

**TOWN OF DAVIE
REGULAR MEETING
FEBRUARY 2, 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 Hubert, Crowley 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 of the Open Public Meeting.

Fran Oppedisano, 1061 SW 117 Way, spoke in support of having a dog park in Davie, and gave a PowerPoint presentation on features of dog parks at Happy Trails Park, Plantation Park, and at North Lauderdale Park. She requested that copies of her handouts be forwarded to the Open Space Advisory Committee and to the Parks and Recreation Advisory Board.

Tina Wright, 3930 SW 61 Avenue, also spoke in favor of the dog park. She advised that one goal of a dog park was the safety of the animals and explained the need for a double-gated area. Ms. Wright outlined various dog park rules as follows: 1) dogs should have current vaccinations, 2) dogs must be at least 6 months old, 3) female dogs in heat were prohibited, 4) dog owners should be responsible for their dogs' actions, 5) children under age 12 needed to be supervised by adults at all times, and 6) no food could be allowed.

Marie Etzler, a resident of Davie, spoke on liability issues related to having a dog park and distributed a document discussing various relevant concerns. She advised that she had consulted with the City of Plantation Parks and Recreation department and with Snyder Park personnel as to their dog park rules and operation. Ms. Etzler requested that this document be provided to the Parks and Recreation Advisory Board.

Sandra Amaya, a member of the Parks and Recreation Advisory Board, distributed paperwork indicating price estimates for a dog park and spoke in favor of the dog park.

Mayor Truex indicated that he had spoken to Parks and Recreation Director Dennis Andresky on this issue and requested that the Parks and Recreation Advisory Board make a presentation at the next Council meeting on possible dog park locations and amenities.

Councilmember Hubert asked if any possible locations had been identified yet. Ms. Wright advised that Sunny Lakes, Wolf Lake and the Van Kirk property had been suggested. Councilmember Starkey indicated that these parks had constraints tied to grant funding. Mr. Andresky advised that he could prepare an update for the next Council meeting.

Rose Anderson, 4950 SW 111 Terrace, spoke of her father, George Anderson, who opened a grocery store on Davie Road in 1935. She spoke of the instrumental efforts of her father in the earlier years in the establishment of Davie. Ms. Anderson requested that a memorial be dedicated to him at the footbridge crossing the canal and asked that Council consider her request. Councilmember Crowley advised that he was interested in working with Ms. Anderson on her request. Ms. Anderson stated that she had recently spoken with Denise Cunningham on the Historical Commission who had found the contract given to the construction workers in 1916 for the building of the bridge. Mayor Truex asked that this be discussed at an upcoming Council meeting.

Barbara Tilley, 1941 SW 87 Avenue, asked that the Town provide legal counsel to her Homeowners Association (HOA) regarding the 18th Street median case. She explained that the owner of the common ground, Julianne Neal, had convinced the former HOA that it was in the best interest of

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the residents to bring a lawsuit against the Town. Ms. Tilley advised that when the residents learned of this action, a special meeting was held where they voted to come out of the lawsuit. Mrs. Neal then sued the HOA stating that the residents had signed the annexation agreement. Ms. Tilley pointed out that most residents were not currently members of the HOA and advised that there were just over 200 members and fewer than 100 people attending meetings. She read the a portion of the annexation agreement indicating that if a challenge came forward, the Town would agree to defend itself at its own expense. She requested that Council instruct Mr. Kiar to protect the citizens on 18th Street. Mayor Truex asked that Mr. Kiar look into this issue to see what obligation the Town might have on this issue. Councilmember Crowley requested that Mr. Kiar provide comments on the status under his comments later in the meeting.

Michael Bartlett, 4301 SW 105 Avenue, thanked his Councilmember for his appointment to the Parks and Recreation Advisory Board. He spoke of the parks and recreation fee increases and voiced his support for them based on the professional staff and value of the Town's parks and recreation programs. Mr. Bartlett spoke of rumors following the meeting which were disconcerting to him.

Councilmember Starkey advised that the increases had been based on a budget that had already been assumed. She stated she was not in favor of a big increase or one that was disproportionate between residents and non-residents. Councilmember Starkey spoke of the need to hold a workshop on this issue as various parties were interested in the Town's sports and recreation programs. She felt this needed to be discussed at a special workshop so residents could be heard on this specific issue.

John Pisula thanked Council for their efforts in the Toys for Tots Drive and hoped that this program could be held yearly. He advised that some of the same servicemen and women involved would soon be deployed to Iraq and Africa. Mr. Pisula indicated that he was gathering a list of these 78 members, hoping to get different partners, including the Town, to adopt these soldiers.

