

**TOWN OF DAVIE
REGULAR MEETING
MAY 19, 2004**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:08 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Paul, and Councilmembers Hubert and Starkey. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting. Councilmember Crowley was absent.

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

3. PRESENTATIONS

3.1. Indian Ridge Middle and Western High School - Earthquake Victims in Iran

Vice-Mayor Paul presented certificates of recognition acknowledging individuals from Western High School and Indian Ridge Middle School, who participated in relief efforts for victims of the earthquake in Bam, Iran.

Councilmember Starkey commended Indian Ridge Middle School for having the largest PTA in Florida.

Mayor Truex announced that staff was requesting that items 6.8 and 6.9 be tabled to June 2, 2004.

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

Regarding item 6.10, Vice-Mayor Paul advised that the permit to fill the pond was denied by the Central Broward Drainage District. She asked if Council still had to hear this item or could it be withdrawn. Mr. Willi indicated that the tabling was provided prior to the Drainage District's decision and a letter of withdrawal would be forthcoming.

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

Mayor Truex announced that item 6.11 was being withdrawn. Mr. Willi advised that the ordinance was being revised and would be returning to Council.

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

Mayor Truex advised that staff requested adding items 4.16, 4.17, and 4.18.

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

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1. March 3, 2004 (Regular Meeting) (tabled from May 5, 2004)

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Resolutions

- 4.2. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2004-103 THE BID FOR VERBATIM TRANSCRIPTION SERVICES. (Warren & Associates;
\$35,000/year)
- 4.3. **FUNDING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-104 AUTHORIZING THE APPLICATION FOR FUNDING FROM THE BROWARD
COUNTY MASS TRANSIT, COMMUNITY BUS SERVICE PROGRAM, ON
BEHALF OF THE SOUTH FLORIDA EDUCATION CENTER, TRANSPORTATION
MANAGEMENT ASSOCIATION (SFEC/TMA).
- 4.4. **MEMBERSHIP FEES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-105 ESTABLISHING A RESIDENT FAMILY SUMMER SEASON POOL MEMBERSHIP
FEE FOR USE OF THE TOWN OF DAVIE SWIMMING POOLS.
- 4.5. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-106 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH
BOY SCOUTS OF AMERICA AND THE TOWN OF DAVIE. (waiver of fee - \$500)
- 4.6. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-107 AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO A
JOINT PARTICIPATION AGREEMENT, CONTRACT NUMBER ANH53 AND A
DISTRICT FOUR (4) HIGHWAY MAINTENANCE MEMORANDUM OF
AGREEMENT DSF-MAINTENANCE WITH THE STATE OF FLORIDA,
DEPARTMENT OF TRANSPORTATION FOR TRAFFIC WAYS BEAUTIFICATION
FOR FLAMINGO ROAD MEDIANS WITHIN THE TOWN OF DAVIE AND
AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACKNOWLEDGE
SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SUCH DOCUMENT.
(\$51,170.25; \$25,000 matching funds)
- 4.7. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, AUTHORIZING
R-2004-108 THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO THE INTERLOCAL
AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE
PROVIDING FOR DISTRIBUTION OF THE PROCEEDS FROM BROWARD
COUNTY ADDITIONAL ONE-CENT LOCAL OPTION GAS TAX ON MOTOR
FUEL ORDINANCE EFFECTIVE JANUARY 1, 1999.
- 4.8. **AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-108 AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NUMBER 1 TO THE
CONTRACT BETWEEN THE TOWN AND FIRST VEHICLE SERVICES FOR
GARAGE MAINTENANCE OPERATIONS, AND PROVIDING FOR A TARGET
BUDGET.
- 4.9. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2004-110 THE BID FOR THE CONSTRUCTION OF A CONCRETE WALL AT THE PUBLIC
WORKS COMPOUND. (Doug Amos Construction, Inc. - \$103,000)

