

**TOWN OF DAVIE  
REGULAR MEETING  
NOVEMBER 3, 2004**

**1. PLEDGE OF ALLEGIANCE**

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

**2. ROLL CALL**

Present were Mayor Truex, Vice-Mayor Paul, Councilmembers Crowley, Hubert and Starkey. Also present were Interim Town Administrator Kovanes, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

**3. OPEN PUBLIC MEETING**

Mayor Truex advised of the rules for the Open Public Meeting.

Barbara Tilley thanked Council for the patching of the roads to be done at Park City West.

Norm Blanco spoke about funding which had not come through for the Police Athletic League (PAL). He requested that Council redirect \$35,000 from the Town's law enforcement trust funds to PAL to help pay its staff and operating expenses.

Councilmember Starkey asked Police Chief John George to address Mr. Blanco's request as she understood that the Town had already been providing in-kind services that might amount to more than the \$35,000. Chief George indicated that Parks & Recreation Director Dennis Andresky had advised him that personnel would be at the facility in December. Mr. Blanco advised that until then, the PAL was staffing and maintaining the facility.

John Ladue, 2961 SW 111 Terrace, voiced his concern about school bus stops that were on Hiatus Road. Councilmember Starkey advised that once the Hiatus Road improvements were completed, the Broward County School Board would determine the best locations for the remaining school bus stops. Mayor Truex asked Interim Town Administrator Kovanes to contact the School Board to address this further.

Mayor Truex announced that staff had requested that items 4.5 and 4.6 be tabled to November 17, 2004. Director of Development Services Mark Kutney advised that staff had additional concerns with regard to the application and needed more time to do research on the site.

Vice-Mayor Paul asked that staff ensure there was no storage on site due to the corrosive materials there.

John Ladue, the applicant, advised that this tabling concerned him. He indicated that there was no storage being done on the property as it was a home-based business.

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

Mayor Truex advised that staff had requested that items 4.9, 4.10, and 4.18 be withdrawn.

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Mayor Truex advised that 4.23 needed to be added to the agenda.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to add. In a voice vote, with Councilmember Hubert dissenting, all voted in favor. (Motion carried 4-1)

Mayor Truex advising that 4.24 needed to be added to the agenda.

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to add. In a voice, all voted in favor. (Motion carried 5-0)

**4. APPROVAL OF CONSENT AGENDA**

*Minutes*

- 4.1. August 24, 2004 (Workshop Meeting) (tabled from October 20, 2004)
- 4.2. September 7, 2004 (Regular Meeting) (tabled from October 20, 2004)
- 4.3. September 14, 2004 (Regular Meeting) (tabled from October 20, 2004)
- 4.4. September 21, 2004 (Special Meeting) (tabled from October 20, 2004)

*Home Occupational Licenses*

- 4.5. Complete Water System, Inc., 2961 SW 111 Terrace
- 4.6. Tri County Salt & Service, 2961 SW 111 Terrace

*Parade Permit*

- 4.7. Forest Ridge Holly Day Parade (December 4, 2004)

*Proclamation*

- 4.8. Native American Heritage Month (November 2004)

*Resolutions*

**4.9. WITHDRAWN BY STAFF**

EASEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING CERTAIN EASEMENTS FROM WARREN JOHN LACROIX, PROPERTY OWNER; AND PROVIDING AN EFFECTIVE DATE. (tabled from October 6, 2004)

**4.10. WITHDRAWN BY STAFF**

RIGHTS-OF-WAY - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING CERTAIN RIGHTS OF WAY FROM GABRIEL BUITRAGO, PROPERTY OWNER; AND PROVIDING AN EFFECTIVE DATE. (tabled from October 6, 2004)

