

**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: September 5, 2007 minutes

AFFECTED DISTRICT: n/a

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: September 5, 2007 (Regular Meeting)

REPORT IN BRIEF: Council minutes from the September 5, 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): September 5, 2007 minutes

**TOWN OF DAVIE
REGULAR MEETING
SEPTEMBER 5, 2007**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:39 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 Crowley and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson and Town Clerk Muniz recording the meeting. Councilmember Luis was absent.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, 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 opened the open public meeting.

Jimmie Newton expressed concerns about the traffic near the Davie Charter School. He advised that he had not yet received a response to his public records request. Mr. Newton believed someone was working on it but felt three months was a long time to wait. Mr. Shimun agreed to look into this.

Marvin Simon asked about the fire inspection fees. He had compared the fee structure for several buildings and noted discrepancies. Councilmember Starkey requested an explanation. Vice-Mayor Caletka agreed it seemed the Town was punishing low-density housing.

Damiano Pignato thanked Council for supporting the autistic kids' camp at Robbins Lodge. He asked to reserve July 12 - 18, 2008 for next year's camp.

A representative from Camp Integrations thanked Council for allowing them to use Robbins Lodge.

Rose Anderson reminded Council she had presented photos last month of debris on the right-of-way behind her property. She said she had heard nothing from the Town since then and again requested that the Town clean it up. Public Works Director Manny Diez advised that after the storm, the Town had decided that trees that had fallen in the right-of-way would remain there. He noted there were many trees that should be removed, but healthy trees would have to be removed in order to access them. Mr. Diez stated that staff had been unable to find grant money, but said he would create an estimate for Council if they desired. Ms. Anderson indicated that she would grant the Town access from the front of her property to remove trees. Mayor Truex asked Mr. Diez to provide an estimate.

Michael Bartlett, Parks and Recreation Advisory Board member, noted that some of the Open Space bond money was intended for improvements at existing parks, but was not being utilized this way.

Judy Paul announced that the South Florida Regional Planning Council was rejecting Davie's amendment to the comprehensive plan prohibiting access to Shotgun Road and wanted the Town to withdraw it. She asked how this would be addressed. Development Services Director Mark Kutney reported that staff was aware of this and intended to work with the South Florida Regional Planning Council to keep the amendment moving.

Mayor Truex closed the public meeting.

Mayor Truex announced that items 6.9 and 6.10 needed to be tabled to October 3, 2007.

Councilmember Starkey made a motion, Councilmember Crowley, to table items 6.9 and 6.10 until October 3rd. In a voice vote, with Councilmember Luis being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex announced that item 4.27 needed to be added.

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

As this was located in District 4, Vice-Mayor Caletka felt discussion on this and item 6.4 should wait until Councilmember Luis was present.

Bob Zuccero, representing URS Corporation - consultant for Broward County, said there were serious concerns about this project and County Commissioner Wexler was anxious to have the item heard.

In a voice vote, with Councilmember Luis being absent, all were opposed. (Motion failed 0-4)

Councilmember Crowley made a motion, seconded by Vice-Mayor Caletka, to table items 4.23 and 6.4 [to September 19, 2007]. In a voice vote, with Councilmember Luis being absent, all voted in favor. (Motion carried 4-0)

Vice-Mayor Caletka informed Council that the applicant for item 4.25 had requested the item be tabled. Mr. Kutney explained the reason for the tabling request

Councilmember Crowley made a motion, seconded by Mayor Truex, to table item 4.25 to September 19, 2007. In a voice vote, with Councilmember Luis being absent, all voted in favor. (Motion carried 4-0)

Mayor Truex advised that item 8.1 needed to be added.

Councilmember Starkey made a motion, seconded by Mayor Truex, to add item 8.1. In a voice vote, with Councilmember Luis being absent, all voted in favor. (Motion carried 4-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1 July 18, 2007 (Regular Meeting)

4.2 July 26, 2007 (Regular Meeting)

Proclamation

4.3 Davie Firefighters Appreciation Month (September 2007)

Business Tax Receipts

- 4.4 The Tools Man, Inc., 5500 SW 48 Street
- 4.5 ViaLink, Inc., 14401 SW 29 Court

Resolutions

- 4.6 **VAN DONATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE DONATION OF A PASSENGER VAN TO THE RICK & RITA CASE BOYS AND GIRLS CLUB, AND PROVIDING FOR AN EFFECTIVE DATE.

