

**TOWN OF DAVIE  
TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

**PREPARED BY:** Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

**SUBJECT:** June 18, 2008 minutes

**AFFECTED DISTRICT:** n/a

**ITEM REQUEST:** **Schedule for Council Meeting**

**TITLE OF AGENDA ITEM:** June 18, 2008 (Regular Meeting)

**REPORT IN BRIEF:** Council minutes from the June 18, 2008 Council meeting.

**PREVIOUS ACTIONS:** n/a

**CONCURRENCES:** n/a

**FISCAL IMPACT:** not applicable

Has request been budgeted? n/a

**RECOMMENDATION(S):** Motion to approve

**Attachment(s):** June 18, 2008 minutes

**TOWN OF DAVIE  
REGULAR MEETING  
JUNE 18, 2008**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 6:37 p.m. and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present at the meeting were Mayor Truex, Vice-Mayor Luis (joined the meeting via phone at 8:10 p.m. and departed at 8:13 p.m.), Councilmembers Caletka, Crowley and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson, and Town Clerk Muniz recording the meeting.

Councilmember Crowley made a motion, seconded by Mayor Truex, to excuse Vice-Mayor Luis. In a voice call vote, with Vice-Mayor Luis being absent, all voted in favor. (Motion carried 5-0)

Councilmember Caletka announced that Congresswoman Debbie Wasserman-Schultz had secured the Town a \$400,000 appropriation to be used for law enforcement purposes.

**3. PRESENTATIONS**

3.1 Legislative Update - Senator Nan Rich

No update was provided [rescheduled to August 20, 2008]

3.2 Davie Youth Lacrosse Foundation

No update was provided [rescheduled to August 20, 2008]

3.3 Staples Dream Park Challenge

Jonas Stillman, Operations Manager of the Davie Staples Store, congratulated the Town for winning \$5,000 in the Staples Dream Park Challenge for Driftwood Estates Park and presented the check.

Parks & Recreation Director Dennis Andresky thanked Staples, Dwayne Wade, Town staff and community members for their participation. Councilmember Starkey stated that staff had done an amazing job in getting the information out regarding the Challenge.

3.4 Broward County Supervisor of Elections

Fred Bellis, Executive Assistant and Operations Coordinator, announced the times for 2008 early voting. He advised that all voting, with the exception of ADA accessible voting, would be by paper ballot. Mr. Bellis advised that voters were encouraged to vote by absentee ballot and the deadline was the Wednesday prior to the election. He advised that absentee ballots must be received by 7 p.m. on election day.

3.5 Agricultural Advisory Board

Julie Aitken, Chair, advised that the Board approved had a number of recommendations to be presented to Council. These recommendations included 1) revisions and additions to the definitions in the Code pertaining to agriculture; 2) adoption of a plan to identify livestock that have escaped onto public roadways or property; and 3) proper disposal of livestock carcasses. Ms. Aitken indicated that

staff had developed an ordinance for the proper disposal; however, the ordinance penalized the owner of the property were the deceased animal may have been kept rather than the owner of the animal. She stated that staff was willing to meet with the Board to work out appropriate language to ensure the appropriate party is held responsible for any costs or fines. Ms. Aitken requested that consideration of this ordinance be tabled until language could be worked out to the satisfaction of all parties.

Councilmember Starkey recommended that Council direct Mr. Shimun to have staff meet with the Board as she would like to see these issues moved forward. After this meeting, these issues should be brought to Council.

Mayor Truex asked the cost of removing a carcass. Ms. Aitken responded that recently, the cost was \$250 and must be removed by a licensed removal service. Mayor Truex stated that both the owner of the property and the owner of the animal should be responsible for the fine because the property owner would require a bond. Ms. Aitken advised that this would discourage people from boarding or leasing their property to be held responsible for someone else's irresponsibility.

Councilmember Starkey requested that the documentation show the changes and who made the changes. She advised that this would provide a rationale for the recommendations.

### 3.6 Downtown Davie Project - Community Redevelopment Agency (CRA)

Community Redevelopment Agency Chair Mark Engel discussed the Downtown Davie project and distributed copies of an agreement with Nob Hill Partners. Mr. Engel indicated that the CRA was committed to the project but did not favor allowing the developer an unlimited amount of time. He stated that progress shown within the next six-month timeframe would be key.

Mayor Truex felt the Town owed it to Nob Hill Partners to allow a reasonable period of time.

Councilmember Crowley referred to the original estimated completion dates, and Mr. Engel confirmed that they had extended the building permit dates six months. He agreed to provide Council with monthly reports.

### 3.7 Silver Ridge Grant Recycling Program

Program Manager Susan Dean advised that the presentation concerned a program at Bamford Park. She explained that Silver Ridge had a model recycling program in the elementary school, and these students were initiating the program at Bamford Park. Ms. Dean stated that the plan was to install a drop off center for Broward County in Bamford Park. She remarked that as a host city, Davie would receive all revenues from the recycling program, which she estimated to be \$35,000 to \$40,000 per year.

Mayor Truex stated that he received calls occasionally from residents who did not have recycling service at their homes and felt the Town should make recycling available for all residents. Ms. Dean said she had received 58 calls since April 1, 2008 from apartment dwellers requesting recycling.

