

**TOWN OF DAVIE
REGULAR MEETING
JULY 2, 2003**

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

3. OPEN PUBLIC MEETING

Mayor Truex advised the public of the rules for the Open Public Meeting.

Ann Sullivan, Davie Rodeo Association, presented a plaque to Mayor Truex in appreciation for the Rodeo held in January. Plans were being made to host a Junior Rodeo in September and again in January, the High School Rodeo. Ms. Sullivan advised that the Donald Parrish Pavilion was nearing completion and a dedication was being finalized.

Julie Aiken, 3101 Flamingo Road, suggested that Site Plan Committee meetings be publicly noticed to the residents that would be directly impacted. She referenced Warren Henry wherein she indicated that the residents could have had some input at the site plan level. Mayor Truex advised that he was in favor and Council directed that the issue should be discussed at a meeting in August.

Richard Weiner spoke regarding public record's requests for legal opinions he had not received, specifically referencing the recreational trail path at Forest Ridge. He requested that a member of Town Hall investigate the records to see if there was a requisition regarding payment for painting and requested that Vice-Mayor Starkey give it to Town Clerk Muniz. Mr. Weiner stated that he made a request on June 6th regarding documents being produced by a public official in their capacity. He stated that he was looking for official public records produced or received by Vice-Mayor Starkey outside Town Hall. A month had passed and those records had not been produced.

Vice-Mayor Starkey responded that she was under the impression that Mr. Weiner had received the information he had originally requested. She requested that Mr. Weiner clarify what information he was requesting and stated she would be happy to provide it.

Mr. Weiner stated that he sent a letter on June 24th after speaking with Assistant Town Clerk Barbara McDaniel clarifying what he was looking for. He specified by stating that he wanted any and all records held outside Town Hall by Vice-Mayor Starkey. Mr. Weiner stated that he had the right to inspect them pursuant to Florida State Statutes as confirmed by the Town Attorney.

Mayor Truex stated that Vice-Mayor Starkey would comply with the law and provide the information requested. Mr. Weiner requested that Vice-Mayor Starkey produce any and all public records she had on her personal computer. Mayor Truex responded that if there was a dispute as to what had to be produced, Vice-Mayor Starkey was to get a clarification from the Town Attorney and produce the information required by law.

**TOWN COUNCIL MINUTES
JULY 2, 2003**

Ruth Dreyer, 11555 SW 21 Court, asked that Council address the public regarding the meeting of July 8, 2003. Mayor Truex confirmed the date as July 8, 2003, rather than the third week in July.

Sylvia Clements, 4751 SW 30 Street, referenced Case Number 91-0134002, Broward County Circuit Court, pages 29-33. She read testimony from Mr. Cannata, a former councilmember, regarding Mr. Kiar and requested Mr. Kiar's resignation.

Mayor Truex asked why staff was requesting that item 6.5 be tabled to August 6, 2003. Planning and Zoning Manager Fernando Leiva advised that a representative of the property owner had met with the residents on June 6th and wanted time to address the issues that were discussed.

Mayor Truex asked who in the public was present for this item and would like the public to be informed prior to an item being tabled. Bob Legg, representing the petitioner, indicated he was in favor of the tabling.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to table to August 6, 2003. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that item 6.8 needed to be tabled to August 6, 2003

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to table to August 6, 2003. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that item 8.1 needed to be tabled to August 6, 2003

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

8.3 Ron Gunzburger representing the Broward County Property Appraiser's, spoke on the Property Appraiser's efforts to assist with residents seeking the desired classification. Council took no action.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to add item 9.1. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Starkey made a motion, seconded by Councilmember Paul, to add item 9.2. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

4.1. May 14, 2003 - Workshop Meeting

Parade Permits

4.2. Old Davie School Historical Musical Museum, 6650 Griffin Road (November 1, 2003)

**TOWN COUNCIL MINUTES
JULY 2, 2003**

Home Occupational Licenses

- 4.3. Mardeck Electric, Inc., 13750 SW 37 Court
- 4.4. Miramar International Corp., 1701 SW 139 Avenue