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- 4.10. **AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-111 AUTHORIZING AN AMENDMENT TO THE RESTRICTIVE NOTE OF THE “WOLF
FAMILY PLAT”, AND PROVIDING AN EFFECTIVE DATE. (DG 12-2-03, 5700
University Drive)
- 4.11. **APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-112 APPROVING APPLICATION DA 3-1-04, CONSENTING TO AN APPLICATION
FOR FINDINGS OF ADEQUACY FOR MEEKS FARMS PLAT; AMENDING THE
RESTRICTIVE NOTE ON THE PLAT; AND PROVIDING FOR AN EFFECTIVE
DATE. (5700 University Drive)
- 4.12. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2004-113 APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE TOWN OF DAVIE
AND THE SOUTH FLORIDA REGIONAL PLANNING COUNCIL (SFRPC)
AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE THE AGREEMENT
AND ADVANCE TO THE SFRPC FUNDING AS NEEDED TO CONDUCT A
DESIGN CHARETTE AND A MARKET STUDY AS COMPONENT TASK OF THE
STATE ROAD 7/U.S. 441 STRATEGICAL MASTER PLAN; AND PROVIDING AN
EFFECTIVE DATE.
- 4.13. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2004-114 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR LEGAL
SERVICES BETWEEN THE TOWN OF DAVIE AND CHITWOOD & HARLEY, LLP
TO PROVIDE ADVICE AND REPRESENTATION ON SECURITIES LITIGATION
COUNSEL AND PROVIDING AN EFFECTIVE DATE.
- 4.14. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
R-2004-115 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR LEGAL
SERVICES BETWEEN THE TOWN OF DAVIE AND LEWIS, LONGMAN &
WALKER, P.A. TO PROVIDE ADVICE AND REPRESENTATION ON PENSION
MATTERS AND PROVIDING AN EFFECTIVE DATE.

Site Plan

- 4.15. SP 2-6-04, Davie Shopping Center, 4701 South University Drive (B-2) *Site Plan
Committee recommended approval subject to the planning report*

Added Items

- 4.16. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE
R-2004-116 RESOLUTION OF THE DAVIE COMMUNITY REDEVELOPMENT AGENCY
AUTHORIZING PAYMENTS FROM THE COMMUNITY REDEVELOPMENT
AGENCY AS A LOCAL MATCH FOR THE FLORIDA QUALIFIED TARGET
INDUSTRY TAX REFUND PROGRAM AS AN ECONOMIC INCENTIVE TO THE
ANDRX CORPORATION.

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4.17. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE
R-2004-117 RESOLUTION OF THE DAVIE COMMUNITY REDEVELOPMENT AGENCY
AUTHORIZING THE CREATION OF A DISTRICT CASH JOB CREATION
INCENTIVE PROGRAM FOR THE PURPOSE OF PROVIDING ECONOMIC
DEVELOPMENT INCENTIVES FOR COMPANIES RELOCATING OR EXPANDING
THEIR FACILITIES WITHIN THE BOUNDARIES OF THE DAVIE COMMUNITY
REDEVELOPMENT AGENCY.

4.18. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE
R-2004-118 RESOLUTION OF THE DAVIE COMMUNITY REDEVELOPMENT AGENCY
PROVIDING FOR A DIRECT CASH JOB CREATION INCENTIVE AS AN
ECONOMIC DEVELOPMENT INCENTIVE FOR THE EXPANSION OF THE
ANDRX CORPORATION'S MANUFACTURING FACILITY AT 4955 ORANGE
DRIVE, DAVIE, FLORIDA.

Mayor Truex requested that items 4.10, 4.12, 4.13, 4.14, 4.16, 4.17, and 4.18 be removed from the Consent Agenda. Vice-Mayor Paul requested that item 4.3 be removed.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to approve the Consent Agenda without items 4.3, 4.10, 4.12, 4.13, 4.14, 4.16, 4.17, and 4.18.

Mr. Kutney advised that items 4.11, 6.2 and 6.6 related to item 4.10 and it would be appropriate to discuss them with 4.10. Mayor Truex added item 4.11 to the items that were removed.

In a voice vote, with Councilmember Crowley being absent, all voted in favor. (Motion carried 4-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.3 Vice-Mayor Paul explained the new routes being added.

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

Fire Chief Don DiPetrillo introduced the Town's new deputy fire chief, Steve Eggatz. Deputy Chief Eggatz spoke to Council on his commitment to serving the Town.

4.12 Dave Dolstrom, representing the South Florida Regional Planning Council, gave Council an update on the charette process and the process for payment.

