

**TOWN OF DAVIE  
REGULAR MEETING  
JANUARY 19, 2005  
7:00 P.M.**

**1. PLEDGE OF ALLEGIANCE**

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

**2. ROLL CALL**

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

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

Mayor Truex advised that Councilmember Hubert was accepting an award from the Miami Dolphins that evening.

Mayor Truex advised that staff requested that item 3.6 be tabled or withdrawn.

Councilmember Starkey asked whether this item should be tabled for 60 days or withdrawn. Mr. Kovanes advised that staff wished to table this item as the 60 days would give staff enough time to rectify this issue.

Councilmember Starkey made a motion, seconded by Mayor Truex, to table to March 16, 2005. In a voice vote, with Councilmember Hubert absent, all voted in favor. (Motion carried 4-0)

Mayor Truex advised that item 8.6 needed to be added.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to add. In a voice vote, with Councilmember Hubert absent, all voted in favor. (Motion carried 4-0)

**3. APPROVAL OF CONSENT AGENDA**

*Minutes*

- 3.1. December 1, 2004 (Regular Meeting)
- 3.2. December 15, 2004 (Regular Meeting)

*Home Occupational License*

- 3.3. All Star Dings & Dents Paint & Body Repair, 14601 SW 17 Court (tabled from January 5, 2005)

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*Resolutions*

- 3.4. **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 04-158 FROM \$56,500.00 TO \$11,444.19; AND PROVIDING AN EFFECTIVE DATE. (tabled from December 1, 2004)
- R-2005-14 3.5. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE FRATERNAL ORDER OF POLICE (FOP), PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from December 15, 2004)
- 3.6. **STAFF REQUESTING A TABLING OR WITHDRAWAL CONTRACT CANCELLATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CANCELING THE UNIFORM DRY CLEANING CONTRACT WITH PINNACLE ONE PRICE DRY CLEANING OF DAVIE, LLC. AND AUTHORIZING STAFF TO RE-BID THE CONTRACT. (tabled from December 15, 2004)
- R-2005-15 3.7. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE POINTE WEST CENTER NORTH PLAT; AND PROVIDING AN EFFECTIVE DATE. (DG 9-2-04, Pointe West Center North Plat/Rick Case Hyundai, 3550 Weston Road) (tabled from December 15, 2004)
- R-2005-15 3.8. **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 04-332 FROM \$1,350.00 TO \$769.94; AND PROVIDING AN EFFECTIVE DATE.
- R-2005-17 3.9. **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 02-660 FROM \$5,400.00 TO \$952.19; AND PROVIDING AN EFFECTIVE DATE.
- R-2005-18 3.10. **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 03-698 FROM \$4099.72 TO \$893.67; AND PROVIDING AN EFFECTIVE DATE.

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- 3.11. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2005-19 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT  
BETWEEN FIVE STAR RODEO INC AND THE TOWN OF DAVIE. (\$500/event)
- 3.12. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2005-20 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT  
BETWEEN THE HOLLYWOOD DOG CLUB, INC. FOR THE RENTAL OF THE  
BERGERON RODEO GROUNDS FOR WEEKLY DOG CLASSES. (\$3,600/yearly)
- 3.13. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2005-21 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT  
BETWEEN THE GOLD COAST DOG CLUB, INC. FOR THE RENTAL OF THE  
BERGERON RODEO GROUNDS FOR WEEKLY DOG CLASSES. (\$3,600/yearly)
- 3.14. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING  
R-2005-22 FORMAL BIDDING AND ACCEPTING THE BID FROM TEAM EQUIPMENT  
AS A SOLE SOURCE SUPPLIER FOR RESCUE STRUT COLLAPSE SUPPORT  
SYSTEMS. (\$41,161.25)
- 3.15. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING  
R-2005-23 THE BID AWARDED BY THE TOWN OF DAVIE, RE-BID NO. B-02-92 TO  
"VILA & SON LANDSCAPING CORPORATION" FOR SUPPLY AND  
INSTALLATION OF AN IRRIGATION SYSTEM FOR LINEAR PARK.  
(\$226,100)
- 3.16. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING  
R-2005-24 THE BID FOR FLAMINGO ROAD PHASE III LANDSCAPE PROJECT.  
(Weekley Asphalt Paving Company, Inc. - \$49,511.50)
- 3.17. **SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2005-25 SELECTING THE FIRM OF WIDELL, INC. TO SUPPLY AND INSTALL A  
PRETREATMENT SYSTEM FOR LIME SOFTENING AND AUTHORIZING THE  
TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN  
AGREEMENT FOR SUCH CONSTRUCTION SERVICES.
- 3.18. **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2005-26 AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER #4 WITH  
BUDGET CONSTRUCTION CO., INC. FOR VARIOUS ITEMS IDENTIFIED ON  
THE CHANGE ORDER FOR THE "CONSTRUCT SW 136TH STREET/SW 14TH  
AVE. STREET IMPROVEMENTS" PROGRAM (\$13,710.40 increase)

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3.19. **LEGISLATURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2005-27 URGING THE LEGISLATURE OF THE STATE OF FLORIDA TO IMMEDIATELY PASS LEGISLATION WHICH WOULD SIGNIFICANTLY INCREASE ALL PENALTIES FOR CRIMINAL ACTS PERPETRATED DURING EMERGENCIES SUCH AS HURRICANES; AND PROVIDING FOR AN EFFECTIVE DATE.