John Ladue, 2961 SW 111 Terrace, advised of Code actions taken against his property and spoke of traffic and noise on his street which affected his privacy. He distributed pictures that illustrated the unique conditions existing on his property and hoped that Council might reconsider the Town's ordinance with regard to his circumstance.

Councilmember Starkey felt that this was an unfortunate circumstance for the resident. She spoke of road debris and construction that posed safety concerns and felt that the solid and chain link fence requirement was not appropriate based on the location of his home on a main street. Councilmember Starkey felt Mr. Ladue should be able to have a solid fence and felt staff could work with this resident specifically based on these circumstances on behalf of his safety. Mayor Truex asked if a variance could apply to this rule. Mr. Ladue stated that the Planning and Zoning Division had advised that there was no variance on this rule. Councilmember Starkey stated that if the Code did not permit this, some other means should be examined.

Mayor Truex advised that staff would look further into this matter. Development Services Director Mark Kutney invited Mr. Ladue to meet with staff to discuss this matter. Councilmember Starkey requested to be present at the meeting.

Norm Blanco, representing the Town's Police Athletic League, spoke of the Cop-A-Job program where teenagers would be taught job-seeking skills. He thanked Mr. Kovanes and Mr. Kiar for assisting with getting sponsors for the League.

Dean Alexander spoke of the absence of Turner Classic Movies on the Comcast Cable package available in Davie and asked residents to call in requesting TCM as part of basic cable in Davie. He also spoke on the passing of entertainer Johnny Carson.

Kathy Tibbetts thanked Council and staff for its work on the lawsuit. She spoke of the tremendous improvement of Hiatus Road and felt that Council should assist Mr. Ladue.

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June Connors spoke of a favorable experience she had renting the pavilion at Robbins Lodge. She commended the park rangers and the excellent facilities. Ms. Connors also thanked Council for its efforts regarding improvements at the Lamar property.

Councilmember Starkey spoke of a service offered through United Way that offered free income tax preparation with regard to Earned Income Tax credit. She announced that meetings would be held at the PAL Multipurpose Facility, the Rick and Rita Case Boys and Girls Club and at the Florence DeGeorge Boys and Girls Club. Councilmember Starkey advised that residents could receive additional information by calling 211.

Vice-Mayor Paul advised that the Davie Fraternal Order of Police Associates, Lodge 100, was sponsoring a spaghetti dinner to benefit the college fund for the children of deceased Davie police officer, Curtis Mancini. She announced that the dinner would be held on March 4th at the Polish Catholic Church on Davie Road.

4. APPROVAL OF CONSENT AGENDA

Parade Permit

4.1. Town of Davie Orange Blossom Parade (February 26, 2005)

Home Occupational License

4.2. Terri's Bras & Swimsuits, 4200 SW 100 Terrace

Resolutions

- R-2005-34 4.3. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A \$75,000 GRANT FROM THE CHILDREN'S SERVICES COUNCIL OF BROWARD COUNTY FOR THE DEVELOPMENT OF AN INCLUSIVE PLAYGROUND AT DAVIE PINE ISLAND PARK AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED (WITH \$75,000 MATCHING FUNDS).
- R-2005-35 4.4. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN FIVE STAR RODEO INC AND THE TOWN OF DAVIE. (\$1,500; February 11 - 13, 2005)
- R-2005-36 4.5. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR LEASING HARLEY DAVIDSON POLICE MOTORCYCLES AND AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT. (\$39,000/year - Peterson's Harley Davidson of Miami)
- R-2005-37 4.6. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR LIME SLUDGE HAULING SERVICES. (\$64,400/year - DRD Enterprises Inc. of Davie)
- R-2005-38 4.7. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR A THREE WHEELED SWEEPER. 130,300 - Florida Municipal Equipment, Inc.)