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- 4.11. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2004-245 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, G.L. HOMES OF DAVIE ASSOCIATES III, LTD. AND LONG LAKE RANCHES WEST HOMEOWNERS ASSOCIATION, INC., TO CONSENT TO THE PERPETUAL ENCROACHMENT OF IMPROVEMENTS RELATED TO SODDING AND LANDSCAPING ONTO THE HIATUS ROAD RIGHT-OF-WAY; TO GRANT THE LONG LAKE RANCHES WEST HOMEOWNERS ASSOCIATION, INC., A NON-EXCLUSIVE EASEMENT ONTO THE HIATUS ROAD RIGHT-OF-WAY FOR MAINTAINING THE IMPROVEMENTS; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 6-1-04, Long Lake Ranches Plat III, 3201 Hiatus Road) (tabled from October 20, 2004)
- 4.12. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2004-246 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN LEWIS SPECTOR, SPECTOR WRESTLING AND THE TOWN OF DAVIE
- 4.13. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2004-247 AUTHORIZING THE APPLICATION, APPROVAL AND EXECUTION OF A GRANT FOR FUNDING FOR THE 2005/2006 CULTURAL YOUNG AT ART PROGRAM ADMINISTERED BY THE BROWARD CULTURAL COUNCIL, EDUCATION AND COMMUNITY DEVELOPMENT PROGRAM IN THE AMOUNT OF \$60,000. (\$30,000 grant with a \$30,000 match)
- 4.14. **GENERAL RULES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2004-248 AMENDING THE GENERAL RULES AND PROCEDURES FOR PUBLIC PARTICIPATION AT TOWN COUNCIL MEETINGS.
- 4.15. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING  
R-2004-249 THE BIDS FOR TEMPORARY SERVICES-FIELD STAFF. (lowest responsive and responsible bidders)
- 4.16. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING  
R-2004-250 THE BIDS FOR TEMPORARY SERVICES-OFFICE STAFF. (lowest responsive and responsible bidders)
- 4.17. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING  
R-2004-251 THE BID FOR CONSTRUCTION OF A ROADWAY AND A PARKING LOT FOR SILVER LAKES PARK. (Solution Construction, Inc. - \$35,480)

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- 4.18. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR CONSTRUCTION OF THE OAKES ROAD FIRE/RESCUE STATION.
- 4.19. **GRANT SUPPORT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING THE TOWN OF SOUTHWEST RANCHES, FLORIDA, PURCHASE OF 11.78 ACRES OF VACANT OPEN SPACE FOR PASSIVE RECREATION, GREENWAY TRAILS AND ENVIRONMENTAL RESTORATION, AND PROVIDING FOR AN EFFECTIVE DATE.
- R-2004-252

*Quasi-Judicial Consent Agenda*

- 4.20. **SITE PLAN** - SP 4-3-04, Montessori Institute of Broward, 12425 Orange Drive (B-3) (tabled from October 20, 2004) *Site Plan Committee recommended approval based on the planning report and that the following items be added: 1) on sheet A-1.1, that signage is not a part of this approval and there is a separate signage approval that the applicant has to go through at the staff level; 2) on sheet 3 of 9, eliminate reference to "Retention C"; 3) change "Retention A" on sheet A-1.1 to match sheet 3 of 9; 4) on sheet 4 of 9, add a stop sign at the east side of the drop-off lane; 5) on sheet 4 of 9, add a curved island at the east entrance drive, reshape the south side for traffic flow and add Indian Hawthorne and three Fox Tail Palms in that island along with irrigation; 6) the a/c units on the end of the administration building is to be moved between the two sets of windows and put landscaping around the a/c units; 7) on the architectural plans, correct the plans to match the new elevations which showed the correct number of windows at the media center and at the registration buildings; 8) on sheet 4 of 9, correct the a/c pads/slabs to two slabs "they are entrance slabs not a/c pads"; 9) on sheet A-2.1, add doors to the plan at classrooms 10 through 14; 10) if covered walkways or covered drop-off areas are to be added, those modifications would need to be approved by the Town and should not be added without being reviewed; 11) for landscaping, a) add mid-high plantings at both sides of the drop-off canopy; b) at the a/c areas, change the surrounding plantings from 30 inches to 48 inches; c) at both entries add mid-level accent plants; and d) note the hedge type at the perimeter of the site; and 12) on the photometric plan, adjust the lighting at the handicapped spots two parking area locations and at the west entry to try and even out the lighting levels to be close to two footcandles if possible*