3.20. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2005-28 FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE SEVENTH DAY PLAT; AND PROVIDING AN EFFECTIVE DATE. (DG 7-2-04, Seventh Day Plat, generally located on the northwest corner of NW 74 Avenue and Davie Road Extension)

3.21. **SUPPORT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA  
R-2005-29 SUPPORTING THE NORTH BROWARD HOSPITAL DISTRICT/NOVA SOUTHEASTERN UNIVERSITY HOSPITAL TO BE LOCATED ON NOVA SOUTHEASTERN UNIVERSITY'S CAMPUS IN THE TOWN OF DAVIE; AND PROVIDING FOR AN EFFECTIVE DATE.

3.22. **REVISED FEE SCHEDULE** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2005-30 FLORIDA, REVISING THE FEE SCHEDULE FOR ATHLETIC PROGRAMS AND RECREATION SUMMER CAMP PROGRAMS FOR THE PARKS AND RECREATION DEPARTMENT.

*Temporary Use Permit*

3.23. TU 11-7-04, St. Bernadette Church, 7450 Stirling Road (carnival - February 17-20, 2005)

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*Quasi-Judicial Consent Agenda*

3.24. SP 7-7-04, Floridian Community Bank Building and Corporate Office Condominiums, 5599 South University Drive (B-2) Site Plan Committee recommended approval subject to the planning report and the following: 1) add two crosswalks – one on the north side from the dumpster to the sidewalk at the building; the second on the south side, in concrete, across the drive connecting to the existing sidewalk at the adjacent property; 2) that the walls around the ground level air conditioning units be five-foot high with vent blocks at the base; 3) that on the roof, the screen elements for the air conditioning units be raised high enough to screen those units; 4) the signage was not addressed, it will be determined at another time; 5) the glass color will remain green as per the plans, not per the elevation; 6) use one of the building colors as a top band across the top of the building with a stucco band break between that coloration and the windows below; 7) substitute the Ligustrum trees at the base of the building with 12-foot Gumbo Limbo trees [at the landscape architect's discretion]; 8) replace the triple Alexander Palms with four single 14- to 16-foot matching Alexander Palms at the entry facing east; 9) at the north entrance, have four Alexander Palms which may be staggered or matching, but at a minimum, to be 14-feet high; 10) at the dumpster, substitute the 32-inch Coco Plum hedge with a five-foot Podocarpus hedge; and 11) eliminate the sidewalk exiting on the south side of the building next to the air conditioning units and substitute with landscaping

Councilmember Crowley pulled items 3.4 and 3.20 from the Consent Agenda. Councilmember Starkey pulled items 3.22 and 3.1. Vice-Mayor Paul pulled items 3.3 and 3.7. Mayor Truex pulled items 3.5, 3.21, and 3.24. Mr. Kiar pulled item 3.11.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to approve the Consent Agenda minus items 3.1, 3.3, 3.4, 3.5, 3.7, 3.11, 3.20, 3.21, 3.22 and with the understanding that approval of item 3.24 included all the items recommended by staff and the Site Plan Committee. In a voice vote, with Councilmember Hubert absent, all voted in favor. (Motion carried 4-0)

**4. DISCUSSION OF CONSENT AGENDA ITEMS**

3.1 Councilmember Starkey and Mr. Kiar outlined corrections they wanted made to the minutes.

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

3.3 Vice-Mayor Paul wanted assurance that the change to the new application had been made. Planning and Zoning Manager Fernando Leiva advised that the new application had been completed.

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

3.4 Councilmember Crowley voiced his objections to the reduced mitigation amount. He felt that a business operating without a license had a negative impact on the community, and he was not in favor of reducing the penalty. Mayor Truex asked Councilmember Crowley what figure would be acceptable to him. Councilmember Crowley responded that he would prefer the amount of \$56,500. He advised that there were a couple of new violations pending on the site which were not currently on the agenda for discussion.

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

3.5 Vice-Mayor Paul made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, with Mayor Truex dissenting and with Councilmember Hubert absent, all voted in favor. (Motion carried 3-1)

3.7 Vice-Mayor Paul indicated that she discussed the issue with Mr. Laystrom and she had attended meetings with Mr. and Mrs. Case and residents at Riverstone regarding architectural enhancements and the spillover of the lights. Vice-Mayor Paul requested that changes to the plat note include: 1) implementing as quickly as possible a left-turn signal from Weston Road to South Post Bridge and 2) making improvements to at least 4 positions along the road where better signage was needed.