Resolutions

- R-2003-156 4.5. **PLAN/STRATEGY** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING AND RESTATING THE TOWN'S AFFORDABLE HOUSING INCENTIVE PLAN A/K/A AFFORDABLE HOUSING INCENTIVE STRATEGY; AND, PROVIDING FOR AN EFFECTIVE DATE. (tabled from June 18, 2003)

- R-2003-157 4.6. **CONFIRMATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CONFIRMING THE AUTHORITY GRANTED TO THE TOWN ATTORNEY UNDER THE CHARTER OF THE TOWN OF DAVIE AND ESTABLISHED PURSUANT TO CHAPTER 61-2056, LAWS OF FLORIDA.

- R-2003-158 4.7. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN EVERGLADES LAKES MOBILE HOME COMMUNITY AND DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.

- R-2003-159 4.8. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF TELESWITCH, INC. TO SUPPLY AND INSTALL A VOICE AND DATA COMMUNICATION SYSTEM AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.

- R-2003-160 4.9. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH EXPENSE REDUCTION CONSULTING, INC., TO PERFORM AN AUDIT OF THE TOWN'S SOLID WASTE HAULER.

- R-2003-161 4.10. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF TRAVEL EXPENSES TO ATLANTIC CITY, NEW JERSEY, AND REQUEST FOR DISCRETIONARY LEAVE FOR THE POLICE HONOR GUARD. (not budgeted; \$3,500)

- R-2003-162 4.11. **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NUMBER 1 BETWEEN THE TOWN AND MCCALL'S NURSERY & LANDSCAPE FOR THE FLAMINGO ROAD LANDSCAPE PROJECT-PHASE II. (net increase of \$7,590)

**TOWN COUNCIL MINUTES
JULY 2, 2003**

- 4.12. **TURNPIKE EXPANSION** - A RESOLUTION OF THE TOWN COUNCIL OF
R-2003-163 THE TOWN OF DAVIE, FLORIDA, EXPRESSING SUPPORT FOR ITS RESIDENTS' RIGHTS REGARDING NOISE IMPACTS AFFECTING HOMES THAT ARE IN THE PROXIMITY OF THE PROPOSED FLORIDA TURNPIKE EXPANSION, AND JOIN WITH THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS IN THEIR SUPPORT FOR THE TURNPIKE'S EARLIER COMMITMENTS MADE TO THE MPO REGARDING THEIR PUBLIC INVOLVEMENT PLAN FOR THE PROJECT, INCLUDING MEETINGS WITH LOCAL GOVERNMENTS AND THEIR AGENCIES, REGULATORY AGENCIES, NEWSLETTERS, AND PUBLIC MEETINGS AND TO TAKE NECESSARY ACTION TO EFFECTIVELY MINIMIZE AND BUFFER THE NOISE LEVEL ASSOCIATED WITH CURRENT AND FUTURE TRAFFIC FROM THE FLORIDA TURNPIKE IN THE TOWN OF DAVIE.
- 4.13. **SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2003-164 APPROVING A SUBDIVISION PLAT KNOWN AS W.W.J.D. 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 FOR AN EFFECTIVE DATE. (P 10-5-02, W.W.J.D., 7665 Davie Road Extension)
- 4.14. **RESTRICTIVE NOTE AMENDMENT** - A RESOLUTION OF THE TOWN OF
R-2003-165 DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE RESTRICTIVE NOTE OF THE "FALCON'S LEA" PLAT, AND PROVIDING FOR AN EFFECTIVE DATE. (DG 6-2-03, Falcon's Lea Park, 14900 Stirling Road)
- 4.15. **DEVELOPER'S AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2003-166 FLORIDA, AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND SOUTHERN HOMES OF DAVIE, III LLC, FOR REGIONAL ROAD CONCURRENCY RELATING TO THE WOODBRIDGE 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 5-2-03, Woodbridge Ranches, generally located at the northwest corner of SW 136 Avenue and SW 26 Street)