Councilmember Starkey did not approve of such a large receptacle located in the Park and wanted to install smaller bins. She also wanted apartment buildings to use recycling bins. Ms. Dean advised that the Town had already tried this more than once before at apartment buildings, and it had failed because "apartments, particularly rentals

all around the County are very, very difficult to deal with” and they didn’t care if they put garbage in the recycling bins. She explained that there had been a serious contamination problem with these containers.

Councilmember Caletka supported this proposal and did not believe it was a nuisance. Councilmember Crowley agreed.

Mr. Shimun agreed to put this item on Council’s next agenda, and to include details of the container’s location and landscape buffering.

### 3.8 SPAM E-Mail

Provisional Information Systems Director Richard Boyhan explained what SPAM was, what the Town was doing to combat it, and what Town employees could do to help prevent it. He explained that the department had recently loosened the restrictions to allow more mail through the Town server.

Councilmember Starkey was concerned that too many residents' emails were being blocked and they were frustrated. She believed there was better software available for SPAM filtering.

Mayor Truex felt that if the Town's CRS system functioning, it would provide a viable alternative to email. Mr. Boyhan stated staff were considering the right product to replace the CRS system and anticipated that one would be chosen within 30 days.

### 3.9 2006 Open Space Bond: Expenditures and Balances

Program Manager Phil Holste advised that there was a current balance of \$15.2 million and described the programs funded using the bond money.

Mr. Holste informed Mayor Truex that the owner of the Lauderdale property was asking twice the appraised value of the property, so staff had decided not to pursue it.

Mr. Holste indicated that a new appraisal must be conducted on the Spykes Grove property. Councilmember Starkey believed the owner would be willing to sell the Town a portion of the property. Mayor Truex suggested staff conduct informal discussions with the owner to get an idea of the selling price before spending funds on an appraisal.

Councilmember Starkey wanted staff to begin preliminary negotiations on the Gill parcel. She reminded Council that the funds to purchase the 8th Street Park should come from District 4 because the purchase had been approved prior to the new boundaries.

Mr. Holste explained that after appraisals were received, the information was forwarded to Council. Once Council provided direction, staff would begin negotiations. Mr. Shimun indicated that the District Councilmember should direct staff. Mayor Truex felt this was not the way it should be done, since the funds belonged to the Town, not distinct districts. Councilmember Starkey suggested that Councilmembers take responsibility for reporting staff's negotiation progress to Council. She wanted to take the Open Space Advisory Committee recommendations into account as well.

Councilmember Caletka asked staff to move forward with suggestions for improvements in Veterans Park. He also wanted to consider expanding the facilities at Betty Booth Roberts Park.

Mayor Truex advised that staff had withdrawn items 4.18, 4.19, 4.20, and 4.21.

## **4. APPROVAL OF CONSENT AGENDA**

### *Minutes*

4.1 May 7, 2008 (Regular Meeting)

4.2 May 21, 2008 (Regular Meeting)

### *Proclamation*

4.3 Florida Water, Wastewater & Systems Operators Week (August 4-8, 2008)

*Resolutions*

- 4.4 **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE "BRIERWOOD ESTATES" 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 2-2-06, Brierwood Estates, 1385 SW 131 Terrace) (tabled from May 21, 2008)

- 4.5 **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A ONE YEAR EXTENSION OF THE CONTRACT BETWEEN THE TOWN OF DAVIE AND LEARN2SWIM, INC FOR AQUATICS PROGRAM SERVICE. (\$18,000 revenue)
- 4.6 **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXTEND THE CONTRACT FOR ONE (1) ADDITIONAL YEAR THAT INCLUDES A REDUCTION OF THE INTEREST RATE TO SIX AND THREE QUARTERS PERCENT (6.75%) OF ALL MONIES COLLECTED, EXCLUDING AMOUNTS COLLECTED FROM FLORIDA MEDICAID, WITH ADVANCED DATA PROCESSING, INC. TO PROVIDE EMS BILLING SERVICES. (\$110,000)
- 4.7 **EVALUATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN COUNCIL TO FIRST EVALUATE THE IMPACT THAT COMMUNITIES FOR A LIFETIME WILL HAVE ON ADVANCING THE INDEPENDENCE AND QUALITY OF LIFE FOR OLDER ADULTS IN OUR COMMUNITY AND LATER REMOVING BARRIERS IN ORDER TO CREATE A COMMUNITY FOR A LIFETIME.
- 4.8 **ADOPTION** - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE LOCAL ROAD MASTER PLAN FOR THE TOWN OF DAVIE; AUTHORIZING THE MAYOR TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING HIS SIGNATURE TO SAID RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.9 **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE FLORIDA AUTHORIZING THE MAYOR TO RATIFY THE EXECUTION OF CHANGE ORDER NUMBER 1 TO THE CONTRACT BETWEEN THE TOWN OF DAVIE COMMUNITY REDEVELOPMENT AGENCY AND GEOTECH ENVIRONMENTAL, INC. FOR SITE REMEDIATION FOR CRA PROPERTY LOCATED AT THE NORTHWEST CORNER OF DAVIE ROAD AND ORANGE DRIVE, AUTHORIZING THE MAYOR TO EXECUTE THE RESOLUTION, AND PROVIDING FOR AN EFFECTIVE DATE. (\$41,459.33)
- 4.10 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACCEPT THE BID RECOMMENDATION FOR AIR CONDITIONING AND REFRIGERATION SERVICE.

