

**TOWN OF DAVIE
REGULAR MEETING
JANUARY 2, 2008**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Caletka, and Councilmembers Crowley and Luis. Also present were Town Administrator Shimun, Town Attorney Rayson, Assistant Town Administrator Cohen, and Assistant Town Clerk McDaniel recording the meeting. Councilmember Starkey was absent.

Later in the meeting, Councilmember Crowley made a motion to excuse Councilmember Starkey's absence. In a voice vote, with Councilmember Starkey absent, all voted in favor. (Motion carried 4-0)

3. OPEN PUBLIC MEETING

Mayor Truex opened the open public meeting.

David Sigerson, lobbyist, introduced State Representative Matt Hudson and reported Representative Hudson had already filed a community budget request on behalf of the Town. Representative Hudson advised where his office was located and confirmed he had filed a budget request on behalf of the Town for an environmental study. He invited residents to make him aware of their concerns.

Broward County Sheriff Al Lamberti congratulated the Town on their selection of Police Chief Patrick Lynn. Sheriff Lamberti offered his support to the Town and Chief Lynn.

Damiano Pignato announced that on January 26th, Challenge Air for Kids would take place at the Fort Lauderdale Executive Airport. He explained that this program came to Fort Lauderdale once per year and offered airplane rides to disabled kids.

Barbara Tilley remarked on the condition of the roads in Park City Estates. She discussed the condition of several streets in the area and said that Public Works Director Manny Diez had promised repairs would be made by the end of the year. Ms. Tilley said she would appreciate it if the potholes could be filled in.

Ms. Tilley advised that Sunrise was changing their original amendment to require Park City Estates residents to pay Sunrise for connecting to meters. She said there had been an agreement between Mr. Diez and the homeowner's association to install one storm drain each month beginning in November, but none was installed in December.

Vice-Mayor Caletka asked Mr. Shimun the status of pothole repair in Park City Estates. Mr. Diez described the large pothole referred to by Ms. Tilley and explained that there was a Sunrise sewer lateral that was washing out the area. He advised that he had contacted Sunrise requesting that this be repaired. Mr. Diez said that the Town had been delayed on the storm drain program but staff would install two in January.

Chad Hooten referred to the setback text amendment that had been denied at the December 19th Council meeting. He remarked on the fact that it could take four to six months to go through the variance process and asked Council to reconsider this issue. Vice-Mayor Caletka explained to Mr. Hooten that Council had decided at the last meeting to consider each case individually as they had done in the past. Mayor Truex asked Mr. Hooten to phone his office to discuss this issue.

Arthur Joseph referred to the Woodbridge Ranches project and remembered the site plan specified there would be no exit onto 26th Street. He asked why the developer had not observed the site plan. Mr. Joseph questioned why sidewalks had been installed on both sides of SW 148 Avenue.

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Mr. Joseph asked how the Town intended to enforce the new water restrictions.

Mr. Joseph reported he would meet the following day with the Regional Planning Council and stated, "Davie Commons is not a done deal." He advised residents to appear before the planning councils to voice their opinions on the project.

Antoine Fourcand reported that the residents continued to experience issues with the access road in Emerald Isles. He said that one resident's \$24,000 wheelchair had been damaged negotiating the road and he believed there were like safety issues at the property. Councilmember Crowley advised that he had not given up on meeting with the residents and the developer in order to resolve this matter. Mr. Rayson stated that the most recent proposal submitted by Emerald Isles' attorney looked good, but he had not yet discussed this proposal with Knob Hill partners or their representatives. Mr. Fourcand reported that the latest proposal had been reviewed but not voted on by Emerald Isles' board. Mr. Rayson invited Mayor Truex and/or Councilmember Crowley to become involved.

Frank Serra offered his support to Mr. Rayson to extend the Mobile Home Park Conversion Moratorium.

Mayor Truex closed the open public meeting.

Mayor Truex advised that the applicant had requested items 4.12, 4.13 and 4.15 be tabled to January 16, 2008.