**TOWN COUNCIL MINUTES
JULY 2, 2003**

4.16. **DEVELOPER'S AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, R-2003-167 FLORIDA, AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND UNIVERSITY PARC, FOR A PASSIVE PARK; 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 5-3-03, University Parc, 7085 Nova Drive and 2200 SW 71 Terrace)

5. DISCUSSION OF CONSENT AGENDA ITEMS

Councilmember Paul requested that item 4.6 be removed from the Consent Agenda. Mr. Kiar requested that item 4.9 be removed. Mayor Truex requested that items 4.5 and 4.10 be removed.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve the Consent Agenda without items 4.5, 4.6, 4.9 and 4.10. In a voice vote, all voted in favor. (Motion carried 5-0)

4.5 Mayor Truex agreed with the goals for affordable housing and he was proposing approval without the incentive for increased residential density.

Shirley Taylor-Prakelt, Director of Housing and Community Development, indicated what the federal requirements were for the plan strategy, but indicated that she did not object to removing the incentive for increased density levels, affordable housing, and density bonuses.

Vice-Mayor Starkey was in agreement with Mayor Truex's concern.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve subject to removing the section pertaining to incentives #4. In a voice vote, all voted in favor. (Motion carried 5-0)

4.6 Councilmember Hubert questioned why this was necessary Mr. Kiar was already working for the Town. Councilmember Paul felt the only thing needed would be to reaffirm the duties of the Town Attorney as set forth in the Charter. She requested a full accounting of legal fees, how the budget was impacted and whether Mr. Kiar would be willing to cap his expenses based on past performance, etc. Vice-Mayor Starkey felt that the purpose was to define the Town Attorney's role.

Mayor Truex indicated that he had asked for this resolution to clarify any doubt and reiterate what was already in the Charter. Councilmember Paul was concerned that Mr. Kiar might be overcompensated for his duties and felt the resolution was unnecessary. Mayor Truex disagreed. Councilmember Paul read an e-mail from a resident voicing his concerns that Council may be giving up power to the Town Attorney.

Councilmember Hubert made a motion, seconded by Vice-Mayor Starkey, to approve. In a voice vote, with Councilmember Paul dissenting, all voted in favor. (Motion carried 4-1)

**TOWN COUNCIL MINUTES
JULY 2, 2003**

4.9 Mr. Kiar explained that ERC's agreement puts all liability on the Town and this provision should be removed. He voiced concern regarding service of process through the mail. Mayor Truex felt there should be a cap.

Victor Ronder, representing ERC, felt that a cap would affect their motivation to locate additional savings. He felt the Town was already receiving a considerable discount. Al Guestello, also representing ERC, indicated why the compensation from Plantation was different than that proposed to the Town.

Mr. Ronder indicated that his firm was agreeable to a \$100,000 cap for three years. He agreed to strike paragraph 6 and remove the last sentence from paragraph 7 regarding service by mail.

Councilmember Paul made a motion, seconded by Councilmember Crowley, to approve with a cap of \$100,000, returning to Council if it increases and strike paragraph 6 and the last sentence of paragraph 7. In a voice vote, all voted in favor. (Motion carried 5-0)

4.10 Councilmember Paul made a motion to approve, seconded by Councilmember Hubert. In a voice vote, with Mayor Truex dissenting, all voted in favor. (Motion carried 4-1)

Councilmember Paul announced that a verbal agreement was reached regarding the 60 acres on Orange Drive for the expansion of Vista View Park. It would be on Broward County's agenda August 12, 2003, and they anticipate five weeks until the closing.

Councilmember Paul made a motion, seconded by Vice-Mayor Starkey, to continue the moratorium until September 30th or until the County closed on the park, whichever came first. In a voice vote, all voted in favor. (Motion carried 5-0)

6. PUBLIC HEARING

Ordinances - Second and Final Reading

6.1. **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 2003-23 APPROVING PETITION VA 4-2-03, VACATING DRAINAGE EASEMENTS WITHIN SECTION 33, TOWNSHIP 50 SOUTH, RANGE 41 EAST AND WITHIN THE MADISON LAKES PLAT (170-117); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 4-2-03, Higgins-Deni/FLR Company, 5050 SW 82 Avenue) *Planning and Zoning Board recommended approval.*

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 Vice-Mayor Starkey, 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
JULY 2, 2003**

6.2. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; AMENDING SECTION 26-1 ENTITLED "REQUIREMENTS FOR WILDLIFE PROTECTION PRIOR TO LAND CLEARING"; ADDING SECTION 26-2 ENTITLED "RARE SPECIES"; PROVIDING A LISTING OF SPECIES IDENTIFIED IN BROWARD COUNTY AS RARE; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Muniz read the ordinance by title.

