

**TOWN OF DAVIE  
REGULAR MEETING  
MAY 21, 2003**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:04 p.m. and was followed by the Pledge of Allegiance which was led by Boy Scout Troop 317.

**2. ROLL CALL**

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

Mayor Truex announced that item 5.13 was requested to be tabled until June 4, 2003.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to table to June 4, 2003. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that item 5.14 was requested to be withdrawn by staff.

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

Mayor Truex announced that item 5.15 was requested to be tabled until June 4, 2003.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to table to June 4, 2003. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that item 5.16 was requested to be withdrawn by staff.

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

Mayor Truex announced that item 8.6 was requested to be added by staff.

Vice-Mayor Starkey made a motion, seconded by Councilmember Crowley, to add item 8.6. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that item 8.7 was requested to be added by staff.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to add item 8.7. In a voice vote, all voted in favor. (Motion carried 5-0)

**3. APPROVAL OF CONSENT AGENDA**

*Minutes*

3.1. April 2, 2003 - Regular Meeting

*Resolutions*

3.2. **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2003-119 **AUTHORIZING THE TOWN ADMINISTRATOR OR DESIGNEE TO EXECUTE AN AGREEMENT FOR EMERGENCY MEDICAL SERVICES INTERNSHIP PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.**

**TOWN COUNCIL MINUTES  
MAY 21, 2003**

- 3.3. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2003-120 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT  
BETWEEN THE OLD DAVIE SCHOOL AND THE TOWN OF DAVIE TO  
WAIVE RENTAL FEES AND TO MATCH FUNDS. (waiver of fee plus \$2,500  
contribution)
- 3.4. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2003-121 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT  
BETWEEN THE FLORIDA ASSOCIATION OF CITY CLERKS AND THE TOWN  
OF DAVIE TO WAIVE RENTAL FEES. (\$500)
- 3.5. **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2003-122 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE AMENDED  
AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE SCHOOL BOARD  
OF BROWARD COUNTY FOR THE COMPENSATION OF TWO ADDITIONAL  
EXISTING SCHOOL RESOURCE OFFICERS. (reimbursement of \$24,000/year)
- 3.6. **AMENDMENT TO INTERLOCAL AGREEMENT** - A RESOLUTION OF THE  
R-2003-123 TOWN OF DAVIE, FLORIDA APPROVING AND EXECUTING THE 2003  
AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD  
COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND  
DISTRIBUTION OF THE PROCEEDS FROM BROWARD COUNTY FIFTH CENT  
ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR THE  
PURPOSE OF TRANSPORTATION EXPENDITURES.
- 3.7. **AMENDMENT TO INTERLOCAL AGREEMENT** - A RESOLUTION OF THE  
R-2003-124 TOWN OF DAVIE, FLORIDA APPROVING AND EXECUTING THE  
TWENTIETH AMENDMENT TO 1988 INTERLOCAL AGREEMENT BETWEEN  
BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR  
DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION  
GAS TAX ORDINANCE.
- 3.8. **AMENDMENT TO INTERLOCAL AGREEMENT** - A RESOLUTION OF THE  
R-2003-125 TOWN OF DAVIE, FLORIDA APPROVING AND EXECUTING THE 2003  
AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD  
COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND  
DISTRIBUTION OF THE PROCEEDS FROM THE 1993 BROWARD COUNTY  
"ADDITIONAL" LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE.
- 3.9. **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2003-126 AUTHORIZING AND ACCEPTING THE FLORIDA STATE CONTRACT #250-  
000-03-1 TO PURCHASE LAPTOP AND DESKTOP COMPUTERS FROM DELL  
COMPUTER CORPORATION. (\$140,927)

**TOWN COUNCIL MINUTES  
MAY 21, 2003**

- 3.10. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING  
R-2003-127 THE BID FOR CONSTRUCTION OF THE RICK AND RITA CASE BOYS AND  
GIRLS CLUB AT DRIFTWOOD PARK. (\$1,123,908)
- 3.11. **FLORIDA MUNICIPAL INVESTMENT TRUST** - A RESOLUTION OF THE  
R-2003-128 TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE  
(HEREIN REFERRED TO AS THIS "GOVERNMENTAL UNIT") TO JOIN WITH  
OTHER LOCAL GOVERNMENTAL UNITS AS A PARTICIPANT IN THE  
FLORIDA MUNICIPAL INVESTMENT TRUST FOR THE PURPOSE OF  
PURCHASING SHARES OF BENEFICIAL INTEREST IN THE TRUST.
- 3.12. **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2003-129 AUTHORIZING THE APPROVAL AND EXECUTION OF CHANGE ORDER  
NO. 2 FOR S.W. 23RD STREET ROADWAY IMPROVEMENTS. (increase of  
\$8,266.90)
- 3.13. **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TO  
R-2003-130 ACCEPT DRAINAGE EASEMENT, FOR THE INSTALLATION OF A  
DRAINAGE SYSTEM. (4010 Hiatus Road)
- 3.14. **ROAD TRANSFER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA  
R-2003-131 AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO  
ENTER INTO AN AGREEMENT BETWEEN BROWARD COUNTY, FLORIDA,  
A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA AND THE TOWN  
OF DAVIE FOR TRANSFER OF ORANGE DRIVE FROM THE WESTERN MOST  
RIGHT-OF-WAY LINE FOR DAVIE ROAD TO THE SOUTHERN MOST RIGHT-  
OF-WAY LINE FOR SW 36 STREET INCLUDING BRIDGES AND STRUCTURES  
AS DEFINED IN EXHIBIT "A"; AND PROVIDING FOR AN EFFECTIVE DATE.
- 3.15. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A  
R-2003-132 SUBDIVISION PLAT KNOWN AS LONG LAKE RANCHES PLAT II AND  
AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE  
SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE  
TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 10-  
4-02 Long Lake Ranches Plat II, Sun-Tech Engineering, Inc./Continental Citrus  
Corporation, 3304 Hiatus Road)
- 3.16. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2003-133 AUTHORIZING AN AMENDMENT TO THE NON VEHICULAR ACCESS LINE  
(NVAL) OF THE "RIVERSTONE" PLAT, AND PROVIDING AN EFFECTIVE  
DATE. (DG 5-1-03, 4200 Shotgun Road)