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- 4.8. **BID** – A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE
R-2005-39 BIDS FOR ASPHALT RECREATIONAL PATHS. (\$98,000 - Asphalt Paving
Specialists, Inc. and Weekley Asphalt Paving, Inc.)
- 4.9. **RESTRICTIVE NOTE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-40 APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE
ON THE PLAT KNOWN AS SUNNY LAKES; AND PROVIDING AN EFFECTIVE
DATE. (DG 12-2-04, Sunny Lakes, Madeira Limited, 5400 Griffin Road)
- 4.10. **LAND PRESERVATION OPEN SPACE INVENTORY** - A RESOLUTION OF THE
R-2005-41 TOWN OF DAVIE, FLORIDA, REQUESTING THAT THE BROWARD COUNTY
COMMISSION ADD 53.72 ACRES OF MULTIPLE CONTIGUOUS PARCELS
UNDER TWO OWNERSHIPS IN WEST DAVIE TO THE LAND PRESERVATION
OPEN SPACE INVENTORY FOR CONSIDERATION BY THE LAND
PRESERVATION ADVISORY BOARD AND THE BROWARD COUNTY
COMMISSION.
- 4.11. **INSURANCE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2005-42 AUTHORIZING FUNDING GROUP MEDICAL AND EMPLOYEE ASSISTANCE
PROGRAM (EAP) BENEFITS AT A LEVEL LESS THAN THE MAXIMUM
LIABILITY LEVEL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.

Quasi-Judicial Consent Agenda

- 4.12. SP 6-8-04, Flamingo Commons- Parcel "G", 12557 Orange Drive (B-3) *Site Plan Committee recommended approval based on the planning report and 1) that the parking dimensions on the north side of the building be corrected to allow the correct depth of the handicapped spaces; 2) the sidewalks shown on site to be pavers; 3) the Ligustrum tree at the west side entry to be substituted with a Pigeon Palm; 4) the striping at the two parking spaces at the northeast corner is to show two spaces; and 5) the colors that are represented on the buildings are to match the existing building as approved in the overall master plan.*
- 4.13. SP 6-10-04, Jasmine Isles, northwest corner of NW 74 Avenue and Davie Road Extension (R-10) *Site Plan Committee recommended approval based on the planning report and the following: 1) that the auto gate shown in the front be deed restricted not allowing it to become a limited access; 2) correct the parking count to account for the three-bedroom units; 3) put a note on the elevations indicating tile roofs; 4) install paver driveways as a note on the plans; 5) have the Engineering Department look at the dead end drives which abut 74 Avenue to be sure they're okay with it; and 6) add paver bands at the entrance crosswalks and at sidewalk crossings*

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- 4.14. SP 7-6-04, Stone Harbor, 3201 West State Road 84 (M-2) *Site Plan Committee recommended approval based on the planning report and 1) that the applicant brings back an elevation of the southernmost building for staff to review the 55-foot high sections of the façade which faces the south as well as the two sides, that there be some sort of a decorative metal panel in order to break down that facade and which would also go along with the nautical theme set for the building; 2) to provide a color board for the Town Council; 3) on the north side [river side], remove the white trim and paint that wall a lighter blue; and 4) remove the light that is attached to the building and either add a pole to the outside or reduce the light levels or angle the light toward the building and not the river so that the light would be shielded*

Councilmember Crowley pulled item 4.1 from the Consent Agenda. Vice-Mayor Paul pulled items 4.12. Mayor Truex pulled items 4.14.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda minus items 4.1, 4.12, and 4.14. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.1 Special Projects Director Bonnie Stafiej announced that Davie would hold its 68th Annual Orange Blossom Festival Parade and Rodeo on February 26th and 27th. She advised that this year's theme was Preserving Our Past, Protecting Our Future. She thanked the Bergeron Family of Companies, Rick Case Honda Cars and Cycles, and the Community Redevelopment Agency for their sponsorship.

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

4.12 Mayor Truex turned this portion of the meeting over to Town Attorney Kiar.

Vice-Mayor Paul requested that this item not be heard as a quasi-judicial item as she had a question only on the landscaping. She asked if the landscaping on Orange Drive was the existing landscaping. Mr. Zimmerman, representing the petitioner, advised that most of it was existing but that there would be additional landscaping. Vice-Mayor Paul asked if the new landscaping on Orange Drive would be enhanced because it was the scenic corridor. Chief Landscape Inspector Chris Richter advised that the existing landscaping met minimal Code requirements. Vice-Mayor Paul asked if the property could take any more trees. Ms. Richter indicated in the negative as it was already packed tightly.

Vice-Mayor Paul made a motion, seconded by Councilmember Crowley, to approve based on the inclusion of the staff recommendations and the Site Plan Committee recommendations. In a voice vote, all voted in favor. (Motion carried 5-0)

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

Planning and Zoning Manager Fernando Leiva summarized the planning report.

