

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

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

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk

SUBJECT: August 1, 2007 minutes

AFFECTED DISTRICT: n/a

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: August 1, 2007 (Regular Meeting)

REPORT IN BRIEF: Council minutes from the August 1, 2007 Council meeting.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve

Attachment(s): August 1, 2007 minutes

AUGUST 1, 2007

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:03 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Caletka, and Councilmembers Starkey and Crowley (arrived at 7:11 p.m.). Also present were Town Administrator Shimun, Town Attorney Cherof, and Assistant Town Clerk McDaniel recording the meeting. Councilmember Luis was absent.

Later in the meeting, Councilmember Crowley made a motion, seconded by Mayor Truex, to excuse Councilmember Luis. In a voice vote, with Councilmember Luis being absent, all voted in favor. (Motion carried 4 - 0).

3. OPEN PUBLIC MEETING

Mayor Truex explained the rules and procedures for the open public meeting.

Rose Anderson presented photos of a swale in the back of her rental property that belonged to the Town that still contained debris from Hurricane Wilma and had vermin living in it. She asked Council to look into this situation. Mayor Truex was not sure if this was the Town's responsibility and asked staff to look into it.

Ms. Anderson announced that on September 15th, the Davie Historical Society was hosting a dinner at the Old Davie School honoring all past pioneers

Pastor Rick Fernandez requested a waiver of permitting fees for his project because it was a non-profit organization. Mayor Truex thought Council had considered a resolution regarding religious organizations. Mr. Shimun said there was a resolution from 1982, but this specifically discussed churches, not other facilities or nonprofits. Mayor Truex indicated that he was in favor of waiving the fee for Teen Challenge. Pastor Fernandez confirmed that his organization was faith-based, and was involved with community activities.

Development Services Director Mark Kutney advised that the 1982 resolution discussed waving fees for rezonings, variances, and building permits, and referred to the occupational license/business tax definition of "religious institution" which indicated this was a house of worship or cemetery. He reminded Council that they had not waived fees for Sheridan House. Mr. Cherof indicated that fees established by ordinance were not subject to administrative or Council waiver unless this provision was built into the ordinance. In most cases, waived fees were paid by another source of funds.

Pastor Fernandez said he had obtained information from the Town indicating that building permits and related fees would be waived. He said that he was specifically instructed that Teen Challenge would not pay permit fees.

Councilmembers Starkey and Caletka wanted each case to be considered individually by Council rather than instituting an ordinance to exempt all not-for-profit organizations.

Mr. Cherof confirmed for Mayor Truex that Council could exempt the not-for-profit while they researched this matter and if it proved illegal to grant the waiver, the not-for-profit would pay it later. He advised Council to develop very specific criteria so they could not be accused of disparate treatment. Council agreed to direct Development Services to issue the permit, provided that Teen Challenge signed a letter saying they would pay the fee if the waiver were not ultimately granted.

Councilmember Crowley suggested that Pastor Fernandez submit a request for funding in the Town budget.

Jimmy Newton said there had been no citizen participation meeting regarding the Charter School after the site plan had expired, and this was required. Mr. Kutney said he had met with Mr. Newton the previous day and provided an overview of what had transpired regarding the Charter School. Mr. Kutney indicated that he had explained to Mr. Newton that this should not have been approved, because nothing in the Code allowed it, but Council reviewed these matters.

Donna Fernandez announced they were having a Kick Drugs Out of Davie outreach on September 8th on the Bergeron rodeo grounds.

Karen Stenzel-Nowicki said prior to the July 26th Council meeting, she had requested that the public be allowed to speak regarding the Town Attorney selection but the public had not been granted this opportunity. She had researched all the candidates and visited their office buildings, and said she had discovered “very disturbing information” at Mr. Rayson's location. Ms. Stenzel-Nowicki reported there was a gay bar at this location. She said Mr. Rayson was listed on this establishment’s liquor license and there were state tax liens on the establishment. Ms. Stenzel-Nowicki questioned whether this was the image their community wanted as their Town Attorney's office locale. She stated that based upon this information, she requested full, written disclosure from each Councilmember regarding whom they had spoken to, and had been contacted or lobbied by on this issue. Ms. Stenzel-Nowicki also requested immediate reconsideration of the vote regarding this matter, and that any offer to Mr. Rayson be terminated immediately.

John LaDue said the last time he had attended a meeting, he had requested an apology and instead, Code Compliance had cited him again for violations which had already been proven not to be violations.

Judy Paul said she was here representing her dog, who wanted Mr. Shimun to reconsider his decision to prohibit dogs on “Bring Your Dog to Work” day.