**TOWN COUNCIL MINUTES  
MAY 21, 2003**

3.17. **DEVELOPER'S 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, BROWARD COUNTY, AND THE FLORIDA CONFERENCE ASSOCIATION OF SEVENTH-DAY ADVENTISTS FOR REGIONAL ROAD CONCURRENCY RELATING TO THE SEVENTH DAY PLAT; PROVIDING FOR RESTRICTIONS TO SATISFY CONCURRENCY REQUIREMENTS; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 4-1-03, Pem-Mar Seventh Day Adventist Church, 3375 NW 74 Avenue)

3.18. **GRANT APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A \$2,500 GRANT FROM THE KODAK AMERICAN GREENWAYS AWARDS TO ASSIST IN THE ESTABLISHMENT OF THE DAVIE LAND TRUST, AND IF AWARDED THE GRANT, AUTHORIZING ITS ACCEPTANCE AND EXECUTION.

3.19. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ratifying the Collective Bargaining Agreement between the Town of Davie and the Davie Professional Firefighters, International Association of Fire Fighters, Local 2315

*Site Plans*

3.20. SP 10-4-02, Outback Steakhouse, 14830 Griffin Road (County, PUD) (tabled from May 7, 2003) *Site Plan Committee recommended approval based on staff's report and comments and subject to the following conditions: 1) that the architecture on the north side of the building match that on the south side of the building, including a gable roof over the north door to match the "take away" door; 2) that there be columns similar to the front; 3) revise the landscape plan to match the front with low plant material shrubbery with accent pieces; 4) to add railings between the columns on the north side of the building; 5) to submit proof that the a/c units would be screened from view by the mansard roof; and 6) to add an additional window on the west side of the north elevation*

*Temporary Use Permits*

3.21. TU 3-1-03, Florida Street Rods, Inc., 1904 South University Drive (tabled from May 7, 2003)

3.22. TU 4-3-03, Happy Holiday Seasonal Sales, Inc., 7911 Orange Drive

*Proclamation*

3.23. Children's Home Society (May 30, 2003)

*Antenna Collocation*

3.24. BP 03-2613 Verizon Wireless/SBS Network Services, 6575 Nova Drive

**TOWN COUNCIL MINUTES  
MAY 21, 2003**

Councilmember Crowley requested that items 3.14, 3.21, and 3.23 be removed from the Consent Agenda. Mayor Truex requested that items 3.18 and 3.20 be removed.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve the Consent Agenda without items 3.14, 3.18, 3.20, 3.21, and 3.23. In a voice vote, all voted in favor. (Motion carried 5-0)

**4. DISCUSSION OF CONSENT AGENDA ITEMS**

3.14 Councilmember Crowley asked about the cost because the agreement indicated that it would be approximately \$750,000 per year. Mr. Willi stated that the cost breakdown provided for overlays that would be done over a ten-year period. Assistant Town Administrator Ken Cohen indicated that the maintenance would cost approximately \$250,000 per year from Davie Road to Shotgun Road. Damages to amenities were not included.

Councilmember Crowley asked what benefits the Town would receive. Councilmember Paul indicated this would become part of the scenic corridor. Mr. Willi added that this would allow control over setbacks and the Town would be allowed to increase its road tax allotment, which would offset some of the costs.

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

3.18 Mayor Truex referred to language in the backup materials regarding individuals that would be directors of the Land Trust. He clarified that this was not what Council was voting on at this meeting and he was not pleased with the list. Mayor Truex asked that Council input be sought prior to the list being written.

Vice-Mayor Starkey suggested that separate lines be added for the Audubon Society and the Sierra Club. Councilmember Paul wanted to know if a Councilmember would be able to sit on this board. Mayor Truex did not want this board to be made up of representatives the Town "had no control over." Mr. Willi clarified that the intent was to have "disassociated organizations from Town business and politics." Councilmember Paul and Vice-Mayor Starkey agreed with Mr. Willi.