4.11 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACCEPT THE BID RECOMMENDATION FOR WEED CONTROL FOR ATHLETIC FIELDS. (\$58,080/year)

- 4.12 **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING AND AUTHORIZING THE APPLICATION FOR A GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) COUNTY INCENTIVE GRANT PROGRAM (CIGP) FOR ROADWAY UPGRADES ON NOVA DRIVE, AND IF AWARDED THE GRANT, AUTHORIZING ITS ACCEPTANCE AND EXECUTION. (not budgeted - \$2,450,000; Town to be reimbursed \$1,225,000 by FDOT and Town's match will come from revenues received from FAU)
- 4.13 **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING AND AUTHORIZING THE APPLICATION FOR A GRANT FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) COUNTY INCENTIVE GRANT PROGRAM (CIGP) FOR ROADWAY UPGRADES ON COLLEGE AVENUE, AND IF AWARDED THE GRANT, AUTHORIZING ITS ACCEPTANCE AND EXECUTION. (not budgeted - \$2,320,000; Town to be reimbursed \$1,160,000 by FDOT and Town's match will come from revenues received from FAU)
- 4.14 **OPPOSITION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, IN OPPOSITION TO THE PROPOSED PRIVATIZATION OF ALLIGATOR ALLEY, AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.15 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN BROWARD COUNTY, THE TOWN OF DAVIE, AND THE DEVELOPER (JAC F. BERMAN) FOR THE CONSTRUCTION OF ROAD IMPROVEMENTS RELATED TO THE RANCHO ALEGRE PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 11-1-06, Rancho Alegre, 2800 SW 148 Avenue)
- 4.16 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE FINDING OF ADEQUACY DATE ON THE PLAT KNOWN AS THE "NEW LIFE BAPTIST CHURCH," AND PROVIDING AN EFFECTIVE DATE. (DG 4-1-08, New Life Baptist Church, 2400 SW 88 Avenue)

*Quasi Judicial Consent Agenda*

- 4.17 MSP 5-1-08, Nova Southern University, 3301 College Avenue (RAC-AV) (tabled from May 21, 2008)

***Items being withdrawn by staff - to be resubmitted at a later date***

- 4.18 SITE APPROVAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, PROCEEDING WITH THE 2003 FIRE RESCUE BOND, APPROVING THE SITE OF A NEW FIRE RESCUE STATION IN WESTERN DAVIE AT SHENANDOAH PARK. (tabled from May 21, 2008)

- 4.19 REPLACEMENT SITE APPROVAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, PROCEEDING WITH THE 2003 FIRE RESCUE BOND, APPROVING THE REPLACEMENT OF FIRE STATION 68 ON A SITE TO BE SELECTED, ATTACHED HERETO AS EXHIBIT A. (tabled from May 21, 2008)
- 4.20 CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CPZ ARCHITECT'S INC. FOR ARCHITECTURAL SERVICES FOR FIRE STATION 86 AT SHENANDOAH PARK AND FIRE STATION 68 AT A SITE TO BE DETERMINED ALONG THE FLAMINGO ROAD CORRIDOR. (\$714,600) (tabled from May 21, 2008)
- 4.21 AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A RESOLUTION AMENDING RESOLUTION R-96-071, CHANGING INTENDED USE OF TRACT 41 FROM PUBLIC OPEN SPACE TO PUBLIC PURPOSE USE; AND PROVIDING AN EFFECTIVE DATE. (tabled from May 21, 2008)

Councilmember Caletka pulled items 4.4, 4.8, 4.9 and 4.17 from the Consent Agenda.

Councilmember Caletka made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda, less Items 4.4, 4.8, 4.9, and 4.17. In a voice vote, with Vice-Mayor Luis being absent, all voted in favor. (Motion carried 4-0)

## **5. DISCUSSION OF CONSENT AGENDA ITEMS**

4.3 Earlier in the meeting, Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Vice-Mayor Luis being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex read the proclamation and Mr. Dumling explained the efforts operators made to properly treat wastewater.

4.4 Councilmember Caletka stated that he was still opposed to this item.

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

4.8 Councilmember Caletka suggested that this item be tabled since Vice-Mayor Luis was absent and could not represent District 4.

Councilmember Caletka made a motion, seconded by Councilmember Crowley, to table to July 2, 2008.

Mayor Truex advised that Vice-Mayor Luis was on the phone wanting to participate. Mr. Rayson confirmed it was acceptable to call a recess with a motion pending.

Mayor Truex recessed the meeting at 8:04 p.m. and the meeting reconvened at 8:10 p.m.

Vice-Mayor Luis stated that he preferred item 4.8 be tabled until he could be present.