Councilmember Starkey was concerned about anything that might seep into the wetland area. She stated that the wetlands were valuable and wanted assurances that they would be protected from such an occurrence. Mr. Leiva advised that the applicant was proposing a landscape buffer adjacent to the wetland. He stated that there had been some concerns in terms of the specific material that would be used, but in terms of drainage and protection of the wetland, the applicant would provide what was required. Mr. Leiva advised that the site would connect to the sewer system which would further enhance the drainage considerations. Councilmember Starkey wanted assurances that this would not be a problem in the future. She wanted checks to be done to ensure there were no solid surfaces nearby

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with drainage into the wetland. Mr. Leiva advised that staff would ensure this was done throughout the entire process and prior to issuing the certificate of occupancy.

Vice-Mayor Paul asked what jurisdiction the wetland came under in the event the Town “wanted to do something along the seven foot buffer that would encroach into the wetland”, and which agency would be involved. Mr. Leiva indicated that the applicant was working with the Broward County Department of Environmental Protection (DEP).

Bob Roscioli, 3201 State Road 84, indicated that over the past four years, his site had been regulated constantly by the Army Corps of Engineers, the State of Florida, and the Department of Environmental Protection to preserve the wetlands.

Vice-Mayor Paul spoke of the seven foot buffer at the edge of the building and stated she was looking for as much buffer as possible for the buildings and for the wildlife. She felt there were too many palms clumped together along the buffer and would have liked to see pineapple, cypress or pond apple included. Vice-Mayor Paul asked whether another agency’s approval would be needed to encroach a bit into the wetland. Mr. Roscioli stated that in the early stages of the project, the DEP experts had outlined what it wanted included in the buffer. He advised that some natives had been moved for their protection and advised that his site was monitored very strictly and would be for the next five years.

Steve Kurt, the project’s landscape architect, advised that the applicant had hired an environmental consultant to recommend what would be best for the buffer. He stated that it was a transitional buffer because the elevation came up above the wetland, which determined the choice of material.

Vice-Mayor Paul asked why black olives were being used on the site and whether a hazard assessment had been done on these. She also wondered why mahogany, gumbo limbo or the Beauty Wreath had not been considered and indicated that there were some typing errors in the plant list. Vice-Mayor Paul asked if the applicant had done any tree protection detail. Mr. Kurt advised that there were notes in the plan regarding tree protection. He indicated that the pineapple trees that would be preserved and royal palm trees that would be transplanted as part of the project.

Councilmember Crowley felt that the upland area would help with runoff into the wetlands area.

Councilmember Starkey felt that with palm trees up high and with vegetation being fertilized, there could still be a concern about phosphorous and other chemicals coming into the wetland. Vice-Mayor Paul felt the seven foot buffer was small and did not allow for much canopy. She felt that different vegetation fitting for an upland that would cover more of the building in the back could be considered.

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

Charles Love, resident of a home across the river from Stone Harbor, voiced his concerns about the runoff from the south and north sides of the building going into the wetlands. He advised that Broward County’s agreement with the applicant required that only the roof runoff be taken into the wetlands, but the present plans indicated site drainage would also go into the wetlands. Mr. Love felt the applicant was not acting in compliance with residents’ concerns. He stated that the current site was in violation of certain Town Codes where parking and storage were concerned. Mr. Love requested Council’s help in buffering the building from the river.

Ms. Richter addressed Councilmember Starkey’s concerns and indicated that she wanted to see larger Sabal palms on the site, and advised that they did not need fertilizer the way exotic plants did if the soil was good. Ms. Richter advised that she had toured the site and indicated that the wetland side was not as heavily populated with species as the conservation area between the river and the site. She indicated there were some gaps where the building could be seen and felt perhaps the applicant could install taller species of palms such as Sabal and Royal palms.

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Ray Figueroa, 2643 Nassau Lane and president of the Homeowners Association, felt the site was visually, audibly and environmentally intrusive and indicated that the proposed project could potentially pose a problem. He read from a Sun-Sentinel article that spoke of the State's requirement for a manatee protection plan which the County currently needed to provide. Mr. Figueroa asked that Council table this item until the County addressed this plan on April 12th.

Mr. Kiar closed the public hearing.

Mr. Kurt displayed an aerial photo of the site that illustrated what existed, along with a computer rendering of the two buildings proposed for the property. He explained that one building was set back 130 feet from the river and 130 feet further from the existing building. Mr. Kurt advised that all activity on the site was internalized for minimal impact to the neighbors. He stated that the applicant would be willing to consider any substitutions recommended by staff and explained that no runoff drained directly into the wetland but into an internal treatment system and treatment ponds.