- 4.7 **GRANT APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE APPLICATION FOR A \$122,450 GRANT FROM THE FLORIDA RECREATION DEVELOPMENT AND ASSISTANCE PROGRAM FOR THE DEVELOPMENT OF RECREATIONAL FACILITIES AT THE SW 8th STREET PARK AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED (WITH \$122,450 MATCHING FUNDS). (not budgeted)

- 4.8 **GRANT APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE APPLICATION FOR A \$200,000 GRANT FROM THE FLORIDA RECREATION DEVELOPMENT AND ASSISTANCE PROGRAM FOR THE DEVELOPMENT OF RECREATIONAL FACILITIES AT THE SUNNY LAKE BIRD SANCTUARY AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED (WITH \$242,000 MATCHING FUNDS). (not budgeted)

- 4.9 **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE ACCEPTANCE OF A GRANT FROM THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR THE LOCAL UPDATE OF CENSUS ADDRESSES (LUCA) PROGRAM AND THE SUBMITTAL OF OUR REGISTRATION APPLICATION TO COMMENCE THE PARTICIPATION IN THE LUCA PROGRAM, AND PROVIDING AN EFFECTIVE DATE. (no match required)

- 4.10 **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE DAVIE POLICE DEPARTMENT TO PARTICIPATE IN THE JAG PROGRAM WITH THE BROWARD SHERIFF'S OFFICE AS THE LEAD AGENCY TO RECEIVE A \$ 33,479.00 GRANT FROM THE U.S. DEPARTMENT OF JUSTICE FOR LAW ENFORCEMENT PROGRAMS, AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED. (no match required)

- 4.11 **MEMORANDUM OF UNDERSTANDING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE TOWN OF DAVIE AND BROWARD COUNTY FOR THE EXPENDITURE OF 2005/06 AND 2006/07 HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) FUNDS IN THE TOTAL AMOUNT OF \$374,106 TO PROVIDE FOR CLOSING COSTS AND DOWN PAYMENT ASSISTANCE FOR FIRST-TIME HOMEBUYERS WITH INCOMES AT OR BELOW THE 80% OF AMI LEVEL.
- 4.12 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH THE OBEDIENCE CLUB OF HOLLYWOOD, INC. FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR AN ANNUAL DOG SHOW. (\$1,500 arena rental fee)
- 4.13 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE DAVIE SQUARE, LLC AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- 4.14 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE UNIVERSITY CREEK ASSOCIATES I, LTD., AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- 4.15 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID AWARDED BY THE STATE OF FLORIDA CONTRACT NO. 250-000-03-1 TO INSIGHT PUBLIC SECTOR, INC. FOR THE PURCHASE OF RUGGED LAPTOP COMPUTERS AND TO DELL FOR THE PURCHASE OF NON-RUGGED LAPTOP COMPUTERS FOR \$37,463.70 (grant award – no match required)
- 4.16 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR PROCESSING AND MAILING SERVICES FOR TOWN OF DAVIE FORMS. (approximately \$70,000/year)
- 4.17 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR GIRLS FAST PITCH SOFTBALL OFFICIALS AND AWARDING IT TO UNITED UMPIRES OF FLORIDA. (\$30,030)

- 4.18 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AWARDING THE BID FOR LIME SLUDGE HAULING TO AUSTIN TUPLER TRUCKING, INC. (\$87,600)
- 4.19 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH LEARN2SWIM, INC. TO PROVIDE AQUATICS PROGRAM SERVICE. (annual revenue of \$18,000)
- 4.20 **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH ADVANCED PROCESSING & IMAGING, INC TO PROVIDE DOCUMENT IMAGING SOFTWARE. (\$60,225 plus \$11,000 annual maintenance fee)
- 4.21 **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXTEND THE CONTRACT FOR ONE (1) ADDITIONAL YEAR WITH ADVANCED DATA PROCESSING, INC. TO PROVIDE EMS BILLING SERVICES. (\$110,000)
- 4.22 **DEVELOPMENT AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO A CAMPUS DEVELOPMENT AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE UNIVERSITY OF FLORIDA BOARD OF TRUSTEES; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.23 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST TO WAIVE THE SCENIC CORRIDOR BUFFER REQUIREMENT AS PER THE LAND DEVELOPMENT CODE, CHAPTER 12, SECTION 12-282, AND PROVIDING AN EFFECTIVE DATE. (DG 7-3-07, Vista View Park Expansion, 4001 SW 142 Avenue)