Mayor Truex asked for an opportunity for Council to have additional dialogue on this item. Planning and Zoning Manager Fernando Leiva clarified that this list was an example.

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

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

Mayor Truex read the proclamation. John Pisula thanked Council and spoke of the history of this organization and the golf tournament.

3.20 Mayor Truex asked Mr. Parke about the zoning of this parcel and if Council could proceed if "it was a different situation than the other one." Mr. Parke felt Council could proceed and indicated that the two parties were not similarly situated.

**TOWN COUNCIL MINUTES  
MAY 21, 2003**

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

3.21 Councilmember Crowley indicated that the applicant was requesting a credit for rain days. Mr. Willi indicated that staff agreed with this request.

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

**5. PUBLIC HEARING**

*Ordinances - Second and Final*

2003-12 5.1. **ADOPTION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR ADOPTION APPLICATION LA 02-1B AMENDING THE TEXT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT (ICE) AS REQUIRED BY FLORIDA STATE STATUTE CHAPTER 163.3177; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from April 15, 2003) {Approved on First Reading March 6, 2002 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

Vice-Mayor Starkey asked Development Services Director Mark Kutney if he felt the consideration of other governmental entities needed to be added. Mr. Kutney felt that minor changes to include these bodies would not be an issue.

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

Vice-Mayor Starkey made various minor revisions to the Intergovernmental Coordination Element.

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

2003-13 5.2. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CREATING, SECTION 16-7, ENTITLED "SMOKING IN DESIGNATED AREAS PROHIBITED"; PROHIBITING SMOKING AT SPECIFIED LOCATIONS ON TOWN PROPERTY; ESTABLISHING PROCEDURES REGARDING CIVIL INFRACTIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE. (tabled from May 7, 2003) {Approved on First Reading April 15, 2003 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

David Solomon, 15051 Norfolk Lane, spoke in favor of this ordinance.

Mayor Truex closed the public hearing.

**TOWN COUNCIL MINUTES  
MAY 21, 2003**

Councilmember Paul and Councilmember Hubert felt that smoking should be prohibited at the Davie Rodeo arena. Councilmember Paul felt the intent was there, but it would be difficult to enforce. She asked Vice-Mayor Starkey if she would consider exempting Linear Park and passive parks. Vice-Mayor Starkey indicated in the negative.

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

Mayor Truex indicated that Councilmember Paul could make a motion to amend the ordinance with the amendment to exclude passive parks.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve with the amendment to exempt passive parks. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - no; Councilmember Crowley - yes; Councilmember Hubert - no; Councilmember Paul - yes. (Motion carried 3-2)

Mayor Truex asked Mr. Parke if this was a substantial change and if it had to be re-noticed. Mr. Parke indicated in the negative.

Mayor Truex suggested trying the ordinance with the exclusion of passive parks because the main concern was smoking around children in active parks. He indicated that if this became a problem in passive parks, Council could readdress it in the future.

Councilmember Crowley indicated that the amendment referred to the Linear Park only and not all passive parks.

Councilmember Crowley made a motion, seconded by Vice-Mayor Starkey, to reconsider his vote on the amendment. In a voice vote, all voted in favor with Councilmember Paul dissenting. (Motion carried 4-1)

Councilmember Paul recommended adding "no smoking where children were present."

The vote on the amendment to add the exemption of passive parks was as follows: Mayor Truex - no; Vice-Mayor Starkey - no; Councilmember Crowley - no; Councilmember Hubert - no; Councilmember Paul - yes. (Motion denied 4-1)

Vice-Mayor Starkey amended the motion to include smoking prohibited in passive parks where children are present. She then withdrew her amendment.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to amend with passive parks being exempt except when there were events with children present. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Starkey - no; Councilmember Crowley - no; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 3-2)

The original motion by Vice-Mayor Starkey, with Councilmember Paul's amendment was voted on as follows: Mayor Truex - yes; Vice-Mayor Starkey - no; Councilmember Crowley - no; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion carried 3-2)

5.3. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE,**  
2003-14 **FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 12-306(F), ENTITLED "SUPPLEMENTARY NOTIFICATION REQUIRED FOR REZONINGS, VARIANCES AND SPECIAL**

**TOWN COUNCIL MINUTES  
MAY 21, 2003**

PERMITS" PROVIDING FOR INTENT; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading May 7, 2003 - all voted in favor}

Town Clerk Muniz read the ordinance by title.

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

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

5.4. **EASEMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**  
2003-15 **AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A UTILITY EASEMENT TO FLORIDA POWER AND LIGHT FOR THE "HARMONY VILLAGE COMMUNITY"; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading May 7, 2003 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

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

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

5.5. **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**  
2003-16 **APPROVING PETITION VA 12-1-02, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR NW 33 STREET LYING BETWEEN THE "HARMONY VILLAGE COMMUNITY PLAT" (171-150) AND THE "DAVIE COMMUNITY FACILITIES IV PLAT" (134-40) TOGETHER WITH A PORTION OF THE RIGHT-OF-WAY FOR NW 76 AVENUE LYING BETWEEN "HARMONY VILLAGE COMMUNITY PLAT" (171-150) AND "HARMONY VILLAGE PLAT" (162-37); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Town of Davie, 7525 NW 33 Street) {Approved on First Reading May 7, 2003 - all voted in favor}**

Town Clerk Muniz read the ordinance by title.

