

**TOWN OF DAVIE  
REGULAR MEETING  
NOVEMBER 19, 2014**

**I. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 6:32 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 [by phone], Luis and Starkey. Also present were Town Administrator Lemack, Town Attorney Rayson and Town Clerk Roig recording the meeting.

**III. PRESENTATIONS**

1. Project Stable Presentation - Vice Mayor Caryl Hattan

Vice-Mayor Hattan said the Town had been given an award for supporting Project Stable. She presented the award to Mayor Paul.

Mayor Paul announced that American City and County magazine had named Mr. Lemack as the Municipal Leader of the Year. Mayor Paul remarked Mr. Lemack was an extraordinary administrator and an extraordinary individual. Director of Human Resources Stacey Hipsman presented the award to Mr. Lemack. Mr. Lemack stated this was an honor and noted the Town had a group of very talented employees and officials.

Mayor Paul reported the applicant had requested tabling item 13 to January 7, 2015.

Councilmember Starkey made a motion, seconded by Vice-Mayor Hattan to table item 13 to January 7, 2015. In a voice vote, all voted in favor. (Motion carried 5-0)

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

**IV. APPROVAL OF CONSENT AGENDA**

*Resolutions*

Budget and Finance

1. **BUDGET TRANSFER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING BUDGET TRANSFERS WITHIN THE ESTIMATED REVENUES AND APPROPRIATIONS FOR FISCAL YEAR 2014 AND APPROVING THE FINAL BUDGET; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Engineering

2. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR TREE REMOVAL AND RELOCATION SERVICES FOR DAVIE ROAD STREETScape AND INFRASTRUCTURE IMPROVEMENTS FROM NOVA DRIVE TO SR 84.

Public Works

3. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID RECOMMENDATION FOR THE "UPGRADE TO THE VAV'S AT THE POLICE DEPARTMENT" AND PROVIDING FOR AN EFFECTIVE DATE.

Information Technology

4. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE PURCHASE OF VMWARE TECHNICAL SUPPORT AND MAINTENANCE SUBSCRIPTION FOR THE AMOUNT OF \$31,399.96, ON FLORIDA STATE TERM CONTRACT 43230000-14-01.
5. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE PURCHASE OF FOUR HUNDRED FIFTY (450) MICROSOFT OFFICE LICENSES FOR THE AMOUNT OF \$95,062.50, ON FLORIDA STATE TERM CONTRACT 252-001-09-1.
6. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE PURCHASE OF TWO HUNDRED TWENTY FIVE (225) LENOVO DESKTOP COMPUTERS, INCLUDING A FIVE YEAR WARRANTY FOR THE AMOUNT OF \$218,472.75, ON FLORIDA LENOVO WSCA NASPO CONTRACT B27168 250-WSCA-10-ACS.

Utilities

7. **AGREEMENT AMENDMENT** - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN AMENDMENT TO THE TWO-WAY WATER MAIN INTERCONNECT AGREEMENT WITH THE CITY OF SUNRISE, FLORIDA.
8. **BID SELECTION** - RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID FOR A JOHN DEERE 310 SK BACKHOE LOADER AWARDED BY THE FLORIDA SHERIFFS ASSOCIATION (CONTRACT #14-12-0904).
9. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE AWARD OF THE BID (BID #14-107) FOR POTABLE WATER AND WASTEWATER POLYMERS TO KED GROUP, INC. (DEWATERING (WASTEWATER) POLYMER) AND TROPICHEM ENTERPRISES (POTABLE WATER POLYMER).
10. **INTERLOCAL AGREEMENT** - A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE TO PROVIDE COST SHARE SUPPORT OF A NATURESCAPE IRRIGATION SERVICE.

**V. DISCUSSION OF CONSENT AGENDA ITEMS**

None.

**VI. PUBLIC HEARING**

Resolution

11. **CIP AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE FOURTH AMENDMENT TO THE 10-YEAR CAPITAL IMPROVEMENTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2014-2023; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rayson read the resolution by title.