In a voice vote, with Vice-Mayor Luis voting via the phone, all voted in favor. (Motion carried 5-0)

4.17 Mr. Rayson swore in witnesses. Planning & Zoning Deputy Manager David Abramson summarized the Planning report.

George Hanbury, Executive Vice President and Chief Operating Officer of Nova Southeastern University (NSU), stated that the Master Plan was as originally approved, except for repositioning the Collaborative Research Building and the pool. He acknowledged that residents were concerned over the expansion of the two-lane road on 36th and pointed out that this expansion had been suggested by the Town's staff and approved by Council on the original conceptual Master Plan. Dr. Hanbury and NSU's traffic engineer both believed a two-lane road would be sufficient to access the approved parking deck.

Dr. Hanbury confirmed for Mayor Truex that NSU did not intend to open the cul-de-sac on 76th Avenue. Councilmember Crowley recommended that any motion include a prohibition against using that cul-de-sac in the future. Dr. Hanbury agreed to work with the Town on whatever their wishes were: a two lane road or a four-lane road.

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

Debra Colabella pointed out that residents were concerned that the open space described on the original Master Plan would be developed into ballfields and a soccer stadium. They were also concerned that lighting for the ballfields would affect neighboring residences and that drainage would be insufficient. She advised that the residents were requesting that the parking lot be closed at night. Dr. Hanbury confirmed that NSU did not intend to use that parking lot at night except when there were events at night. He agreed that proper drainage would be provided and shields would be installed on the lights.

Ms. Colabella requested that no construction take place on Sundays and that work not start before 9 a.m. on Saturdays. She asked that all of the oak trees on the north side of the property be relocated to the south side. Ms. Colabella described changes from the original Master Plan. Dr. Hanbury pointed out that the plan to which Ms. Colabella referred was not the Master Plan NSU had agreed to with the Town. Ms. Colabella referred to one of several iterations drawn up for residents for discussion.

Ross Fisher wanted to make sure the cul-de-sac would remain closed in the future.

Debbie House also hoped the 76th Avenue cul-de-sac would remain closed. She did not believe a four-lane road was needed. She said residents were never informed the road would be four lanes.

Joe Cimino insisted the 76th Avenue cul-de-sac was opened on the road Master Plan. Councilmember Crowley agreed to include this in a motion. Mr. Cimino remarked that there were problems with notifications to residents in the area of NSU. Ms. Nolan explained that NSU was in its own zoning district and that district's regulations did not require notification to neighbors when the annual amendment to their Master Site Plan came to Council. Mr. Rayson agreed that notification could be provided to residents in the future.

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

Council gave their disclosures on this item.

Mayor Truex asked about the time cutoff for night games and asked if a 10 p.m. curfew could be made a requirement of the site plan approval.

John Santulli, Vice President of Facilities at Nova Southeastern University, agreed they would include six-foot fencing in the berm design in the buffer area behind the parking lot.

Dr. Hanbury advised that he had met with Councilmember Starkey to discuss voluntarily contributing \$5,000 toward the landscaping along University Drive from College Avenue to the end of the property.

Kona Gray, EDSA Planners, agreed they would investigate the latest technology to ensure the lighting on the ballfields was energy efficient.

Mr. Abramson recited the Town residents' recommendations: 76th Avenue would not connect to 36th; notice will be sent to residents within the usual radius regarding the annual report; ballfields will shut down by 10 p.m.; the road would be two lanes from the canal to College Road; NSU would contribute \$5,000 to the Master Landscape Plan for University Drive; NSU would utilize energy-efficient lighting; NSU would abide by Town Code regarding construction time restrictions; NSU would install fencing along the parking lot berm; and NSU would relocate the oak trees from the north to the south.

Dr. Hanbury was concerned about ball games going later than 10 p.m. Mr. Rayson suggested that "regulation-length" games should be concluded prior to 10 p.m. Mayor Truex objected to this and wanted the fields to close at 10 p.m. regardless of the situation.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve subject to the conditions discussed.

Councilmember Caletka opposed this item because he objected to union issues at NSU and their holding of the water allocation, resulting in a stifling of other growth. Mayor Truex stated that, "one has nothing to do with the other and I don't feel like they engage in any union busting."

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - absent; Councilmember Caletka - no; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 3-1)

4.9 Councilmember Caletka questioned how a 5,000-gallon tank could have been missed. Mr. Engel explained that this tank was installed in the 1960's before the tanks were registered and therefore, had not been discovered until the site was excavated.

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

## **6. PUBLIC HEARING**

### *Ordinances - Second and Final Reading*

- 6.1 **POLICY/PROCEDURE** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, PROHIBITING GRAFFITI; AND RELATING TO NUISANCES, BY CREATING THE GRAFFITI PREVENTION AND REMOVAL ORDINANCE, PROVIDING DEFINITIONS; DECLARING A NUISANCE; UNLAWFUL ACTIVITIES AND DUTIES OF REMOVAL; DESIGNATING THE TOWN OF DAVIE POLICE DEPARTMENT AND CODE ENFORCEMENT WITH INVESTIGATORY AND ENFORCING AUTHORITY; SETTING FORTH A PROCEDURE FOR IMPLEMENTATION AND A BUDGET FOR FUNDING; PROVIDING FOR CIVIL AND CRIMINAL REMEDIES; PROVIDING FOR CONFLICT, SEVERABILITY, INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from June 4, 2008)  
{**Approved on First Reading April 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 advised that the agenda item was not as Council had requested: a marked up final draft. Mr. Rayson responded that Mr. Moss had worked with the Police Department and the current version included all of the changes Mr. Moss could accept. Mr. Rayson explained the changes and Councilmember Starkey's comments. Mr. Rayson stated that the ordinance was ready for passage after removal of the footnotes.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve, with the changes incorporated, less all the footnotes and commentary. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - absent; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4-0)

