnant or be rolled back.

Vice-Mayor Hubert asked if this rate would be permanent. Chief DiPetrillo stated this would be Council's direction. He added that the Town did not charge non-profits.

Vice-Mayor Hubert made a motion, seconded by Mayor Truex, to approve.

Councilmember Crowley was willing to support this rate but would not support any future increases. Mayor Truex and Councilmember Starkey agreed.

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In a roll call vote, with Councilmember Paul absent, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - absent; Councilmember Starkey - yes. (Motion carried 4-0)

As there was no further business to discuss and no objections, the meeting was adjourned at 7:47 p.m.

Approved _____

Mayor/Councilmember

Town Clerk