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

Vice-Mayor Starkey disclosed that she had spoken to Jeff Harrod.

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)

Ordinances - First Reading (Second and Final Reading to be held July 8, 2003)

6.3. **CAPITAL PROJECTS - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE 5-YEAR CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2004-2008.**

Town Clerk Muniz read the ordinance by title. Mayor Truex advised there would be a public hearing held on July 8, 2003.

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

Vice-Mayor Starkey felt there was an incorrect figure because the 115-acre site purchase would require more money for development than what was indicated in the capital plan. She requested Programs Administrator Chris Kovanes address these concerns. Councilmember Paul also felt that the figures were incorrect.

Mr. Kovanes indicated that the contract would read \$9.2 million for the sale of the property. He advised that the Town had received \$2 million from the Broward County Land Preservation Bond program and \$4.5 million from the State of Florida Community Trust Program, which brought the figure to \$2.7 million.

Vice Mayor Starkey indicated that she had received favorable comments from the Trust for Public Land and felt that funds would be received for this project. She would like to encourage Council to add the item.

Councilmember Paul indicated she had spoken with Mr. Mooney at the Trust for Public Lands who indicated they had reached an agreement. She felt strongly that once the monies had been received for the land, the State would approve additional funds. Councilmember Paul felt Council must move forward now.

Mr. Kovanes indicated that the \$75,000 addressed the management plan. Councilmember Crowley felt that the \$75,000 was adequate for this coming year. Council indicated that \$1.7 million was needed now. Mr. Willi indicated the need for the full \$9.275

**TOWN COUNCIL MINUTES
JULY 2, 2003**

million for 2004 and then monies would be reimbursed to the Town. Assistant Town Administrator Ken Cohen explained why the money was needed up front.

Vice-Mayor Starkey indicated that Math Iglar Grove was in negotiations and that Broward County Commissioner Lori Parrish had committed \$400,000 towards the \$525,000 acquisition. She asked that this be put in 2004. Mr. Willi felt that their application to the County required no match to the Town and would not need to be included in the Capital Projects plan. If the County was successful in the purchase, he recommended that at next year's capital budget time, after the Property was under the control of the Town, efforts would begin to plan the actual improvements for the park and budget accordingly.

Vice-Mayor Starkey asked for clarification of what a chlorine generation system was for \$48,000. Parks and Recreation Director Dennis Andresky explained that the system would eliminate a lot of the purchase, storage, transporting and handling to make the chlorine that was needed to purify the water and would reduce operational costs.

Vice-Mayor Starkey was concerned with the Public Works compound for \$2.385 million. She would like to move it to 2005 with a plan of design maybe in 2004, but not to fund it with alternative options. Mr. Cohen explained that the project had to be approved prior to plans being drawn and submitted to Council.

Councilmember Paul asked whether the Fire Administration compound would be under bonds. Mr. Cohen indicated he was hesitant to make that decision at this time.

Vice-Mayor Starkey questioned the special operations/AEDs for \$45,000 and if it was one item or two. Mr. Cohen indicated it was not two items and would be corrected.

Vice-Mayor Starkey questioned the need for an additional digital camera and tripod for \$1,400. Human Resources Director Mark Alan explained that the need was for Public Safety promotional and/or initial hires and indicated that the money spent to rent the equipment far exceeded the cost to purchase.