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

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

**TOWN COUNCIL MINUTES  
MAY 21, 2003**

5.6. **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,  
2003-17 APPROVING PETITION VA 1-2-03, VACATING DRAINAGE EASEMENTS  
WITHIN SECTION 21, TOWNSHIP 50 SOUTH, RANGE 41 EAST AND WITHIN  
THE ROLLING HILLS GOLF AND TENNIS CLUB PLAT (81-27); PROVIDING  
FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Rolling  
Hills International Country Club, Ltd., 3550 Rolling Hills Drive) {Approved on  
First Reading May 7, 2003 - all voted in favor}

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

Rob Pliner, representing the applicant, agreed with the ordinance and asked for Council's approval.

Mayor Truex closed the public hearing.

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

5.7. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,  
2003-18 APPROVING REZONING PETITION ZB 1-1-03, CHANGING THE  
CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE  
FROM AG, AGRICULTURAL DISTRICT TO A-1, AGRICULTURAL DISTRICT;  
AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH;  
PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE  
DATE. (MG Developers/Florida Fresh Herbs, Inc., 1401 Flamingo Road)  
Planning and Zoning Board recommended approval {Approved on First Reading  
May 7, 2003 - all voted in favor}

Town Clerk Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting.

John Voight, representing the applicant, reiterated his client's commitment made at the last meeting to the neighbors and residents. He asked for Council's approval.

Mayor Truex closed the public hearing.

Vice-Mayor Starkey advised that she had spoken to many residents concerning this matter and they were in favor.

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

*Ordinances - First Reading (Second and Final Reading to be held June 4, 2003)*

5.8. **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,  
APPROVING PETITION VA 1-1-03, VACATING A DRAINAGE EASEMENT,  
TWO 15 FOOT UTILITY EASEMENTS AND TWO 12 FOOT RIGHTS-OF-WAY  
WITHIN THE PINE ISLAND COMMERCIAL PLAT (167-50); PROVIDING FOR  
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**TOWN COUNCIL MINUTES  
MAY 21, 2003**

Town Clerk Muniz read the ordinance by title.

Mayor Truex advised that the public hearing for this ordinance would be on held June 4, 2003.

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

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

- 5.9. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; RENAMING SECTION 26-41 ENTITLED "ARBORISTS" TO "TREE TRIMMING SERVICE PROVIDERS"; AMENDING SECTION 26-41 ENTITLED "ARBORISTS" RELATING TO LICENSING REQUIREMENTS FOR TREE TRIMMING; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from May 7, 2003)**

Town Clerk Muniz read the ordinance by title.

Mayor Truex advised that the public hearing for this ordinance would be held on June 4, 2003.

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

Councilmember Paul indicated that the ordinance was a great idea, but she wanted to see an educational component of this as well because many residents were not aware of how to properly trim trees. Mr. Leiva indicated that information would be provided for the public via workshops. Councilmember Paul suggested adding information to the *Davie Update*. She also asked if Florida Power and Light's tree trimmers would be regulated by this ordinance. Mr. Leiva indicated that all tree trimmers operating in the Town and for any government body would be regulated by this ordinance. Mr. Kutney recommended further dialogue with Florida Power and Light regarding appropriate tree trimming, both for safety and aesthetic reasons.

Mayor Truex asked if this ordinance would apply to homeowners. Mr. Leiva indicated in the affirmative.

Mayor Truex asked if the remedy for improper tree cutting was against the business or the property owner. Mr. Leiva indicated it was against the business. He explained that the ordinance required at least one licensed trimmer in a crew.

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

**TOWN COUNCIL MINUTES  
MAY 21, 2003**

- 5.10. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE I, SECTION 12-2, "LEGISLATIVE INTENT"; PROVIDING FOR REGULATIONS REQUIRING THAT REAL PROPERTY WITHIN THE TOWN SHALL BE DESIGNATED WITH A VALID TOWN OF DAVIE ZONING DISTRICT AS ESTABLISHED IN THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE II PRIOR TO ISSUANCE OF A DEVELOPMENT PERMIT; PROVIDING FOR REGULATIONS; PROVIDING FOR A TIMEFRAME; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CRITERIA FOR REVIEW; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title.

Mayor Truex advised that the public hearing for this ordinance would be held on June 4, 2003.

Mayor Truex opened the public hearing portion of the meeting.

David Mankuda, representing the petitioner, spoke in opposition to the ordinance and indicated that Council needed to be sensitive to the fact that this ordinance could create non-conforming uses. He felt that implementation of this ordinance could require further notification efforts and asked that this ordinance not delay his client's site plan.

Mr. Kutney indicated that this ordinance was not precipitated by the Warren Henry site, rather it was meant to address more than 11,000 sites with inappropriate zoning designations.

Councilmember Paul indicated that she would not be in favor of "singling out" any particular parcel from this ordinance.

Councilmember Hubert wanted to know if the applicant had met with the homeowners association. Mr. Mankuda did not know and indicated that Mr. Laystrom was supposed to follow up on that.