Quasi-Judicial Consent Agenda

4.24 SP 9-3-06, Doral Campus Office Park, 3501 South University Drive (B-2) *Site Plan Committee recommended to approve subject to staff's recommendations as well as the following: 1) applicant needs to note on page A-4 the existence of the awnings and column caps; 2) on sheet A-2.0, add openings with double doors from main entrance into the lobby elevator that will be accessed from the main entrance next to the handicapped parking; 3) add decorative stamped-concrete walkways in*

front of the dumpster to match the other walkway parking areas, and eliminate the decorative walkways that connect to the adjacent building; 4) all perimeter lighting shall be noted that all light fixtures will be shielded of cut-off type; 5) make spelling corrections where required on SP-1, most notably the wall; 6) note that mansard roofs show on all four sides of all the buildings on all the plans; 7) awning material be provided so that it matches the rendering; 8) if applicant adds rear doors in the future, then a sidewalk would need to be added in the center of the 15-foot island to the rear parking areas; 9) all columns on the exterior of the building shall have a minimum of eight-inch projection or relief; 10) the color rendering that was provided today shall be reproduced and made an exhibit to the site plan package for the Council and for the final

4.25 SPM 11-6-05, Weston Nissan-Volvo Dealership, 3650 – 3660 Weston Road (BP) *Site Plan Committee recommended to approve subject to the following conditions: 1) with regard to staff's recommendation number one, that it be deleted; 2) that staff's recommendation number two, in lieu of the trees being planted, the applicant shall pay the Town the actual cost they were going to spend on that requirement and pay it at the time of building permit issuance, and the Town would be able to use that money at its discretion for planting elsewhere in the Town; 3) that the applicant has agreed to staff's recommendation number three; and 4) the applicant has agreed to the modification of lighting levels in the new parking lot area only not to exceed 25-foot candles in any parking space area unless it abuts a light pole*

4.26 SPM 2-6-06, Russell Commons, 7800 Davie Road Extension (B-2) *Site Plan Committee recommended to approve subject to the following changes to the staff's recommendations: 1) recommendation one and recommendation three are deleted; 2) in lieu of numbers one and three, the applicant shall modify the truck loading dock to open up the entrance to a wider radius opening and review the change with staff prior to submitting for building plans; and 3) the staff modification number two shall be modified to read - Staff recommends that the petitioner place a note on the site plan indicating that both medical office and beauty salon use ~~would~~ may not allow the proposed site plan to meet the minimum parking requirements as per the Land Development Code, Section 12-208(A)(29)(a)*

Vice-Mayor Caletka pulled items 4.2, 4.6, 4.24 and 4.26 from the Consent Agenda. Mayor Truex pulled item 4.22 from the Consent Agenda.

Councilmember Crowley made a motion, seconded by Vice-Mayor Caletka, to approve the consent agenda less items 4.2, 4.6, 4.22, 4.24 and 4.26. In a voice vote, with Councilmember Luis being absent, all voted in favor. (Motion carried 4-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.2 Vice-Mayor Caletka advised that on page 35, paragraph 3, it should state: “Vice-Mayor Caletka wanted an assurance from Mr. Goren that if any Councilmember was to be referred work, that the firm must first get approval by the entire Council.”

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

4.6 Vice-Mayor Caletka could not in good conscience give away taxpayer money like that.

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 carried 3-1)

4.22 Mayor Truex asked if the University of Florida could indicate that it was located in Davie, not Fort Lauderdale, as some of its signs indicated. Linda Dixon, assistant director of the University of Florida Planning and Construction Division, agreed to pass this request on. Council supported sending a resolution requesting this from the University.

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

4.24 Mr. Rayson swore in the witnesses.

Vice-Mayor Caletka advised that he had received several emails opposing the project.

