

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

SUBJECT: September 3, 2008 minutes

AFFECTED DISTRICT: n/a

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: September 3, 2008 (Regular Meeting)

REPORT IN BRIEF: Council minutes from the September 3, 2008 Council meeting.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: **not applicable**

Has request been budgeted? n/a

RECOMMENDATION(S): Motion to approve

Attachment(s): September 3, 2008 minutes

**TOWN OF DAVIE
REGULAR MEETING
SEPTEMBER 3, 2008**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:05 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Luis, Councilmembers Caletka, Crowley and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Truex read the rules for the Open Public Meeting.

Mayor Truex asked Mr. Rayson to explain the Town's stance on the Palma Nova issue. Mr. Rayson reminded everyone of the Mobile Home Task Force that had devised recommendations during last year's moratorium, which had been enacted by the Town to protect mobile home residents. Council had passed a mobile home relocation assistance ordinance designed to make mobile home residents' transition easier. Mr. Rayson continued that the State legislature had enacted Statute 723, the Florida Mobile Home Act, which set forth the rights and obligations of mobile home park owners and residents. This Act mandated that "for each mobile home, they [the park owner] have to pay \$4 a year into a trust fund." There was a section of 723 indicating that the State had sole authority to legislate in this area. Mr. Rayson said the Town Council empathized with the plight of the residents in mobile homes, but also realized that "as a primary matter, the fight is not between the Town Council and its residents, but it perhaps should be the subject of more legislative action in Tallahassee where better laws to protect ... mobile home tenancy can be enacted."

Mr. Rayson referred to the requirements a mobile home park owner must fulfill prior to receiving a certificate of completion from the Town, including: providing copies of all lease or rental agreement forms to the Town; creating a relocation assistance plan; providing tenants with an inventory of relocation resources; declaring actions the owner would take to refer tenants to alternative public and private subsidized housing and providing information to tenants on how best to move their mobile homes. Per Statute 723, the owner was required to provide a minimum of six months notice of closure.

Beyond the steps the Town had already taken, Mr. Rayson advised that further action must be taken at the State level. He asked the residents to contact their representatives in Tallahassee to urge them to provide mobile home residents greater protection.

Nancy Hernandez remarked on the lack of affordable homes in Davie, and said there was still no plan for eventualities such as this, where her friends and family would lose their residences. She noted that the \$1,300 a mobile home owner received for their home was not enough. Mayor Truex said the Task Force had studied this issue for a year,

and the Town had discovered they could not force a park owner to pay owners more than the State Statute specified. He invited residents to make other suggestions this evening.

Carol Bartleman suggested residents be given additional time to save more money to move.

Linda Greck was disappointed Council had approved spending \$733,000 of open space bond funds to renovate the Pine Island Park fitness center, which was a capital improvement project. She urged Council to reconsider this, noting that Councilmember Crowley, in whose district this park was located, was not even present for the vote. Ms. Greck pointed out that the bond funds were not to be used as a remedy for previous neglect or renovations of a deteriorating building in an existing park. She suggested making only those repairs needed to prevent further deterioration until “the right kind of funds” were available to renovate it. Ms. Greck also suggested borrowing the money and repaying it.

Timothy Rubenstein remarked on the number of paycheck to paycheck families who lived in Palma Nova, and pointed out that the relocation program did nothing for people with mortgages on their mobile homes. He stated that six months was not enough time for residents to save and find a new place to live.

Patty Cook thanked Council and staff for their support of the Old Davie School and Historical Museum. She announced that Public Information Office Braulio Rosa was being recognized by the Florida Association of Museums for outstanding service to the Old Davie School.

Gloria Huff stated that she had been informed by the park owner’s representative that residents who had mortgages on mobile homes that could not be moved would receive no assistance because they could not hand over their titles. Mr. Rayson agreed to research this and Mayor Truex agreed to post information on the Town website and create information sheets to make available to the Palma Nova office and the Town’s Housing and Community Development Department. Ms. Huff added that two-thirds of the Davie Elementary School comprised Palm Nova resident children. Mayor Truex agreed to contact the Broward County School Board regarding this and to direct Mr. Shimun to discuss this with the School Board Administrator.