Vice-Mayor Starkey asked about other annexed areas. Mr. Kutney indicated that many other annexed area were affected.

Mayor Truex indicated that he would be in favor of approving and asked Mr. Kiar to review points made by Mr. Mankuda and to report to Council on his findings at the June 4, 2003 Council meeting.

Mayor Truex closed the public hearing.

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

**TOWN COUNCIL MINUTES**  
**MAY 21, 2003**

*Ordinance - First Reading/Quasi Judicial Item (Second and Final Reading to be held June 6, 2003)*

5.11. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-1-03, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 (COUNTY), AGRICULTURAL DISTRICT TO B-3, PLANNING BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Town of Davie, 8100 Stirling Road) (tabled from May 7, 2003) *Planning and Zoning Board recommended denial with the recommendation of rezoning to the least intensive commercial zoning to retain more control over the uses as there was not a conceptual site plan presented with this B-3 rezoning request*

Town Clerk Muniz read the ordinance by title.

Mayor Truex advised the public hearing on this ordinance would be held on June 4, 2003.

Mr. Parke read the rules of a quasi-judicial hearing and swore in the witnesses. Mr. Kutney summarized the planning report.

Councilmember Paul asked what could fit on this parcel. Mr. Kutney felt that a project in the area of 180,000 to 220,000 square feet with all site requirements. He stated that the unusual shape of the parcel would dictate the mixed uses.

Robert Legg, representing the applicant, felt that staff had done an excellent job in evaluating the property with uses and compatibility with the area.

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

Fred Ross, 7920 SW 38 Court, felt that a proposed shopping center in this area would place loading docks in his community's backyard. He spoke of the Palladium and its close proximity to his neighborhood. Mr. Ross referred to 100-foot trees that were removed to allow for more visibility of the Palladium, but resulted in the removal of the community's sound buffer from University Drive. He was opposed to this request.

Monique Montero felt that many problems in her area had occurred because of commercial development. She realized that development was necessary, but spoke of the abuses this community had suffered, especially from the Palladium property. Ms. Montero had concerns that the buffer was going to be removed and indicated that she was opposed to this request.

Mr. Legg clarified that this property had nothing to do with the Palladium, nor were the owners in partnership with the owners of the Palladium.

Mr. Parke closed the quasi-judicial hearing.

Mayor Truex, Vice-Mayor Starkey, Councilmember Hubert, and Councilmember Paul disclosed they had spoken with Mr. Legg.

Vice-Mayor Starkey wanted to know if the original site plan included a buffer for the community. Mr. Ross spoke of the original site plan and stated that a chain link fence was installed to separate the community from the commercial property. He discussed the trees and realized they were "nuisance trees, but felt they provided an excellent buffer. Mr. Ross spoke of how the banks of the canal were supposed to be maintained, but were not.

**TOWN COUNCIL MINUTES  
MAY 21, 2003**

Mr. Kutney spoke of the original site plan and stated that it called for a wall, but the Town's Code had a provision which allowed for a fence to be substituted with approval by the Site Plan Committee.

Councilmember Paul spoke of her confidence in staff to assure that this community did not suffer any further distress coming from commercial development. She also indicated that because of the location of the property in question, it was very difficult not to give the applicant a higher intensity.

Mayor Truex indicated that he would not be in favor of rezoning this parcel to B-3 when the Town had historically not allowed this type of rezoning in residential areas in the western section of the Town. He felt that B-3 was not appropriate, especially because it was not determined what would go into this parcel as there was no conceptual site plan. Mayor Truex asked if Council could vote to rezone this site to B-2. Mr. Kutney indicated that "since the Town was the applicant" it could be done. He cautioned that the difference between B-2 and B-3 was significant and a future owner could come to Council for the B-3 zoning.

Councilmember Paul stated that the applicant did not want to create a conceptual site plan because it was costly and there was no buyer. She recommended that the applicant develop a conceptual site plan and then return with this request to Council. Mayor Truex agreed.

Councilmember Crowley voiced his concerns about the B-3 zoning without a site plan. He was concerned that the Waldrep Dairy on the west side of University Drive might also be zoned to B-3. Councilmember Paul felt that Council should use good judgment on this item, as she felt there was a correlation with this site and the Town's chances of annexing the remainder of the Waldrep site.

Mr. Legg felt that down-zoning this site to B-2 would restrict his client's options and they would not be in favor of it. He indicated his client might consider B-3 with some restrictions.

Councilmember Paul indicated that she did not want a car dealership on this site. She asked Mr. Legg if he would be willing to meet with residents in the area to further discuss options for the site. Mr. Legg indicated in the affirmative and stated he would organize the meeting and notify residents.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to table to June 18, 2003. In a voice vote, all voted in favor. (Motion carried 5-0)

*Quasi Judicial Item*

- 5.12. **SPECIAL PERMIT** - SE 4-1-03, Anderson/Miami Dolphins Training Facility, 7500 SW 30 Street (CR) (to allow an 800 square foot temporary tent kitchen to be utilized for 24 months) *Planning and Zoning Board recommended approval*

Mr. Parke read the rules of a quasi-judicial hearing and swore in the witnesses. Mr. Leiva summarized the planning report.