- 6.2      **PENSION AMENDMENT - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE FIREFIGHTERS PENSION TRUST FUND TO PERMIT THE FIRE CHIEF TO TRANSFER THE PRESENT VALUE OF THE ACCRUED FIREFIGHTER BENEFIT TO THE TOWN'S RETIREMENT PLAN AND TRUST FUND FOR MANAGEMENT AND GENERAL EMPLOYEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading June 4, 2008. All voted in favor with Vice-Mayor Luis being absent.}**

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.

Adam Levinson, representing the Town's pension plans, invited questions from Council. Don Delaney, the actuary, was present to describe the fiscal impact of this ordinance.

Councilmember Crowley made a motion to approve.

Mr. Delaney explained that this was revenue neutral. Mr. Levinson confirmed that the Fire Chief forfeited any benefit from the fire plan because he would get a benefit from the managerial plan. He clarified that the Fire Chief had been hired below the title of Chief and had not been eligible for the managerial plan. If he had been hired as Fire Chief, he would have been immediately eligible for the managerial plan.

Councilmember Starkey seconded Councilmember Crowley's motion. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - absent; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4-0)

- 6.3      **RETIREMENT PLAN AMENDMENT - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE RETIREMENT PLAN AND TRUST FOR MANAGEMENT AND GENERAL EMPLOYEES; AMENDING THE DEFINITION OF MANAGEMENT EMPLOYEE TO PERMIT THE FIRE CHIEF OR POLICE CHIEF TO TRANSFER SERVICE FROM THE POLICE OR FIRE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading June 4, 2008. All voted in favor with Vice-Mayor Luis being absent.}**

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.

Mr. Levinson explained that there was a de minimus impact to the managerial plan of \$3,889 per year for the Fire Chief to join that plan. An actuarial impact statement from Southern Actuarial had been provided to Council.

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 Luis - absent; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4-0)

- 6.4 **COMMITTEE - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA PROVIDING FOR THE CREATION OF AN AFFORDABLE HOUSING ADVISORY COMMITTEE (AHAC) AS REQUIRED UNDER FLORIDA ADMINISTRATIVE CODE CHAPTER 67-37 FOR ALL MUNICIPALITIES RECEIVING STATE HOUSING INITIATIVE PARTNERSHIP (SHIP) PROGRAM FUNDS FOR AFFORDABLE AND WORKFORCE HOUSING. {Approved on First Reading June 4, 2008 subject to members being appointed by Council by resolution on an annual basis. All voted in favor with Vice-Mayor Luis being absent.}**

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

*Ordinance - First Reading (Second and Final Reading to be held July 2, 2008)*

- 6.5 **PENSION AMENDMENT - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE FIREFIGHTERS PENSION TRUST FUND TO ADOPT THE PENSION PROVISIONS OF THE 2005 - 2008 FIREFIGHTER COLLECTIVE BARGAINING AGREEMENT; AMENDING SECTION TWO OF THE PLAN TO REVISE THE DEFINITION OF EARNABLE COMPENSATION TO INCLUDE TOTAL REMUNERATION EXCLUSIVE OF OVERTIME; AMENDING SECTION FOUR OF THE PLAN TO PROVIDE FOR MEMBER CONTRIBUTIONS OF 8.4% OF EARNABLE COMPENSATION; AMENDING SECTION SIX OF THE PLAN TO CLARIFY THE NORMAL FORM OF RETIREMENT BENEFIT FOR A MARRIED PARTICIPANT AS THE 60 PERCENT JOINT AND SURVIVOR ANNUITY OR UNREDUCED TEN YEAR CERTAIN AND LIFE ANNUITY; AMENDING SECTION SIX OF THE PLAN TO PROVIDE FOR A HIGHER MULTIPLIER FOR A MEMBER'S SIXTEENTH THROUGH TWENTIETH YEARS OF SERVICE; AMENDING SECTION FOURTEEN OF THE PLAN TO PROVIDE FOR A FIVE YEAR DROP; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from June 4, 2008)**

Mr. Rayson read the ordinance by title. Mayor Truex announced that a public hearing on the ordinance would be held on July 2, 2008.

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 remembered that this item had been tabled due to a tie vote at their previous meeting. Councilmembers present agreed they would not be changing their

previous votes, and the item should therefore be tabled until Vice-Mayor Luis was present.

Councilmember Starkey made a motion, seconded by Councilmember Caletka, to table to the next meeting.

Mayor Truex re-opened the public hearing portion of the meeting.