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- 4.21. MSP 2-2-04, Lakeside Village at Davie, 6990 Griffin Road (West Gateway, Zone 1 and A-1) *Site Plan Committee recommended approval subject to the planning report and these several items: 1) on the single-family houses model "A," add stucco banding, stucco treatment, or shutters on the side windows; 2) models "B" and "C," add the same treatment of stucco banding, trim, or shutters on the second floor windows; 3) on the "D" model, same comment on the sides of the first and second floor windows; 4) remove the option of dimensional shingles for the single-family houses; 5) put together a color board for the Town Council meeting; 6) that the lift station be fully fenced and landscaped with 40-inch Podocarpus; 7) that the parking for the eastern most building be flipped to the west abutting the main entrance and that whatever issues result with traffic, that it be handled with either surface markings or signage or stop signs in order to make the condo units more marketable and the retail/office more accessible and that this change would isolate and separate that commercial type traffic away from the single-family community; 8) that at the rear elevation of the condo buildings on Griffin Road where the garages are located, address the entrance doors by either raising a canopy over the doors or adding a couple of columns so that they are easily identified and clarify the address numbers for those units; 9) address the sidewalks around the dumpster areas to meet Code compliance; 10) re-examine the parking to be sure it is easily accessible to get from the parking area into the office/retail units; 11) that in the single-family area where the dead end road abuts the canal, extend one of the sidewalks over to the edge of the easement; 12) that all the models be consistently identified as A, B, C, D and E on all the plans; 13) that on the "C" model, provide access to the front porch from the driveway and change the planting material from Jathropha to Illex; and 14) on all the roadway crosswalks, make pavement markings or texture change [pavers] to easily identify pedestrian crossings*
- 4.22. SP 7-9-04, Fire Administration/Public Works Office and Public Works Storage/Workshop Building, 6903 and 6917 Orange Drive (CF) *Site Plan Committee recommended approval subject to the planning report and that the south parking lot off Orange Drive be changed to a one-way drive around the entire lot with 60-degree angle parking; that a sidewalk be added from Orange Drive to an entrance of choice under a covered canopy; and to check that all restrooms were handicapped accessible*

*Items added*

- R-2004-253 4.23. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH ALPINE FRUIT ICE INC. FOR CONCESSIONAIRE SERVICES AT DAVIE PINE ISLAND PARK.

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4.24. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, OPPOSING ANY  
R-2004-254 ACTION BY THE CITY OF COOPER CITY WITH RESPECT TO ANNEXATIONS  
OF PROPERTIES LOCATED WITHIN OR ADJACENT TO THE UNITED  
RANCHES NEIGHBORHOOD AND URGING THE BROWARD LEGISLATIVE  
DELEGATION TO DENY ANY HEARINGS REQUESTED BY THE CITY OF  
COOPER CITY UNTIL AFFECTED RESIDENTS ARE GRANTED THE  
OPPORTUNITY TO VOTE ON WHICH MUNICIPALITY THEY WISH TO BE  
ANNEXED INTO, AND PROVIDING AN EFFECTIVE DATE.

Vice-Mayor Paul pulled item 4.11 from the Consent Agenda. Councilmember Starkey pulled item 4.7. Councilmember Crowley pulled item 4.20. Councilmember Hubert pulled items 4.13 and 4.15. Mayor Truex pulled items 4.16, 4.21, 4.22, and 4.23.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to approve the Consent Agenda minus items 4.7, 4.11, 4.13, 4.15, 4.16, 4.20, 4.21, 4.22 and 4.23. In a voice vote, all voted in favor. (Motion carried 5-0)

**5. DISCUSSION OF CONSENT AGENDA ITEMS**

4.7 Councilmember Starkey spoke of the Fifth Annual Forest Ridge Holly Day Parade on December 4th and invited all residents to attend.