Town Engineer Larry Peters advised that the URS report recommended several devices that could be used for traffic calming on Orange Drive but did not quantify the respective costs. He suggested hiring an engineer who would submit the design to the Town for approval. Vice-Mayor Paul spoke of the need for a safer transition from Orange Drive to Shotgun Road.

Mayor Truex felt that the Mr. Peters and Police and Fire should review such issues before they were implemented. He felt that some tweaking could be done and if it was not what was recommended, he felt that Mr. Case would install a reasonable equivalent.

Vice-Mayor Paul requested that a bridge be added to function as a separator for the horse trail.

Mr. Laystrom indicated that he would make an application to the County for the traffic signal. Mayor Truex asked that the applicant would work with the Town on the lighting issue.

Mayor Truex asked if anyone wished to speak on this item.

Neil Sherfer asked how the residents would be notified of the property development phases. Mayor Truex asked Mr. Laystrom if he would comply with the new ordinance. Mr. Laystrom committed to meeting twice with the residents on his list.

Craig Riesen asked about the process. Mayor Truex explained that Mr. Case would meet with the residents, then a meeting of the Site Plan Committee would be held, and finally,

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this item would come back before Council. Vice-Mayor Paul explained that the goal of the process was for residents to have input so that by the time it got to Site Plan and Council it was acceptable.

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

3.11 Mr. Kiar pointed out an inconsistency in the dates on the agenda report, the resolution and the agreement. Special Projects Director Bonnie Stafiej advised that this was an error and clarified that the contract dates were all for 2005.

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

3.20 Councilmember Crowley asked that this item be heard with item 5.5. No objections were noted.

3.22 Councilmember Starkey asked about various cost increases for the Town's travel teams. She felt the increased fees were out of proportion. Parks and Recreation Director Dennis Andresky explained that travel programs had twice as much overhead costs, which justified the per participant costs.

Mayor Truex asked if the Parks and Recreation Advisory Board had recommended the increase in fees. Mr. Andresky responded yes.

Councilmember Starkey voiced her concern that some of the increases were too steep for the residents. She questioned why the girls' fall softball cost \$650 per team. Mr. Andresky advised that when the itemized costs for 10 Sundays of play - set up and preparation, and players - the \$650 figure was the result. Councilmember Starkey pointed out that there were about 590 non-residents in the program but only 200 residents participating. She asked whether some residents' costs could be subtracted. Councilmember Starkey indicated that she had received a lot of comments from residents stating that the Town had great fields but the residents were chased away with the high fees, resulting in non-residents taking over the fields. She stated that if the programs for the resident's children were not affordable, the Town's goal to provide quality recreational programs was defeated.

Mayor Truex recommended that the fees be increased and suggested splitting the difference so that the \$65 would increase to \$75 for residents, instead of \$90. He agreed with Councilmember Starkey that not every child's family could afford the fees. Councilmember Starkey reiterated her concern about the fees and felt they should be examined further.

Vice-Mayor Paul asked if it was true that even with the increased fees, the Town was still less expensive or at least comparable to other surrounding cities. Mr. Andresky responded in the affirmative. Vice-Mayor Paul spoke of residents having to go outside of

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Davie to other travel teams and stated that she wanted to bring those people back into the Town's programs. She pointed out that the idea behind Rising Stars was the advantage of Davie children getting to play on their home field. Vice-Mayor Paul did not see the monetary advantage when fewer than 50% of the players were Davie residents.

Councilmember Starkey advised that some residents were frustrated from learning about tryouts after they were finished. She agreed that the Town needed to increase fees, but not to the level suggested. Councilmember Starkey wanted the Town's fields available for practice and games and felt the Town should try to accommodate its residents over the 590 non-residents.

Mayor Truex stated that he wanted the programs to be affordable for the masses of children; however, he felt that Rising Stars was a separate issue. Councilmember Starkey wanted Council to decide what the priorities were for the Town - residents or non-residents.

Councilmember Crowley spoke of past discussions where Council had considered "Optimist" type programs. He felt this and other options for running the programs needed to be discussed during the next budget cycle. Councilmember Crowley asked if the revenue projections would be diminished if the fees were reduced or not adopted. Mr. Andresky stated that the budget was based on an increase in fees.

Vice-Mayor Paul asked what percent the Town was still underwriting at the new proposed level. Mr. Andresky advised that with the proposed increases, the Town would end up with an additional \$220,000, but agreed that the Town would still be subsidizing some of the costs. Vice-Mayor Paul voiced her support and felt that if the fees were too high, this could be addressed at the next budget session. She indicated that a workshop could be held to review this further.

Vice-Mayor Paul made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, with Mayor Truex dissenting and with Councilmember Hubert absent, all voted in favor. (Motion carried 3-1)

3.21 Mayor Truex asked about the status of the suggestion that Nova Southeastern University be listed with the name Davie. Dr. George Hanbury stated that he would take the suggestion of using a hyphenated name to the University president.

Councilmember Starkey voiced her support for the partnership with the North Broward Hospital District and Nova Southeastern University, as she felt the Town's residents would benefit greatly. Dr. Hanbury stated that the support of the Council was appreciated.

Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to approve.

Councilmember Starkey asked if the resolution was sufficient to provide the State with validation for the need or would a letter from Mayor Truex or Mr. Kovanes endorsing the project be adequate. Dr. Hanbury indicated that any letters from the public and elected officials would be welcome. Councilmember Starkey asked that Mr. Kovanes write the letter.

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

Councilmember Starkey felt Council should consider having the Town's lobbyist also work on this issue.

**5. PUBLIC HEARING**

*Resolution*

- 5.1. **INTERLOCAL AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXEMPTION FROM THE TOWN OF DAVIE COMMUNITY REDEVELOPMENT AGENCY'S TAX INCREMENT FUNDING FOR THE CHILDREN SERVICES COUNCIL PURSUANT TO THE TERMS OF THE INTERLOCAL AGREEMENT AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Muniz read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting.

Redevelopment Administrator Will Allen explained the specifics of the request. Councilmember Crowley asked who the annual report should be filed with. Mr. Allen indicated that the Town must receive the report.

Cindy Arrenberg-Seltzer, president of Children Services Council, thanked staff for its help. She indicated that the RFP for programming would be released soon.

Mayor Truex closed the public hearing.

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

*Ordinances - Second and Final Reading*

- 5.2. **EASEMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A UTILITY EASEMENT TO FLORIDA POWER AND LIGHT FOR THE "OAKES ROAD FIRE RESCUE STATION" PROJECT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (Oakes Road Fire Rescue Station, 4491 Oakes Road) {Approved on First Reading January 5, 2005 - 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.

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Mr. Kiar indicated that part of the underground conduit installation agreement with FPL included an indemnification clause which should be removed. Public Works/Capital Projects Director Bruce Bernard stated that the agreement had been used before and FPL had stricken the language in question.

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

- 5.3. **EASEMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A UTILITY EASEMENTS FOR BELL SOUTH FOR THE "OAKES ROAD FIRE RESCUE STATION" PROJECT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (Oakes Road Fire Rescue Station, 4491 Oakes Road) {Approved on First Reading January 5, 2005 - 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, with Councilmember Hubert absent, and with Councilmember Crowley out of the room, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Starkey - yes. (Motion carried 3-0)

- 5.4. **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 5-3-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-3, PLANNED BUSINESS CENTER DISTRICT TO RM-10, MEDIUM DENSITY DWELLING DISTRICT; RESCINDING ORDINANCE NO. 84-16; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-3-04, Voigt/Matrix University, LLC., 5250 and 5270 University Drive) *Planning and Zoning Board recommended approval* {Approved on First Reading January 5, 2005 - all voted in favor with Mayor Truex dissenting}**

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.

Mr. Voigt distributed a document requesting a paragraph be added that the deed restrictions were rescinded and creating a document that was to be recorded. Town counsel Andre Parke indicated that as long as this document did not interfere with the actual subject

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matter of the ordinance, there was no problem with the request. Mr. Voigt explained the attachments. Mr. Kiar advised that the deed restriction required a document of the same dignity and formality.

Councilmember Crowley questioned if the ordinance was approved subject to certain requirements at the first reading. Mr. Voigt responded that it was to be subject to the representation that was made regarding using the back portion as part of this development, having the equestrian feature and the commitment toward at least one unit of affordable housing. Councilmember Crowley added "no access to 76th to the units." Mayor Truex added with the exception of the equestrian access.

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

- 5.5. **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 6-1-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITY DISTRICT TO RM-10, RESIDENTIAL MULTIFAMILY MEDIUM DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (ZB 6-1-04, Triad/Florida Conference Association of Seventh-Day Adventists, northwest corner of NW 74 Avenue and Davie Road Extension) *Planning and Zoning Board recommended approval* {**Approved on First Reading January 5, 2005 - all voted in favor**}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Dave Schultz, representing the applicant, was present.

Mayor Truex closed the public hearing.

Councilmember Starkey felt the project was good and fit the Town's efforts to facelift the area and bring moderate homes in the Harmony Village area.

Councilmember Crowley asked if there were any conditions agreed to on first reading. Mr. Schultz stated that affordable housing conditions were agreed to at Development Review Committee and submitted material which outlined what those conditions were.

Vice-Mayor Paul asked Mr. Peters if there was anything in the area that the Town could address with regard to road improvements. Mr. Peters advised that the Town had requested widening of 74th Avenue, a drainage system on 74th Avenue, and a left-turn lane onto Davie Road.

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Mayor Truex asked if the applicant agreed with Mr. Peters' requests. Mr. Schultz indicated that he agreed with widening the right-of-way, providing the street light at 74<sup>th</sup> Avenue, providing drainage on 74th Avenue, providing the six foot wall on 74th Avenue; however, he was not in agreement about the left-turn lane request.