Councilmember Hubert objected to the times when the charette would take place. Mr. Dolstrom indicated that meetings held during the week involved the Steering Committee, but the design charette process would be begin on a Saturday and continue Sunday through Friday from 9 a.m. to midnight.

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

4.13 and 4.14 Mayor Truex asked Mr. Kiar if he had any objections to hiring the attorneys. Mr. Kiar indicated that he had no objections.

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

4.16, 4.17, and 4.18 Will Allen, Redevelopment Administrator, introduced Jim Grady and Rob Goldfarb of Andrx Corporation. Mr. Allen explained that the Community Redevelopment Agency was

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participating in helping Andrx Corporation expand its facility, which would result in 175 more jobs. He spoke of the need for Council to ratify resolutions made by the Agency.

Councilmember Starkey asked if funds would come from the funds that the Agency already accrued. Mr. Allen indicated in the affirmative. Councilmember Starkey felt it was important to note that the program had a proposed expansion that would result in a capital investment yielding a strong return on investment.

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

4.10, 4.11, and 6.2 Mr. Kutney explained the reason for the tabling request for item 6.2.

Bonnie Miskel, representing the applicant, objected to a tabling beyond 60 days, but understood that Mr. Kutney wished to speak to Department of Community Affairs.

Dennis O'Shea, representing Stiles Corporation, indicated that his contract required his firm to expedite the approval process which made agreeing to deferral a breach of contract situation.

Mayor Truex asked if the applicant had any vested rights in the event the land use amendment was turned down. Ms. Miskel indicated in the negative.

Mayor Truex asked if the Council should vote first on the tabling. Mr. Kutney concurred.

6.2 Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to table to the next meeting [June 2, 2004]. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - absent; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 4-0)

4.10 Mayor Truex questioned if the additional restrictions were acceptable. Ms. Miskel responded in the affirmative and indicated that the restrictions could be listed with item 6.6.

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

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

6. PUBLIC HEARING

Ordinances - Second and Final Reading

6.1. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE VIII, SECTION 12-238(J)(9) THEREOF RELATING TO BILLBOARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from May 5, 2004) {Approved on First Reading September 3, 2003 - all voted in favor with Councilmember Paul dissenting}**

Town Clerk Muniz read the ordinance by title.

Planning and Zoning Manager Fernando Leiva provided an update and advised that staff had been directed to look at some of the buffers around the proposed sites. Mayor Truex asked whether they would be commercial or industrial. Mr. Leiva consulted maps including sites along I-75 and along the Turnpike.

Mayor Truex opened the public hearing portion of the meeting.

Sylvia Clements, representing Jolmy Enterprises, indicated that the map included with the agenda backup seemed to indicate that nine sites were portrayed. She asked if the ordinance would read that "a

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portion of the revenues generated from this increase would be used to provide additional funding for the various nonprofits.” Vice-Mayor Paul indicated this would not be stated in the ordinance.

Glenn Flutie, representing Professional Display Ads, indicated that the original proposed resolution had reduced the number to three sites. He asked Council to reconsider the circular parameters used to draw possible locations and asked that Council use a more linear approach. Mr. Flutie felt the proposed ordinance would result in a bidding war which would ultimately hurt the charities. Mayor Truex asked Mr. Flutie how far his location was from residences. Mr. Flutie stated that on this side of the Turnpike, the distance was about 1,500 to 1,700 feet away.

Allison Oliver, representing Gold Coast Outdoors, stated that at a past meeting, her company had withdrawn applications for additional sites to comply with the requirement for only one application per company.

Daniel Hardin indicated that his proposed site at I-75 and 14th Street complied with a 500-foot setback from residential. He asked that the ordinance be passed with the proviso that the 1,500-foot setback be removed. Mr. Hardin also asked the Town to approve the ordinance allowing three new billboards and if three new billboards were not allowed, that none be allowed.

Rick Case, representing the Rick and Rita Case Boys and Girls Club, indicated that his proposed site met the 500-foot setback requirements. He advised that the billboard he proposed would not be used for advertising but rather to promote public awareness to generate more funding to assist charities that benefited Davie.

Ms. Clements clarified that she had referred to nine sites because that was what the Town’s backup documentation indicated.

