

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

**I. PLEDGE OF ALLEGIANCE**

1. Cub Scout Troop 383 - Presentation of the Flag

The meeting was called to order at 6:29 p.m. and was followed by the Pledge of Allegiance.

**II. ROLL CALL**

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

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

**III. PRESENTATIONS**

1. Plaque Presentation - El Jardin Affordable Housing Improvement Project: Lewis Sweezy, Seminole Acquisition Corporation  
Tabled to November 5.

2. Supervisor of Elections - November 2014 Election: Ed Solomon, Election Planning and Development Director

Fred Bellis, Election Operations Coordinator/Executive Assistant, reminded everyone of the upcoming election on November 4.

Dr. Brenda Snipes, Broward County Supervisor of Elections, said they wanted to get as many people involved in the elections as possible. She reported every polling location would have at least two optical scanners. Dr. Snipes stated sample ballots had been sent to all homes with registered voters. Regarding the Children's Services Council, Dr. Snipes stated it was on the second page. She described the rules determining how the ballot was ordered.

Councilmember Caletka pulled item 1 from the Consent Agenda. Councilmember Starkey pulled item 2.

Councilmember Luis made a motion, seconded by Councilmember Starkey to approve the Consent Agenda, less items 1 and 2. In a voice vote, with Vice-Mayor Hattan absent, all voted in favor. (Motion carried 4-0)

**IV. APPROVAL OF CONSENT AGENDA**

Minutes

1. August 19, 2014 Meeting Minutes (Regular) (**tabled from October 1, 2014**)
2. September 3, 2014 Meeting Minutes (Regular) (**tabled from October 1, 2014**)
3. September 12, 2014 Meeting Minutes (Special Assessments Hearing)
4. September 17, 2014 Meeting Minutes (Second Budget Hearing)
5. September 17, 2014 Meeting Minutes (Regular)

**Resolutions**

Fire

6. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID AWARDED BY THE FLORIDA SHERIFFS' ASSOCIATION TO HALL-MARK FIRE APPARATUS UNDER CONTRACT NO. 11-10-1202 FOR

THE PURCHASE OF ONE (1) FIRE RESCUE PUMPER AND RELATED EQUIPMENT/ACCESSORIES (Funding will be from Fire Rescue Pumper account 310.36.640.522-56465 - \$350,000 and Fire Impact Fees account 130.06.100.522-56465 - \$150,000.

Public Works

7. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A CONTRACT WITH SELDIN CONSTRUCTION, INC. FOR THE “CONSTRUCTION OF AN EXPANSION TO THE SUNNY LAKE BIRD SANCTUARY” AND PROVIDING FOR AN EFFECTIVE DATE.

Purchasing

8. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE SELECTION OF CALVIN GIORDANO & ASSOCIATES. INC. TO PROVIDE ENGINEERING SERVICES FOR NOVA DRIVE WIDENING AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE A CONTRACT FOR SUCH SERVICES.

Utilities

9. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING FORMAL BIDDING AND ACCEPTING THE BID FROM MISSISSIPPI LIME COMPANY AS A SOLE SOURCE SUPPLIER FOR FOOD GRADE LIME FOR WATER TREATMENT AT THE SYSTEM V WATER TREATMENT PLANT (WTP) (7351 SW 30 STREET).

Quasi-Judicial Consent Item

Business Tax Receipt

10. **Dcorp Construction Inc.** (4179 Derby Drive, zoned A-1)

**V. DISCUSSION OF CONSENT AGENDA ITEMS**

1. August 19, 2014 Meeting Minutes (Regular) (**tabled from October 1, 2014**)

Mr. Rayson said this related to whether or not Mr. Mele had made a misstatement regarding the Trotters Chase/Horseshoe Lake development. Mr. Rayson had reviewed the County agenda and determined Mr. Mele had not made a misstatement; the plat was approved for 128,000 square feet.

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

2. September 3, 2014 Meeting Minutes (Regular) (**tabled from October 1, 2014**)

Councilmember Starkey said she needed to listen to the recording to confirm some things were correct.

