

**TOWN OF DAVIE
TOWN COUNCIL REGULAR MEETING
APRIL 16, 2014**

I. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:31 p.m. and was followed by the Pledge of Allegiance.

II. ROLL CALL

Present at the meeting were Mayor Paul, Vice-Mayor Hattan and Councilmembers Caletka and Starkey. Councilmember Luis was absent. Also present were Town Administrator Lemack, Town Attorney Rayson and Assistant Town Clerk Roig recording the meeting.

Councilmember Caletka made a motion, seconded by Vice-Mayor Hattan to excuse Councilmember Luis's absence. In a voice vote, with Councilmember Luis absent, all voted in favor. (Motion carried 4-0)

III. PRESENTATIONS

1. Fair Housing Poster Contest Winners - Keenya Robertson, Executive Director for HOPE, Inc.

Ms. Robertson thanked the Town for its efforts regarding housing. Glenda Bonaventura, Housing and Community Development, awarded the prizes to the winners: Ashley Rebanales for most original concept, Keiondre Smith for most inspirational theme, Carmel George for most impressive vision of diversity and Clarice Antassi for most prominent message of equality.

Mayor Paul announced that items 17 and 22 were being withdrawn.

Mayor Paul requested tabling items 19, 20 and 21.

Councilmember Starkey made a motion, seconded by Vice-Mayor Hattan to table item 19 to May 21. In a voice vote, with Councilmember Luis absent, all voted in favor. (Motion carried 4-0)

Vice-Mayor Hattan made a motion, seconded by Councilmember Starkey to table item 20 to May 21. In a voice vote, with Councilmember Luis absent, all voted in favor. (Motion carried 4-0)

Vice-Mayor Hattan made a motion, seconded by Councilmember Starkey to table item 21 to May 21. In a voice vote, with Councilmember Luis absent, all voted in favor. (Motion carried 4-0)

Mayor Paul requested the addition of item 25, a proclamation.

Vice-Mayor Hattan made a motion, seconded by Councilmember Starkey to add item 25. In a voice vote, with Councilmember Luis absent, all voted in favor. (Motion carried 4-0)

Mayor Paul pulled items 2, 3, 4, 5, 6, 7, 8, 14, and 25 from the Consent Agenda.

Councilmember Starkey made a motion, seconded by Vice-Mayor Hattan to approve the Consent Agenda, less items 2, 3, 4, 5, 6, 7, 8, 14 and 25. In a voice vote, with Councilmember Luis absent, all voted in favor. (Motion carried 4-0)

IV. APPROVAL OF CONSENT AGENDA

Proclamations

1. Child Abuse Prevention Month (April)
2. National Fair Housing Month (April) - Keenya Robertson
3. National Community Development Week (April 21 - 26, 2014) - Glenda Bonaventura
4. Earth Day 2014 (April 22, 2014) - David Quigley
5. Arbor Day (April 25, 2014) - Mark Collins
6. Days of Remembrance Week (April 27 - May 4, 2014)
7. Municipal Clerks Week (May 4 - May 10, 2014) - Evelyn Roig
8. Public Service Recognition Week (May 4 - 10, 2014) - Stacey Hipsman & Anita Reid

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Minutes

9. March 19, 2014 Meeting Minutes (Regular)

Resolutions

Fire Dept.

10. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE ACCEPTANCE OF THE AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE FOR AN EMS COUNTY GRANT FROM THE FLORIDA DEPARTMENT OF HEALTH (DOH), BUREAU OF EMERGENCY MEDICAL SERVICES FOR THE PURCHASE OF MASS CASUALTY INCIDENT (MCI) EQUIPMENT AT A COST OF \$8,860.00 (Funding will be from Grant Account 001.06.100.5225-56480).

Housing and Community Development

11. **EMPLOYMENT AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE AN EMPLOYMENT AGREEMENT BETWEEN THE TOWN OF DAVIE AND GRANTS COORDINATOR, JOHN MALIFF AND PROVIDING FOR AN EFFECTIVE DATE.