Vice-Mayor Caletka made a motion, seconded by Mayor Truex, to table to January 16, 2008. In a voice vote, with Councilmember Starkey absent, all voted in favor. (Motion carried 4-0)

Mayor Truex advised that the applicant for items 4.14 and 4.17 had requested the items be tabled to January 16, 2008.

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

Mayor Truex advised that the applicant had requested item 6.2 be tabled to January 16, 2008.

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

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1 November 27, 2007 (Regular Meeting)
- 4.2 December 5, 2007 (Special Executive Session)

Resolutions

- 4.3 **ESTABLISHING POLICY** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING A SURVEILLANCE POLICY TO INCLUDE DEFINITIONS, DIRECTION, EXCEPTIONS AND IMPLEMENTATION. (tabled from December 19, 2007)
 - 4.4 **PROGRAM** - A RESOLUTION OF THE TOWN OF DAVIE SUPPORTING THE SEND YOUR SALES TAX TO SCHOOL PROGRAM BY ENCOURAGING BUSINESSES TO DIRECT SALES TAX COLLECTION ALLOWANCES TO THE "EDUCATIONAL ENHANCEMENT TRUST FUND FOR CLASSROOM TECHNOLOGY," AND PROVIDING FOR AN EFFECTIVE DATE.
- R-2008-1

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- 4.5
R-2008-2 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE FIRE RESCUE TO ENTER INTO AN AGREEMENT WITH THE DISTRICT BOARD OF TRUSTEES OF BROWARD COUNTY COMMUNITY COLLEGE (BCC) TO ALLOW ADULT STUDENTS TO PARTICIPATE IN EMERGENCY MEDICAL SERVICE (EMS) FIELD CLINICALS
- 4.6
R-2008-3 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE FIRE RESCUE TO ENTER INTO AN AGREEMENT WITH CITY COLLEGE (CC) TO ALLOW ADULT STUDENTS TO PARTICIPATE IN EMERGENCY MEDICAL SERVICE (EMS) FIELD CLINICALS
- 4.7
R-2008-4 **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA: AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AMENDED INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING BETWEEN THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA AND THE TOWN OF DAVIE; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.8 **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING AN AMENDMENT TO THE CONTRACT BETWEEN THE TOWN OF DAVIE AND MOORE, STEPHENS, LOVELACE, P.A. TO PREPARE, SOLICIT RESPONSES, AND REVIEW RESPONSES TO A REQUEST FOR PROPOSAL TO CONSIDER OUTSOURCING THE TECHNOLOGY INFORMATION MANAGEMENT SYSTEM DEPARTMENT AND PROVIDE AN EFFECTIVE DATE. (not budgeted - \$17,000)
- 4.9
R-2008-5 **LICENSE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE TOWER SPACE LICENSE BETWEEN AMERICAN TOWER AND METROPCS CONCERNING THE MONOPOLE TELECOMMUNICATIONS TOWER LOCATED AT 3600 FLAMINGO ROAD; AND PROVIDING FOR AN EFFECTIVE DATE. (\$14,400 annual revenue)
- 4.10
R-2008-6 **LICENSE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE TOWER SPACE LICENSE BETWEEN AMERICAN TOWER AND METROPCS CONCERNING THE MONOPOLE TELECOMMUNICATIONS TOWER LOCATED AT 6911 ORANGE DRIVE; AND PROVIDING FOR AN EFFECTIVE DATE. (\$14,400 annual revenue)
- 4.11
R-2008-7 **SUPPORT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING THE CITY OF MIAMI GARDENS AND THE CITY OF NORTH MIAMI'S REQUEST FOR TCSP FUNDING FROM THE DEPARTMENT OF COMMUNITY AFFAIRS, PROVIDING FOR THE MAYOR'S SIGNATURE, AND PROVIDING FOR AN EFFECTIVE DATE