Ken Gross, civil engineer for the site, explained that the current permit allowed the parking lot to drain into the wetlands via a dry retention pond. He advised that the applicant was required to berm the site to a certain elevation to retain all the water on the site. Mr. Gross stated that the existing permit allowed the site to drain a certain amount of regular runoff water without treating. He advised that stormwater would be collected through catch basins designed to hold the oil or particles not conducive to the wetlands and that this water would then overflow into the retention ponds. Mr. Gross stated that only when the water got to a certain level would it overflow into the wetland itself. He stated that the plans conformed to DEP, South Florida Water Management and Town standards.

Councilmember Crowley asked if the site had enough retention storage space without discharging into the wetlands. Mr. Gross indicated in the affirmative. Councilmember Crowley asked what would prevent the stormwater runoff from going into the wetlands further to the west on the adjacent property. Mr. Gross indicated that the berm around the property would prevent this.

Councilmember Crowley asked if the applicant could get DEP to issue a permit to discharge into the North River canal at the 100-year storm point. Mr. Gross advised that the applicant had not yet investigated this option. Councilmember Crowley stated he was concerned about the 100-year storm worst case scenario. He suggested eliminating the pipe going into the wetland and discharging directly into the North River. Mr. Gross advised that the current permit was part of the wetlands mitigation effort and that the site met the criteria of the DEP permit issued for the property. Councilmember Crowley asked if the existing vegetation would be maintained. Mr. Gross indicated in the affirmative and advised that the existing DEP permit allowed for drainage through the wetlands.

Vice-Mayor Paul advised that the wetland continued west beyond the property line and asked how the applicant could control the water staying on only their portion of the property and not flowing further west. Mr. Gross advised that the system allowed for retention only on the site.

Mayor Truex asked how the water could be controlled from flowing further west. Mr. Gross stated that the water channeled through the treatment system only had an outfall to the back of the property after the 25- or 100-year storm.

Councilmember Crowley pointed out that the applicant could not control the water flowing further west at a future point. Mr. Gross explained that the stormwater system was designed to retain and pre-treat the water before it went into the wetland.

Vice-Mayor Paul asked if the retention areas were substantial enough to retain the water. Councilmember Crowley stated the site also had underground retention areas.

Mayor Truex asked about the variance request to move the building 35 feet over. Mr. Roscioli explained that the Code required a 30-foot landscape buffer along State Road 84, which was provided for in the plan. He explained that the suggestion was made to use some of the buffer to the rear of the

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property; however, a variance would be required. Mayor Truex asked how far the building was from the nearest house. Mr. Roscioli responded approximately 250-300 feet or more.

Councilmember Hubert advised she had spoken with the applicant and that “he” had sent her a letter. Vice-Mayor Paul and Councilmember Starkey advised she had also spoken with the applicant.

Councilmember Crowley stated that it was a nice project but reiterated his concerns about wanting to see more retention on site and zero discharge into the wetland.

Vice-Mayor Paul wanted some landscaping substitutions including taller trees on the north side to fill in the gaps. She indicated that she would feel more comfortable if the remaining landscaping, buffer and drainage issues were addressed and clarified prior to approval. Vice-Mayor Paul stated she was in favor of tabling this item.

Mr. Gross indicated that the project had an approved permit to connect the drainage system into the wetlands. Councilmember Crowley stated that he had a problem with discharging directly into an existing wetland with no control of the water. He felt adding more storage on site and more dry retention could be considered and asked that the pipes discharging into the wetlands be eliminated.

Vice-Mayor Paul wanted to look further into the Manatee Protection Plan.

Councilmember Starkey agreed with Councilmember Crowley and Vice-Mayor Paul until all assurances were met for the Council and the community. She stated that the current violations were also a concern. Councilmember Starkey supported tabling this item.

Vice-Mayor Paul made a motion, seconded by Councilmember Crowley, to table to February 16, 2005, subject to the applicant working with the Town’s landscape division on substituting some plants and possibly looking at taller species of trees on the north side, revisiting the seven foot buffer, eliminating the discharge directly into the existing wetland area, and addressing the concerns of the residents.” In a voice vote, all voted in favor. (Motion carried 5-0)

Mr. Leiva referred to a letter from Mr. Figueroa requesting that the buildings be moved south about 20 feet and requesting a landscape buffer adjacent to State Road 84.

Mr. Figueroa offered his personal and professional time and expertise in helping to address this matter further. Councilmember Starkey asked that Mr. Figueroa forward a copy of the letter to the Development Services Department.