Ms. Paul said many people were upset about the Shenandoah Fire Station that had been put on hold during budget discussions. She stated that the residents in District 4 had voted for the fire bond for this fire station and another one in District 1. The District 1 station had been built, but Shenandoah was now on hold. Ms. Paul asked Council to ensure that this fire station was moved forward. Mr. Shimun advised that during budget discussions, Council had decided to postpone building this station. He assured Ms. Paul that service would not be diminished.

Mayor Truex announced that items 6.10 and 6.11 needed to be tabled to September 5, 2007.

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

Mayor Truex announced that staff had withdrawn items 4.7 and 4.10. Mayor Truex asked about staff’s progress on item 4.7, the Regional Activity Center market analysis. Mr. Kutney advised that the consultant had been unavailable for this meeting, and they had wanted him to give a presentation.

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1 June 6, 2007 (Regular Meeting)

Proclamation

4.2 Women's Equality Day

Resolutions

- 4.3 **CONTRACT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2007-198 FLORIDA, APPROVING AN EXTENSION TO THE CONTRACT BETWEEN THE TOWN AND ASHBRIIT ENVIRONMENTAL SERVICES, INC. FOR DISASTER RECOVERY DEBRIS REMOVAL SERVICES. (tabled from July 18, 2007)
- 4.4 **MILLAGE RATES - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2007-199 FLORIDA, ESTABLISHING THE PROPOSED MILLAGE RATES TO BE LEVIED FOR OPERATING PURPOSES AND FOR VOTER APPROVED DEBT SERVICE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2007, AND ENDING SEPTEMBER 30, 2008.
- 4.5 **BID EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2007-200 FLORIDA, APPROVING AN EXTENSION OF THE BID BETWEEN THE TOWN AND GOLD NUGGET D/B/A ARGO UNIFORM CO. FOR THE SUPPLY OF POLICE AND FIRE-RESCUE DEPARTMENT UNIFORMS. (\$45,000/year for police and \$45,000/year for fire)
- 4.6 **EXPENDITURE - A RESOLUTION OF THE TOWN OF DAVIE**
R-2007-201 FLORIDA, AUTHORIZING THE EXPENDITURE OF LAW ENFORCEMENT TRUST FUNDS IN THE AMOUNT OF \$18,373.50 (PLUS ASSOCIATED SHIPPING AND HANDLING COSTS) FOR THE PURCHASE, INSTALLATION, AND SYSTEM TRAINING OF THE ID500 PORTABLE LIVE SCAN SYSTEM FOR THE POLICE DEPARTMENT FROM THE SINGLE SOURCE VENDOR CROSSMATCH TECHNOLOGIES, INC.
- 4.7 **REGIONAL ACTIVITY CENTER - A RESOLUTION OF THE**
TOWN OF DAVIE, FLORIDA, APPROVING THE TOWN OF DAVIE REGIONAL ACTIVITY CENTER ERA MARKET ANALYSIS AND AUTHORIZING PAYMENT FOR SUCH ANALYSIS TO EDSA; AND TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. . (\$28,401.90)
- 4.8 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE,**
FLORIDA,

R-2007-202 INC. FOR DESIGN AND CONSTRUCTION OF A COLOR REMOVAL SYSTEM AT THE TOWN OF DAVIE WATER TREATMENT PLANT.

4.9 **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2007-203 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE SECOND AMENDMENT TO AN EXISTING LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND AMERICAN TOWER CONCERNING THE MONOPOLE TELECOMMUNICATIONS TOWER LOCATED AT 6911 ORANGE DRIVE; AND PROVIDING FOR AN EFFECTIVE DATE. (estimated \$12,000/year revenue)

- 4.10 **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE FIRST AMENDMENT TO AN EXISTING MITIGATION AGREEMENT BETWEEN THE TOWN OF DAVIE AND HOME DYNAMICS CORPORATION CONCERNING WETLAND MITIGATION AT THE VAN KIRK SITE; AND PROVIDING FOR AN EFFECTIVE DATE. (potential loss of approximately \$1.6 million)
- R-2007-204 4.11 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR LOCAL AGENCY PROGRAM (LAP) CERTIFICATION; AND PROVIDING AN EFFECTIVE DATE.
- R-2007-205 4.12 **RELEASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING THE MAYOR TO EXECUTE THE APPLICATION TO SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD) FOR THE RELEASE FOR CANAL AND MINERAL RESERVATIONS TO THE TOWN OF DAVIE; AND PROVIDING FOR AN EFFECTIVE DATE.
- R-2007-206 4.13 **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA
AUTHORIZING THE MAYOR TO EXECUTE THE JOINT CONSERVATION EASEMENT FOR THE VAN KIRK PROPERTY; AND PROVIDING FOR AN EFFECTIVE DATE.
- R-2007-207 4.14 **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE FLORIDA,
ACCEPTING THE UTILITY EASEMENT WITH LAKESIDE TOWN SHOPS, LTD, AND AUTHORIZING THE PROPER TOWN OFFICIALS TO EXECUTE THE UTILITY EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.
- R-2007-208 4.15 **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE FLORIDA,
ACCEPTING THE UTILITY EASEMENT WITH TARGET CORPORATION AND AUTHORIZING THE PROPER TOWN OFFICIALS TO EXECUTE THE UTILITY EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.16 **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE FLORIDA,