Vice-Mayor Starkey questioned the projects off 58th Avenue and Silver Lakes Park. She stated that the Land Preservation Advisory Board did not approve this previously. Mr. Andresky and Mr. Cohen advised that Silver Lakes was being released from the State and there was a Land Water Conservation Fund grant of \$210,000, the Town had a 50% match on that. The projection for 58th Avenue was the figure that had been arrived at from previous meetings with residents as to development features. Mr. Willi explained there were a few issues that the attorney was working on with the developer's attorney on the 58th Avenue site prior to committing funds to develop a park.

Councilmember Crowley asked Mr. Kovanes why the costs to get public information from the Property Appraiser's office would be so high. Mr. Kovanes explained that the Property Appraiser's Office had plans to move their data online to a file transfer protocol site, there would be a payment per download of the information, and this was merely an estimate.

Councilmember Crowley stated that more money needed to be allocated to roadway improvement/traffic calming. Mr. Cohen indicated that outside of speed bumps, traffic-calming devices were very expensive and time-consuming. Mayor Truex asked that traffic calming be increased to \$400,000 for 2004 with \$100,000 allocated to each district.

Councilmember Crowley asked if SW 71 Terrace Park would be developed in 2004. Mr. Willi indicated in the affirmative.

**TOWN COUNCIL MINUTES
JULY 2, 2003**

Councilmember Paul stated that the reconstruction of additional workspaces at Development Services should be eliminated if a new Town Hall was built. She requested clarification of the drainage project of Phase 5 in Oak Hill. Councilmember Paul questioned how the Covenant House would be utilized. Mr. Cohen indicated that unless there were any specific plans to keep the Covenant House property, no massive changes would be made. He stated it was currently being used for Fire training purposes.

Vice-Mayor Starkey spoke about the need for three "French drains" in the entranceway of Forest Ridge, a state preserve, because of constant floods during the rainy season. Mayor Truex questioned who controlled the area. Vice-Mayor Starkey indicated that the master homeowner's association maintained it, but it was a State preserve and no one was taking responsibility for it. She would like the Town Engineer to advise whether it should be included in the Capital Project budget.

Mayor Truex questioned Mr. Willi if the Town was authorized to improve public property. Mr. Willi advised that the Town would need to gain an easement for the improvement.

Mayor Truex requested clarification on which park the Vita Course was in. Mr. Andresky advised that it would be installed at the Shenandoah Park and Waverly Park.

Mayor Truex reiterated the items that needed correction: the Van Kirk property, line 150; traffic calming, line 77; and the Vita Course.

Mr. Cohen also indicated the items that staff would correct.

Councilmember Paul made a motion, seconded by Councilmember Hubert, to approve subject to corrections proposed by staff and Council. 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)

6.4. BUDGET AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE ADOPTED BUDGET FOR THE TOWN OF DAVIE FOR FISCAL YEAR 2003.

Town Clerk Muniz read the ordinance by title. Mayor Truex advised that a public hearing would be held on July 8, 2003

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 subject to corrections proposed by staff and Council. 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
JULY 2, 2003**

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

- 6.5. **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 June 18, 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*

This item was tabled earlier in the meeting to August 6, 2003.

Quasi Judicial Item

- 6.6. **VARIANCE** - V 5-3-03, Central Broward Water Control District, 8020 Stirling Road (CF) (to reduce the east side setback for buildings in the CF District from 25 feet to 5 feet) *Planning and Zoning Board recommended approval*

Mayor Truex turned the quasi-judicial portion of the meeting over to Mr. Kiar who advised of the procedures for quasi-judicial hearings.

Councilmember Crowley indicated that he would abstain from the vote on this item.

Town Attorney Kiar swore in the witnesses.

Mr. Leiva explained the nature of the request.

John Rayson, representing the Central Broward Water Control District, explained why the existing building was incompatible and why this variance was necessary. He felt that without the variance, they would not be able to effectively use the property and asked for favorable consideration.

Commissioner Chris Fardelman felt there was a unique situation that existed there and asked Council to approve the variance request.

Vice-Mayor Starkey disclosed that she spoke to Mr. Rayson and residents of the Silverado subdivision.