Mayor Truex advised that items 6.5 and 6.6 had been withdrawn

6. PUBLIC HEARING

Town Clerk Muniz read the resolutions (items 6.1-6.4) by title.

Will Allen, Community Redevelopment Administrator, explained that this discussion concerned a series of public hearings concerning the disposal of property currently owned by the Davie Community Redevelopment Agency on which homes would be constructed. He explained the terms requiring that the Town approve the disposition of the property after a public hearing because it was being disposed of below market value and being donated to the prospective homebuyers. Mr. Allen advised that the homes would be 1,600 square feet with a one-car garage for an average cost of \$145,000. He explained the pre-qualification and occupancy terms for the homebuyers.

Mayor Truex asked if the individuals were all first time homeowners. Mr. Allen responded in the affirmative.

Councilmember Hubert asked about the length of the entire process from application to construction of the homes. Mr. Allen advised that the timeframe varied but would be a four-month period.

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Councilmember Starkey thanked Mr. Allen and Housing and Community Development Director Shirley Taylor-Prakelt for their efforts and welcomed the future homeowners to Davie.

Resolutions

- 6.1. **CONVEYANCE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA**
R-2005-43 APPROVING THE CONVEYANCE OF THE EAST 50.00 FEET OF LOTS 12 AND 13 IN BLOCK 1 OF "DAVIE LITTLE RANCHES AMENDED", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28, PAGE 35 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA TO MARTHA ANN JOSEY; AUTHORIZING EXECUTION OF SAME BY THE APPROPRIATE OFFICIALS OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Hubert made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.2. **CONVEYANCE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA**
R-2005-44 APPROVING THE CONVEYANCE OF THE EAST 50.00 FEET OF LOTS 15 AND 16 IN BLOCK 1 OF "DAVIE LITTLE RANCHES AMENDED", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28, PAGE 35 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA TO ANN MUSSO; AUTHORIZING EXECUTION OF SAME BY THE APPROPRIATE OFFICIALS OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Hubert made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.3. **CONVEYANCE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA**
R-2005-45 APPROVING THE CONVEYANCE OF THE WEST ONE - HALF OF LOTS 36 AND 37 IN BLOCK 2 OF "DAVIE LITTLE RANCHES AMENDED", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28, PAGE 35 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA TO RADHICA RAMSARAN AND ANN MARIE LOPEZ; AUTHORIZING EXECUTION OF SAME BY THE APPROPRIATE OFFICIALS OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Hubert made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

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- 6.4. **CONVEYANCE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA**
R-2005-46 APPROVING THE CONVEYANCE OF THE WEST ONE - HALF OF LOTS 39 AND 40 IN BLOCK 2 OF "DAVIE LITTLE RANCHES AMENDED", ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 28, PAGE 35 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA TO KAILA GILLINGS; AUTHORIZING EXECUTION OF SAME BY THE APPROPRIATE OFFICIALS OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.

Councilmember Hubert made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Items to be withdrawn

- 6.5. **WITHDRAWN BY PETITIONER**
VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 12-1-03, VACATING THE ROAD RIGHT-OF-WAY EASEMENT ON THE PROPERTY LOCATED AT 3655 SHOTGUN ROAD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 12-1-03, Oak Scholar of Broward, 3655 Shotgun Road) (tabled from December 1, 2004)

This item was withdrawn earlier in the meeting.

- 6.6. **WITHDRAWN BY PETITIONER**
REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-4-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 2-4-03, Oak Scholar of Broward, 3655 Shotgun Road) (tabled from December 1, 2004)

This item was withdrawn earlier in the meeting.

7. APPOINTMENTS

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

No appointment was made.

- 7.2. Airport Advisory Board (one exclusive appointment - Councilmember Starkey; terms expire December 2006)

No appointment was made.

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7.3. 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.

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

Vice-Mayor Paul advised that Mike Ruggieri had resigned and she appointed George Greb.

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

No appointment was made.

7.6. 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.

8. OLD BUSINESS

Councilmember Crowley explained the need to reconsider the plat amendment on Jasmine Isles that was approved at the last Council meeting [item 3.20 from January 19, 2005].

Bonnie Miskel, representing the petitioner, explained that the current plat had two parcels and that the note presented before Council previously was only intended to apply to Parcel A but did not specify Parcel A. She stated that going forward with the approval as it stood would negatively impact another resident's property. Ms. Miskel advised that this had been corrected by referencing "56 multi-family units on Parcel A."