R-2007-209

ACCEPTING THE UTILITY EASEMENT WITH EASTERN FINANCIAL FLORIDA CREDIT UNION AND AUTHORIZING THE PROPER TOWN OFFICIALS TO EXECUTE THE UTILITY EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

- 4.17 **DEVELOPER’S AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2007-210 FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE WHISPERING PINES RESIDENTIAL ASSOCIATION INC. FOR THE PLACEMENT OF MONUMENT SIGNS AND REQUIRED LANDSCAPING WITHIN THE TOWN’S RIGHT-OF-WAY; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 5-1-07, Whispering Pines Residential Association, generally located along eastern portion of SW 33 Place, between SW 130 Avenue and SW 131 Terrace)
- 4.18 **PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A**
R-2007-211 PLAT KNOWN AS THE “TOWN SQUARE AT DAVIE” AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR’S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 1-1-06, Townsquare Townhomes, 6651 SW 41 Street) *Planning and Zoning Board recommended approval contingent upon staff’s recommendations and to change the plat note to limit 10 units on the property instead of 12 units*
- 4.19 **PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A**
R-2007-212 PLAT KNOWN AS THE “CASEYCO COMMERCE CENTER” AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR’S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 11-1-06, Caseyco Commerce Center, 1056 West State Road 84) **[see related item 4.20]** *Planning and Zoning Board recommended approval*

Quasi-Judicial Consent Agenda

- 4.20 MSP 11-5-06, Caseyco Office Park, 1056 West State Road 84 (CC) **[see related item 4.19]** *Site Plan Committee recommended approval subject to staff’s recommendations; that the plans look like the rendering as displayed; and to allow the petitioner to come back with the color changes*

Councilmember Starkey pulled items 4.3, 4.19 and 4.20. Vice-Mayor Caletka pulled item 4.17.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve the consent agenda less items 4.3, 4.17, 4.19 and 4.20. In a voice vote, all voted in favor. (Motion carried 4-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.3 Councilmember Starkey advised that she had received complaints about this company after Hurricane Wilma. She remembered that Council had held a special meeting three weeks after the hurricane to hire an additional debris removal company. Councilmember Starkey said she had come under attack because she had been critical of this company. She said she would not support this contractor, because of poor performance and because they were in breach of contract. Councilmember Starkey submitted a memo she had authored and a memo the Town Attorney had authored regarding this.

Vice-Mayor Caletka recalled that at the post-Wilma meetings, everyone had agreed that Ashbritt had been performing pursuant to their contract and doing a good job. He recalled Council increasing the amount of debris to be hauled away and Ashbritt had met that increase.

Vice-Mayor Caletka advised he had researched this matter after Councilmember Starkey brought this up, and had discovered that Bergeron's contract contained the same language prohibiting political contributions as Ashbritt's. He added that Bergeron had also contributed to political campaigns and had therefore breached its contract as well. Vice-Mayor Caletka said he had not held this against Bergeron when they voted on the contract.

Councilmember Crowley stated Ashbritt had performed to his satisfaction after Hurricane Wilma and felt that any issues had been due to a lack of communication.

Councilmember Starkey wanted it on the record that Ashbritt did not own its own trucks, but utilized subcontractors for storm cleanup.

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

4.17 Vice-Mayor Caletka said that staff would say this was public safety issue, allowing fire trucks to service the area which he disagreed with. He felt firefighters knew the streets fairly well, and Whispering Pines should put signs on its own property.

Councilmember Crowley thought that this was a replacement sign damaged from the hurricanes. Acting Deputy Planning and Zoning Manager David Abramson confirmed that this sign had old age damage, would be in the same location and would have to meet the same requirements.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve. In a voice vote, with Vice-Mayor Caletka dissenting and Councilmember Luis being absent, all voted in favor. (Motion passed 3-1)

4.19 and 4.20 Dennis Mele, representing the applicant, agreed that items 4.19 and 4.20 could be consolidated.