Police Department

12. **AGREEMENT RENEWAL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE RENEWAL OF THE LAW ENFORCEMENT MUTUAL AID AGREEMENT FOR TRAFFIC ENFORCEMENT BETWEEN THE BROWARD COUNTY SHERIFF'S OFFICE AND THE DAVIE POLICE DEPARTMENT.

13. **DONATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE POLICE DEPARTMENT'S STATE FORFEITURE FUND ACCOUNT IN THE AMOUNT OF \$1,500.00 FOR A DONATION TO A CHILD IS MISSING ALERT AND RECOVERY CENTER, A NON PROFIT ORGANIZATION.

Town Attorney

14. **AGREEMENT AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE A THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT, AND PROVIDING FOR AN EFFECTIVE DATE.

Utilities

15. **BID WAIVING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING FORMAL BIDDING AND ACCEPTING THE BID FROM TONKAWATER AS A SOLE SOURCE SUPPLIER FOR RESIN FOR THE ION EXCHANGE UNIT AT THE SYSTEM III WATER TREATMENT PLANT (WTP) (3500 NW 76 AVENUE); AND PROVIDING FOR AN EFFECTIVE DATE.

Quasi-Judicial Consent Agenda

16. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON

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THE PLAT KNOWN AS "COLLEGE CROSSINGS TWO", AND PROVIDING AN EFFECTIVE DATE. DG 14-14 College Crossings Two, 5600 Reese Road (RAC-RTE).

PETITIONER IS REQUESTING THE FOLLOWING ITEM TO BE WITHDRAWN

17. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING DELEGATION APPLICATION "DG 13-342 DAVIE DAY CARE" TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS "FARM STORE-DAVIE", AND PROVIDING AN EFFECTIVE DATE. (6650 Nova Drive, DG 13-342 Davie Day Care (RAC-RTW) (See related item #22)

Withdrawn.

18. **FLEX APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING FLEX APPLICATION "FX 14-98 TOWER SHOPS II" FOR THE ALLOCATION OF RESIDENTIAL-TO-COMMERCIAL FLEXIBILITY ONTO A PORTION OF THE PLAT KNOWN AS "DAVIE TOWNE CENTRE PLAT" IN ACCORDANCE WITH THE BROWARD COUNTY LAND USE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

V. DISCUSSION OF CONSENT AGENDA ITEMS

Councilmember Starkey made a motion, seconded by Vice-Mayor Hattan to approve items 2, 3, 4, 5, 6, 7, 8 and 25. In a voice vote, with Councilmember Luis absent, all voted in favor. (Motion carried 4-0)

6. Days of Remembrance Week (April 27 - May 4, 2014)

Mayor Paul read the proclamation and presented it to Linda Medvin, Chair, Commissioner's Task Force on Holocaust Education, Florida Department of Education.

2. National Fair Housing Month (April) - Keenya Robertson

Vice-Mayor Hattan read the proclamation and presented it to Rita Scott.

3. National Community Development Week (April 21 - 26, 2014)

Vice-Mayor Hattan read the proclamation and presented it to Glenda Bonaventura, Housing and Community Development and Housing Director Giovanni Moss.

4. Earth Day 2014 (April 22, 2014) - David Quigley

Councilmember Caletka read the proclamation and presented it to Eric Swalley and Adrienne Kaltman from the Agricultural and Environmental Advisory Committee.

5. Arbor Day (April 25, 2014) - Mark Collins

Councilmember Caletka read the proclamation and presented it to Mark Collins, Director of Public Works.

7. Municipal Clerks Week (May 4 - May 10, 2014) - Evelyn Roig

Mayor Paul read the proclamation and presented it to Evelyn Roig, Town Clerk.

8. Public Service Recognition Week (May 4 - 10, 2014) - Stacey Hipsman & Anita Reid

Councilmember Starkey read the proclamation and presented it to Director of Human Resources Stacey Hipsman & Anita Reid, Public Relations Coordinator.