Councilmember Starkey made a motion, seconded by Councilmember Caletka to table to November 5. In a voice vote, with Vice-Mayor Hattan absent, all voted in favor. (Motion carried 4-0)

## VI. PUBLIC HEARING

### Quasi-Judicial Public Hearing Item

11. **SPECIAL PERMIT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING SPECIAL PERMIT APPLICATION "SE 14-190 TEEN CHALLENGE"; AND PROVIDING FOR AN EFFECTIVE DATE. (13601 Southwest 26th Street, zoned R-1. **(tabled from October 1, 2014)**)

Mr. Rayson read the resolution by title and swore in witnesses.

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

Tom Truex, representing the applicant, described the facility and stated it had a very good success record -- better than most publicly-funded programs -- for women with drug, alcohol and substance abuse issues. The request would not expand the program or services, only improve current services.

Mr. Truex referred to a lawsuit between Teen Challenge and the Town in 1998/1999 and said the judge's order granted Teen Challenge's petition for declaratory relief and ordered the Town to issue them a Certificate of Occupancy and occupational license to treat up to 16 residents. Mr. Truex read from the U.S. Department of Justice website regarding group homes, "The Fair Housing Act prohibits discrimination on the basis of handicap. Handicap has the same legal meaning as the term disability." Mr. Truex said the language specifically included alcohol and drug treatment programs. "A local government can violate the Fair Housing Act if it blocks a group home or denies a requested reasonable accommodation in response to neighbors' stereotypical fears or prejudices about persons with disabilities."

Mr. Truex said staff had confirmed that the request met all criteria for the special permit. He added that the property adjacent to theirs to the north had submitted a letter of support. He described their responses to the following issues raised by neighbors: noise complaints from a leaf blower being used on the property, lighting, parking, fencing and visitors. Regarding concerns that the property would look "too commercial" with the improvements, Mr. Truex said this looked like a normal residence and they had 1.6 acres with approximately 9.7% building coverage; with the additions the coverage would increase to approximately 13%. Other newer properties had 10% and greater coverage.

Pastor Ricky Fernandez, Executive Director of Teen Challenge, showed photos of several nearby properties that were more developed or in disrepair. He showed a rendering of what the new pavilion would look like.

Christen Gonzales explained that purposes for the new extension: spaces for classroom, offices, events and recreation.

Pastor Fernandez provided petitions of support to Mr. Abramson.

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

Debbie Renning described how Pastor Fernandez and his wife had counseled her daughter a few years ago.

Howard Wilkes stated the Town was run very well. He discussed how wonderful Pastor Fernandez and his wife were with the women in the facility.

Nicole Kehrt stated she had gone through the program in 2005 and been on staff for the past eight years. She said Teen Challenged had enabled her to be a mother to her daughter. Ms. Kehrt stated they wanted to serve their clients in the best way possible.

Bill Downing said he would recommend Teen Challenge to anyone in need.

Marta Battle said she had gone through the program and served the program for ten years. Her family was glad there was a place for her to go when she needed it.

Jim Chambliss said he had been associated with Teen Challenge for 15 years and it was a great benefit to the community.

Michele Knip stated everyone deserved a second chance and Teen Challenge offered that. She was so impressed with the program that they were working with Global Teen Challenge on a national scale.

Alison Chambliss said she volunteered at the program for the past 13 years. She stated the program was truly beneficial. Ms. Chambliss explained how the program needed the improvements to provide better service for their clients.

Esteban Marosi said he helped support this program financially and he had seen many lives restored.

R. K. Ulrich said she had visited the Teen Challenge center in New York State many years ago and was impressed by the organizational structure and results. She remarked that this facility was connected to a hundred such centers in the United States and the thousands of other facilities for which this had been an example. She said the center was also a great neighbor and produced great results.

Shanna Caison, Teen Challenge graduate, said she was someone who would not be alive if not for Teen Challenge. She had been reunited with her family and graduated college. She stated there was a need to expand the facility to improve the services.

Joseph Sangermano spoke in favor of the facility's request.

Julianne Sangermano said she believed in the program and what it did to help women make positive contributions to their families and the community.

Marilyn Steele said Teen Challenge was a wonderful group but she opposed any expansion on the property. She felt the changes would render the buildings non-residential, with a total of over 10,000 square feet. Ms. Steele thought the improvements would not blend well with the surrounding neighborhood, would add to traffic and result in reduced property values.