Mr. Cherof swore in witnesses.

Mr. Mele referred to a copy of the site plan and advised that there had been positive reaction at their citizen participation meeting. His client had asked that Council consider another color scheme for the property.

Councilmember Starkey asked if the building would include any LEED certification criteria. Mr. Mele responded that some of these components had been incorporated.

Councilmember Starkey stated that the Park City West residents were concerned about safety and Mr. Mele advised that the petitioner was installing a guardrail and the road would be widened to meet Town standards. He pointed out on a rendering were landscaping would be installed. Mr. Mele said that they had used shielding to get the lighting down to the required nighttime footcandles. Councilmember Starkey requested

that dimmer lights be placed on the perimeter of the property. Mr. Mele said they could do this provided it met the Code.

Councilmember Starkey informed Mr. Mele exactly where she felt the wall on the western portion should be situated, per the public participation meeting. Mr. Mele clarified where a wall was required between commercial and residential property and where one was not required between two commercial properties. Councilmember Starkey preferred that no wall be between the commercial properties because this was a dry retention area with a canal easement. She referred to sheet C4, page 4 of 11 of the site plan to show Mr. Mele where the wall should be sited. Mr. Mele agreed to put

additional trees near the dry retention area. Councilmember Starkey indicated where she wanted two pergolas installed, but staff informed her there was not sufficient room within the canopy tree area for pergolas.

Acting Planning and Zoning Manager Marcie Nolan stated there was not sufficient room for landscaping in front of the guardrail and agreed to work with Mr. Mele on the lighting. Ms. Nolan said there was no Code issue with the wall on the southwestern or northwestern part of the parcel. Instead of the pergolas, she indicated that the canopy trees were being used the right way here and would serve Councilmember Starkey's intent. Councilmember Starkey said there were smaller pergolas that would fit here.

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

Council gave their disclosures on this item.

Councilmember Starkey made a motion to consider some of the items they recently discussed: the wall on the western portion from the northern point of Scarborough residential community be run along that western portion all the way to the southern sidewalk; the bald cypress, three that are in six-inch diameters, about 10 to 14 feet that would be on the dry retention area on the upward part, not in the dry retention, but upon the top slope, be planted along that area to add additional screening on the southern portion of that southern dry retention area and five would be placed on the central dry retention area on the west side of that retention area and staged and work with our urban forester so that it would provide as much buffering as possible to the residents that live there; two pergolas put on the eastern portion of the areas to the extent possible, take the two trees that are in the eastern portion of the both north and south ends, adding those pergolas, to have a climbing vine and some golden mound on the bottom under juniper or something down the bottom, and then taking those two shade trees and adding those to the western portion to buffer the community with those additional two more trees; the guardhouse as agreed to improve the alignment of the road entering into Park City community, improve that guardhouse along with that alignment as promised; the sidewalk with the brick pavers that will cross the area; that there be a guardrail installed consistent with what staff had said along there; and since it has now been reduced to two lanes, there is adequate area for some small landscaping.

Vice-Mayor Caletka asked what color scheme Councilmember Starkey preferred. Councilmember Starkey said that the overall project as submitted, the green, brown and off-white. She advised Mr. Mele if he wanted to change the color, he could come back through the site plan process.

Councilmember Starkey continued her motion that the project should comply with the green building standards to the best extent possible, working with staff on those as well, and the night sky ordinance and the lights dimmer around the south and west portions, near the residential communities, and brick pavers across the sidewalk by the guardhouse, as well as what the Planning and Zoning Board and staff had requested with the exception of number three of the planning and zoning, which had to do with a tree survey, and that could probably be a certified statement by the applicants attesting that there is only one Bashovia tree.

Vice-Mayor Caletka agreed with most of the motion, but agreed with staff's opinion that there was not sufficient room for landscaping in front of the guardrail. He

was unsure of the need for the pergolas and he would rather have the benches with the high canopy trees.

Councilmember Crowley said there was definitely not room in front of the guardrail for landscaping and would appreciate it if that portion of the motion were removed.

Mayor Truex asked if the wall had been discussed at the public participation meetings. Mr. Mele responded that they had informed the residents that they would install the wall. Mayor Truex felt it was better to leave the wall intact for the residents and businesses security.

Councilmember Crowley remarked on the number of conditions in Councilmember Starkey's motion and wished Councilmember Starkey had met with the applicant previously so a clean set of plans could have been submitted. Councilmember Crowley suggested tabling the item until the next meeting to allow Mr. Mele to do this. Mr. Mele asked Council not to table the item, but to "approve something."