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- 4.12 **DEVELOPER’S AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN BROWARD COUNTY, THE TOWN OF DAVIE, AND THE DEVELOPER (JAC F. BERMAN) FOR THE CONSTRUCTION OF ROAD IMPROVEMENTS RELATED TO THE RANCHO ALEGRE PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 11-1-06, Rancho Alegre, 2800 SW 148 Avenue) **[see related items 4.13 and 4.15]**
- 4.13 **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS “RANCHO ALEGRE” AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR’S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 11-2-06, Rancho Alegre, 2800 SW 148 Avenue) *Planning and Zoning Board recommended approval* **[see related items 4.12 and 4.15]**
- 4.14 **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS THE “HAN MI BAPTIST CHURCH” AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR’S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 2-1-07, Han-Mi Baptist Church, 2150 Flamingo Road) *Planning and Zoning Board recommended approval* **[see related item 4.17]**

Quasi-Judicial Consent Agenda

- 4.15 MSP 11-3-06, Rancho Alegre, 2800 SW 148 Avenue (A-1) *Site Plan Committee recommended approval subject to adding a little more landscape materials such as under-story shrubs and flowers at the 150-foot entrance* **[see related items 4.12 and 4.13]**
- 4.16 SPM 12-6-06, Maroone Toyota-Pointe West Center, 4050 Weston Road (BP) *Site Plan Committee recommended approval approve subject to Ms. Lee’s landscaping recommendations which were to continue with Royal Palms and Live Oaks in the landscape buffer along SW 160th Avenue; and that all the Crepe Myrtles should be multi-trunk*

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- 4.17 SP 2-6-07, Han-Mi Baptist Church, 2150 Flamingo Road (CF) *Site Plan Committee recommended approval subject to the following changes to the design: 1) all handicapped spaces will be connected to the sidewalks; 2) the applicant will re-examine the radius of the porte-cochere driveway to determine if the radius could be tightened so that the west exit might potentially be moved further east and away from the exit of the property; 3) on the landscaping, the applicant will add three Fox-Tail Palms, at 20-foot height on the north end of the property near the building and increase the size of the four Fox-Tails shown on the east side of the building up to 20-feet; 4) most importantly, the applicant will delete the corrugated metal panels on the wedge raised portion of the roof elevation and replace it with glass and with actual louvers, not metal panels; and 5) the perimeter berm on the west side of the property shall be adjusted to be consistent with the perimeter berm of the adjacent property owner to the north [see related item 4.14]*

Councilmember Crowley pulled items 4.3 and 4.8 from the Consent Agenda.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve the Consent Agenda less items 4.3 and 4.8. In a voice vote, with Councilmember Starkey absent, all voted in favor. (Motion carried 4-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.3 Councilmember Crowley mentioned the recent robbery of an employee in the back parking lot and asked if this resolution would preclude cameras surveilling that area or the rodeo arena area. Mr. Shimun responded that according to the proposed resolution, staff must provide Council with a specific reason for installing any camera.

Councilmember Luis felt the Town should be able to install cameras to protect equipment, employees and citizens in any area considered “public.” Mayor Truex felt this was an “un-American” opinion and this type of behavior defined a police state. Councilmember Luis believed if a security camera had been operating when the employee was robbed, the Police might have made an arrest by now. Chief Lynn stated that if there had been a surveillance tape, the Police would have had a means to identify the perpetrator, which could be used as evidence.

Councilmember Luis made a motion, seconded by Councilmember Crowley, to deny. In a voice vote, with Councilmember Starkey absent and Mayor Truex dissenting, all voted in favor. (Motion carried 3-1)

4.8 Councilmember Crowley opposed outsourcing and believed staff could give an estimate of what the savings would be without spending \$17,000.

Councilmember Crowley made a motion, seconded by Mayor Truex, to deny.

Vice-Mayor Caletka felt it was Council's responsibility to find as many ways to cut the budget as possible. Councilmember Luis wanted to perform the study to gather all the facts before making a decision whether the savings would be worthwhile.

Technology and Information Management Director Frank Apicella explained that two of his staff members resided permanently within the Police Department, handling all of their computer functions.