Vice-Mayor Paul stated the increase in the number of residents required this and asked if this could be approved with the condition that a left turn be installed at the intersection. Mr. Schultz stated that this was a tremendous cost and was willing to do another traffic study to show that this was not necessary. He pointed out that the developer was widening a 15-foot, two-way asphalt road to a 24-foot city right-of-way with drainage, lighting, and a sidewalk, which he felt would more than adequately improve the road. Mr. Leiva suggested that the action could involve the applicant agreeing to off-site improvements if the additional traffic study warranted additional improvements.

Bonnie Miskell, representing the applicant, indicated that the applicant had already submitted a traffic study which indicated that the road improvements requested were not warranted. She felt it was more appropriate to allow Broward County to review this issue.

Councilmember Crowley stated that Council would have an opportunity to review this again at the Site Plan Committee meeting.

Vice-Mayor Paul agreed with Councilmember Crowley's suggestion to tie this into the site plan review, and then if the traffic study warranted improvements, they could be made at that time.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve item 3.20. In a voice vote, with Councilmember Hubert absent, all voted in favor. (Motion carried 4-0)

Councilmember Crowley made a motion, seconded by Vice-Mayor Paul, to approve item 5.5 subject to the conditions agreed to by the applicant. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Starkey - yes. (Motion carried 4-0)

**6. APPOINTMENTS**

6.1. Airport Advisory Board (one exclusive appointment Vice-Mayor Paul, Councilmembers Crowley, Hubert, and Starkey; terms expire December 2006)

Vice-Mayor Paul appointed Dianne Epstein. Councilmember Starkey appointed Duncan Bossle.

6.2. 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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- 6.3. Child Safety Board (one exclusive appointment - Councilmember Crowley 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.

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

No appointment was made.

- 6.5. Parks and Recreation Advisory Board (one exclusive appointment - Councilmember Hubert; term expires April 2006)

No appointment was made.

- 6.6. Senior Citizen Advisory Committee (two exclusive appointments - Councilmember Hubert; terms expire April 2006) (members shall be a minimum 60 years of age)

No appointments were made.

**7. OLD BUSINESS**

- 7.1. Reconsideration of Airport Expansion Expenses (tabled from January 5, 2005)  
A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CONCERNING THE HOLLYWOOD/FORT LAUDERDALE AIRPORT EXPANSION; ESTABLISHING EXPENSES FOR THE PROPOSED AIRPORT EXPANSION; PROVIDING THE TOWN TO PAY FOR 1/3 OF THE EXPENSES UP TO THE AMOUNT OF \$20,000 TO BE SHARED ALONG WITH THE CITY OF HOLLYWOOD AND THE CITY OF DANIA BEACH.

Councilmember Starkey advised that she had held discussions with Mr. Kovanes and Assistant Town Administrator Ken Cohen and found that a lot of the rumors she had heard were untrue. She felt the Town should move forward with maintaining the partnership and approve the resolution.

Mayor Truex advised that he had spoken with two commissioners from Dania Beach who assured him that they were on board with the Town.

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

- 7.2. Growth Management Update for Broward League of Cities - Councilmember Starkey

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Councilmember Starkey distributed a document outlining affordable housing definitions as they pertained to State housing. She also distributed a status report on county-wide land uses and some of the 11 that issues had been agreed upon by the League of Cities and the County.

Councilmember Starkey indicated that issues that were “not a big deal” included small scale amendments and collection of impact fees

Regarding the Planning Council membership, Councilmember Starkey stated that the League of Cities “has proposed that each municipality submit and have a seat on there within the designated County Commission districts.” She indicated that three County Commissioners represented the Town and each one would be allowed to fill a seat within their district. She advised that Council needed to come up with a recommendation and requested that this be added to the next agenda as a resolution. Councilmember Starkey advised that Commissioners Diana Wasserman-Rubin, Lois Wexler and John Rodstrom would get a seat on “the Council as an appointment for the Planning Council.”

Mr. Leiva asked Council if it supported three members to the Planning Council. Councilmember Starkey asked Council if it “wanted to submit one name for each of the County Commissioner’s districts representing Davie” or did it “want to submit one name per commissioner’s district.” She indicated that she would “recommend one name per district and take a better shot at trying to get an appointment on the Planning Council seat that way.” Mr. Leiva indicated that he agreed with Councilmember Starkey’s recommendation. Mayor Truex agreed adding his name. Councilmember Paul stated that rather than assigning a Councilmember to a district, submit the Councilmember’s names who expressed an interest and don’t make a commitment to a district. Mayor Truex asked that Councilmember Hubert be asked if she wanted to be included or not.

Regarding flex units, Mr. Leiva advised that the counties had agreed to give cities the option of consolidating different flex zones into one, provided it was consistent with their municipal master plans. He stated that representatives from different municipalities and the County were coming to an amicable agreement on this issue. Councilmember Starkey felt that each municipality would have to adopt something within their comprehensive plan on how the process would be designated.

Mayor Truex asked how the Town would go about taking a position on different issues. Councilmember Starkey advised that the way she viewed it, Mr. Leiva knew the Town’s position on a lot of the items and how they related to the Town’s comprehensive plan; therefore if an issue was in the Town’s comprehensive plan or was a concern of the Council, Mr. Leiva would bring those specific issues back to the Planning Council for consideration.