Councilmember Starkey amended her motion to eliminate the two pergolas and the landscaping along the guardrail. Councilmember Crowley seconded the motion.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve item 4.19. In a voice vote, with Councilmember Luis being absent, all voted in favor. (Motion carried 4-0)

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve item 4.20 with the conditions previously cited with the exception of the two that Vice-Mayor Caletka had recommended removing which was the two pergolas and keeping the trees there, along with all the others she had submitted and the landscaping that doesn't fit along the side of the guard rail. She included the benches under the two trees that are on the southern portion, most eastern portion of the tree wells with the wrought iron same type receptacle for waste, and also on the north side of the most eastern portion tree well." In a voice vote, with Councilmember Luis being absent, all voted in favor. (Motion carried 4-0)

6. PUBLIC HEARING

Resolutions

6.1 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
ADOPTING THE 5
R-2007-213 YEAR CAPITAL PROJECTS PROGRAM FOR THE TOWN OF
DAVIE FOR FISCAL YEARS 2008-2012. (tabled from July 18, 2007)

Mr. Cherof read the resolution by title.

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

Councilmember Crowley thanked the president of Old Davie School and the trustees for raising money for the window replacement, thereby reducing the capital budget for the Town.

Councilmember Starkey asked if the Community Redevelopment Agency's bonding would affect the Town. David Sigerson, legislative consultant, felt it would not, based upon his conversations with Redevelopment Administrator Will Allen. Mr. Cherof said that adding it to the budget was not a commitment to doing it in the future.

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

Ordinances - Second and Final Reading

- 2007-17 6.2 AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, DESIGNATING THE TOWN OF DAVIE "REGIONAL ACTIVITY CENTER," ENCOMPASSING THE LAND LYING BETWEEN UNIVERSITY DRIVE AND THE FLORIDA TURNPIKE AND BETWEEN STATE ROAD 84 AND GRIFFIN ROAD, AS AN AREA SUITABLE FOR APPLICATION OF INCREASED DEVELOPMENT OF REGIONAL IMPACT THRESHOLDS PURSUANT TO CHAPTER 380, FLORIDA STATUTES; APPROVING THE SUBMITTAL OF THE PROPOSED ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR CONSISTENCY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on First Reading July 18, 2007. All voted in favor.}**

Mr. Cherof read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Paula Twitty said that some of her neighbors were concerned about Planning and Zoning Board member Mr. Busey's comments in the June 27th concurrence report. Residents of Little Ranches were also concerned about being included in the threshold and about the residential threshold increasing from 3,000 to 4,500. Ms. Twitty requested a link on the Town web site to the EDSA comprehensive plan. Vice-Mayor Caletka said Little Ranches was to be left alone.

Tom Mayer asked if it would be put in writing that Little Ranches would be left alone. Vice-Mayor Caletka said if there were redevelopment, it would be the same as it was now.

Mr. Kutney advised that a meeting scheduled for August 20th to further refine the plan. Regarding Mr. Busey's fear that impacts would not be reviewed by-passing additional thresholds, Mr. Kutney said there would still be appropriate review within the Town of all projects.

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

- 2007-18 6.3 **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION APPLICATION VA 7-2-06 "GREAT FLORIDA BANK CENTER" VACATING A PORTION OF RIGHT-OF-WAY (O.R.B. 3326, PG 750, B.C.R.) LYING IN TRACT 2, EVERGLADES SUGAR AND LAND COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 67 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on First Reading July 18, 2007. All voted in favor.}**

Mr. Cherof 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. Mele, representing the applicant, advised that 6.3 and 6.4 were the same project.

Council gave their disclosures on this item.

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

6.4 **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2007-19 APPROVING REZONING PETITION ZB 7-3-06, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading July 18, 2007 subject to approved subject to the deed restrictions regarding hours of operation; no lounges, bars, or nightclubs; no gambling with the exception of the Florida Lottery; restaurants to close at 11 p.m.; Site Plan Committee's and staff's recommendations; an 8 foot wall with a vine on the south side; increased landscaping; stacked stone on the angled wall on the front of the building; neutral beiges; green building concepts; the site plan comes back to Council at the next meeting; and roadway improvements on all of 48th Street and the relevant portion that affects the property on 78th Avenue. All voted in favor.}

Mr. Cherof read the ordinance by title.

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

Dennis Mele, representing the applicant, advised that the requested changes to the plan had been made and he clarified that there would be no stand-alone bars or nightclubs.