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

4.11 Vice-Mayor Paul stated that she had met with representatives from GL Homes who showed her the plans and she was under the impression that there would be a horse trail across the berm, but found out there would be a sidewalk instead. She read a portion of an email from Joyce Steward, Open Space Advisory Committee (OSAC) Chair, and a resident of Davie West, who had asked that the OSAC be given the opportunity to review the plans as they had an open space component and features which concerned the Committee. Vice-Mayor Paul asked that projects in the planning stage be looked at by the OSAC in the future.

Councilmember Starkey indicated that while she valued the OSAC, various workshops and public hearings had been held previously on this project. She reviewed the background on various stages of the approval process where she felt the OSAC had opportunities to give input. Councilmember Starkey commended Ms. Steward on her participation on many projects and open space issues and indicated she would take her concerns under advisement.

Councilmember Starkey advised that she had spoken with some equestrians who stated that they crossed on sidewalks at intersections. She pointed out that on the site plan illustrating the improvements on this corridor, there were horse crossings in some places. Vice-Mayor Paul indicated she had only seen a pedestrian crossing. Town Engineer Larry Peters stated that there was to be one at the south end. Councilmember Starkey spoke of the metal grates used at crossings over the C-11 canal and asked if something like this could be used so that the horses' hooves would not slip.

Councilmember Crowley pointed out that Council and staff had approved this project and he felt horses could cross with no problem. He asked about new comments added regarding plants encroaching on the right-of-way. Mr. Peters indicated that staff felt the

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planters encroached on the right-of-way, but that this was a difference of opinion. Councilmember Crowley asked if this created any obstruction with cars pulling out. Mr. Peters stated that the tree wells that were within five feet of the edge of the road. Councilmember Crowley agreed with Vice-Mayor Paul that the OSAC should be able to look over the plans but also felt that it was too late at this stage.

Vice-Mayor Paul wanted a note to be made that in the future, the OSAC be included in the review of projects in the planning stages to determine what was appropriate.

Councilmember Starkey stated that she was still curious about the locations of the tree wells. Mr. Peters indicated accordingly on the diagrams.

Council further discussed the review process for site plan approval and felt Engineering and all departments involved should review items to ensure that all dimensions were determined prior to Council's deliberation. Council felt the plans they saw should be the final set.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve.

Vice-Mayor Paul asked resident Linda Greck if she was comfortable with riding on the asphalt to get across the berm.

Linda Greck, 3121 SW 116 Avenue, opined on the safety of the slope that was being proposed. She stated that she did not envision a problem under normal circumstances.

Councilmember Starkey felt there would not be a need for stamping with the asphalt.

Vice-Mayor Paul asked if there would be enough grassy area in the event of a "dancing situation" by the horse, specifically at the slope area on the Hiatus Road side. Bill Fennell, representing GL Homes, indicated in the affirmative.

Ms. Greck felt that with this particular project there had been ample opportunities for all public input. She felt the developer had gone a long way on this project.

John Ladue, 2961 SW 111 Terrace, spoke of the lack of details available in the Town's site plans and the lack of accessible records for the public to review. He complained about pictures that showed nothing about what would happen on the other side of the project. Mr. Ladue passed around a picture to Council that illustrated problems where residents could not see at 29th Terrace.

Councilmember Starkey advised that the Town had gone out to the site and met with Mr. Ladue and other residents when it had been determined that the fences were encroaching on the Town's right-of-way based on the Town's surveys and investigation of the fence. Mr. Ladue disagreed. Mr. Ladue stated that he received Town approval to put up the fence.

Councilmember Starkey felt the Council allowed projects where problems could not be changed without great expense. Councilmember Starkey asked Mr. Kovanes to let Council know about the surveys and investigations done with regard to the fencing.