Peter Gallo, representing the applicant, said there had been three public participation meetings, and their concerns regarding dumpster placement and light shielding had been addressed.

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

Councilmember Crowley stated that the residents had requested that the old, unused power lines on the northern border be removed or buried. Mr. Gallo responded that these lines were owned by FP&L and he was unaware whether they were active. He said that their services were to be buried underground. Mr. Gallo agreed that if lines were not needed, he would request that FP&L remove them.

Gene Santiago, the landscape architect, informed Councilmember Crowley that their tree selection had been influenced by the existing power lines. He stated they could add more canopy trees if the lines were removed.

Council gave their disclosures on this item.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve subject to the condition that they relocate, remove or bury the existing power lines on the north perimeter of the project.

Mayor Truex asked if Councilmember Crowley’s intention was to require this regardless of FPL’s approval. Councilmember Crowley said he saw no reason FP&L would not approve.

Councilmember Starkey asked that if FP&L approved removal of the lines, that additional oak trees be planted to be consistent with the other landscaping. Councilmember Crowley agreed to this amendment. Councilmember Starkey wanted the decorative walkway connecting buildings to be included. Mr. Gallo agreed and Councilmember Crowley agreed to this amendment, as well as staff recommendations.

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 carried 4-0)

4.26 Mr. Rayson opened the public hearing portion of the meeting. He swore in the witnesses.

Acting Planning and Zoning Manager Marcie Nolan stated that the applicant was not present.

Vice-Mayor Caletka felt approval must be sought from the Water Control District prior to soliciting Council's approval and added that the applicant was not present.

Vice-Mayor Caletka made a motion, seconded by Councilmember Crowley, to table to the October 3rd meeting.

Mr. Rayson closed the public hearing.

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

6. PUBLIC HEARING

Resolution

6.1 **DUE DILIGENCE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE INITIATION OF DUE DILIGENCE PROCEDURES FOR THE ECATS LLC PROPERTY.** (not budgeted - \$30,000)

Mr. Rayson read the resolution by title.

Mayor Truex opened the public hearing. As no one spoke, Mayor Truex closed the public hearing.

Vice-Mayor Caletka noted that this property was in Councilmember Luis's district. Assistant Town Administrator Ken Cohen advised that Councilmember Luis had requested this item be put on this agenda.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, 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 carried 4-0)

Ordinances – First Reading (Second and Final Reading to be held September 19, 2007)

6.2 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, PLANNING AND DEVELOPMENT, ARTICLE X, REZONINGS, SPECIAL PERMITS, VARIANCES AND VACATIONS OR ABANDONMENT OF RIGHTS-OF-WAY, DIVISION 2, TO INCLUDE APPLICANTS ABLE TO AMEND THE**

LAND DEVELOPMENT CODE; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from July 26, 2007) *Local Planning Agency recommended to approve subject to the revisions*

Mr. Rayson read the ordinance by title.

Mayor Truex announced that a public hearing would be held on this item at the September 19, 2007 meeting.

Ms. Nolan summarized the planning report.

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

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 carried 4-0)

6.3 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE, FLORIDA CODE OF ORDINANCES BY SPECIFICALLY AMENDING CHAPTER 12, SECTION 12-292 ENTITLED "STREET STANDARDS" BY AMENDING SECTION 12-292 (D) TO PROVIDE FOR A PROCEDURE TO OBTAIN APPROVAL FOR EXISTING NONCONFORMING VEHICULAR ACCESSWAYS; BY CREATING A DEFINITION FOR "EXISTING NONCONFORMING VEHICULAR ACCESSWAYS" TO BE INCLUDED IN CHAPTER 12, SECTION 12-503, DEFINITIONS; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Local Planning Agency recommended that this should be provided for by a variance request and determined on a case by case basis*

Earlier in the meeting, Mr. Rayson read the ordinance by title. Mayor Truex announced that a public hearing would be held on this item at the September 19, 2007 meeting.

Mr. Kutney summarized the planning report.

Mayor Truex opened the public hearing portion of the meeting.

Steve Rodriguez thanked Council for their concern regarding his health.

Don Lunny, representing Mr. Rodriguez, thanked Council for considering this ordinance. Mr. Lunny suggested a few changes to the ordinance and submitted a document describing these changes.