Barbara Cooper, Teen Challenge Program Manager, said they desperately needed the additional space for private offices for counseling.

Laurie Lusink said she had entered Teen Challenge in 2012 and successfully completed the program. She had also completed the Emerging Leaders Program and served as the Pastor's administrative assistant. Ms. Lusink remarked on the distractions she experienced because of the lack of privacy at the facility.

Elissa Hollingsworth said she had also completed the Teen Challenge program and the Emerging Leaders Program and was now on staff where she could offer women the hope she had been offered.

Tina Taravella said she had witnessed how the program turned women's lives around.

Madeline Marosi said the improvements would not change Teen Challenge's practices, it would just allow them to serve clients better.

Pedro Ruiz said he had known Shanna Caison before she entered the program and after completing the program she was as happy as she had ever been. He said the women in the program were fantastic, the facility was not an eyesore and the women were given something to hold onto once out of the program.

Karen Tucker thought the buildings would look like apartment buildings once they were enclosed and that would affect her property values. She was also concerned that allowing this expansion would open the door for homeless facilities to open in Davie. Ms. Tucker asked if the additional facilities would bring in people for counseling who were not enrolled in the program.

Henry Prior said the site could not meet code requirements for special vocational facilities; the facility was not compatible with family homes in the area; he felt the number of people using the septic system at the facility would damage it; he feared that enclosing the pavilion would only encourage more parties and events at the property; he thought expansion would adversely affect surrounding property values and the additions would encourage other large development in the area, including facilities for the homeless.

Sally Couillard, Teen Challenge resident, said Teen Challenged saved lives. She explained that people who went through the program gave back to the community. Ms. Couillard described the need for additional office space.

Brandon Hamel said Teen Challenge had a great purpose and he supported their desire to expand.

Donna Fernandez, co-founder of Teen Challenge, said the working conditions were currently frustrating. She explained that enclosing the pavilion would reduce noise from events at the facility. She said they needed a little extra space to improve services.

Keith Guillarmod commended the pastor for his work but thought the expansion could be a detriment to the neighborhood and bring other facilities to Town.

Tammy Rutrell said she supported what Teen Challenge was doing but wanted them to find a larger facility elsewhere.

Mayor Paul thought Mr. Truex had indicated that the expansion would fall under the 1999 order but she did not believe it did. Mr. Rayson stated the order did not address the size or quantity of the facilities.

Councilmember Caletka asked what circumstances were different when the property had been previously augmented and received administrative approval. Mr. Abramson stated in 2001 they had erected a small ancillary building that probably did not raise suspicion that the accessory structure would be larger than the principle structure. In 2006 they had added the outdoor pavilion and Mr. Abramson was unsure how staff had reviewed it. In 2012, the Town had changed the code regarding special residential facilities. Since the accessory structure area was larger than the principle structure and because the code had changed, the facility needed the special permit.

Councilmember Caletka could not recall any previous special permit requests for augmentation of property. Mr. Abramson admitted this was a unique case.

Mr. Rayson explained that the basis of the judgment had been equitable estoppel that the owners had received approvals from staff to make improvements and after improving the property been told they could not go ahead. The court had found the owner was entitled to have the facility and the Town was estopped from denying the lawful of the use of the property as a residential facility for adult women. The final judgment did not refer to expansion of the physical plan; this was why the matter was before Council now.

Councilmember Starkey asked Mr. Rayson if granting this special permit would set a precedent for any other properties. Mr. Rayson stated the granting of this special permit would not be precedent for granting any other.

Mr. Rayson explained to Councilmember Luis that it would be more difficult for another facility such as this to open in Town because of zoning changes. Teen Challenge had a legal right to be here because of the court order and was limited to 16 residents.

Mr. Truex said there was no open door to put a group home of any size desired in a residential neighborhood. He reminded Council that the court order limited their residents to 16. He added that there would be no additional traffic after the expansion. Mr. Truex said the Fair Housing Act was meant to protect residential facilities from being discriminated against in residential neighborhoods.

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

Councilmembers disclosed communications they had regarding this item.

Mayor Paul acknowledged the good work done by Teen Challenge and said the objections were not to the work being done but to the extent of the expansion. Pastor Fernandez said the grassy area to the north would be used for parking at events instead of street/swale parking on 26 Street. Mayor Paul felt residents might be more comfortable if Teen Challenge considered less development right now.