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
JULY 2, 2003**

6.7. WITHDRAWN BY STAFF

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN; AMENDING SECTION 26-58 ENTITLED "ENFORCEMENT" RELATING TO CLEARING AND GRUBBING PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from June 18, 2003)

This item was withdrawn earlier in the meeting.

6.8. STAFF REQUESTED TABLING TO AUGUST 6, 2003

SPECIAL PERMIT - SE 4-2-03, Synalovski/United Jewish Community of Broward County (Jewish Federation), 5890 South Pine Island Road (CF) (allow for a Community Business Enterprise Zone to be housed in their 31,369 square foot office building) *Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting.

7. APPOINTMENTS

7.1. Child Safety Board (one exclusive appointment - Vice Mayor Starkey and Councilmember Hubert; term expires April 2004) (whenever possible, members shall had interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood.)

Councilmember Hubert appointed Pat Babski.

7.2. Open Space Advisory Committee (one exclusive appointment - Mayor Truex and Vice-Mayor Starkey; term expires April 2004)

Mayor Truex appointed Monique Montero. Vice-Mayor Starkey deferred her appointment.

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

Mr. Willi advised that resident Doug Amos volunteered.

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

7.4. Water and Environmental Advisory Board (two exclusive appointments - Mayor Truex; term expires April 2004) (insofar as possible, one member of the board shall be a licensed engineer.)

Mayor Truex appointed Richard Postlewhite.

8. OLD BUSINESS

8.1. College Living Experience

This item was tabled to August 6, 2003.

**TOWN COUNCIL MINUTES
JULY 2, 2003**

8.2. Park City SW 18th Street Median

Councilmember Crowley indicated that he had asked that this item be addressed by Council as it had been ongoing for some time.

Mayor Truex indicated that he did not want to set a precedent for other communities by providing pavers for this community. However, if the newly discovered transcripts disclosed that, the Town should stand by its word.

Councilmember Hubert offered that the Town could pay for it and seek reimbursement from Park City.

Barbara Tilley, resident of Park City, indicated that the management company would not agree to that. They stated they would sue the Town before putting in pavers.

Vice-Mayor Starkey suggested that the homeowners association apply for a Broward Beautiful grant.

Mayor Truex suggested that the Town go forward with the Code compliance action suggested by Mr. Cohen.

Bill Meyers, resident of Park City, explained why their park was different from other parks wherein the homeowners association was voluntary, and explained that he had no objections to the Town's plan on this issue.

9. NEW BUSINESS

9.1. Hobby Farm Act

Councilmember Paul raised a question regarding the last section which stated that any limited agricultural activity in the semi-rural area, pre-existing or commenced under this act would become a legal, non-conforming use and whether or not it could be written into an ordinance.

Julie Aiken, 3801 Flamingo Road, explained what inspired this issue.

Mayor Truex was in favor of preserving open space, but indicated if there was nothing prohibiting activities now, what would precipitate something being prohibited in the future unless there was a future ordinance that was passed. Ms. Aiken felt that this would preserve the rural lifestyle from newer residents who do not hold the same value set forth as the new Council.

Mayor Truex suggested getting a report back before Council for a first reading at an August meeting.

Vice-Mayor Starkey voiced concern that some sort of protection should be placed for residents who had pets. Ms. Aiken indicated that this would only apply to semi-rural neighborhoods and Section 12-34B also had in place protections for residents with pets.

Mr. Kiar asked if it was Council's direction to work with Ms. Aiken on this issue.

Mayor Truex asked Mr. Willi if he had any thoughts on the issue. Mr. Willi felt it should be delegated to the Town Attorney's Office to draft language and then recommended it go back to the Agricultural Advisory Committee and brought back to Council and reviewed by Local Planning Agency.

Vice-Mayor Starkey asked if Mr. Kiar's version should be marked as "DRAFT" with comments and then circulated to Council for their review.

Ms. Aiken agreed to work with the Town Attorney's Office.

**TOWN COUNCIL MINUTES
JULY 2, 2003**

9.2. E-Mail Policy

Mr. Willi explained that this was a condensed version that staff was going to place in the Employee Manual for new-hires.