Councilmember Starkey made a motion, seconded by Mayor Truex, to include the stacked stone not on the angled wall, but the one next to it and all the other terms and conditions there were on here relative to lounges, bars, nightclubs and other subjects and restrictions from the previous action of July 18.

Councilmember Starkey clarified that she wanted the stacked stone on the entrance wall, instead of on the angled wall.

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

Ordinance - First Reading/Quasi-Judicial Items (Second and Final Reading to be held August

15, 2007)

6.5 **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 5-1-07, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM PRD 6.3, PLANNED RESIDENTIAL DEVELOPMENT DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-1-07, Nova**

Southeastern University, Inc./Rolling Hills Hotel, Ltd., 3501 West Rolling Hills Circle) [see **related items 6.6, 6.7, and 6.9**] *Planning and Zoning Board recommended approval*

Mr. Cherof read the ordinance for item 6.5 by title. Mayor Truex announced that a public hearing would be held on this item at the August 15, 2007 meeting.

Mayor Truex recommended Council combine items regarding the same property. Mr. Cherof said the following additional items concerned this property included 6.6, 6.7 and 6.9. Dennis Mele, representing the applicant, had no objections.

Mr. Cherof read the ordinance for item 6.6 by title. Mayor Truex announced that a public hearing would be held on this item at the August 15, 2007 meeting. Mr. Cherof said the quasi-judicial hearing would include item 6.7 and item 6.9.

Mr. Mele described the zoning changes and said the change was required to keep the existing building at its existing height. The special permit was sought to be able to use some of the buildings common areas for university functions.

Mr. Mele noted one correction - the restrictive covenant in item 6.5 regarding graduate housing should be removed because no such offer was made. Councilmember Starkey said she was concerned about leaving out the restrictive covenant because at some point in the future, the facility may again be used as a hotel. She was also concerned about the loss of the tax base. Mr. Mele said that a rezoning would be required to use the building again as a hotel.

In response to Mayor Truex's concern, Mr. Mele advised that a restrictive covenant could be provided stating that the building would not be used for undergraduate housing.

John Santulli, vice president of Nova Southeastern University, explained that when Mr. Hanbury returned, they planned to meet with Town staff to address the revenue issue. He anticipated this would take place prior to the second reading.

John Santulli reminded Council that the University paid the non-ad valorem fire/rescue EMS fees which would amount to \$25,000-\$30,000 for this building.

Mr. Cherof opened the public hearing.

Don Martin was pleased that this plan would go forward. He added that the Board of Directors of Lake Estates Rolling Hills was pleased with the communication they had so far with Nova and they supported the application.

Greg Samuels, Lake Estates Rolling Hills real estate committee, was delighted with the plan and said their residents had expressed concern over the lack of a covenant.

Mr. Cherof closed the public hearing.

Council gave their disclosures on this item.

Councilmember Crowley wanted to ensure that prior to the second reading, the concerns regarding the covenant and revenue were addressed.

Councilmember Crowley made a motion, seconded by Councilmember Starkey to approve with the condition that the covenant and revenue issues were addressed prior to the second reading. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - absent; Councilmember Starkey - yes. (Motion passed 4-0)

6.6 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 5-2-07, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE TO INCLUDE THE APPROXIMATE 2.10 ACRE "TENNIS PARCEL," FROM: PRD 6.3, PLANNED RESIDENTIAL DEVELOPMENT DISTRICT TO: CR, COMMERCIAL RECREATION DISTRICT; THE APPROXIMATE 1.09 ACRE "LAKE PARCEL," FROM: PRD 6.3, PLANNED RESIDENTIAL DEVELOPMENT DISTRICT, TO: CR, COMMERCIAL RECREATION DISTRICT; THE APPROXIMATE

1.20 ACRE "PARKING PARCEL," FROM: PRD 6.3, PLANNED
RESIDENTIAL DEVELOPMENT DISTRICT, TO: CR,
COMMERCIAL RECREATION DISTRICT; THE APPROXIMATE
.85 ACRE "ISLAND PARCEL," FROM: PRD 6.3, PLANNED
RESIDENTIAL DEVELOPMENT DISTRICT, TO: CR,
COMMERCIAL

RECREATION DISTRICT; AND A PORTION OF THE “HOTEL PARCEL,” FROM: PRD 6.3, PLANNED RESIDENTIAL DEVELOPMENT DISTRICT, TO: CR, COMMERCIAL RECREATION DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-2-07, Nova Southeastern University, Inc./Broward Anchor International, Ltd., 3501 West Rolling Hills Circle) [see related items 6.5, 6.7, and 6.9] *Planning and Zoning Board recommended approval*

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve on the condition that the applicant meet with staff regarding the revenue issues. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - absent; Councilmember Starkey - yes. (Motion passed 4-0)

Quasi-Judicial Items

6.7 **VARIANCE** - V 5-5-07, Nova Southeastern University, Inc./Rolling Hills Hotel, Ltd., 3501 West Rolling Hills Circle (PRD 6.3) (increasing the maximum height of a building from 35 feet to 87 feet for the existing elevator machine room and 91 fee for an existing antenna) [see related items 6.5, 6.6, and 6.9] *Planning and Zoning Board recommended approval*

Mr. Mele confirmed there would be no increase in the buildings’ height.