Mr. Kutney said that staff had not yet established an appropriate fee for the waiver.

Mayor Truex agreed with Mr. Lunny's recommendation that #9 regarding amortization was unworkable. Mayor Truex felt all residents who would share the driveway should agree to it in order for Council to approve it. He thought acquiring the waiver should be possible, but not easy.

Councilmember Starkey agreed that #9 should be stricken as unworkable and felt that any new construction should trigger this. Mr. Kutney said that staff had discussed this and agreed that minor improvements on a property should not trigger this.

Councilmember Crowley did not agree that approval from all affected residents should be required. Mr. Lunny advised that in this case, signatures from every affected resident would not be able to be obtained. Mayor Truex suggested a majority should be required to agree. Mr. Kutney indicated that staff had debated this particular issue the most. As a compromise, he suggested one resident may be able to initiate the process, but every affected resident must be noticed. Mr. Lunny said this was acceptable.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve Town staff's recommendation with the exception of #9 being eliminated, and also #10 becoming #9, including the language to say, "unless waived by the Town Council," and to change #4 to say, "the affected resident shall submit to the Town Council through its designee, a petition request upon the form to be provided by the Town and noticed by the affected residents on that street." 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 carried 4-0)

Mayor Truex asked Mr. Kutney if the cost for the waiver application could be waived in this case. Mr. Kutney responded that this could be done and staff could also fast-track this application.

Councilmember Starkey made a motion, seconded by Mayor Truex, to fast-track this application. In a voice vote, with Councilmember Luis being absent, all voted in favor. (Motion carried 4-0)

- 6.4 **VACATION** – AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION APPLICATION VA 7-1-07 “VISTA VIEW PARK” VACATING PORTIONS OF RIGHTS-OF-WAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 7-1-07, Vista View Park, 4001 SW 142 Avenue) *Planning and Zoning Board recommended approval*

This item was tabled earlier in the meeting.

Ordinance – First Reading/Quasi-Judicial Item (Second and Final Reading to be held September 19, 2007)

- 6.5 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 4-1-07, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-9 (COUNTY) AND M-4 (COUNTY) DISTRICTS TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 4-1-07, Sharpe Project Development/SCI Funeral Services of Florida, Inc., 2401 SW 64 Avenue) *Planning and Zoning Board recommended approval*

Mr. Rayson read the ordinance by title. Mayor Truex announced that a public hearing would be held on this item at the September 19, 2007 meeting.

Mr. Rayson swore in the witnesses. Acting Deputy Planning and Zoning Manager David Abramson summarized the planning report.

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

Council gave their disclosures on this item.

Mr. Kutney said this rezoning was the result of a site plan review.

Mark Ferrar, representing the applicant, advised that the owner was willing to donate property for the turning lane.

Vice-Mayor Caletka made a motion, seconded by Councilmember Crowley, to approve subject to obtaining sufficient right-of-way for an extra turn lane and any required Florida Power & Light easement in addition to that, and for their contribution to the construction costs of the turn lane.

Councilmember Starkey suggested that increasing the landscaping should be included in the motion. Vice-Mayor Caletka agreed to this amendment and added that the approval was also subject to staff recommendations. Councilmember Crowley agreed to these amendments.

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 carried 4-0)

Quasi-Judicial Items

6.6 **VARIANCE** - V 5-1-07, Peak, 8320 SW 55 Court (R-3) (to reduce the 15-foot minimum required side setback to 8.2-feet) *Planning and Zoning Board recommended approval*

Earlier in the meeting, Mr. Rayson swore in the witnesses.

Don Peak, representing the applicant, explained the reason for the request.

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

Councilmember Crowley made a motion, seconded by Councilmember Starkey, 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 carried 4-0)

6.7 **VARIANCE** - V 5-2-07, Associated Engineers of South Florida, Inc./Russell, 7800 Davie Road Extension (B-2) (to reduce the required 20-foot side setback abutting residential zoned properties to 1.15 feet along the western property line) *Planning and Zoning Board recommended approval*

Earlier in the meeting, Vice-Mayor Caletka made a motion, seconded by Councilmember Crowley, table to October 3. 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 carried 4-0)

6.8 **SPECIAL PERMIT** - SE 6-1-07, Miami Dolphins/Nova Southeastern University, 7500 SW 30 Street (RAC-AV) (to allow two modular units

to be used as meeting rooms) *Planning and Zoning Board recommended approval*

Earlier in the meeting, Mr. Rayson opened the public hearing portion of the meeting. Mr. Kutney summarized the planning report.