25. Nation Public Safety Telecommunications Week (April 13 - 19, 2014)
Councilmember Starkey read the proclamation and presented it to Police Chief Patrick Lynn.

14. AGREEMENT AMENDMENT - PROFESSIONAL SERVICES AGREEMENT

Mayor Paul reported they had received an amended copy of the agreement.

Councilmember Caletka gave a Power Point presentation regarding red light cameras, based on data provided by the Davie Police Department. He stated the analysis proved that the cameras had not caused a significant increase in rear-end crashes. Councilmember Caletka described his statistical analysis, which he said proved "with a 99.99% chance that the treatment, or adding cameras to these intersections, is actually causing the behavior change of people deciding to instead of get a ticket, just go through that light and causing a very serious accident." This was evidence that the cameras were actually increasing accidents in the Town, and the type of accident resulting from the cameras was the worst kind: running red lights despite the cameras in order to avoid a ticket.

Councilmember Starkey took issue with Councilmember Caletka's calculations, stating he had not factored in growth in population, special event and seasonal visitors, which could have contributed to the increase in accidents. She would continue to support the use of red light cameras and hoped that ongoing education efforts would further reduce red light running. Councilmember Starkey said she had to go with her "common sense approach" and her "gut instincts on what I see and what I feel is in the best interest of the safety of the Town of Davie and the residents." Councilmember Caletka explained that the statistical analysis did account for changes in population and other anomalies.

Vice-Mayor Hattan asked if Councilmember Caletka's analysis had taken into account the increased number of red light cameras in the Town over the past couple of years. Councilmember Caletka explained that the statistics included accidents at all intersections, and showed an overall increase, meaning the cameras were not having the desired effect of reducing accidents.

Mayor Paul indicated she was still keeping an open mind about the cameras. She wanted to continue collecting data, and to separate data from intersections with the cameras. In the meantime, she supported moving the item forward.

Councilmember Starkey made a motion, seconded by Vice-Mayor Hattan to approve the item as amended. In a voice vote, with Councilmember Luis absent, and Councilmember Caletka dissenting, all voted in favor. (Motion carried 3-1)

VI. PUBLIC HEARING

STAFF IS REQUESTING THE FOLLOWING ITEM TO BE TABLED MAY 21, 2014

Ordinance - Second and Final Reading

19. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 4, CODE OF ORDINANCES ENTITLED "ANIMALS," BY CREATING SECTION 4-69 ENTITLED "RETAIL SALE OF DOGS AND CATS," SECTION 4-70 ENTITLED "~~LICENSING REQUIREMENTS,~~" AND SECTION 4-71 ENTITLED "MINIMUM STANDARDS FOR HOUSING AND CARE OF ANIMALS-DOGS AND CATS;" PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. {Approved on first reading on February 19, 2014. In a roll call vote, the vote was as follows: Mayor Paul: yes, Vice-Mayor Caletka: yes, Councilmember Hattan, yes; Councilmember Luis: yes, Councilmember Starkey: yes} (Motion carried 5-0).**

Tabled to May 21 per a motion by Councilmember Starkey, seconded by Vice-Mayor Hattan. See page 1.

STAFF IS REQUESTING THE FOLLOWING ITEM TO BE TABLED MAY 7, 2014

Ordinances - First Readings (Second and Final Readings to be held on May 7, 2014)

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20. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 12, LAND DEVELOPMENT CODE, ARTICLE XV, WIRELESS COMMUNICATIONS FACILITIES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. **(tabled from March 19, 2014)**

Tabled to May 21 per a motion by Vice-Mayor Hattan, seconded by Councilmember Starkey. See page 1.

STAFF IS REQUESTING THE FOLLOWING ITEM TO BE TABLED MAY 7, 2014

21. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 21, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, BY ADOPTING ARTICLE VI., COMMUNICATIONS FACILITIES IN RIGHT-OF-WAYS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. **(tabled from March 19, 2014)**

Tabled to May 21 per a motion by Vice-Mayor Hattan, seconded by Councilmember Starkey. See page 1.