Mayor Truex felt going on with the study was a bad idea because he had not been impressed with the consultant's original report. He believed they should work to fix any issues the Town had identified with the department. Mayor Truex also felt this was a mission-critical service and accountability should rest within the Town, not with an outside company.

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In a voice vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - no; Councilmember Crowley - no; Councilmember Luis - yes; Councilmember Starkey - absent. (Motion tied 2-2; automatically tabled to the next Council meeting.)

6. PUBLIC HEARING

Ordinance - Second and Final Reading

6.1 **FEE SCHEDULE - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 2008-1 AMENDING THE CURRENT FEE SCHEDULE OF THE BUILDING DIVISION OF DEVELOPMENT SERVICES DEPARTMENT OF THE TOWN OF DAVIE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading December 19, 2007. The vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - absent; Councilmember Luis - yes; Councilmember Starkey - yes}**

Mr. Rayson read the ordinance by title.

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

Councilmember Luis confirmed with Mr. Shimun that Council could adjust the fees in the future if they desired.

Acting Development Services Director Marcie Nolan requested that the ordinance be amended to include annual fee adjustment commensurate with the National Consumer Price Index.

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

Ordinances - First Reading (Second and Final Reading to be held January 16, 2008)

6.2 **EXISTING NONCONFORMING VEHICULAR ACCESSWAY - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA PERTAINING TO THE SUBJECT OF WHETHER TO ALLOW THE CONTINUATION OF AN EXISTING NONCONFORMING VEHICULAR ACCESSWAY IN ACCORDANCE WITH THE PROCEDURES AND REQUIREMENTS CONTAINED IN SECTION 12-292(D), TOWN OF DAVIE CODE OF ORDINANCES; DESCRIBING THE LAND AFFECTED AS ALL OF TRACTS 55 AND 56, IN SECTION 11, TOWNSHIP 50 SOUTH, RANGE 40 EAST, ACCORDING TO THE FLORIDA FRUITLANDS COMPANY SUBDIVISION NO. 1, RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LANDS LYING AND SITUATED IN THE TOWN OF DAVIE, BROWARD COUNTY, FLORIDA; THE EXISTING NONCONFORMING VEHICULAR ACCESSWAY BEING GENERALLY DESCRIBED AS THE 12400 THROUGH 12700 BLOCK OF SW 13TH STREET IN DAVIE, BROWARD COUNTY, FLORIDA; CONSIDERING THE APPROVAL IN CONNECTION THEREWITH OF A NON-EXCLUSIVE EASEMENT TO THE TOWN OF DAVIE FOR GOVERNMENTAL SERVICES AND A NON-EXCLUSIVE INGRESS/EGRESS LICENSE AND COVENANT TO CONVEY TO TOWN OF DAVIE; MAKING OTHER APPROPRIATE CONDITIONS IN CONNECTION WITH CONSIDERATION OF THIS MATTER; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE THEREFORE. (tabled from December 19, 2007)**

This item was tabled previously in the meeting.

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6.3 CAPITAL PROJECTS AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2007 - 2011.

Mr. Rayson read the ordinance by title. Mayor Truex announced a public hearing on the ordinance would be held at the January 16, 2008 meeting.

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

Assistant Town Administrator Ken Cohen explained that this amendment was intended to clarify the funding sources in the utilities section. He advised that the funding for the pool at Falcon's Lea park had not yet been identified so the project would be rolled back until funding was found.

Mayor Truex asked what utilities were planned in United Ranches. Mr. Cohen advised that staff had included the possibility of running lines in the area and if this were done, it would be accomplished through special assessment. He reminded Council that when United Ranches was annexed, residents were informed that the lines would not be run until they requested it.

Councilmember Luis made a motion, seconded by Councilmember Crowley, to approve.