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

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

Ordinance - First Reading (Second and Final Reading to be held on December 2, 2014)

**12. CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 12, LAND DEVELOPMENT CODE; SECTION 12-21, ZONING DISTRICTS; SECTION 12-24, STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS; SECTION 12-32, PERMITTED USES; SECTION 12-34, STANDARDS FOR SPECIFIC USES; SECTION 12-53, SINGLE-FAMILY, OPEN SPACE AND PLANNED RESIDENTIAL PERFORMANCE STANDARDS; SECTION 12-54, NONRESIDENTIAL PERFORMANCE STANDARDS; SECTION 12-55, SCALE OF NONRESIDENTIAL DEVELOPMENT; SECTION 12-103, PLANT MATERIAL; ARTICLE VIII, OFF-STREET PARKING REQUIREMENTS; SECTION 12-243, OTHER SIGN STANDARDS; SECTION 12-308, REVIEW FOR SPECIAL PERMITS; SECTION 12-309, REVIEW FOR VARIANCES; SECTION 12-309.1, REVIEW FOR ADMINISTRATIVE VARIANCES; SECTION 12-373, EXPIRATION OF SITE PLANS; ARTICLE XIII, SPECIAL PLANNING AREAS AND DISTRICTS, DIVISION 5, UNITED RANCHES SPECIAL ZONING DISTRICTS; SECTION 12-436.4, PERMITTED USES (GRIFFIN ROAD CORRIDOR DISTRICTS); SECTION 12-438.7, PERMITTED USES (REGIONAL ACTIVITY CENTER DISTRICTS); SECTION 12-438.5, TRANSIT-ORIENTED STREETS; SECTION 12-438.21, LANDSCAPING REQUIREMENTS AND PRINCIPLES; SECTION 12-361, REPLATTED LOTS; SECTION 12-503, DEFINITIONS; SECTION 12-573, INCLUSIONARY UNIT REQUIREMENTS; SECTION 12-574, DENSITY BONUSES; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rayson read the ordinance by title.

Mayor Paul stated a public hearing on the ordinance would be held on December 2, 2014.

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

Councilmembers disclosed communications they had regarding this item.

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

Ordinance - First Reading (Second and Final Reading to be held at a later date)

**13. LAND USE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING "LAND USE APPLICATION (LA) 14-091 DIVINA VILLAS OF DAVIE", AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "RESIDENTIAL/OFFICE AND SPECIAL CLASSIFICATION RESIDENTIAL 2 DU/ACRE" TO "RESIDENTIAL 10 DU/ACRE"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (5800 Davie Road, zoned RO) (**tabled from October 1, 2014**).

Tabled to January 7, 2015 per a motion by Councilmember Starkey, seconded by Vice-Mayor Hattan. See page 1.

Quasi-Judicial Public Hearing Items

15. **VARIANCE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING VARIANCE APPLICATION "V 14-231 SLINGBAUM", AND PROVIDING AN EFFECTIVE DATE. (V 14-231 Slingbaum 12448 South Stonebrook Circle, "E" zoning district).

Mr. Rayson read the resolution by title.

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

Joel Slingbaum, applicant, invited questions.

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

Councilmember Luis said the homeowners' association supported this, as did neighbors.

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

14. **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 reported all parties had not waived the quasi-judicial process.

Deputy Planning and Zoning Manager David Abramson reported the applicant had provided petitions and a memo.

Tom Truex, representing the applicant, reported they had met with Councilmembers and investigated scaling the project back. He said eliminating the screen room on the recreation building would result in sacrificing space in the office and counseling area and so was not an attractive option. Mr. Truex said they had requested "just what we needed" and it was difficult to scale back. He pointed out that the only addition that did not project toward the center of the property had been endorsed by the neighbor who would be affected by it. Mr. Truex reminded everyone of the benefits the facility provided to the community and said the objections were speculative. He added that granting the special permit would not set a precedent. Mr. Truex asked Council to approve the special permit as requested.