Quasi-Judicial Public Hearing Items

PETITIONER IS REQUESTING THE FOLLOWING ITEM TO BE WITHDRAWN

22. **SPECIAL PERMIT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING SPECIAL PERMIT APPLICATION "SE 13-344 DAVIE DAY CARE", AND PROVIDING FOR AN EFFECTIVE DATE. (SE 13-344 Davie Day Care, 6650 Nova Drive (RAC-RTW)). **(See related item #18)**

Withdrawn.

23. **VARIANCE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING VARIANCE APPLICATION "V 13-333 RICHARD FENCE VARIANCE", AND PROVIDING FOR AN EFFECTIVE DATE (V 13-333 Richard Fence Variance (14440 Bedford Court (R-1)).

Mr. Rayson read the request and reported the parties had waived the quasi-judicial process.

Deputy Planning and Zoning Manager David Abramson provided the staff report.

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

Councilmembers disclosed communications they had regarding this request.

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

VII. APPOINTMENTS

24. Committee/Board Vacancies and Appointments

Mayor Paul reminded Councilmembers that there were two open appointments on the Unsafe Structures Board.

Councilmember Starkey made a motion, seconded by Vice-Mayor Hattan to appoint Danny Belleu to the Unsafe Structures Board. In a voice vote, with Councilmember Luis absent, all voted in favor. (Motion carried 4-0)

VIII. COMMITTEE RECOMMENDATIONS

No discussion.

IX. OLD BUSINESS

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No discussion.

X. NEW BUSINESS

No Discussion.

XI. SCHEDULE OF NEXT MEETING

25. FY 2015 Community Endowment Workshop
Council agreed on August 6 at 5:00 P.M.

XII. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR PAUL

EGGSTRAVAGANZA AND DIVERSITY FAIR. Mayor Paul reminded everyone of the event on April 19 from 9:00 until 3:00.

JUST DESSERTS. Mayor Paul thanked everyone for putting together the Just Desserts program.

ARTHRITIS WALK. Mayor Paul announced the Arthritis Walk would be held on May 10. She advised interested participants to create a team online.

BAHAMIAN DELEGATION. Mayor Paul had recently entertained the former Bahamian Deputy Prime Minister, Cynthia Mother Pratt, a Bahamian senator and others involved in the urban renewal program. She reported the urban renewal program had teamed up with Women Supporting Women Ministries.

ROMANIAN POLICE OFFICIALS. Mayor Paul had also entertained two colonels from the Romanian Police Force recently.

IT'S THE LAW. Mayor Paul discussed the law requiring motorists to allow cyclists three feet separation on the road.

EVERGLADES SHARK BUS. Mayor Paul said Everglades residents were concerned that the Shark bus would stop, but she assured them it would continue. In the meantime, they needed to discuss strategies to increase ridership.

DOG ATTACK. Mayor Paul discussed the recent dog attack at her property, which resulted in the death of one of her cats, and advised people to report all loose dogs to prevent other tragedies. Mayor Paul said the Town needed a unit dedicated to animals and Mr. Lemack had promised through the budget process to fund stricter enforcement and operational oversight for animal issues.

COUNCILMEMBER CALETKA

THANKS TO HUMAN RESOURCES. Councilmember Caletka thanked Human Resources for resolving an insurance issue for him.

STORMWATER ASSESSMENT. Councilmember Caletka wished the Budget Advisory Committee to see the same presentation that Council had seen at their Vision and Goal setting session recently. He also wished them to be presented with the funding alternative of a public improvement bond, which the Council could initiate on its own.

CODE ENFORCEMENT. Councilmember Caletka thanked Code Enforcement for visiting his neighborhood recently. He supported these efforts in his district.

POLICE RESPONSE. Councilmember Caletka was impressed at the response from Police to two simultaneously incidents the previous weekend.