Ms. Nolan requested that resolution number R-2003-229 be added to the detail sheet.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - absent. (Motion carried 4-0)

6.4 TEXT AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR ADOPTION TO THE DEPARTMENT OF COMMUNITY AFFAIRS, REVISED APPLICATION LA(TXT) 4-3-07, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY UPDATING THE CAPITAL IMPROVEMENTS ELEMENT WITH THE REVISED ADOPTED 5-YEAR CAPITAL PROJECTS PROGRAM FOR FY 2007-2011 PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR FILING WITH THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rayson read the ordinance by title. Mayor Truex announced a public hearing on the ordinance would be held at the January 16, 2008 meeting.

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

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

6.5 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, DIVISION 6, TEMPORARY USE PERMIT PROCEDURE; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Mr. Rayson read the ordinance by title. Mayor Truex announced a public hearing on the ordinance would be held at the January 16, 2008 meeting.

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

Ms. Nolan explained that when a temporary use application was filed, the memo would be forwarded to Council. If Council had any questions, they could inform staff and the item would be scheduled for a Council meeting. Mayor Truex felt there should be a deadline, but Ms. Nolan explained that staff wanted to leave the Code flexible, and leave a determination of a deadline to Council as a policy interpretation. Council agreed to a 10-day call-up period.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve, including the 10-day call-up period. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - yes; Councilmember Starkey - absent. (Motion carried 4-0)

7. APPOINTMENTS

7.1 Mayor Truex

7.1.1 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made

7.1.2 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made

7.2 Councilmember Crowley

7.2.1 Budget Advisory Board (one exclusive appointment - term expires April 2008) (members shall have experience in financial related occupation or similar skills)

No appointment was made

7.2.2 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made

7.2.3 Water and Environmental Advisory Board (one exclusive appointment per Councilmember; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made

7.3 Councilmember Luis

7.3.1 Airport/Transportation Advisory Board (one exclusive appointment; term expires December 2007)

No appointment was made

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7.4 Councilmember Starkey

7.4.1 Mobile Home Task Force (one exclusive appointment - representing a mobile home park owner/manager)

No appointment was made

7.4.2 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made

7.4.3 Water and Environmental Advisory Board (one exclusive appointment per Councilmember; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made

7.5 Unsafe Structures Board (two non-exclusive appointment; term expires April 2009) (members shall be legal a resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

No appointments were made

7.6 Unsafe Structures Board (one non-exclusive appointments; terms expire April 2010) (appointment shall be a citizen)

Vice-Mayor Caletka nominated Todd Evans, seconded by Mayor Truex. In a voice vote, with Councilmember Starkey absent, all voted in favor. (Motion carried 4-0)

8. OLD BUSINESS

8.1 Police Athletic League Donation - Vice-Mayor Caletka (tabled from December 5, 2007)

Earlier in the meeting, Vice-Mayor Caletka felt that the PAL had been seriously overlooked in Council's annual charity donations. He requested that endowment funds be used to make a \$45,000 donation to PAL.

Donna Evans, PAL representative, explained they intended to use the donation to expand their football and basketball programs.

Lisa Diffden, PAL Director, advised that PAL was starting their Youth Leadership Council program to assist elderly or disabled homeowners with yard maintenance. They would also team up with the Community and Housing to do bulk pickups in Town to clean up the swales. Ms. Diffden stated that they also needed additional money to fund their new flag football program.

Mr. Damiano reminded Council that "a dollar you invest in PAL saves you hundreds of dollars down the road in crime and crime retention" because their programs gave kids something to do and kept them off the streets.

Mayor Truex did not understand why the Town did not use their own Parks and Recreation budget to commit resources to programs at this park. He remarked that in Davie, the PAL was not a police organization and felt that when PAL had been provided Town resources in the past, they had not been well used.

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8.2 Open Space Advisory Committee Recommendations on Park Improvements/Open Space Bonds and the Dog Park - Mayor Truex

Earlier in the meeting, Linda Greck, Open Space Advisory Committee member and Chair of the Davie Area Land Trust, provided background information on the Committee's recommendations. She explained that a task force had created criteria for acquiring new parks and for improvements to existing parks. The criteria was intended to provide a guideline to determine whether park projects fit the intent of the bond.