Councilmember Caletka said there was a group home in his district and he was glad it was not next door but he would not mind Teen Challenge being located next door. He said he was also considering that the facility was not notified of the 2012 code change. Councilmember Caletka said his personal opinion was that if the code had not changed, this would have been administratively approved. He intended to vote in favor of the request.

Councilmember Luis said Teen Challenge had been a good neighbor but the neighbors did not want it to become more like a facility and less like a home. Regarding Mayor Paul's suggestion that the improvements be scaled down, he asked Pastor Fernandez if a compromise was possible.

Pastor Fernandez said he was willing to give up the 40' X 20' pavilion extension with bathrooms. He referred to a rendering to indicate where the extension had been planned. Mayor Paul stated they needed to be sure that code would not require bathrooms. Ms. Fernandez stated they would be willing to forego the large extension and keep the smaller two. Mayor Paul said she was thinking they should just enclose the pavilion with no extensions.

Councilmember Starkey said the code had been revised in 2012 to make sure new construction was compatible with the community. She was concerned about a facility that could replace Teen Challenge if they moved. Councilmember Starkey stated she had a problem with building so much on the site and would like to see a lot less because she felt this would be incompatible with surrounding land use and would affect property values in the area.

Mr. Truex said he was unsure what Council was requesting and wanted more specific direction.

Councilmember Luis suggested tabling the item to allow the applicant to meet with Mr. Lemack and Mayor Paul.

Councilmember Luis made a motion, seconded by Mayor Paul to table to November 19. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Caletka - no; Councilmember Luis - yes; Councilmember Hattan - absent; Councilmember Starkey - yes. (Motion carried 3-1)

## **VII. APPOINTMENTS**

### 12. Committee/Board Vacancies and Appointments

## **VIII. COMMITTEE RECOMMENDATIONS**

None.

## **IX. OLD BUSINESS**

### 13. DISCUSSION ITEM BY TOWN COUNCIL REGARDING EXISTING AGREEMENT BETWEEN THE TOWN OF DAVIE AND NORTH-SOUTH INSTITUTE, INC. FOR THE OPERATION OF A FARMERS MARKET AT THE TOWN OF DAVIE BATTEN'S FARM.

Parks and Recreation Director David Flaherty said North-South Institute was unable to attend the meeting. He had checked their website and found no information regarding an opening date and the phone had been disconnected. The insurance company was unaware of any request regarding Battens Farm property from North-South.

Councilmember Starkey was most concerned about the lack of insurance and wondered if the Town had liability. Mr. Lemack remarked that the farmers' market was not currently operating. Mr. Flaherty stated someone was feeding the animals twice per day.

Councilmember Luis made a motion, seconded by Councilmember Caletka to direct Mr. Lemack, staff and Mr. Rayson to meet with North-South to discuss a settlement for the Town to sever their agreement. In a voice vote, with Vice-Mayor Hattan absent, all voted in favor.

(Motion carried 4-0)

**X. NEW BUSINESS**

None.

**XI. SCHEDULE OF NEXT MEETING**

No discussion.

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

**COUNCILMEMBER CALETKA**

No Comments.

**COUNCILMEMBER STARKEY**

**BOYS AND GIRLS CLUB GOLF TOURNAMENT.** Councilmember Starkey reported the tournament had raised almost \$105,000 for the Boys and Girls Club of Davie. She stated member children could be "adopted" to have their club tuition waived. She thanked all players and sponsors.

**MAYOR PAUL**

**FRIENDS FUNDRAISER.** Mayor Paul announced the organization devoted to horse rescues would hold the fundraiser on November 1 at the Bergeron Rodeo Grounds.

**MEETING ATTIRE.** Mayor Paul reminded everyone that their next meeting was western wear to support the rodeo.

**NATIONAL SCHOOL LUNCH WEEK.** Mayor Paul had eaten lunch at Fox Trail Elementary and Hawks Bluff Elementary during the week.

**COUNCILMEMBER LUIS**

No comments.

**XIII. TOWN ADMINISTRATOR'S COMMENTS**

None.

**XIV. TOWN ATTORNEY'S COMMENTS**

None.

**XV. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 9:15 pm.

Approved \_\_\_\_\_

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

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