Vice-Mayor Starkey expressed approval, but recommended it be more inclusive of all Town users and including Councilmembers. She voiced concern that Mr. Kiar review the procedure to be sure it was in compliance with Chapter 119 of the State Statutes and that it was enforceable. Vice-Mayor Starkey stated that there must be a review for possible exemptions according to Florida Statute. She requested a review by the Mr. Kiar as to compliance with the Florida Statute prior to any action being taken on this issue.

Council directed that this issue be reviewed by Mr. Kiar and then be brought back as a resolution at a future meeting in August.

Mayor Truex felt that he would like to see item 15 stricken regarding employees breaking Town policies. Councilmember Paul suggested rewording the item so that it can be left in.

**10. MAYOR/COUNCILMEMBER'S COMMENTS
MAYOR TRUEX**

WARREN HENRY SITE PLAN. Mayor Truex spoke about the rezoning and site plan for Warren Henry and felt it should be tabled to August 6, 2003. In a voice vote, all agreed to table to August 6, 2003.

ELECTRONIC AGENDA. Mayor Truex commented on Town Clerk Muniz's excellent instruction on the electronic agenda.

FLORIDA MUNICIPAL INSURANCE TRUST. Mayor Truex suggested that a representative from the Florida League of Cities regarding the Florida Municipal Insurance Trust make a short presentation at the second meeting in August.

COUNCILMEMBER PAUL

SCHOOL BOARD RETREAT. Councilmember Paul spoke about the School Board Retreat and the consideration of the Town's resolution concerning the Nova Middle School resolution. She asked that Mr. Willi send a letter to Dr. Till requesting the immediate meeting of the Site Selection Committee with the Town's recommendation for the Shotgun Road site.

GL HOMES. Councilmember Paul spoke about an environmental report which she felt would constitute a trespass if conducted. GL Homes stated that they were not aware of anyone coming onto the property to conduct such test.

136th & SW 14th INTERSECTION. Councilmember Paul wanted to know when this project would be started and how long it would take. She expressed concern that it be completed before school started.

CHARTER REVIEW BOARD. Councilmember Paul thought it would be a good idea to begin the process of appointing members to this Board by the second meeting in August.

CODE COMPLIANCE. Councilmember Paul objected to trapping by Critter Control along the Flamingo Road corridor. She felt that a Code Compliance employee should be on hand for animal control issues.

MILL CREEK. Councilmember Paul stated there was no horse trail planned for the area. She indicated that she had seen a trail there for future use that goes through to Shotgun, there was

**TOWN COUNCIL MINUTES
JULY 2, 2003**

an easement through the farm and eventually it would be a direct tie-in to the equestrian homes on Shotgun Road through to Imagination Farms off 142nd. Councilmember Paul wanted to be sure that staff addresses it at the Site Plan review.

LEGAL. Councilmember Paul indicated that she would like to address the issue regarding totals of all legal expenses and what had been budgeted for both in-house and outside.

VICE-MAYOR STARKEY

SOROPTIMIST. Vice-Mayor Starkey spoke of the annual golf tournament being held on August 9, 2003 and indicated that the group was looking for foursomes or golf item donations.

FOURTH OF JULY CELEBRATION. Vice-Mayor Starkey mentioned at 6:00 p.m., there would be a recognition ceremony to salute the Town's returning wartime heroes, as well as a firework's presentation at 9:00 p.m.

MATH IGLER GROVES. Vice-Mayor Starkey stated that she would like an update regarding the status of Phase 2. Mr. Willi indicated that a copy of the update was placed in Council's box this evening.

COUNCILMEMBER CROWLEY

BOYS AND GIRLS CLUB. Councilmember Crowley spoke of the need to provide transportation for the children at Driftwood to the pools.

COUNCILMEMBER HUBERT

No comments were made.

11. TOWN ADMINISTRATOR'S COMMENTS

No comments were made.

12. TOWN ATTORNEY'S COMMENTS

No comments were made.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting adjourned at 10:39 p.m.

Approved: _____

Mayor/Councilmember

Town Clerk