Vice-Mayor Caletka did not object to the recommendations, but he did object to this being made into a resolution because the resolution must be rescinded if Council wished to use the bond money for something counter to the resolution. Councilmember Crowley agreed with the criteria as well, but was unsure he wanted this mandated in the form of a resolution. He did object to the section that referred to a supermajority vote of the Council. Councilmember Luis agreed with Councilmember Crowley in his objection to the supermajority vote section. Other than that, he agreed the criteria was "a great guide."

Mayor Truex felt they needed some way to declare Council's intention and agreed to create a draft resolution to present at the next meeting.

Michael Bartlett, Parks and Recreation Advisory Board member, reported that the Board disagreed with the Open Space Advisory Committee's document. He pointed out that Section 6 of resolution R-2006-110 already provided that improvements to existing parks must be consistent with the Master Site Plan. Mr. Bartlett stated that Council had the responsibility and authority to disperse the funds as they saw appropriate.

After Mr. Bartlett spoke, Mayor Truex withdrew his offer to create a draft resolution for the next meeting.

8.3 Trotter's Chase - Vice-Mayor Caletka

Earlier in the meeting, Vice-Mayor Caletka stated that according to Robert's rules, when a voting member of a board was not present during a meeting, his or her vote was considered to be on the prevailing side and this member could therefore move to reconsider at the subsequent meeting. If Councilmember Crowley made a motion to reconsider, Vice-Mayor Caletka said he would second the motion. Mr. Rayson did not agree that Councilmember Crowley could move to reconsider.

Vice-Mayor Caletka made a motion, seconded by Councilmember Crowley, to reconsider Trotter's Chase.

Councilmember Crowley explained that in December, his newborn twins were in intensive care and he had been unable to attend Council meetings. At the last Council meeting, he had made a request that the item be tabled, but Council had moved the item forward in his absence. Councilmember Crowley's first concern was the possibility of traffic cutting through from 58th to 61st. He also felt some building heights were very tall, and the loading dock should be relocated away from residential buildings. Councilmember Crowley wanted clarification as to how "green" the construction would be.

Ms. Nolan confirmed that the building heights all met Town Code.

Mayor Truex did not welcome the prospect of reopening this item and noted that the Council Chamber had been packed with residents on the two occasions it was heard. He pointed out that only the rezoning request that was voted on at the previous meeting could be reheard.

Mayor Truex asked Councilmember Luis to vote against the reconsideration, which this would allow Councilmember Crowley two weeks to meet with staff to discuss his concerns. Council would then have the opportunity at the next meeting to reopen the item. Councilmember Luis said he had carefully considered the building heights, the traffic studies and the green building components of the

project. He admitted the affordable housing component had been the “kicker” that prompted him to support the project.

In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Caletka - yes; Councilmember Crowley - yes; Councilmember Luis - no; Councilmember Starkey - absent. (Motion tied 2-2; automatically tabled to the next Council meeting.)

9. NEW BUSINESS

No new business was discussed.

10. SCHEDULE OF NEXT MEETING

10.1 Vision/Goal Setting Workshop (January 14 - 28, 2008)

After a brief discussion, Council asked that the Town Clerk’s Office contact Council to arrange a date.

11. MAYOR/COUNCILMEMBER’S COMMENTS

COUNCILMEMBER LUIS

WESTERN HIGH SCHOOL FORUM. Councilmember Luis announced that the Broward County School Board would be holding a forum at Western High School on January 8th

HAPPY NEW YEAR. Councilmember Luis wished everyone a happy New Year.

COUNCILMEMBER CROWLEY

FLAMINGO ROAD SCHOOL SITE. Councilmember Crowley asked the status of the proposed school site on Flamingo Road. Staff agreed to confirm that the School Board was providing community notice of the forum.

CRA ATTORNEY LETTER. Councilmember Crowley asked about the status of the letter requested from the CRA attorney. Vice-Mayor Caletka advised that he had sent a formal request for Attorney General McCollum’s opinion on the issue.