Kathy Tibbetts, 2730 Hiatus Road, agreed that nothing more should be turned over to GL Homes until all their promises had been fulfilled. She discussed her paving problem and spoke of rumors about the cut-through being eliminated. Councilmember Starkey advised that the cut-through was not eliminated from the plans.

Susan Coyle, 2450 SW 112 Avenue, voiced her concern about families on the east side crossing over to gain access to the trails. She pointed out that based on the diagrams, there was

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no room for a sidewalk on the east side for people who lived on Hiatus Road to cross safely. Ms. Coyle distributed pictures illustrating the east side homes.

Mr. Fennell stated that Ms. Tibbetts' driveway would be paved the following Monday and advised that there was not sufficient right-of-way on the east side to fit a sidewalk in all locations. He pointed out that if residents were willing to give up a portion of their property for a sidewalk or easement, one might fit.

Councilmember Crowley asked if GL Homes would finish the northbound lane improvements before beginning the southbound. Mr. Fennell stated that all the northbound improvements were underway and would be completed before work began on the southbound side.

A resident indicated that she had attended many planning meetings and spoke of telephone poles that were too close in certain sections of the road. She was concerned about the lack of room for an easement or a breakdown lane. Councilmember Starkey pointed out that staff had informed Council -- and the new rendering of the original road illustrated -- that it was moving to align a little farther, closer to 26th Street, and had in fact moved slightly away from the telephone poles.

Vice-Mayor Paul spoke of earlier discussions about horse crossings, where the suggestion had come up to install an eye-level pole with a flashing light that could be activated by people crossing. She inquired if this would be appropriate at the pedestrian crossing. Mr. Peters advised that there were five pedestrian crossings. Vice-Mayor Paul requested that road markings, signage and flashers be placed at a couple of the pedestrian crossings. She asked if this was something GL Homes would be able to install and she felt this would alleviate some residents' fears about crossing. Mr. Fennell stated he would make a commitment to do this if it was possible but was hesitant because the irrigation and electric that were placed out there were done per the original plan.

Councilmember Starkey asked that the residents' comments about the east sidewalk be addressed. Mr. Peters stated that in some locations, the sidewalk was moved as much as 14 feet to the west, while in other locations it was moved 18 inches to the west so it varied from 26th Street to 31st Street. He advised that the actual edge of pavement was moved 16 inches to the west, but there was two-foot wide concrete curb and gutter applied to this on the east at the most critical point.

Councilmember Starkey advised that she had been told that staff wanted an east side sidewalk so she had been telling residents that at some point the Town may install the east side sidewalk. Mr. Peters advised that 90% of the area had room for a sidewalk, but in the most northern portion, there was only 4 feet of room. He advised that the plan did show a sidewalk from 26<sup>th</sup> Street to 31<sup>st</sup> Street but stated that if a one-foot easement could be granted from residents, then the sidewalk could be installed.

Councilmember Starkey felt going forward, rumors did not have to take up so much time at a Council meeting and felt Council and staff should stay on course with communicating with the residents of Hiatus Road as the project unfolded. Councilmember Starkey wanted to know if Council felt this should be approved that night, or should wait until the problems were resolved. Mayor Truex stated that the Town had approved the plans and felt when the improvements were completed, the corridor would be somewhat safer than before.

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Councilmember Crowley amended his motion to approve, seconded by Mayor Truex, minus the two newest recommendations from Engineering, subject to adding the flashing eye level poles where appropriate and subject to adding extra space for horses to move off at crossings. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Paul wondered why someone from the Town would have said during the planning stages that flashers were not necessary. She wanted this to be included in future discussions on pedestrian and horse crossings on local roads that the Town had control over.

4.13 Councilmember Hubert asked how the splitting of the grant for the ballet was done and whether it was split equally among the target areas. She explained that last year, the children of Palma Nova did not have a chance to participate in the auditions. Parks & Recreation Director Dennis Andresky indicated that based on the number of children who were registered, a proportional amount for each area was allocated. He indicated that he would need to look further into this to address Councilmember Hubert's question.