Scott Mogavero, Chair of the Fire Pension Board, informed Council that he would not be available for their next meeting. He stated that the contract had passed and the Pension Board was charged with reviewing the language and providing impact statements. He noted that an issue of concern was the use of 175 money. Mr. Mogavero said staff had brought up the use of 175 money after the Board's attorney and actuary had "done all the math and all the language to pass an ordinance to use 175 money for a different option." Now they were into contract, using 175 money in the contract, and the Pension Board wished to move forward. Mr. Mogavero stated that there had been a "mix of facts" and some retirees had contacted Councilmembers saying that they would receive a much higher benefit, which was not true.

Mayor Truex believed the Town was obligated to go along with this, but he believed that the three Councilmembers who voted for the contract should vote for this as well. He had not voted for the contract, so he had voted against this.

Councilmember Starkey said that the 175 dollars was the firefighters' contribution that they were paying towards their contribution for the pension itself, which meant less money that Town would have to pay for. Mr. Mogavero confirmed that there was no impact by the Town at all. Councilmember Caletka indicated that this was not an accurate statement. Councilmember Starkey said that this was why they had discussed the actuarial impacts. She wanted to table the item to their second meeting in July.

Mr. Shimun respected that Mayor Truex and Councilmember Caletka had voted in opposition to the contract but advised that now that the contract had been passed, Council was obligated to pass this or the Town would be "dealing with unfair labor practices."

Councilmember Crowley asked Mr. Mogavero to brief Vice-Mayor Luis prior to their next meeting.

Councilmember Starkey reiterated her motion to table to their next meeting [July 2, 2008]. In a voice vote, with Vice-Mayor Luis being absent, all voted in favor. (Motion carried 4-0)

#### *Resolution*

6.6 **CAPITAL PROJECTS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE 5-YEAR CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2009-2013. (tabled from June 4, 2008)**

Mr. Rayson read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting.

Linda Greck objected to spending open space bond funds on the Pine Island Aquatics and Fitness Center renovations and improvements. She questioned funding the demolition and replacement of playground equipment utilizing open space bond money.

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

Public Works Director Manny Diez explained that there were no funds coming to the Capital Program from the general fund this year and stated that the only funding source available was the open space bond funds. He said that staff had determined they would approach Council as a whole instead of the district Councilmember. Of the

\$1,091,000 for item 23, staff wanted to obtain all but approximately \$200,000 in funds from the Open Space bond.

Council wanted a breakdown of costs for new items versus costs for renovations at the Aquatic Center. Mr. Andresky stated \$991,000 was needed to complete the water play area and \$100,000 was needed for renovations to the existing building. Councilmember Starkey thought the water play area had been included in the 1998 park bond issue. Mr. Andresky explained that it had been listed as an

improvement under the bond issue and the project had been budgeted at \$400,000. Construction costs had increased significantly since then, and the Health Department had changed the water play area sanitation requirements, resulting in the need to upgrade the filter/pumping system. Mr. Andresky informed Councilmember Starkey there was approximately \$200,000 left from the original bond issue for the play area - \$200,000 had gone toward design and planning for the water play area.

Councilmember Starkey said that the bond was specific that the funds were not to be used for these types of improvements and Council could not use the bond money for capital improvements. She requested a legal opinion regarding this matter. Councilmember Starkey also requested an audit to investigate what happened with the water play area. She remembered approving the water pump room upgrade previously. Mr. Diez said that they were in the process of doing this now. He stated that the \$200,000 was part of the expansion of the chlorination system for the existing pool area that we have now that would help to get us ready for the water play area. He said that they were simply providing Council a mechanism to get these projects done since there were no other funds available. Councilmember Starkey requested that all of the costs be broken out before being presented to Council.

Councilmember Crowley requested the Open Space Advisory Committee's input on projects 23, 26 and 31.

Mr. Diez confirmed that the signage in project 37 would be divided among the appropriate districts. He noted that this project had been suggested by the Open Space Advisory Committee.

Councilmember Crowley objected to the request for a street within the boundaries of the Bergeron Rodeo Grounds. Redevelopment Administrator Will Allen explained that this project was to remove the wall, bury utility lines and build a road along the edge of the Rodeo Grounds so residents could access the rear of their properties instead of using Davie Road. Councilmember Crowley thought this was encroaching upon the Rodeo Grounds parking area and Mr. Allen disagreed, and said, "It doesn't have to be a full-fledged road, but it would act like just a way to get to the parking area, and it would get rid of the wall and it would get rid of the utility lines, and I think there's a lot of positive things to it." Mr. Allen confirmed this would serve the parking lot and the businesses on Davie Road.

Councilmember Starkey said that she could not support any of the requests for new equipment to be housed in Fire Station 68 or the new station until issues with those stations were resolved. She requested a breakdown of costs for the new stations.

Regarding the request for historical plaques along a recreational trail in 8th Street park, Councilmember Starkey pointed out that there were no recreational trails or historical items in this park. She wondered why they were paying for fencing when it was already fenced. Mr. Andresky explained this was a mistake and this description was actually for the Math Iglar parcel. He agreed to correct this before it was brought back to Council.

Mayor Truex asked where items removed from the capital budget were listed or indicated. Mr. Diez explained that those items already approved by Council were not shown. This list only indicated changes or new items.

Mayor Truex asked if Councilmembers opposed allocating open space bond funds for repairs at the Aquatic Center or if they only opposed using the funds for the

expansion. Councilmember Crowley objected to anything that was not brought before the Open Space Advisory Committee first. He asked that Mr. Rayson clarify the legal questions regarding how the funds could be allocated.