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

Mr. Mele explained the request.

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

6.8 **SPECIAL PERMIT** - SE 4-1-07, Lozano/Bank of America, 6300 Stirling Road (C) (continued use of a temporary trailer) *Planning and Zoning Board recommended approval*

Mr. Cherof swore in the witnesses.

Karen Anderson, representing the applicant, explained the request for the extension for the temporary trailer for 36 months during renovation of the site. She said they had complied with all staff requests. Ms. Nolan clarified that the Code allowed a request for an additional 18 months, but the applicant was requesting 36 months. Ms. Anderson hoped the new building would be completed within 20 to 24 months. They had requested an increment of 18 months because that was what the Code stated.

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

Rick Kaufman said the parcel must be developed as one site and advised that the applicant was also going through a land-use change process in the City of Hollywood. He stated that they were pushing along as quickly as possible, but it was up to other agencies.

Mr. Kaufman explained to Councilmember Starkey why they could not rebuild the bank on the same spot.

Mr. Cherof closed the public hearing.

Council gave their disclosures on this item.

Vice-Mayor Caletka felt this would be good for the community in the future, and favored allowing an additional 36 months. Councilmember Crowley acknowledged the difficulties, but wanted the applicant to return in 18 months, and Mayor Truex agreed they could apply for another extension at that time. Councilmember Starkey agreed.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve an 18-month extension. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - absent; Councilmember Starkey - yes. (Motion passed 4-0)

- 6.9 **SPECIAL PERMIT - SE 5-2-07, Nova Southeastern University, Inc./Rolling Hills Hotel, Ltd., 3501 West Rolling Hills Circle (PRD 6.3)** (to utilize the existing hotel facilities, dining rooms, pool and spas, and related support spaces for special events to include, but not limited to, banquets, seminars, executive education, civic events, homeowner association meetings, and weddings) [see related items 6.5, 6.6, and 6.7] *Planning and Zoning Board recommended approval*

Earlier in the meeting, Councilmember Crowley made a motion, seconded by Councilmember Starkey to approve item 6.9. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - absent; Councilmember Starkey - yes. (Motion passed 4-0)

Items to be tabled

- 6.10 **PLANNING AND ZONING BOARD TABLED TO AUGUST 8, 2007; COUNCIL CAN TABLE TO SEPTEMBER 5, 2007**
REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 6-2-06, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-4 (COUNTY), LIMITED HEAVY INDUSTRIAL DISTRICT TO M-3, PLANNED INDUSTRIAL PARK DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

- 6.11 **PLANNING AND ZONING BOARD TABLED TO AUGUST 8, 2007; COUNCIL CAN TABLE TO SEPTEMBER 5, 2007**
V 3-1-07, Barranco Gonzalez Architecture/Anchor Development, LLC, 2600 Davie Road

This item was tabled earlier in the meeting.

7. APPOINTMENTS

- 7.1 Mayor Truex
7.1.1 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

- 7.1.2 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

- 7.2 Councilmember Starkey

- 7.2.1 Airport Advisory Board (one exclusive appointment - terms expire December 2007)

No appointment was made.

- 7.3 Councilmember Luis

- 7.3.1 Airport Advisory Board (two exclusive appointments; terms expire December 2007)

No appointments were made.

- 7.4 Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

No appointments were made.

- 7.5 Florida League of Cities Legislative Policy Councils for 2007-2008

Councilmember Starkey explained these appointments.

Councilmember Crowley made a motion, seconded by Mayor Truex, to accept Councilmember Starkey as the voting member for the Florida League of Cities at the conference in Orlando. In a voice vote, all voted in favor. (Motion carried 4-0)

8. OLD BUSINESS

- 8.1 Audio/Video Surveillance - Mayor Truex

Mayor Truex proposed a resolution that would define what video surveillance was, declare the Town policy's opposing video surveillance, excepting certain defined exceptions such as specific law enforcement activities, recording of public meetings, recording of performances and public events, excluding for general crime deterrence.