Mayor Truex asked why the request was for two years. Mr. Leiva indicated that applicant needed enough time to evaluate whether it was viable to build a permanent facility.

Councilmember Hubert asked if the tent would be white canvas like "Tent City." Mr. Leiva indicated the tent was large, but he did not know if it would be white or canvas. Robin Anderson, the petitioner, indicated that the tent was white canvas with reinforced plastic with windows and doors.

**TOWN COUNCIL MINUTES  
MAY 21, 2003**

Vice-Mayor Starkey asked if there was any way this special permit could be addressed in a 12-month request. Ms. Anderson indicated it could be done this way and revisited in 12 months. She still felt it would take the two years to go out for bid and have a permanent facility constructed.

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

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

Councilmember Paul asked to reconsider the motion to table item 5.11 as she felt it was imperative that this rezoning be approved as it could negatively affect the prospects for annexation of the Waldrep Dairy. Councilmember Crowley indicated that he had attended the Economic Development Council meeting and it was stated that the Town was number five on the list for consideration of this annexation. Councilmember Paul disagreed. She asked Mr. Kutney his opinion for a solution. Mr. Kutney felt that Council could approve the B-3 zoning with the caveat that the applicant meet with the homeowners.

Vice-Mayor Starkey felt it was inappropriate to reconsider when the residents who appeared to address this item had left the meeting.

Councilmember Paul made a motion to reconsider. The motion died for lack of a second.

*Items to be Tabled or Withdrawn*

**5.13. STAFF REQUESTING TABLING TO JUNE 4, 2003**

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE VIII, SECTION 12-238(J)(9) THEREOF RELATING TO BILLBOARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from May 7, 2003)

This item was tabled earlier in the meeting.

**5.14. WITHDRAWN BY STAFF**

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; ADDING SECTION 12-34(B)(18) THEREOF RELATING TO WILD ANIMALS; PROVIDING A LISTING OF WILD ANIMALS IN THE TOWN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from May 7, 2003)

This item was withdrawn earlier in the meeting.

**5.15. STAFF REQUESTING A TABLING TO JUNE 4, 2003**

**TOWN COUNCIL MINUTES**  
**MAY 21, 2003**

VARIANCE - V 12-2-02, Miller Legg and Associates, Inc./Southwest Broward  
Theaters Holdings, Ltd., 15601 Sheridan Street

This item was tabled earlier in the meeting.

**TOWN COUNCIL MINUTES  
MAY 21, 2003**

5.16. **WITHDRAWN BY STAFF**

VARIANCE - V 3-1-03, Miller Legg and Associates, Inc./Southwest Broward Theaters Holdings, Ltd., 15601 Sheridan Street

This item was withdrawn earlier in the meeting.

**6. APPOINTMENTS**

6.1. Child Safety Board (one exclusive appointment - Mayor Truex and Vice-Mayor Starkey; terms expire April 2004) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

Mayor Truex appointed Larry Davis. Vice-Mayor Starkey deferred her appointment.

6.2. Community Relations Advisory Board (one exclusive appointment - Mayor Truex; term expires April 2004)

The appointment was deferred.

6.3. Open Space Advisory Committee (one exclusive appointment - Mayor Truex and Vice-Mayor Starkey; terms expire April 2004)

The appointments were deferred.

6.4. School Advisory Board (one exclusive appointment - Mayor Truex and Councilmember Hubert; terms expire April 2004) (insofar as possible, members shall have experience in educational matters, related occupations or other similar skills)

Mayor Truex appointed Jon Pisula. Councilmember Hubert appointed Jim Tralewski.

6.5. Senior Citizen Advisory Board (one exclusive appointment - Councilmember Hubert; term expires April 2004) (members shall be a minimum 60 years of age)  
Councilmember Hubert appointed Diane Aucamp.

6.6. Unsafe Structures Board (non-exclusive appointments; terms expire April 2006 (appointment of Plumbing Contractor and General Building Contractor)

The appointments were deferred.

6.7. Water and Environmental Advisory Board (two exclusive appointments - Mayor Truex; terms expire April 2004) (insofar as possible, one member shall be a licensed engineer)

The appointment was deferred.

6.8. Education, Research and Training Authority (non-exclusive appointment; term expires May 2007)

Council appointed Dean Alexander.

**TOWN COUNCIL MINUTES  
MAY 21, 2003**

**7. OLD BUSINESS**

7.1. Metropolitan Planning Organization Update (Councilmember Paul)

Councilmember Paul provided a brief update about recent discussions that the Organization had concerning Community Redevelopment Agencies.

**8. NEW BUSINESS**

8.1. Pine Island Road/Orange Drive Closure (Mayor Truex) (deferred from May 7, 2003)

Town Engineer Larry Peters indicated that the Florida Department of Transportation (DOT) stated that a U-turn could be provided as long as SW 82 Avenue was closed; however, suggestion this was not viable.

Vice-Mayor Starkey suggested having the U-turn at the existing turning lane just north of the Hess Station, where the "no U-turn" sign was. She had other concerns with traffic in this area, as it was dangerous. She also asked to be invited to any meetings regarding this issue.