Mayor Truex asked about the canal equestrian crossing. Mr. Diez clarified that these were bridges that would cross three outfalls along the road to connect the path.

Councilmember Caletka asked that the Park City East road repaving project be added. He requested that the projects be grouped by date, starting with the most recent.

Mr. Rayson confirmed that there was no impediment to Mayor Truex voting on the Capital Projects even though the drainage project might benefit property he owned.

Mr. Diez agreed to provide Council with a list of clarifications and corrections.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to table to the second meeting in July [July 16, 2008]. In a voice vote, with Vice-Mayor Luis being absent, all voted in favor. (Motion carried 4-0)

## **7. APPOINTMENTS**

### **7.1 Mayor Truex**

7.1.1 Senior Citizen Advisory Committee (two exclusive appointments - terms expire April 2010) (members shall be a minimum 60 years of age)

No appointments were made.

7.1.2 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2010) (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 Starkey**

7.2.1 Agricultural Advisory Board (one exclusive appointment - term expires April 2010) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

No appointment was made.

7.2.2 Youth Education and Safety Advisory Board (two exclusive appointments - terms expire April 2010) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointments were made.

7.3 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.

7.4 Broward Education, Research and Training Authority (non-exclusive appointment)

No appointment was made.

- 7.5 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, PROVIDING FOR THE APPOINTMENT OF 11 MEMBERS TO DAVIE'S AFFORDABLE HOUSING ADVISORY COMMITTEE (AHAC) AS REQUIRED UNDER THE FLORIDA ADMINISTRATIVE CODE CHAPTER 67-37 FOR THE COUNTIES AND CITIES RECEIVING STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) GRANT FUNDS.

Housing & Community Development Director Shirley Taylor-Prakelt informed Council that the backup included recommended candidates for appointment.

Councilmember Starkey made a motion, seconded by Councilmember Caletka, to approve. In a voice vote, with Vice-Mayor Luis being absent, all voted in favor. (Motion carried 4-0)

## **8. OLD BUSINESS**

### 8.1 Charter Review Board Recommendations

Councilmember Caletka made a motion, seconded by Mayor Truex, to table to their next meeting [July 2, 2008]. In a voice vote, with Vice-Mayor Luis being absent, all voted in favor. (Motion carried 4-0)

### 8.2 Batten's Farm - Due Diligence

Mr. Holste explained that the Town's environmental assessments on this and the Devine parcels had revealed elevated arsenic levels per the residential standard, but the State had revised cleanup goals for open space. If the Town used the new open space goal, no remediation would be necessary and they could close on both properties.

Mr. Rayson had spoken with Mr. Arizola, who indicated that the only reason a property was maintained on a list of contaminated sites was to flag it in the event a municipality tried to use it for residential purposes. The Town was receiving County open space grant money to obtain this property for open space use.

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

### 8.3 Devine Parcels - Due Diligence

Mr. Holste stated that the same issues existed on this property as the Batten's Farm property.

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

## **9. NEW BUSINESS**

### 9.1 Rights-of-Way Maintenance Issues

Earlier in the meeting, Councilmember Crowley made a motion, seconded by Councilmember Caletka, to table item 9.1 to the next meeting [July 2, 2008]. In a voice vote, with Vice-Mayor Luis voting via the phone, all voted in favor. (Motion carried 5-0)

Mayor Truex confirmed that no one was present to speak on item. 9.1

## 9.2 Town Administrator Interim Review - Mayor Truex

Mayor Truex mentioned a few issues that had arisen recently, such as the right-of-way maintenance and the adult entertainment business location. He said that it felt as if the Town's organizational chart was being altered through budget changes without going through Council.

Mayor Truex felt that it might be productive to do an interim year review. Councilmember Crowley suggested that Mayor Truex sit down with Mr. Shimun to discuss these issues as he did. Mayor Truex wanted Council to address these issues together, not individually with Mr. Shimun. Councilmember Caletka said that he would rather wait until Mr. Shimun's yearly review.

Councilmember Starkey favored an interim review, because she was disappointed in so many of these issues that continued to come up and be blindsided and she was tired of the disrespect and disregard to our community. She noted the difficulty residents had contacting or receiving a phone call or email from Mr. Shimun when they left a message. Councilmember Starkey mentioned a few issues of concern that had arisen lately such as attempting to locate fire stations on open space and park space without a workshop with Council, the rights-of-way maintenance issue and the email problems. She said that residents and business owners were not happy with how the day-to-day functions of the Town were being conducted. She objected to Mr. Shimun's removal of almost every department manager and director. Councilmember Starkey said that if they voted this evening, she would vote to terminate Mr. Shimun.

Mayor Truex noted that Mr. Shimun had eliminated all funding for one department in the budget and asked if his intention was for Council to approve elimination of that department. Mr. Shimun said that if Council did not approve his decision, the budget would be revised. Councilmember Starkey asked if Mr. Shimun had discussed this issue with any employees. Mr. Shimun responded that there had been continuous dialogue on these issues.