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

4.15 Councilmember Hubert asked about the storekeeper position and where the Town had a store. Mr. Kovanes spoke of the competitive bid and advised that this title was grouped along with titles that other municipalities might have. He advised that this did not mean the Town would actually use this category.

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

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

4.20 Councilmember Crowley stated that he had received an opinion from Mr. Kiar on his concerns from the previous meeting.

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

Vice-Mayor Paul reiterated her previous concerns regarding traffic and stacking behind parked cars. She indicated that the developer had stated that by eliminating two spaces, the site would still meet Code and comply with the number of spaces allowed. Vice-Mayor Paul asked if these had been addressed. Dennis Mele, representing the petitioner, showed Vice-Mayor Paul a site plan and agreed to eliminate two parking spots in exchange for green area.

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

4.21 Attorney Andre Park read the rules of evidence and swore in the witnesses.

Mayor Truex asked if comments about the site plan were made by the Site Plan Committee prior to Council's action at the previous Council meeting. He asked if anything had been changed from what Council was shown at the previous meeting. An unidentified man

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responded in the affirmative and advised that the only exception was that the elevations had not been modified to reflect the architectural enhancement treatments at the windows.

Deputy Planning and Zoning Manager Marcie Nolan spoke of the Committee's recommendation (#7) to switch the location of the front commercial building as Engineering felt the four-way intersection was a safer configuration than having two intersections offset by 45 feet. She asked that Council approve the site plan without this recommendation

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

Councilmember Starkey disclosed that she had spoken with the applicant. She felt that if the street went straight, it would go right in front of the building and asked if sometime in the future that side could be opened up into an entry.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve subject to Site Plan Committee recommendations, except for item 7. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

4.22 Mayor Truex wanted it to be stated for the record what measures were taken to talk to the residents on this issue. Councilmember Crowley advised that he, Public Works/Capital Projects Director Bruce Bernard and staff had sent notices out and met with residents. Mr. Bernard spoke of these efforts and advised that he had contacted Mr. Martinez who did not show up the day before as had been arranged; however, Mr. Martinez's concerns would be addressed before moving forward. Mr. Bernard pointed out that everyone was in agreement with this.

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

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

4.23 Councilmember Hubert wanted PAL to be given the opportunity to operate concessions and reminded Council that it had decided to hold a workshop on this issue. Mr. Cohen indicated that this was a short-term contract so that a concessionaire could be in place until a determination was made if PAL could provide the service. He advised that this presented an opportunity over the next three months for PAL to prepare their plans to bring before Council.

Mr. Parke requested that a clause be added in the indemnification section that provided greater protection to the Town. He indicated that the clause should indicate that in no event will the Town's liability indemnifying the contractor exceed the amount set for in Section 768 concerning Sovereign Immunity.

Councilmember Hubert made a motion, seconded by Vice-Mayor Paul, to approve subject to indemnification language recommended by Mr. Parke. In a voice vote, all voted in favor. (Motion carried 5-0)

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**6. PUBLIC HEARING**

*Ordinances - Second and Final Reading*

- 2004-34 6.1. **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-2-03/FX 12-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: A-1, AGRICULTURAL DISTRICT AND GRIFFIN CORRIDOR DISTRICT (WEST GATEWAY USE ZONE 1); TO: GRIFFIN CORRIDOR DISTRICT (WEST GATEWAY USE ZONE 1) AND ALLOCATING COMMERCIAL FLEXIBILITY; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-2-03/FX 12-1-03, Lakeside Village at Davie, 6990 Griffin Road) *Planning and Zoning Board recommended approval subject to site plan approval* **{Approved on First Reading October 20, 2004 - all voted in favor}****

Earlier in the meeting, 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.