HAPPY NEW YEAR. Councilmember Crowley wished everyone a happy New Year.

VICE MAYOR CALETKA

BSO-ISSUED SPEEDING TICKET. Vice-Mayor Caletka advised that he had received a phone call from a resident who had received a speeding ticket from a BSO Deputy. He asked staff if the Town could share in the revenue collected from BSO-issued tickets. Mr. Rayson said this would require an agreement between BSO and the Town.

TOWN ADMINISTRATOR RAISE. Vice-Mayor Caletka wanted to investigate giving Mr. Shimun a raise greater than 3%, with Council approval. Council agreed to put this on a future agenda.

FLAMINGO ROAD SCHOOL SITE. Vice-Mayor Caletka wanted to convince Council that locating another high school in Davie was not a workable idea. He noted that this would require reassignment of Davie students. This would also take land off the Town’s tax rolls, which was fiscally irresponsible. Councilmember Crowley said he wanted to see the school’s area of service before making a decision. He pointed out that the site was already small and 25% must be designated for water retention.

HAPPY NEW YEAR. Vice-Mayor Caletka wished everyone a happy New Year.

MAYOR TRUEX

DAVIE COMMONS MEDIATION. Mayor Truex asked what the Town's role was in the mediation. Mr. Shimun explained that a plan had been presented to the City of Weston regarding mediation of traffic issues. The Town supported the plan but Weston did not.

**TOWN COUNCIL MINUTES
JANUARY 2, 2008**

TREE DEBRIS CODE ACTION. Mayor Truex referred to a call he had received from a resident regarding tree debris on a neighboring property. Mr. Shimun indicated that there was a Code Compliance action currently against this property. Code Compliance Official Danny Stallone reported that this matter had been brought before the Special Magistrate who issued an order to remove the tree debris by January 4th. The owner’s arborist would meet with the Town's landscape inspector to identify additional trees to remove in order to create a 50-foot buffer from the adjacent properties. Mr. Stallone advised that the Town was also considering removing the trees, putting a lien on the property and foreclosing on the lien to recover the costs.

SURVEILLANCE CAMERAS. Mayor Truex asked Mr. Shimun the process for installing surveillance cameras and if Council action was necessary. Mr. Shimun said it was his intention to look at areas that needed surveillance cameras and he believed that the back parking area was an area that needed cameras.

12. TOWN ADMINISTRATOR’S COMMENTS

TOWN CAPITAL PROJECTS. Mr. Shimun announced that capital projects now appeared on the Town's web page.

13. TOWN ATTORNEY’S COMMENTS

HAPPY NEW YEAR. Mr. Rayson wished everyone a happy New Year.

AFFORDABLE HOUSING ORDINANCE. Mr. Rayson reported that he was working on the affordable housing ordinance. He advised that he met with Housing & Community Development Director Shirley Taylor-Prakelt and was collecting information from existing ordinances. Mr. Rayson had prioritized the recommendations as Council had requested. Mr. Cohen recommended that Mr. Rayson's information be distributed and Council to decide which items to include in the ordinance.

Ms. Taylor-Prakelt reminded Council that Councilmember Starkey had directed Mr. Rayson to determine the legal viability of the top five recommendations and if he had no concerns regarding these, to include them in a draft ordinance. Ms. Taylor-Prakelt was concerned because they had intended an ordinance would be in place prior the moratorium expiration on February 21st. She summarized the recommendations for Councilmember Crowley and said that the most important recommendation was the mandatory exit plan to protect residents being displaced by mobile park closure.

Mr. Rayson indicated that he needed direction from Council prior to drafting the relocation plan conditions. Ms. Taylor-Prakelt reminded him that the Task Force had recommended that the exit plan put the burden for compensating mobile park residents on the owner of the property. Council directed Mr. Rayson to provide his legal opinion on each of the recommendations for discussion at their next meeting.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 9:40 p.m.

Approved _____

Mayor/Councilmember

Town Clerk