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

Marilyn Steele said they did not oppose Teen Challenge, but opposed them expanding in a residential area. She was insulted that Teen Challenge had not tried to scale the project back after agreeing to consider it at the last meeting and asked Council to vote against the request.

Councilmember Caletka stated he had remarked the last meeting that he would not want to live next door to most group homes, but he would not mind living next to Teen Challenge.

Elizabeth Prior, neighbor, said she had sent a letter explaining her objections to the request. She feared that if the expansion were approved, there would be continued changes to the original plan. Since the residential facility was not full currently, Ms. Prior wondered why they did not use living space for needed counseling space. She said Teen Challenge representatives had repeatedly told her they did not plan to bring more people onto the grounds but at the Council meeting, they had indicated this was why they wanted to enclose the facility.

Henry Prior, neighbor, said he objected to the facility growing in a residential neighborhood. He claimed that the applicant had indicated he hoped 26 Avenue went through to bring more traffic to his facility. Mr. Prior also feared that after the facility expanded, Teen Challenge would later outgrow the premises and a different facility would take its place on the site.

Pastor Ricky Fernandez, Executive Director of Teen Challenge, stated he did not want to increase traffic and he liked the fact that this was not a large, institutional place but a home.

Vice-Mayor Hattan asked how many times the number of participants had been increased. Mr. Truex explained that it had increased from 12 to 16 after the facility first opened pursuant to a judge's order. Mr. Rayson confirmed that the facility could have 16 residents and currently had fewer than 16. He added that granting or denial of a special permit did not set a precedent for any other special permit. Councilmember Luis asked if the expansion would bring additional people to the property. Pastor Hernandez said it would not result in an escalation of traffic from people coming in for counseling. He informed Vice-Mayor Hattan that the changes would be to serve the existing clients and they would add no new programs and no new day clients.

Councilmember Starkey clarified that the request did not violate federal law; the facility would still be limited to 16 clients. If the request were allowed, the program limits would remain, including there being no outside counseling.

Councilmember Luis noted that there had been no compromise and asked Pastor Fernandez, "What can you live without?" Pastor Fernandez recalled offering to do without the front porch at the last meeting. Mr. Truex said, "We're asking for what we need and that's what the application is."

Mayor Paul asked what activities would take place in Building C, the recreation hall. Pastor Fernandez said they would have more classroom space and a study hall serving six to eight people at a time.

Donna Fernandez, co-founder of Teen Challenge, stated the current recreation hall and the addition would be dedicated to classroom space.

Councilmember Luis asked Mr. Rayson if the Town had good legal standing to deny the request and Mr. Rayson said Council must consider whether there was substantial, competent evidence to limit or allow the proposal to go forward as is. He felt a "straight-out denial" would be problematic.

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 reiterated that there was no denying that Teen Challenge was a great program; this was why the Town gave them funds through the community endowment fund. Her concern was the possibility of an expansion of the "business side" that could accommodate day clients who did not live in the residence. She felt the addition made this more a "true facility" as opposed to a residential home, which presented a compatibility issue. Mayor Paul was disappointed they had not reached a compromise and suggested foregoing the porch and not adding the extra space to the building on the west side of the property.

Councilmember Luis made a motion, seconded by Mayor Paul to approve the special permit without Building B and with the condition that there would be no counseling of outside clients on a regular basis and no expansion of the current service level. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Caletka - no; Councilmember Luis - yes; Councilmember Hattan - no; Councilmember Starkey - yes. (Motion carried 3-2)

## **VII. APPOINTMENTS**

### **15. Committee/Board Vacancies and Appointments**

(United Ranches Preservation Board Term Renewal – All members have expressed interest in continuing to serve.)

Councilmembers all reappointed their members.

## **VIII. COMMITTEE RECOMMENDATIONS**

None.

## **IX. OLD BUSINESS**

None.

## **X. NEW BUSINESS**

None.