Ms. Miskel spoke of the County's Land Development Code which defined a townhome as a product that had to be sold as fee simple, while the townhomes were being sold as condominiums. Therefore, the developer needed to convert 28 townhomes and 2 condominiums to 56 multi-family units.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to reconsider this item. 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)

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve with the corrections as stated, from 28 townhouse units and 28 garden apartments to 56 multi-family units on Parcel A. 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)

Councilmember Crowley asked that the mitigation resolution from the January 19th meeting be reconsidered [3.4]. He advised that he had met with Mr. Reagan on his site and wished to discuss this item again.

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

Councilmember Crowley made a motion, seconded by Mayor Truex, to table to February 16, 2005. In a voice vote, all voted in favor. (Motion carried 5-0)

9. NEW BUSINESS

9.1. Board Consolidation (Councilmember Starkey)

Councilmember Starkey requested that this be withdrawn at this point as the issue could be discussed at the March 11th goal setting workshop. She felt it was important for Council to look at its goals for the Town's advisory boards. Councilmember Starkey felt it was better to withdraw this item, then discuss it at a workshop the intent of the boards and define the purpose and goals of the various advisory boards first.

10. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR TRUEX

NOVA SOUTHEASTERN UNIVERSITY. Mayor Truex distributed a letter from Nova Southeastern University indicating the decision to include Davie on the institution's address as Fort Lauderdale-Davie.

OCCUPATIONAL LICENSES. Mayor Truex advised of a letter he received from the City of Weston's mayor regarding a bill filed by Representative Goldstein on occupational licenses. He requested that this be discussed at the next meeting.

COUNCIL MEETING. Mayor Truex advised that the Council's April meeting would conflict with Broward Days and requested that alternative meeting times be discussed at the next meeting.

STREETS AND BRIDGES. Mayor Truex spoke of a recent suggestion he received regarding the procedure for naming streets and bridges. He requested that staff investigate putting together an orderly process.

COUNCILMEMBER HUBERT

STAFF CONTRACTS. Councilmember Hubert advised she recently learned that only four of the Town's directors had contracts. She requested that Council consider standard contracts across the board in order to give them some peace of mind and security. Councilmember Crowley suggested discussing this further at the Council's goal setting workshop.

COUNCILMEMBER CROWLEY

AIRPORT EXPANSION STAFFING. Councilmember Crowley felt the airport expansion workshop was very helpful and requested that at a future meeting, Mr. Kovanes provide options on staffing for the issue. Mr. Kovanes advised he would address this in his comments.

COUNCILMEMBER STARKEY

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AIRPORT EXPANSION. Councilmember Starkey agreed that the workshop was successful and advised of a presentation that would be taken to the Airport Advisory Board. She indicated that the PowerPoint presentation was currently posted on the Town's website and invited residents to call Council to set up future meetings.

COUNTY BOARDS. Councilmember Starkey spoke of letters that had been requested from the South Florida Regional Planning Council and the Broward County Planning Council requesting if the Councilmembers were interested in serving on those boards. She asked if these had been sent. Mr. Kovanes indicated these letters had been sent out listing the Councilmembers' names.

VICE-MAYOR PAUL

DAVIE COMMONS PROJECT. Vice-Mayor Paul spoke of the Davie Commons project that had recently "stirred up a hornet's nest" in the Town. She advised that she had received numerous phone calls and e-mails and wanted the residents to know that an application had not been received by the Town but that residents would be informed when this occurred.

BROADVIEW PARK. Vice-Mayor Paul spoke of a newsletter that had been sent out to Broadview Park indicating that Mayor Truex had set up a meeting with Broadview Park residents. She advised that neither she nor Mr. Kovanes had heard anything about this meeting. Mayor Truex advised that he had indicated he would set up a time to meet with the residents.

Councilmember Starkey advised she had spoken with Mr. Kovanes about possible meetings with United Ranches and Broadview residents and that Mr. Kovanes had come up with a good plan on having a meeting similar to the one held at Pine Island.

Mayor Truex felt this was a good opportunity to meet with the residents and requested that it be publicly noticed for those who wished to attend. Vice-Mayor Paul indicated the scheduled date was February at the Sunview Park Community Room.

Councilmember Starkey wanted to look at having a public forum conveniently located for the United Ranches residents.

11. TOWN ADMINISTRATOR'S COMMENTS

AIRPORT EXPANSION STAFFING. Mr. Kovanes advised that he had spoken with Mr. Kutney on this issue and dedicating an individual from administration to handle this was a good option. He felt Public Information Specialist Braulio Rosa had been very helpful at the recent airport expansion meeting and wanted to sit down to discuss having an individual working with him further.