Mr. Peters agreed that this was an option and reminded Council that changes would affect the Charter school. He also agreed to notify Vice-Mayor Starkey of meetings regarding this issue.

8.2. Usage of Robbins Lodge - Temple Adath Or (Mayor Truex)

Mayor Truex felt the Temple should be treated the same as any other organization and they should not be able to tie up the Robbins Lodge facility. He recommended that the current resolution be amended to allow usage of the facility for up to four times per year.

Councilmember Paul felt the use should not be up to four times per year unless it was during the high holy holidays when the Town would not be using the facility and on Friday nights.

Rabbi Mark Labowitz, 11450 SW 16 Street, asked if Council would agree to allow the Temple to use the facility more than twice a year.

Councilmember Hubert indicated that Rabbi Labowitz had stated that he would erect a tent at Robbins Lodge when needed. Rabbi Labowitz stated this would not be possible because of the cost. After some discussion, Council directed staff to meet with Rabbi Labowitz to resolve this issue.

8.3. Mitigation Site Purchase

Mr. Willi indicated this referred to item 8.7.

8.4. College Living Experience (Mayor Truex)

Mr. Kutney explained staff's concern with this issue and indicated that the proposal was outstanding, but staff had concerns with land use issues. He gave a history of the project and read a memorandum, which explained the services that would be provided. Mr. Kutney indicated that staff was concerned that the services provided would not meet the needs of the disabled residents. He added that staff was considering a "use related special permit" but research needed to be done as to its feasibility. Mr. Kutney clarified that staff was investigating the use of six units, which were the subject of the Code violation.

**TOWN COUNCIL MINUTES  
MAY 21, 2003**

Neil Kalis, representing the applicant, indicated that his client would fully cooperate.

Councilmember Paul felt this issue needed to be clearly resolved because of past issues and conflicts with residential facilities. Mr. Kalis stated that because of the changing demographics of the area in question, there might be a need for student services in apartment complexes where students reside.

Vice-Mayor Starkey suggested that safety precautions be included in the plan for the offices/meeting rooms.

Mr. Kalis asked that if the issue could not be resolved expeditiously, would the Town give assurances that the Code Compliance issue be abated until the next school year. Mr. Kutney indicated that this issue would be a priority. Mr. Willi indicated that the Town must act because they were aware of the Code violation. He could give no assurances at this time. Mr. Kalis suggested a compliance agreement with a deadline. Mr. Willi indicated that determinations needed to be made prior to any agreements. Mr. Kutney indicated that prior to the next meeting, they would meet with Mr. Kalis and make an inspection of the site and then give Council a recommendation.

**8.5. Council Packet Preparation**

Mayor Truex stated that the Council packet had become somewhat obsolete considering the technology available to Councilmembers. Councilmembers Crowley and Hubert expressed their desire to keep the book, but were willing to use the technology as well. Town Clerk Muniz offered to train Council and spoke of how it would save time both for Councilmembers and staff.

After some discussion, Council indicated they would meet with Town Clerk Muniz by the end of the summer, to be tutored in the usage of the electronic agenda.

**8.6 R-2003-137 AUTHORIZING THE TOWN OF DAVIE TO EXECUTE A STATE HIGHWAY LIGHTING MAINTENANCE AND COMPENSATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND PROVIDING FOR AN EFFECTIVE DATE**

Mayor Truex read the resolution by title. Mr. Cohen summarized the request.

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, with Councilmember Paul out of the room, all voted in favor. (Motion carried 4-0)

**8.7 R-2003-138 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ENDORSING THE ACQUISITION AND PROTECTION OF THE "DAVIE WETLAND/UPLAND RESTORATION PROJECT" ON THE PARCEL KNOWN AS VAN KIRK AS PUBLICLY ACCESSIBLE OPEN SPACE IN THE TOWN OF DAVIE, FLORIDA.**

Programs Administrator Chris Kovanes gave a brief update on the resolution.

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

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

**TOWN COUNCIL MINUTES  
MAY 21, 2003**

**MAYOR TRUEX**

**FUTURE AGENDA ITEMS.** Mayor Truex requested that Charter amendments, specifically term limits and clarification of residency requirements for districts be added to a future agenda under New Business. He also requested that repealing the open space/cluster housing amendment be added to the next agenda for discussion. Mayor Truex asked that the issue regarding the Town Attorney and the Charter be added to the next agenda under New Business.

**COUNCILMEMBER STARKEY**

**BROWARD LEAGUE OF CITIES DINNER.** Vice-Mayor Starkey reported that the annual dinner was scheduled for May 31, 2003.

**THANK YOU.** Vice-Mayor Starkey thanked the Miami Dolphins and Habitat for Humanity for their support.

**PUBLIC RECORDS REQUEST.** Vice-Mayor Starkey spoke of a request she had made and clarified that her purpose was to review the work product of Mr. Willi. She indicated her intent to sue the Town if this request was not filled. Vice-Mayor Starkey asked Mr. Kiar to give an opinion on the lack of timeliness in which this issue was addressed.