Mayor Truex closed the public hearing.

Vice-Mayor Paul indicated that she would not support any of the three billboards proposed and voiced her concern that this would escalate in future. She was also hesitant about past criticism she had received in relation to previous billboard she had approved.

Mayor Truex advised that he was not in favor and generally felt billboards were visual clutter. He stated that he would be in favor of up to three new sites in the industrial area, with a 700-foot separation on the same side of the Turnpike, and no closer than 300 feet across the Turnpike.

Councilmember Starkey indicated that she was not pleased with the proliferation of billboards and felt the Town had enough. She added that it was not good policy to move forward on this issue as the residents did not support this and because it might not stand up to litigation. Councilmember Starkey agreed with Vice-Mayor Paul that all applications should be denied and indicated that she had not heard one comment from any resident in favor of billboards. She felt the item should simply be withdrawn.

Councilmember Hubert stated that Jolmy had nothing to do with this ordinance. She felt that the charities that affected would assist Davie residents. Councilmember Starkey responded that she strongly supported the charities but did not support the proliferation of billboards.

Mayor Truex indicated he would not support this unless the billboards were in the industrial area. Councilmember Hubert stated she would be in support if having the billboards in industrial areas was the only option.

Vice-Mayor Paul felt that supporting a use that affected the visual environment for the sole purpose of obtaining money for charities opened up the subject of litigation. She felt this was not good policy and stood by her objection.

Mayor Truex passed the gavel to Vice-Mayor Paul and made a motion, seconded by Councilmember Hubert, to approve subject to the following changes: that in place of the 1,500 foot separation from residential, that it be changed to be 700 feet on the same side of the roadway or a minimum of 300 feet across the roadway; that it be only in industrial areas and not commercial, and that

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the language be changed so that if any of the three sites were not approved within 90 days, that those would not be able to be used.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - no; Councilmember Crowley - absent; Councilmember Hubert - yes; Councilmember Starkey - no. (Motion tied 2-2; the item was automatically tabled to June 2, 2004)

- 6.2. **LAND USE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING APPLICATION LA 03-10, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "COMMERCE/OFFICE" TO "COMMERCIAL"; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (LA 03-10, Lakeside Shops, 5800 South University Drive) *Local Planning Agency recommended approval (Supermajority vote required) {Approved on First Reading February 18, 2004 - all voted in favor}***

This item was tabled earlier in the meeting.

- 6.3. **REVISION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE CAPITAL PROJECTS FUND AND APPROPRIATIONS FOR THE FISCAL YEAR 2004. {Approved on First Reading May 5, 2004 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

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

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

Resolution

- 6.4. **FRANCHISE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, GRANTING AN INTERIM TOWING FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS THERETO, AND SETTING FORTH AN EFFECTIVE DATE.**

Town Clerk Muniz read the resolution by title.

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

Assistant Town Administrator Ken Cohen asked that Council approve this agreement for one year in light of the legal issues experienced by the current vendor.

Roy Bazin, representing Bazin Corporation a/k/a A & B Towing, agreed to the terms outlined by Mr. Cohen.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve based on a one-year interim contract. In a voice vote, with Councilmember Crowley being absent, all voted in favor. (Motion carried 4-0)

Mr. Kiar wanted to ensure that the only opinion Council sought was the issue of notice requirement. Mayor Truex indicated that Council wanted direction on what would be needed in order for the Town to terminate the contract with Bob's Towing.

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Ordinance - First Reading (Second and Final Reading to be held June 2, 2004)

- 6.5. **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VA 3-1-04, VACATING AND PROVIDING FOR DRAINAGE EASEMENTS WITHIN SECTION 21, TOWNSHIP 50 SOUTH, RANGE 41 EAST AND WITHIN THE VILLAS OF ROLLING HILLS AND VILLAS OF ROLLING HILLS NORTH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 3-1-04, 3200-3550 Rolling Hills Circle) *Planning and Zoning Board recommended approval*

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this ordinance to be held at the June 2, 2004 meeting.

Mr. Kiar read the rules of evidence and swore in the witnesses.

Rob Finer, representing the applicant, explained that the ordinance was necessary to correct a scrivener's error regarding the easements that were previously vacated.