Mr. Shimun advised that communication had to be a two-way street, and he felt there were issues that were involved in each of us understanding one another's roles. He indicated that this was where the biggest issues laid.

## **10. SCHEDULE OF NEXT MEETING**

- 10.1 FY 2008-2009 Budget Workshop - June 19, 2008 at 12:00 p.m.
- 10.2 FY 2008-2009 Budget Workshop (continuation) - June 20, 2008 at 12:00 p.m.
- 10.3 Solid Waste and Fire Final Special Assessments - September 15, 2008 at 12:00 p.m.

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

### **COUNCILMEMBER STARKEY**

**PROCLAMATION.** Councilmember Starkey thanked Council for the Soroptimist proclamation and described the work of the Soroptimists.

**MATH IGLER GROVE UPDATE.** Councilmember Starkey requested an update via email on the Math Iglers Grove and the roundabout.

### **COUNCILMEMBER CALETKA**

**PLANNED PARENTHOOD REQUEST.** Councilmember Caletka advised that Planned Parenthood had asked for funding from the endowment this year.

**OFFSHORE DRILLING.** Councilmember Caletka was opposed to the possibility of offshore drilling and he intended to put a condemnation resolution on the next agenda.

**CALYPSO PROJECT.** Councilmember Caletka referred to the Calypso project to install a natural gas pipeline off the coast. He felt this was a “ridiculously bad idea” and wished to send a message to the governor regarding this.

**COUNCILMEMBER CROWLEY**

**RYAN PARCEL NAMING.** Councilmember Crowley reminded Council that they had promised the Ryan family that they would name the parcel after General Leroy Collins. He requested a resolution be placed on the next agenda regarding this and asked that Special Projects organize a groundbreaking ceremony on the site in August.

Mayor Truex said that there had been confusion regarding whether General/Governor Collins was a segregationist. Mr. Rayson stated that in 1955, Governor Collins was the first southern governor to promote integration. Mayor Truex requested that a biography of General/Governor be included with the resolution.

## **MAYOR TRUEX**

**VICIOUS DOG INCIDENT.** Mayor Truex asked about a police report regarding the vicious dog incident. Police Chief Patrick Lynn advised that he would email the report to Mayor Truex.

**FIRE STATION MEETING.** Mayor Truex remarked on the “lively discussion” at the meeting and asked Mr. Shimun when this item would be presented to Council. Mr. Shimun said that a presentation would be made to Council in approximately one month. Councilmember Starkey requested a workshop, since so many people had an interest in this issue.

**FAA REPORT.** Mayor Truex asked if this report was against the Town. Councilmember Starkey explained that this was a draft report and an answer should be prepared. Public Information Officer Braulio Rosa said that he had not received anything on this issue yet, but was aware that the FAA had performed an environmental assessment. He agreed to check with their attorneys and report back to Council.

**VAN KIRK SITE MEETING.** Mayor Truex announced there would be a meeting regarding the Van Kirk site at Shenandoah Park on June 25th and encouraged the public to attend this meeting.

**PINE ISLAND RIDGE PROJECTS.** Mayor Truex referred to a letter from Pine Island Ridge regarding projects in progress and asked if this was being addressed. Mr. Shimun stated that staff was looking into this matter.

**FDOT I-595 RECOMMENDATIONS.** Mayor Truex asked if the Town should respond to FDOT’s I-595 recommendations. Acting Assistant Town Administrator Joe Montopoli advised that staff had met with FDOT and expressed their concerns regarding safety.

## **12. TOWN ADMINISTRATOR’S COMMENTS**

**POLICE ATHLETIC LEAGUE FACILITY.** Mr. Shimun stated that he had previously emailed Council regarding the Police Athletic League (PAL) and the Memorial Healthcare System and he needed direction regarding the use of the facility.

Tim Kernan, Director of Community Youth Services at Memorial Healthcare System, described the program at Potters Park multipurpose center. Mr. Kernan advised that members of the PAL had informed him that he could not operate the teen program at the facility, even though he had obtained a verbal agreement at a PAL Board meeting. Mayor Truex believed the facility was leased to the PAL and the Town could not control access. Mr. Shimun believed the Town had an agreement with the PAL but the Town had control over the facility. Councilmember Caletka asked who at the PAL had denied Mr. Kernan space at the center, and Mr. Kernan said that it was Lisa Angela Difton. Mr. Kernan indicated that PAL felt there was a space issue at this point after approval was received from the PAL Board.

Councilmember Crowley recommended that Mr. Shimun intervene to try to work something out between the parties. Mr. Shimun agreed to consult with Mr. Rayson.

**13. TOWN ATTORNEY'S COMMENTS**

**SPECIAL EXECUTIVE SESSION.** Mr. Rayson requested advice from Council on the Wal-Mart and Club Eden litigation. He requested a special executive session be scheduled for July 2nd at 6 p.m. for one hour prior to the Town Council meeting. Mr. Rayson advised that outside counsel would be present. Council agreed. Councilmember Starkey requested copies of the police and code enforcement reports that they had acted on regarding Club Eden.

**14. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 11:08 p.m.

Approved \_\_\_\_\_

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\_\_\_\_\_  
Town Clerk

\_\_\_\_\_

Mayor/Councilmember