Mr. Rayson closed the public hearing.

Council gave their disclosures on this item.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, 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 carried 4-0)

Items to be tabled

6.9 **PLANNING AND ZONING BOARD TABLED TO SEPTEMBER 11, 2007; COUNCIL CAN TABLE TO OCTOBER 3, 2007**

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. (ZB 6-2-06, Barranco Gonzalez Architecture/Anchor Development, LLC, 2600 Davie Road) (tabled from August 1, 2007)

This item was tabled earlier in the meeting.

6.10 **PLANNING AND ZONING BOARD TABLED TO SEPTEMBER 11, 2007; COUNCIL CAN TABLE TO OCTOBER 3, 2007**

V 3-1-07, Barranco Gonzalez Architecture/Anchor Development, LLC, 2600 Davie Road (M-4, County) (tabled from August 1, 2007)

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.

8. OLD BUSINESS

- 8.1 Florida Department of Transportation (FDOT) - 595-Corridor Proposed Transportation Improvements

Earlier in the meeting, James Wolfe, District Secretary, described FDOT's plan for managed lanes on I- 595.

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

Jack Pinkowski felt this plan would help facilitate the Town's economic development. He added that FDOT had listened to the public response regarding the elevated highway, and responded with this plan. He encouraged Council to endorse the plan.

Karen Stenzel-Nowicki likened this to the Long Island Expressway, which was perpetually under construction. She asked how the State would help finance the Town's needs for increased emergency services on the roadway. Mr. Stenzel-Nowicki stated that there was also a serious sound problem on her property caused by the Turnpike and added that sound walls must be installed.

Mitchell Chester said that Broward Citizens for a Better 595 had fought against the elevated, reversible lane roadway, and was pleased at FDOT's response. He felt this plan was a win as the County moved toward mass transit.

Judy Paul said she had always found common sense lacking in the Town's discussions with FDOT. She thought there must be away to put transit at grade without elevating it.

Mark Grand, a Plantation resident, described their meetings with FDOT regarding the elevated lanes proposal. He thanked FDOT for listening to the communities and creating the alternative plan. Mr. Grand urged the Town to support this solution.

Vice-Mayor Caletka indicated that, "The first idea was an abomination; the second idea is reprehensible."

Councilmember Starkey vehemently opposed an elevated center lane and was pleased FDOT was considering at-grade additional lanes. She could support two

additional at-grade lanes in the center, and wanted the Town to receive funding from any tolls collected. Councilmember Starkey also wanted to be sure they did not prohibit mass transit development.

Mayor Truex confirmed that Council did not approve of the elevated lanes.

Mr. Shimun stated that FDOT would be compensated by tolls collected and any private investor would make a profit. He asked how they could address the fact that Davie's emergency services workload would increase by 50%. Mr. Wolfe stated that traffic on I-595 would increase regardless of FDOT's plan.

Mr. Wolfe confirmed for Councilmember Crowley that FDOT would not need to seek permits from the Town for the roadway project.

9. NEW BUSINESS

9.1 Red Light Camera System – Councilmember Starkey

Greg Parks gave a presentation regarding the traffic light camera system and explained the Town would need to create an ordinance to enforce this system. Councilmember Starkey stated that the fines associated with the system could be used to fund traffic safety items.

Mr. Parks confirmed that the Code Compliance Division or the Police Department would enforce this as a civil infraction, depending on how the ordinance was drafted. He informed Councilmember Crowley that the citations were issued to the owners of vehicles, who could transfer liability to drivers via affidavit.

Vice-Mayor Caletka advised that he had conducted his own research and was not personally in favor of this. One reason he cited was what had occurred in a Texas town when the state decided it was entitled to a large portion of the revenue from the fines. This had rendered the entire program financially unfeasible. Vice-Mayor Caletka had read that increasing the length of the amber light by one second drastically reduced red light running, and this was free. Vice-Mayor Caletka also remembered that the former Attorney General of the State of Florida, who was now the Governor of Florida, had a written opinion regarding the constitutionality of this type of system, and Vice-Mayor Caletka believed that even if the Legislature approved something, it was likely the governor would veto it.