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

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

Ordinances - First Reading/Quasi Judicial (Second and Final Reading to be held June 2, 2004)

- 6.6. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CC, COMMERCE CENTER DISTRICT TO UC, URBAN COMMERCIAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-1-03, Stiles Development Co./Wolf, 5700 University Drive) (tabled from May 5, 2004) *Planning and Zoning Board recommended approval*

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this ordinance to be held at the June 2, 2004 meeting.

Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Kutney explained the nature of the request.

Bonnie Miskel, representing the applicant, read a list of restricted uses as part of the applicant's Declaration of Restrictive Covenant which included bars and lounges, liquor stores, movie theaters (residential), gambling, and casinos (excluding lotto).

Vice-Mayor Paul questioned whether an additional restricted use regarding car dealerships was addressed. Ms. Miskel agreed to this voluntary restriction.

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

Harry Stampler, 5800 Peppertree Circle West, spoke in support of the ordinance on behalf of the Exotic Acres Homeowners' Association.

Prad Basnath, 7872 North Silverado Circle, spoke in support of the ordinance on behalf of residents of Silverado.

Mr. Kiar closed the public hearing.

Mayor Truex disclosed that he had met with Mr. Mile, Ms. Miskel, and Stiles Corporation. Councilmember Starkey indicated she had met with residents, members of Stiles Corporation. Vice-Mayor Paul indicated she had met with Matt Becker of Stiles Corporation and Edna Moore.

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Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve, subject to the voluntary deed restrictions. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - absent; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 4-0)

Jim Futch, chair of the Town's Airport Advisory Board, provided an update on the Airport Expansion meeting held on May 20th. He advised that the board supported the hiring of Brenda Chalifour of Save Our Shorelines to assist the Town with its battle against airport expansion. Mr. Futch announced that a public meeting would be held on May 20th in Council Chambers.

- 6.7. **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 3-3-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-4 (COUNTY), LIMITED HEAVY INDUSTRIAL DISTRICT (FORMAN AGREEMENT) TO B-1, NEIGHBORHOOD BUSINESS DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 3-3-04, Broward Schools Credit Union/Motiva Enterprises, LLC, 3000 SW 64 Avenue) *Planning and Zoning Board recommended approval***

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this ordinance to be held at the June 2, 2004 meeting.

Mr. Parke read the rules of evidence and swore in the witnesses. Mr. Leiva summarized the planning report and request.

Councilmember Hubert asked if Forman Enterprises had to do this. Mr. Leiva indicated that under the Town's Code, whenever a new site plan application was filed, the property had to be rezoned to an existing zoning district.

Joe Corbett, representing the petitioner, indicated that the proposed branch would replace the Pine Island branch.

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

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

Items to be tabled

- 6.8. **STAFF REQUESTING A TABLING TO JUNE 2, 2004**
ZB 3-2-04, Voight/B & R Real Estate Services, LLC, 6650 Nova Drive
This item was tabled earlier in the meeting.

- 6.9. **STAFF REQUESTING A TABLING TO JUNE 2, 2004**
V 3-1-04, Voight/B & R Real Estate Services, LLC, 6650 Nova Drive
This item was tabled earlier in the meeting.

- 6.10. **STAFF REQUESTING A TABLING TO JUNE 16, 2004**
SE 2-1-04, Dominguez, 11501 SW 17 Street
This item was tabled earlier in the meeting.

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6.11. WITHDRAWN BY STAFF

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION ZB (TXT) 2-1-04 CONSTRUCTION NOISE TO AMEND CHAPTER 15 OF THE TOWN OF DAVIE CODE OF ORDINANCES BY MODIFYING THE REGULATIONS THAT ADDRESS CONSTRUCTION NOISE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was withdrawn earlier in the meeting.

7. APPOINTMENTS

7.1. Agricultural Advisory Board (one exclusive appointment - Councilmember Starkey; term expires April 2006) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

No appointment was made.

7.2. Airport Advisory Board (one exclusive appointment - Mayor Truex; term expires December 2004)

Mayor Truex appointed George Egues.

7.3. Budget Advisory Committee Board (one exclusive appointment - Councilmember Crowley; term expires April 2006) (members shall have experience in a financial related occupation, or similar skills)

No appointment was made.