Councilmember Starkey spoke of the State’s Growth Management Committee which was trying to streamline the development review process. She advised that a lot of these issues would be covered in upcoming legislative sessions.

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**8. NEW BUSINESS**

**8.1. District Boundaries Review Committee - Mayor Truex**

Mayor Truex stated that after reviewing the backup, it did not appear that this issue required action.

**8.2. Zoning in Progress - Vice-Mayor Paul**

Vice-Mayor Paul stated that the Town's vision was not reflected in the current Code and felt a re-write of the Land Development Code was in order. She suggested that the best way to accomplish this was through a zoning-in-progress. Vice-Mayor Paul indicated that the landscaping code was inadequate and cited examples where canopies, extra buffers, and additional trees were needed because they were not included in the Code. She felt the Town also needed to include in the Code what it expected new developments to carry with regard to the local roadway network and traffic concurrency. In addition, Vice-Mayor Paul felt the new Central Broward Water Control District (CBWCD) requirements should be incorporated into the Code to ensure effective coordination with drainage issues.

Vice-Mayor Paul also spoke of the Town's previous concerns about modifying the Griffin Road Corridor and 441/State Road 7. She pointed out that regarding the State Road 7 Charette, the Town already knew that certain codes and provisions would have to be aligned with those upcoming design goals. Vice-Mayor Paul suggested that the 441/State Road 7 be exempt while the Code was being rewritten. She questioned exempting individual single-family homes where one home occupied one block.

Mayor Truex asked what Vice-Mayor Paul was requesting and for how long. Vice-Mayor Paul indicated that the request was to rewrite the entire Code in a shorter period of time than 18-24 months estimated by outside consultants. She pointed out that the recommendations would have to be made in line with the EAR-based amendments.

Deputy Planning and Zoning Manager Marcie Nolan explained that by using outside consultants along with staff and Council input in workshops, it could take between six and nine months to address staff's three critical Code issues: local road concurrency, coordination with CBWCD and landscaping/the trail system.

Mayor Truex asked who the consultant would be and what the cost was. Ms. Nolan advised that this would be an expensive endeavor as a major Code rewrite was a two-year long process involving a consultant who would also use sub-consultants in specific fields. She advised that the Town would consult out through an RFP to specialists.

Mr. Parke recommended that an ordinance be created to implement the zoning-in-progress. Vice-Mayor Paul asked for Council's support to move forward on crafting an ordinance.

Mayor Truex objected to the zoning-in-progress and felt that if the intent was to slow development in Districts 3 and 4, he felt the projects that were coming forward were pretty good. He voiced his disagreement with Vice-Mayor Paul on this issue and felt some of the items on the list could do with some modifying, but overall, the Town already had stringent

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rules with regard to landscaping. Mayor Truex stated the Town could drive up the cost of affordable housing with more requirements for developers to implement. He felt the product the Town was getting from developers was generally good.

Vice-Mayor Paul pointed out that more and more developers stated, "we've met the Code" when faced with various additional requirements at Council meetings. She stated that if Council had to make so many additional requests, then the Code obviously was not meeting Council's expectations. Mayor Truex felt that sometimes the Town requested things that were not always reasonable. He did not understand why a zoning-in-progress was desired as none of these issues "fell out of the sky". Mayor Truex felt this expense would result in a lost opportunity to spend tax dollars on other things.

Mr. Kutney felt that using a "patchwork" approach only created more problems and spoke of the quantity of work that needed to be done to make this happen. Mayor Truex asked if Mr. Kutney thought the zoning-in-progress was a good idea. Mr. Kutney stated that it was tricky to identify what should be done in those areas that were in the zoning-in-progress.

Mr. Parke advised that during this process, there would not be a total ban on all development; some development would go through that would meet specifications which had been outlined and the Town could not impede their progress. Mayor Truex asked what would be stopped. Mr. Parke indicated anything that would not clearly meet the Code specifications that would be adopted after the plan was instituted.

Councilmember Starkey stated that in previous budget discussions, it was anticipated that when the Town's urban forester was hired, consultants would not be needed as much, as he would address landscaping issues specifically. She felt the Town missed a lot of opportunities compared to other neighboring municipalities which were doing a lot more to improve their landscaping. Councilmember Starkey stated that if the Town hired staff, then hired outside consultants, it should re-evaluate the priority and purpose for hiring those staff members. She felt \$200,000 was a lot of money to spend on work that staff was hired to do, especially when it came to landscaping. Councilmember Starkey agreed that extra help might be required with regard to road improvement issues but otherwise, but adding measurable goals into the Comprehensive Plan was easy enough to achieve. She recommended looking at cities like Coral Springs and Plantation to learn what they were doing right with regard to landscaping, instead of going to outside consultants.

Mr. Kutney advised that the urban forester alone was not going to re-write the Town's entire Land Development Code as this would shut down all the other activities of that office.