## **XI. SCHEDULE OF NEXT MEETING**

Mayor Paul reminded everyone that the next Council meeting would be on Tuesday, December 2, 2014.

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

**PEACEFUL RIDGE DOG PARK.** Councilmember Luis said he was surprised at how many people brought their dogs to the park.

**RETAINING MR. LEMACK.** Councilmember Luis remarked on how sought-after Mr. Lemack had become as an administrator. He assured Mr. Lemack that he was “wanted” and “loved” and he was sure Council would try their best to retain him.

### **COUNCILMEMBER STARKEY**

**MR. LEMACK.** Councilmember Starkey said Mr. Lemack had done a phenomenal job of building an excellent staff and she was very pleased with the work he had done. She said he truly deserved the recognition he had received from American City and County magazine.

**LEAGUE OF CITIES MEETING.** Councilmember Starkey reported she could not attend the Board of Directors’ meeting and asked Councilmember Caletka or Vice-Mayor Hattan to attend.

**PINE ISLAND ROAD WIDENING PROJECT.** Councilmember Starkey planned a meeting with the Forest Ridge community on December 8 at the Forest Ridge community pool regarding the road widening.

**FLORIDA LEAGUE OF CITIES LEGISLATIVE PRIORITIES.** Starkey stated the League had adopted their new legislative priorities and they were working on the sober and group homes issues, Uber, and Air B and Bs

### **VICE-MAYOR HATTAN**

**BRINGING ART TO DAVIE.** Vice-Mayor Hattan stated she, Housing Director Giovanni Moss and Assistant to the CRA Director Cheryl Ellett would make a presentation to Council regarding the mural project.

### **COUNCILMEMBER CALETKA**

**CONGRATULATIONS TO MR. LEMACK.** Councilmember Caletka congratulated Mr. Lemack on the award from American City and County magazine.

### **MAYOR PAUL**

**JOE DIMAGGIO CHILDREN'S HOSPITAL EVENT.** Mayor Paul had received a letter after the recent event at Pine Island Park honoring Susan Rosanno, who had started an organization called Devoted to Babies. The hospital event coordinator thanked the Town and Parks and Recreation Department staff for the services provided.

**HUCK LYLES WALLS.** Mayor Paul said she preferred there would be access cuts in the wall rather than removing it.

**BED AND BREAKFASTS.** Mayor Paul wanted to meet to discuss code changes to allow bed and breakfast facilities in specific areas.

**CONGRATULATIONS TO MR. LEMACK.** Mayor Paul congratulated Mr. Lemack and stated she agreed with Councilmember Luis and Councilmember Starkey that the Town wished to retain him.

**UTILITIES MEETING.** Mayor Paul had attended the meeting with Escape, Valencia and Sunrise Utilities regarding the waterline replacement.

**FOREST RIDGE.** Mayor Paul reported there had been another accident recently and she had asked the Town engineer to petition for a traffic light at the Forest Ridge entrance.

**CARROLL ANDERSON.** Mayor Paul was upset to hear that Town Pioneer Carroll Anderson had passed away recently and sent her condolences to his wife Rosie.

**MICHAEL BONVILLE.** Mayor Paul sent her wishes for a speedy recovery to Mr. Bonville, who had undergone heart surgery recently.

**MIKE STEELE.** Mayor Paul announced Mr. Steele had undergone bypass surgery the previous weekend and was already out of intensive care.

**XIII. TOWN ADMINISTRATOR'S COMMENTS**

**THANK YOU.** Mr. Lemack thanked everyone for their comments.

**XIV. TOWN ATTORNEY'S COMMENTS**

**SPECIAL EXECUTIVE SESSION.** Mr. Rayson requested a special session to discuss Resource Recovery Board litigation on December 2 at 5:30 p.m.

**MR. LEMACK.** Mr. Rayson congratulated Mr. Lemack and said it was an honor to serve with his administration.

**XV. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 8:11 pm.

Approved \_\_\_\_\_

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

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