7.4. Child Safety Board (two exclusive appointments - Councilmembers Crowley and Mayor Truex; one exclusive appointment - Councilmembers Hubert, and Starkey and Vice-Mayor Paul; terms expire April 2006) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

Vice-Mayor Paul appointed Kim Sereda.

7.5. Community Relations Advisory Boards (one exclusive appointment - Councilmembers Crowley, Hubert and Starkey and Mayor Truex) (terms expire April 2006)

Mayor Truex appointed Mike Holderfield. Councilmember Starkey appointed Charlie Miller.

7.6. Open Space Advisory Committee Agency (two exclusive appointments - Mayor Truex; terms expire April 2006)

Mayor Truex appointed Don Burgess.

7.7. Parks and Recreation Advisory Board Agency (two exclusive appointments - Councilmembers Crowley and Starkey; one exclusive appointment - Vice-Mayor Paul and Mayor Truex; terms expire April 2006) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointments were made.

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- 7.8. Planning and Zoning Board/Local Planning Agency (one exclusive nomination - Mayor Truex - must be a resident and qualified voter; nomination requires Council approval) (term May 26, 2004 to May 24, 2005)

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

- 7.9. School Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2006) (insofar as possible, members are to have experience in educational matters)

No appointment was made.

- 7.10. Senior Citizen Advisory Committee (one exclusive appointment - Councilmembers Crowley and Hubert and Mayor Truex; terms expire April 2006) (members shall be a minimum 60 years of age)

No appointments were made.

- 7.11. Water and Environmental Advisory Board (two exclusive appointments - Mayor Truex; one exclusive appointment - Councilmember Crowley; terms expire April 2006) (insofar as possible, one member shall be a licensed engineer)

No appointments were made.

8. OLD BUSINESS

Councilmember Hubert requested that Council reconsider the contract for the auditing firm, Grau and Company, as she objected to their pricing.

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

Councilmember Hubert voiced her objection to Grau and Company's pricing and advised that other accounting firms she had researched indicated the Town did not need to pay such high prices.

Vice-Mayor Paul requested that information on what other municipalities paid for auditing be provided for future discussion.

Councilmember Hubert made a motion, seconded by Mayor Truex, to table this item to June 2, 2004. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - absent; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 4-0)

9. NEW BUSINESS

- 9.1. Town Administrator's Salary

Mark Alan, Human Resources Management Director, indicated that the information provided included information that Council had requested at the previous meeting, with regard to the Town Administrator's education and management experience.

Councilmember Starkey pointed out that based on the information provided in the table outlining education and experience, Mr. Willi would have had to start his management experience at the age of 18. Mr. Willi advised that he owned a business at the age of 18. Mr. Alan further explained the data outlined in each column.

Councilmember Starkey distributed a copy of her evaluation of Mr. Willi. Mr. Willi objected to Councilmember Starkey's evaluation being added to the discussion as he felt Council was in full

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agreement on the evaluation format and timeframe. He added that the scheduled discussion was to cover a possible salary increase. Councilmember Starkey pointed out that she had indicated at a previous meeting that her evaluation would be deferred. She added that she could not reward Mr. Willi with a pay increase and read a portion of a prepared statement that was critical of his performance.

Mayor Truex asked if there was any additional compensation requested. Mr. Willi indicated that he wished to have the Town's procedure of awarding 5% merit increase plus the cost of living increase applied. Mr. Alan indicated that the cost of living increase was usually applied at the start of the fiscal year in October and was usually about 3%. He stated that all employees received a 5% increase on their anniversary dates.

Councilmember Starkey did not feel it was appropriate to entertain the discussion of a raise for Mr. Willi considering he was the subject of an investigation. Mr. Willi stated that he was not the subject of investigation and felt that comments provided in Councilmember Starkey's evaluation did not adequately reflect his performance for the Town.

Vice-Mayor Paul indicated that based on her expectations and experience, Mr. Willi was entitled to a raise and continuation of his contract. Councilmember Hubert spoke highly of Mr. Willi and his level of responsiveness and effort with regard to helping her with issues, and felt strongly that he deserved a raise. Councilmember Starkey referred to instances in the past where she had not received the staff support she needed on items to be voted on. Mayor Truex indicated he had no problem with Town Administrator Willi's performance.