Mr. Willi indicated that Mr. Kiar had already provided an opinion and clarified that the Town would not to release exempt documents as they were not a matter of public record. He stated that the request was voluminous and some information had already been provided. Mr. Willi advised that staff was working on the e-mails and approximately 500 had already been completed but not transmitted. Town Clerk Muniz clarified that staff had reviewed 500 of 6000 pages of e-mails.

Vice-Mayor Starkey spoke of the seriousness of this issue and was concerned with statements made to the press regarding the cost of the request. She indicated that there were suspicions of tampering with the public records. Mr. Willi felt Vice-Mayor Starkey's comment regarding tampering was irresponsible. Mayor Truex recommended that Vice-Mayor Starkey review the documents before making allegations.

Vice-Mayor Starkey stated that removing items from public records was not allowed and felt that this review could have been done simply and expeditiously. She reiterated that if this matter was taken further than she requested, if and when she took legal action, all records would be made available to the public.

Town Clerk Muniz clarified that exemptions must be redacted before turning over public records to anyone, whether it was a resident, a Town employee or a Councilmember. He indicated that the cost would be far more than Vice-Mayor Starkey's estimation of \$50.

Mayor Truex felt that Vice-Mayor Starkey had the right to the information. Mr. Willi clarified that staff never disagreed, but there was a process that needed to be carried out and there were expenses involved. Town Clerk Muniz clarified that Assistant Town Clerk Barbara McDaniel had removed "white spaces," which reduced the number of pages from 7,000 to 6,000. He advised that no deletions were made, as Vice-Mayor Starkey had alleged.

Mayor Truex suggested researching tools that might make it easier to comply with such requests. Town Clerk Muniz indicated that staff had been notified to use technology appropriately.

**TOWN COUNCIL MINUTES  
MAY 21, 2003**

**COUNCILMEMBER HUBERT**

**SUPERMAJORITY AMENDMENT.** Councilmember Hubert indicated her concern regarding the denial of Mr. Willi's contract, the supermajority amendment and her confusion with the motion. She wanted to reconsider her vote.

Councilmember Hubert made a motion, seconded by Councilmember Paul, to reconsider the denial. In a roll call vote, the vote was as follows. Mayor Truex - no; Vice-Mayor Starkey - no; Councilmember Crowley - no; Councilmember Hubert - yes; Councilmember Paul - yes. (Motion denied 2-3)

Councilmember Hubert indicated that she still had concerns that Mr. Willi was not getting the 12-month severance. Mr. Willi explained why this could not be included in the original vote.

Councilmember Paul recommended Councilmember Hubert speak further with Mr. Willi. Vice-Mayor Starkey suggested Councilmember Hubert meet with Mr. Kiar to clarify "with or without cause."

**COUNCILMEMBER CROWLEY**

No comments were provided.

**COUNCILMEMBER PAUL**

**STATE ROAD 7 WIDENING PROJECT.** Councilmember Paul advised that she had spoken with Planner Brad Swing regarding this widening. She asked for a report to see how the Town was going to proceed. Mr. Willi indicated that Council would be updated.

**MAINGUY SITE PLAN.** Councilmember Paul indicated that she was concerned with this property because of non-compliance. Mr. Kutney confirmed Councilmember Paul's concerns and stated that staff was considering revoking the special permit.

**TOWN ATTORNEY BILLINGS.** Councilmember Paul spoke of the amount of money spent on document review. She invited Council to consider ideas on cost savings. Mayor Truex stated that it was important for the Town Attorney to review all documents because something might be missed.

**WALDREP DAIRY ANNEXATION.** Councilmember Paul spoke of Council's decision not to take action on the rezoning because of the absence of residents. She stated that she would be extremely disappointed if the Council's "inaction" had any impact on the Town not being considered in relationship to the Waldrep annexation.

**COMMENDATION.** Councilmember Paul spoke of a call she had received from a resident praising Mr. Willi and the work he did for the Town. The caller also expressed the gratitude from his neighbors.

**10. TOWN ADMINISTRATOR'S COMMENTS**

**FUNDING REQUEST.** Mr. Willi spoke of the funding request of \$6,175 by the International Ballet and asked Council for direction. Councilmember Paul spoke of possible funding from Housing and Community Development Director Shirley Taylor-Prakelt. Mr. Willi indicated that time was of the essence.

**TOWN COUNCIL MINUTES  
MAY 21, 2003**

Mayor Truex felt that the procedures already in place should be followed. He had concerns that this organization was making this request at the last minute; however, agreed this was a worthy cause.

Council gave direction to provide \$1,000 to the International Ballet.

**CAPITAL BUDGET.** Mr. Willi reported that the capital budget and plan would be distributed to Council by the end of the month. He invited Council to schedule individual meetings to review the plan.

**11. TOWN ATTORNEY'S COMMENTS**

**INVITATION.** Mr. Parke reiterated Mr. Kiar's invitation to Councilmember Paul to discuss the issues regarding billing from the Town Attorney's Office. Mr. Parke also invited Mr. Willi to discuss his new policy regarding Town Attorney control numbers.

**12. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting adjourned at 11:30 p.m.

Approved \_\_\_\_\_

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

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