Councilmember Crowley voiced his concern about the economic impact to the Town's tax base and pointed out that the shutting down of projects would affect revenues earned from impact fees.

Vice-Mayor Paul realized that expense was an issue, but felt that without addressing the Code as it currently stood, the Town would continue to get what it got and would continue to have to extract more from the developers. She felt the developer bought overall property then sold each lot with custom houses, and the Code was not as strong as it should be on such

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developments. Vice-Mayor Paul pointed out that it took a lot of time for staff to keep an eye on monitoring each of these situations.

Vice-Mayor Paul further stated that she did not remember the Town hiring the urban forester to specifically rewrite the Code. She remembered that some of his duties would involve recommendations for improvements. Vice-Mayor Paul stated that she had watched the Town's Urban Forester Mike Orfanedes at work and observed that he worked well beyond his hours, was always on the go, and was always out in the field. She felt that while the Town had such good people on staff, they were stretched.

Councilmember Starkey stated she was not willing at this point to see \$200,000 spent with recent budget hikes and wanted this to be further reviewed at a mid-year assessment of the budget.

Councilmember Crowley stated he wanted to hear this one more time, along with Councilmember Hubert's input.

Mayor Truex pointed out that the tremendous costs of housing to developers eventually got passed on to the Town's residents, while the Town was trying to incorporate more affordable housing. He asked Council if they were in favor of discussing this further at a workshop in a few months.

Mr. Kutney advised that even though Mr. Orfanedes was an expert on landscaping issues, he was knee deep in about six serious problems resolving landscaping issues.

Vice-Mayor Paul asked when the last total rewrite of the Code was done. Mr. Kutney advised that this was done in 1992.

Ms. Nolan stated that while Council had a specific mission and goal for the Town, it was difficult for staff to implement its vision with the current Code. She pointed out that staff could continue to address issues piecemeal, but at some point, the Town would have to look at redoing the entire Land Development Code as the Town grew. Ms. Nolan advised that it would require two years to rewrite the entire Land Development Code.

Councilmember Starkey asked Ms. Nolan for an estimate of what an outside consultant would charge to do the entire rewrite of the Code for two years. Ms. Nolan advised that they anticipated the cost to be \$200,000-\$250,000.

Council directed that a workshop be scheduled to review this issue.

**8.3. Open Space Advisory Board - Vice-Mayor Paul**

Earlier in the meeting, Vice-Mayor Paul explained that she wanted to take the discussion on the open space bond referendum to the next level. Vice-Mayor Paul introduced Will Abberger of the Trust for Public Lands.

Mr. Abberger gave a brief presentation on how the Trust for Public Lands could assist the Town with the concept of the open space bond. He spoke of recent initiatives across the country where municipalities had held referendums for the acquisition of public lands. He explained various elements that would need to be considered to approach the process effectively for the Town and for its residents.

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Mayor Truex asked if there was a cost to the individual municipality. Mr. Abberger explained that the three steps including the feasibility research, the public opinion survey, and the provision of program recommendations, would cost about \$25,000. Mayor Truex asked about the typical timeframe for the process. Mr. Abberger advised that the process typically took 12 to 18 months. Mayor Truex indicated that he was pleased with this proposal as it appeared to be methodical and would give the residents a lot of information.

Councilmember Starkey felt the Trust for Public Lands would give the Town credibility in informing the public.

Vice-Mayor Paul spoke of possible election times and felt that the earliest this could appear on a ballot at a minimal cost to the Town would be March 2006. She stated that her only concern was what the Town could lose over the one-year period while trying to save some connector parcels. Mayor Truex pointed out that the Town could exert some measure of control over smaller connector parcels during the development process.

Vice-Mayor Paul asked whether administrative costs could be included in the bond. Mr. Abberger said that in his mind, 5% of the bond proceeds could be used for administrative costs but deferred to Mr. Kiar. Mr. Kiar indicated that he would look further into this. Budget and Finance Director William Underwood explained that language which indicated the intent to reimburse these fees could be included in the bond issue language.

Councilmember Starkey spoke of the Town's efforts to preserve Sunny Lake and asked if expenses for improvements to various parcels and the trail system could be included.

Vice-Mayor Paul advised that the recommendation brought forward by the Open Space Advisory Committee, in describing what the bond money was going to be used for, included trail connectors and the development of all existing open space parcels. She pointed out that the language should be as specific as possible for voters as the development of infrastructure of those parcels was part of a long-term concern.

Councilmember Starkey stated that her concern was whether the Town could factor its costs into the Trust for Public Lands. Mr. Underwood stated the Town could reimburse itself from the bond issue.

Councilmember Crowley asked how the Trust for Public Lands based their fees. Mr. Abberger responded that it was based on time spent. Councilmember Crowley asked if the fees would include working with Council on setting the bond amount. Mr. Abberger indicated that he would be willing to do this. Councilmember Crowley asked how Mr. Abberger felt about holding the election on the same day as the election for Council and District officials. Mr. Abberger advised that the Trust for Public Lands had passed ballot measures on the same ballots as municipal elections for public office and would not rule this out.