Councilmember Hubert made a motion, seconded by Vice-Mayor Paul, to approve a 5% raise plus the 3% cost of living increase, for Town Administrator Willi. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Paul - yes; Councilmember Crowley - absent; Councilmember Hubert - yes; Councilmember Starkey - no. (Motion tied 2-2; the item was automatically tabled to June 2, 2004)

**10. MAYOR/COUNCILMEMBER'S COMMENTS
COUNCILMEMBER HUBERT**

PAL Programs. Councilmember Hubert announced that PAL would hold an entertainment night of performing arts featuring PAL children, along with the second installment of PAL Saturday Night Fights on June 18th.

Lisa Strong. Councilmember Hubert indicated that things were moving well on events for Ms. Strong and advised that she had received an electric wheelchair along with several donations.

COUNCILMEMBER STARKEY

Broward Everglades Task Force. Councilmember Starkey advised that the Broward Everglades Task Force would meet on May 21st at Treetops Park.

EAR Coalition. Councilmember Starkey provided an update on issues discussed at recent EAR Coalition meetings. She indicated that more workshops would be scheduled for individual cities to address their specific issues. Vice-Mayor Paul felt the Coalition did not have the same direction as its original direction. Councilmember Starkey felt it was important for staff to provide support in keeping Council updated on these issues. She added that Council should be able to make collective decisions on Coalition issues.

Mr. Leiva indicated that he would provide a weekly update on Fridays, on the different issues being handled by the Coalition in conjunction with Broward County's EAR process.

Math Iglor Grove. Councilmember Starkey requested an update on Math Iglor Grove. Mr. Cohen advised that an engineer had inspected the facilities and discussed the engineer's comments. He indicated that another engineer would also be inspecting the facility.

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Hiatus Road. Councilmember Starkey indicated that the community wanted a meeting with Council and requested that this be publicly noticed.

Rolling Oaks Estates Mitigation. Councilmember Starkey spoke of ongoing negotiations between the developer and the country club and advised that lawyers on both sides were still in talks. She asked that staff visit the site to look at the dying oak trees and to pump excess water off the area.

VICE-MAYOR PAUL

Gas Price Increase. Vice-Mayor Paul requested a discussion at the next meeting on the impact of gas increases on the Town's budget. She asked that information on the increased overall costs relating to take home cars and gas mileage be included in the back up. Vice-Mayor Paul felt Council needed to address the budget shortfall relative to the Police and Fire Department pensions.

Meetings. Vice-Mayor Paul spoke of a meeting she had with Flamingo Elementary School first graders where some children indicated they were interested in the progress of parks. She updated Council on recent School Advisory Board discussions. Vice-Mayor Paul spoke of a recent meeting with Western Innovation Zone and asked that the Town be linked to its website.

School Opening. Vice-Mayor Paul advised that the first day of school would be August 16th.

Sound Walls. Vice-Mayor Paul requested a resolution for the next meeting to go to the MPO, the County Commission, and the Florida Department of Transportation, reiterating the Town's position for sound walls along the I-595 corridor.

JET Program. Vice-Mayor Paul stated that the Town needed to return the JET Program to Orange Park.

Audio Quality. Vice-Mayor Paul advised that many residents indicated they could not hear speakers at some microphones at the Council meetings. She stated that the sound quality on television was very poor and needed attention.

MAYOR TRUEX

Boy Scout Program. Mayor Truex advised that in October, the Boy Scouts would be participating in following a staff member from the Police or Fire Department.

Computer Policy. Mayor Truex advised that he had met with Mr. Muniz and Mr. Kiar to discuss the computer policy.

11. TOWN ADMINISTRATOR'S COMMENTS

No comments were made.

12. TOWN ATTORNEY'S COMMENTS

Sunny Lakes Contract. Mr. Kiar advised that he had sent a purchasing contract to Mr. Laystrom. He indicated that Mr. Laystrom had called that day to say he received word from the seller's investors and anticipated getting their revisions to Mr. Kiar by the following day.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:41 p.m.

Approved _____

Mayor/Councilmember

Town Clerk

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