Councilmember Crowley 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 - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 2004-35 6.2. **DECLARATION OF RESTRICTIONS TERMINATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-1-04, TERMINATING THE DECLARATION OF RESTRICTIONS ENTERED INTO BY MARGARET VIELE ON APRIL 12, 1989, ON CERTAIN LANDS WITHIN THE TOWN OF DAVIE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (6990 Griffin Road) **{Approved on First Reading October 20, 2004 - all voted in favor}****

Earlier in the meeting, 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.

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 - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

**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.

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7.2. Child Safety Board (Councilmember Crowley and Starkey and Mayor Truex; 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)

No appointments were made.

7.3. Open Space Advisory Committee Agency (one exclusive appointment - Mayor Truex; term expires April 2006)

No appointment was made.

7.4. 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.

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

Councilmember Crowley appointed Lorraine Heylmann.

7.6. Water and Environmental Advisory Board (one exclusive appointment - Vice-Mayor Judy Paul; term expires April 2006) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

**8. OLD BUSINESS**

Regarding the request made by Mr. Blanco at the beginning of the meeting, Mayor Truex asked why the programs had not been taken over by the Town's staff yet. Mr. Cohen indicated that the Town was in the process of hiring staff for the facility. Mayor Truex stated that he was under the impression that the facility was not adequately being staffed at all times which was why the Town had to go in and rescue the situation. Mr. Cohen indicated that PAL had provided additional staffing but could not continue to provide the programs along with providing what the Town required. Mr. Blanco stated there were two full-time employees - the executive director and the assistant executive director - along with several volunteers. He spoke of the efforts taken by PAL and the staffing shortage they were facing. Mr. Blanco stated that PAL was asking for the money to pay the staff who were working for the next three months.

Councilmember Hubert pointed out that it took months for the Town to hire staff and felt the Town should help PAL. She added that the building was open seven days a week and was utilized by the Town.

Mayor Truex asked if this issue could be deferred until the upcoming workshop. He suggested that the Town reimburse PAL for whatever their actual salary expenses were up to

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whatever the Town had budgeted for that period, from the current date until the date of the scheduled workshop.

**9. NEW BUSINESS**

**9.1. Community Chest - Mayor Truex**

Councilmember Starkey thanked Mayor Truex for placing this item on this agenda and felt the best thing to do would be to establish an interim board and draft appropriate by-laws. She stated that she wanted a letter drafted and sent to local businesses and philanthropists who did business with the Town, who may want to be involved in this effort. Councilmember Starkey advised that this effort had been successful in Coral Springs.

Vice-Mayor Paul was encouraged by this effort because the Town had so much success with the Land Trust and felt this would work almost in the same way. She felt starting this now was a good idea so it would be up and running for the next budget season.

Councilmember Hubert asked if the Town could have someone from staff on the board to protect the Town. Vice-Mayor Paul felt the Town could offer some assistance from staff and with some funding to get the program started.

Mayor Truex asked whether this item should be brought forth on a future agenda or discussed at a workshop. Council felt that it would be sufficient to give direction that a resolution be created and brought forth at the next meeting. Mayor Truex stated that some resolution was necessary to outline the basic elements of the plan.

Mayor Truex was not in favor of creating a Community Chest. He felt it was appropriate that State and local governments gave grants but felt this effort added another layer of bureaucracy, which would result in people giving to certain charities in lieu of others. Mayor Truex thought this subtracted from the efforts of charities.

Vice-Mayor Paul objected to Mayor Truex referring to concepts as "bad ideas" as she felt there were no bad ideas but ideas should all be brought forward for discussion. Mayor Truex stated the way the Town currently did things was perfect. He felt the Town could tweak its process further and preferred that objective criteria versus subjective criteria be developed.

Councilmember Hubert asked how the charities would be picked. Vice-Mayor Paul indicated the board would establish the criteria just as the Town did.