EAST SIDE SQUATTER. Councilmember Caletka reported there was a squatter living on the east side of Town who was engaging in illegal activities such as prostitution and allowing homeless people to inhabit the property. Assistant Town Attorney and Police Legal Counsel Danny Stallone had filed an emergency relief injunction to remove the inhabitants and the new owner was pursuing eviction. He thanked the Town's legal team for their efforts.

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VICE-MAYOR HATTAN

CONCERT ON THE GREEN. Vice-Mayor Hattan remarked the recent concert had been very well attended.

EAST SIDE SQUATTER. Vice-Mayor Hattan had entered the backyard of this property to return a trash can and noted broken windows and a pool filled with stagnant water. She had phoned Code Enforcement, who had responded quickly.

BUILDING MURALS. Vice-Mayor Hattan had contacted Western High School about having kids paint murals on some Town buildings. She would also contact Nova Public School and Broward College Art Department.

COUNCILMEMBER STARKEY

INSPECTOR GENERAL'S REPORT. Councilmember Starkey had attended the Inspector General's Oversight Committee earlier in the day and read a prepared statement from the League of Cities. Their position was not to take a position on the report but they wanted to work with the County Commission to amend the ethics code to make it stronger and resolve ambiguities. She had discussed several of the concerns that had been expressed regarding the ethics code. The Inspector General wanted to create a position of County Ethics Officer and an Ethics Review Panel. Councilmember Starkey said the vote had been 3-2, "not in our favor." She agreed with enforcement of the ethics code, but felt they were "taking it and clouding it into this big problem that exists amongst electeds, which is totally untrue." The cost of the positions was estimated to be from \$200,000 to \$2.1 million per county, depending on the size of the county. There would be a County workshop on April 22 to discuss the ordinance and the report recommendations and Councilmember Starkey advised everyone to contact their County Commissioners to voice their concerns. She said the County Commission could amend the County ethics code without a charter amendment. They could also appoint an ethics officer in the County Attorney's office to consolidate legal opinions and give advice.

TECHNOLOGY WORKSHOP. Councilmember Starkey announced a workshop on technological innovations that would impact cites would be held in Wilton Manors on April 25. She and Technology and Information Management Director Tina Tysinger would attend.

BARBERSHOP HARMONY SHOW. Councilmember Starkey reported the show would be at the Broward Center for Performing Arts on April 19. A Town resident, Steve Moodie, had written the script and performed in the show.

LEGISLATIVE SESSION. Councilmember Starkey stated they were fighting unfunded mandates and preemptions of home rule authority. Committees had passed legislation addressing municipal Police and Fire pension reform to provide flexibility and the use of insurance premium tax dollars.

SIXTH ANNUAL MUNICIPAL ACHIEVEMENT AWARDS. Councilmember Starkey asked everyone to consider candidates for the awards.

OLD DAVIE SCHOOL FASHION SHOW. Councilmember Starkey congratulated staff who had participated in the fashion show.

Mayor Paul asked if Council would like a workshop on the pet mill ordinance and Council agreed on May 7 at 5:00.

XIII. TOWN ADMINISTRATOR'S COMMENTS

PARKS AND RECREATION OFFICE. Mr. Lemack announced that the Parks and Recreation office had been relocated to the area adjacent to the Pine Island Park Multipurpose Center.

DISTRICT COMMUNITY FORUM DATES. Mr. Lemack related the dates for the upcoming community forums:

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District 2 - 7:30 P.M. April 21 at Pine Island Ridge Country Club
District 4 - 6:30 P.M. April 22 at Rick Case Honda
District 3 - 6:30 P.M. April 24 at the Davie Police Department community room
District 2 - 6:30 P.M. April 28 at Council Chambers
District 1 - 6:00 P.M. April 29 at Council Chambers

XIV. TOWN ATTORNEY'S COMMENTS

Mr. Rayson had nothing to report.

XV. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 8:09 pm.

Approved _____

Mayor/Councilmember

Town Clerk