Vice-Mayor Paul asked if Mr. Abberger had ever had experience doing this process with main-in ballots. Mr. Abberger indicated that he would also not rule this out. Mayor Truex felt Council should go ahead and direct staff to work on a resolution as soon as possible. Council agreed.

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Mr. Kovanes indicated that a resolution would be crafted to execute a contract.

8.4. Appointment to Broward County Planning Council - Councilmember Starkey  
This item was discussed earlier in the meeting.

8.5. SW 26th Street and Hiatus Road Roundabout - Councilmember Starkey

Councilmember Starkey spoke of her efforts to meet with the residents to discuss appropriate improvements to Hiatus corners. Councilmember Starkey advised that the previous evening, the residents of Davie West passed the recommendation that they supported one particular roundabout.

Mr. Bernard explained the timeline and costs to implement recommended improvements to Hiatus Road including drainage, canals and traffic calming measures.

Vice-Mayor Paul spoke of two emails received in opposition. She was concerned about one of these residents who felt it was a problem getting in and out of their home.

Vice-Mayor Paul spoke of the improvements in the smooth, continuous flow of the traffic at the roundabout. Councilmember Starkey stated that originally, she was not in agreement with Vice-Mayor Paul on the roundabouts, but saw how much better the roundabout at 14th Street could be navigated with the mountable curve and wider sloping.

Councilmember Starkey addressed Dennis Deveaugh who was concerned about having a larger mountable curve at the Shotgun Road site. She stated that it was important for this to be addressed so he could take his cattle and horses back and forth to Robbins Lodge. Councilmember Crowley stated that Mr. Deveaugh had mentioned that he would have damage to his trailer if it mounted the curve. Councilmember Starkey stated that extending the mountable curve would help. Mr. Bernard advised that the Town was trying to get 30-36 inches more on the slope. He indicated that he had no doubt in his mind that this plan would get through the Engineering Department.

Vice-Mayor Paul was concerned that at a horse crossing, many people were not aware that pedestrians and horses had the right-of-way.

Linda Greck spoke of the challenges that the roundabout posed to pedestrians, drivers and equestrians. She felt that if a vehicle had to stop to allow a crosser to pass, this defeated the purpose of the whole structure. Ms. Greck was concerned in particular about the crossing at the entrance to Math Iglor Park that connected to the trail south on Hiatus. She asked if there was some way to move this crossing out of the roundabout and attach it to where the horse trail came out at the back end of the park further west on 26th Street.

Councilmember Starkey explained that due to the size of the big hedge, if the crosswalk was moved west out of the intersection, people would not see crossers quickly.

Mr. Bernard indicated that the Town had to do something about Orange Drive and Hiatus fairly soon to decide whether GL Homes or the Town would address this. Council gave direction for a workshop to be held on this issue in mid-February.

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- 8.6. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REQUESTING AN IMPACT STUDY AND REIMBURSEMENT TO THE TOWN OF DAVIE FOR COSTS RELATING TO THE IMPLEMENTATION OF SLOT MACHINES IN BROWARD COUNTY, FLORIDA.

Mayor Truex explained that the County Commission had voted on this matter and had brokered a deal with the pari-mutuels saying there would be \$15 million coming to the County, but nothing was allocated to municipalities that would have a tremendous impact. He stated that the proposed resolution asked that the Town be compensated for the inherent costs that were associated with the slot machine referendum. Mayor Truex stated he hoped to encourage other municipalities to say there should be due diligence done to see how costs would affect municipalities. He felt that the Town should not be stuck with a tremendous amount of cost with no mechanism to reimburse the Town or give the Town a piece of the pie.

Councilmember Starkey stated that this issue was discussed recently at the Broward League of Cities and advised that Mayor Truex' concerns had been shared by every municipal representative that was present. She felt the only thing the Town could do was to express its concern about how it would be affected and request a share of the revenue.

Vice-Mayor Paul wanted to go on record saying that the Town would incur increased costs due to increased traffic and demands on infrastructure, and wanted some reimbursement and due diligence to be considered.

Councilmember Crowley spoke of election costs attributed to the referendum, and voiced his disapproval of the slot machine referendum.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Vice-Mayor Paul dissenting and Councilmember Hubert being absent, all voted in favor. (Motion carried 3-1)

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

**VICE-MAYOR PAUL**

**PRESERVATION.** Vice-Mayor spoke of a property owner in District 4 who wished to preserve 55 acres and who had asked if the Town would be interested in setting it aside as open space. She asked that a resolution be placed on the February 2nd agenda.

**COUNCILMEMBER STARKEY**

**GOLF TOURNAMENT.** Councilmember Starkey announced that the Guns and Hoses Golf Tournament for the Police and Fire Memorial would be held on May 31st at the Grand Oaks Country Club.

**10. TOWN ADMINISTRATOR'S COMMENTS**

No comments were made.

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**11. TOWN ATTORNEY'S COMMENTS**

No comments were made.

**12. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 11:26 p.m.

Approved \_\_\_\_\_

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

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

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