Mayor Truex asked if a letter could be sent to the charities in order to notify them. Councilmember Starkey asked "why stir the pot" by sending a letter indicating that the funding situation would be changed. Mayor Truex stated that he would send a letter to the charities and requested a list. Councilmember Starkey did not feel this was a good idea and did not feel the Town was taking money away from them. Councilmember Hubert felt the charities should have input. Vice-Mayor Paul pointed out that the whole purpose of the Community Chest was to support local charities.

Mr. Kovanes indicated that he would draft a resolution on this issue by the next meeting.

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

**COUNCILMEMBER HUBERT**

**THANKSGIVING FOOD PROGRAM.** Councilmember Hubert indicated that she would be doing the Program on November 20th with the help of the Police Department. She requested help from volunteers and for additional pick-up trucks.

**COUNCILMEMBER STARKEY**

**ELECTIONS.** Councilmember Starkey congratulated those who were elected and she was happy the election process was over. She felt that the move toward bridging the partisan divide in America was an example that Davie should try to follow.

**VICE-MAYOR PAUL**

**ROUND-ABOUT.** Vice-Mayor Paul wanted it on record that she had spoken with members of the equestrian community who did not feel that a round-about was appropriate at the location at Hiatus Road and Orange Drive. Vice-Mayor Paul felt a three-way stop would be better at this location, especially in relation to horses and the ability to get over that area.

**ELECTIONS.** Vice-Mayor Paul requested that the Town contact the Supervisor of Elections regarding the relocation of the Sunshine Village precinct. She advised that thanks to staff, signage had been placed indicating that the precinct 8T had been moved.

Vice-Mayor Paul spoke of the provisional ballots that were required for voters without photo ID and asked that it be verified whether these would be counted.

**DIVERSITY FAIR.** Vice-Mayor Paul asked Councilmember Starkey for her help with the Diversity Fair to increase the turnout and participation.

**IVANHOE.** Vice-Mayor Paul indicated that she had a package from a resident of Ivanhoe who had asked about policies and Codes about speed humps. She advised that residents had cut a check for \$250 from the homeowner's association and asked that the Town move forward with their request.

**MEMO.** Vice-Mayor Paul spoke of a memo she received about a house that needed some attention and asked if Mr. Kutney could pass it on to Code Compliance.

**SOUND SYSTEM.** Vice-Mayor Paul reiterated that monitors, louder speakers and louder audio should be installed in Council Chambers.

**MAYOR TRUEX.**

**ROUND-ABOUT.** Mayor Truex spoke of the Hiatus Road round-about and asked if a decision had been made on this issue. Councilmember Starkey advised that she had spoken with Mr. McBroom who was not interested in a round-about as this would be right on his corner and at his bedroom window. She stated that options discussed included a right turn lane heading west, a left turn lane heading east, and a right turn lane coming from the east turning northbound onto Hiatus Road. Councilmember Starkey indicated that the Town was trying to schedule a workshop, but wanted Mr. Kiar to have an opportunity to prepare a contract for the conservation easement with Mr. McBroom.

Mayor Truex stated that not everyone would agree, no matter what the Town did. He wanted to ensure that everyone knew there would be workshops and public hearings held

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before any decision was made. Councilmember Starkey felt that a number of options had been thrown out into the community before she even found out about them and asked that before any more consideration of roundabouts, the public be involved in further discussions in order to reach a consensus.

**PET PARK.** Mayor Truex announced that a Parks and Recreation Advisory Board meeting would be held on November and asked residents who were interested in discussing a pet park to attend.

**11. TOWN ADMINISTRATOR'S COMMENTS**

**THANKS.** Mr. Kovanes thanked Council for their support.

**12. TOWN ATTORNEY'S COMMENTS**

**RECONSIDERATION RULES.** Councilmember Crowley spoke of a request by the Site Plan Committee on whether or not they could reconsider items. Mr. Kiar advised that according to the Charter, all boards were governed by Roberts Rules and did have the power to reconsider their position.

**13. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 9:16 p.m.

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

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

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