TRANSPORTATION ISSUES. Mr. Kovanes advised of an email he had received from Congresswoman Wasserman-Schultz regarding transportation issues that needed to be addressed. He requested an opportunity to meet with Council individually to discuss time-sensitive transportation issues, and the opportunity to leverage the role and assistance of Congresswoman Wasserman-Schultz in appropriating funds for the Town's transportation goals.

Councilmember Starkey felt it was also important to work with Nova Southeastern University as the institution was also working on various approaches to meeting transportation needs.

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AGRICULTURAL ZONING. Mr. Kutney advised of a request for staff to review agricultural lands and zoning and spoke of various statutes regarding agricultural land use. He stated that staff disagreed on their views regarding the Florida Statutes as they related to agricultural land use and zoning. Mr. Kutney indicated that after its recent discussion, the Agricultural Advisory Board made a motion and had put forward a plan of action to have himself, Julie Aiken and the Town Attorney's Office attempt to write a series of comprehensive questions to be sent to the Attorney General's Office, in order to get an official opinion. He requested support from Council to move ahead with this endeavor.

Councilmember Starkey felt this matter could wait until after the goal setting session, as the Planning and Zoning Board had many other priorities. She felt it was inappropriate to keep throwing new issues at them when they were already handling other issues.

Mayor Truex asked if there was a specific controversy driving this. Mr. Kutney advised that the Agricultural Advisory Board had concerns about downzoning of some properties.

Council agreed that this matter could wait until after the goal setting session.

DAVIE UPDATE. Councilmember Starkey advised that The Davie Update was still not being received by many new residents in areas including Riverstone and Long Lake Ranches. She requested that updates be made to the mailings.

12. TOWN ATTORNEY'S COMMENTS

LITIGATION. Mr. Kiar advised of the recent victory in the Lamar Electronics litigation where the court had determined that the Special Master was correct and that the facility had been found to be operating as a waste disposal facility. He stated that waste products were ordered to be removed from the property. Mr. Kiar indicated that his office had sent off a proposed order to the judge which was awaiting further action.

Mr. Kiar spoke of Council's concern about the Ciedi facility on Davie Road. He advised that a 4-hour trial was held before the Special Magistrate where six Code violations had been found. He stated that the property owners had been given 30 days to comply.

SUNNY LAKES. Mr. Kiar advised of a vote taken to amend some covenants contained in the plat and some existing agreements made with the County. He explained that by deleting these, the Town would be in compliance with its contractual requirements. Mr. Kiar thanked Mr. Laystrom and his office for their efforts.

Mr. Kiar advised that the Sunny Lakes property had at one time been owned by Jerry Fowler who had also owned property in Dania Beach. He explained that Dania Beach had brought Code enforcement liens against his property including Sunny Lakes. Mr. Kiar advised that he had appeared before the Dania Beach City Commission and explained that the park was to be used as a passive park and conservation area, resulting in the fees being mitigated and reduced to a total of \$2,000, which he recommended to be paid.

WORKSHOP. Mayor Truex asked about the workshop to be held about the Sunrise water issue. Mr. Cohen indicated that he would schedule a workshop.

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COOPER CITY. Mayor Truex asked about the legislation regarding Cooper City and whether it was “on ice”. Mr. Kiar advised that there were items requested which had not been provided, but had recently been received. He stated that his office was not pushing this litigation and that it was incumbent upon the plaintiff to move things forward. Town counsel Andre Parke advised that upon the legislature adopting what was requested, then the case would become moot but until then, the Town had to continue gathering evidence to support its cause.

PARK CITY. Mr. Kiar indicated that he had recently taken a deposition of Ms. Neal and intended to take depositions of other individuals. He stated that under the annexation agreement, there was nothing that required the Town to maintain the medians; however, it was management’s obligation to do so.

Councilmember Crowley asked if Mr. Kiar could address Ms. Tilley’s concerns. Mr. Kiar referenced Article 12 and pointed out that the issue was the validity of the annexation process and agreement. He did not feel the issue involving the 18th Street median was encompassed within these terms. Mr. Kiar advised that the last sentence made it clear that that “if the association and management wished to participate, they were to do so at their sole option and expense.” He indicated that there was nothing indicating that the Town was responsible for picking up costs other than its own. Mr. Kiar stated that Council could look further into this if it wished. Ms. Tilley indicated the individuals felt that as residents of Davie they assumed and hoped that the Town would have assisted them.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:07 p.m.

Approved _____

Mayor/Councilmember

Town Clerk

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