Mayor Truex referred to the novel "1984" by George Orwell, and to the exponential progression of computer capability, and stated that Council would be "making a big mistake if we start down this road of these spy cams." He felt they should send a message to other municipalities and other people in government that the Town valued people's privacy. Mayor Truex felt that possible crime deterrence was not a good enough reason to give up one's freedom.

Vice-Mayor Caletka had been concerned about fully disclosing the surveillance, saying he had attended a meeting in Town Hall and been unaware he was being recorded because the notice was so small.

Councilmember Starkey said she had requested an opinion from Mr. Cherof when she discovered the notice in the lobby at Town Hall. She also wanted the resolution to address the public records retention issue. Councilmember Starkey understood the concerns of the Human Resources Director and said she would support the video surveillance but not the audio surveillance due to HIPPA/privacy issues. She remarked that Mr. Cherof had created an excellent opinion, indicating that this was permitted, provided proper postings were made per Florida statute, but he recommended against audio recording.

Mayor Truex proposed a meeting with the Police Chief, Administration and the Town Attorney to create a resolution for one of the September meetings.

Mr. Shimun confirmed that the cameras were still on, but the audio was off. Councilmember Starkey asked that the cameras be turned off in the Community Room and Mr. Shimun and Council agreed.

Police Chief John George pointed out that the Police Department had specific surveillance equipment for safety and perimeter security. Councilmember Starkey said the Police Department and law enforcement/criminal investigation should be exempt from turning the cameras off.

9. NEW BUSINESS

There was no new business to be discussed.

10. MAYOR/COUNCILMEMBER'S COMMENTS

VICE MAYOR CALETKA

DISCLOSURE REGARDING TOWN ATTORNEY CANDIDATES. Vice-Mayor Caletka advised that he had received phone calls on behalf of Mr. Goren's firm from the Mayors of Pembroke Pines and Oakland Park. He had received a call on behalf of Mr. Rayson from Tim Ryan.

TAKE-HOME CAR POLICY. Vice-Mayor Caletka wanted to be sure this issue appeared on a Council meeting agenda in the near future. Mr. Shimun advised that staff was preparing a policy.

COUNCILMEMBER CROWLEY

DISCLOSURE REGARDING TOWN ATTORNEY CANDIDATES.

Councilmember Crowley said he had spoken with Mr. Rayson.

COUNCILMEMBER STARKEY

DISCLOSURE REGARDING TOWN ATTORNEY CANDIDATES.

Councilmember Starkey said that Council had all received letters from members of the Central Broward Water District and Mr. Rayson. She had also been contacted by a member in Pompano, who recommended Mr. Rayson. Councilmember Starkey said, "I can't tell you how many people" lobbied on behalf of Mr. Goren, including several elected officials whose cities were represented by Mr. Goren's firm.

KINGS MANOR TREE REMOVAL. Councilmember Starkey said that palm trees were being dug up in Kings Manor without a permit. Metal salvage was also taking place on the property and she asked that the Code Compliance and the Planning and Zoning Division look into this matter.

PROJECT DELAYS. Councilmember Starkey remarked on the continued delays regarding this Police/Fire Memorial and reminded Council that the dedication was supposed to have taken place last September. She requested a full report on all delays. Councilmember Starkey noted that Math Iglar

Grove, the roundabout, the Van Kirk parcel and the Sunny Lake cleanup projects were all delayed as well. She said that the most apparent delay was the water play area from the 1989 bond issue.

Councilmember Starkey asked that the management efficiency study examine how the capital projects were monitored and what could be done to get these projects completed on time and under budget. She wanted to know why each of the projects she had mentioned had been delayed.

MAYOR TRUEX

DISCLOSURES REGARDING TOWN ATTORNEY CANDIDATES. Mayor Truex said he had not been lobbied, perhaps because he had expressed his preference early on. He indicated that Mr. Rayson had called prior to applying but he had advised him to apply and they would speak later.

PUBLIC COMMENT. Mayor Truex stated that Council was not obliged to hear from members of the public on Consent Agenda items, but he felt they should if a resident wished. Councilmember Starkey agreed. Vice-Mayor Caletka indicated that the way the procedure was designed for the Consent Agenda was for Council to discuss, however, Council could pull an item for a resident. Councilmember Luis indicated that the goal was to shorten the meeting.

11. TOWN ADMINISTRATOR’S COMMENTS

No comments were provided.

12. TOWN ATTORNEY’S COMMENTS

No comments were provided.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:23 p.m.

Approved _____

Mayor/Councilmember

Town Clerk