Mayor Truex agreed there would be some beneficial effect, but he did not agree with spy cams, and opposed the whole concept.

Councilmember Starkey wanted to investigate this issue further with the police chief and asked whether he felt this was appropriate. She indicated that it was only a matter of time until the state and/or county became involved in this issue and feared if the Town did not act now, their future options may be limited.

Aside from Councilmember Starkey, the rest of Council agreed they should not devote any staff time to this issue.

10. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER STARKEY

AGRICULTURE ADVISORY BOARD/OPEN SPACE BOND. Councilmember Starkey stated that the Board believed the purpose of the bond was for open space acquisitions, passive recreation, water quality and so forth and wanted that specifically adhered to.

LOOSE FARM ANIMALS. Councilmember Starkey wanted to draw up agreements with local veterinarians and/or farmers to take temporary possession of loose farm animals until owners were located.

VICIOUS DOGS. Councilmember Starkey hoped this issue could be effectively addressed.

FLORIDA LEAGUE OF CITIES/MOBILE HOME ISSUE. Councilmember Starkey said she would make a presentation to the Florida League of Cities on the mobile home park issue and hoped to gain support throughout the state.

VICE MAYOR CALETKA

EASTSIDE COMMUNITY CENTER. Vice-Mayor Caletka stated that he had received a letter from some children in District 1 requesting that the Eastside Community Center be reopened.

REESE ROAD. Vice-Mayor Caletka wanted to make sure there was a sign stating the speed restriction and a sign warning of bicycle crossing.

TOWN HEALTH INSURANCE PROVIDER. Vice-Mayor Caletka indicated that the Town's insurance consultants had advised him there was little difference in estimates she was receiving from insurance providers. Vice-Mayor Caletka wanted to allow potential providers to give short presentations to Council.

COMMUNITY BUS INTO EVERGLADES MOBILE HOME COMMUNITY. Vice-Mayor Caletka asked if this issue was progressing. Mr. Shimun responded that this bus had not been added into the budget. Vice-Mayor Caletka stated that the owner had indicated an adjustment could be made with no potential cost increase. He asked staff to look into this.

MAYOR TRUEX

SOUTHWEST REGIONAL LIBRARY/PEMBROKE PINES/FDOT MEETING. Mayor Truex encouraged all Council members to attend.

NOVA SOUTHEASTERN UNIVERSITY LIBRARY. Mayor Truex advised that the County Commission had been threatening to pull support for this library. He wanted the Town to send a letter or resolution to the County Commission stating their support and asking the County Commission to fulfill the commitment they made to help fund this. Mr. Shimun agreed to draft a resolution.

TEEN CHALLENGE PROGRAM / KICK DRUGS OUT OF DAVIE. Mayor Truex announced this would take place September 8th at the Davie rodeo grounds.

SPYCAM RESOLUTION. Mayor Truex stated that he had drafted a resolution and given it to staff for revision. He hoped to be able to present this to Council at their next meeting.

DAVIE TOWN CENTER. Mayor Truex advised that the developer had requested to make a presentation to Council for a four-story project. Vice-Mayor Caletka said he had met with the applicant and discussed privacy and line of sight issues. He had spoken with neighborhood residents and he had not come across one who favored a four-story building. Vice-Mayor Caletka did not object to hearing a brief presentation from the developer at a Council meeting.

11. TOWN ADMINISTRATOR'S COMMENTS

AIRPORT EXPANSION. Mr. Shimun advised that the Town had received noise contours for the proposed airport expansion that greatly impacted the Traffic Oriented Corridor. He said staff had requested that this be tabled until December to review the data.

12. TOWN ATTORNEY'S COMMENTS

ATTORNEYS' LAWSUIT. Mr. Rayson explained that a class-action lawsuit had been filed against cities in Florida to have the occupational license fees charged to lawyers declared unconstitutional.

MONTHLY REPORT TO COUNCIL. Mr. Rayson agreed to provide Council a report before each meeting.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 11:47 p.m.

Approved _____

Mayor/Councilmember

Town Clerk