Adele DeFrank resented the fact that rents at Palma Nova had increased \$50 in January and wondered if this money would be used to help residents relocate. Ms. DeFrank said the relocation program offered by the park owner amounted to providing residents with a list of “places you can go within a 5-mile radius” without specifying if units were affordable. Mayor Truex asked Mr. Rayson to check on the information being provided to park residents.

Phillip Teetum said he had lost his previous home in Hurricane Wilma and he was now facing losing his home to “politics.” He wanted the Town’s help finding places for displaced residents to relocate. Mr. Teetum described the loss of retail revenue the Town would suffer if all Palma Nova residents left Town. He suggested that the park owner give residents more than six months to leave and reduce the rent to allow residents to save money for an apartment. Mr. Teetum had an idea that entailed the Town’s donating land to a co-op of mobile home dwellers that they could manage and live on.

Jennifer Altman said that she had invested her money in the purchase of her trailer and it could not be moved. She did not know what to do.

Carmen Ayala explained that she had relocated to Palma Nova two years ago from another closed mobile home park. She was upset she could not recoup any of her investment in her mobile home.

Carina Ramos said that she had moved to Palma Nova just two months ago and bought her mobile home. She said that the park owner must have known for some time he would be closing the park and wondered why she had not been advised not to buy a mobile home there. Councilmember Starkey said that they should investigate whether there had been an intent to defraud mobile home buyers.

Janice Naff remembered that many mobile homes had been damaged in Hurricane Wilma and owners had received insurance settlements. She wished the park owner had advised owners then to use the insurance settlement to find somewhere else to live instead of repairing their homes. Ms. Naff noted how expensive it was to actually move a mobile home, including Town permits. She suggested that the park owner bear more of the costs of relocation and owners not be required to bring trailers up to current Code when they were moved.

Deb Smith said that she wanted to stay in Davie, but asked where she could find housing comparable to hers for a comparable price. She pointed out that the mobile park residents were citizens who had elected Council and Council should support them. Ms. Smith asked who had rezoned the property, making it more profitable to be redeveloped.

Another Palma Nova resident agreed that residents needed additional time before the park closed.

Jose Juarabe noted the lack of alternatives for the residents. He said that the residents could not afford to keep moving.

Patricia Hall said that the company she hired to move her mobile home had informed her that there was often a long wait for the Town to issue permits. Mr. Shimun agreed these permits could be expedited.

Anthony Bliss, mobile home dealer and installer, said that there were locations to which Palma Nova residents could move. He remembered that the Town had helped hurricane families by waiving the permit fees and offering a two-day turnaround time for permits. Mr. Bliss recommended the Town consider offering this to these residents.

Mitzi Clark agreed that residents could have a difficult time affording the permit fees. She noted the high cost of moving the homes as well.

J.D. Parker, Parker Mobile Home Service, said that he had worked to help streamline the permitting process and improve the inspection process.

Joanna Fees explained the difficulty she had finding a suitable, affordable apartment for herself and her children. She remembered that residents had approached Council in February regarding rumors that the park was closing, and Councilmembers had indicated then that according to the owner, it would be at least two to five years before the park closed. Mayor Truex apologized that the timeframe Council had indicated in February turned out to be incorrect.

Ann Rogers stated that four months ago her mother had spent the last of her savings on a mobile home. She said that the park owner had offered them a total of \$7,500 if they left by October 31st. Ms. Rogers noted that it was too late to appeal to the State legislature and it was now up to the Council. She felt a year extension was necessary and rent should not be collected during that time.

Judy Paul felt the extension was a good idea. She announced that eliminating the Green Bus route would be discussed at a Broward County budget meeting on September 9th. Ms. Paul asked Council to send the County Commission information on current ridership and to request that the service not be cut. She pointed out that ridership had recently increased significantly and would satisfy the criteria.

Toni Grisante asked if there was any help the Town could offer the residents for places to stay while their homes were relocated. Mayor Truex said that the Town had agreed to expedite the permit process.

A Palma Nova resident remarked that “for a guy that’s collecting close to a half a million dollars every month from people who are living there, he could exercise some more consideration for all of us as residents.” She explained the difficulty residents had finding a new home and affording the move. She suggested the park owner advance the residents money for deposits and security on an apartment.

Yvonne Bettencourt said that the park owner may be complying with State Statute 723, but closing the park was creating “human suffering and despair and homeless people.” She asked Council to help the residents.

Johnny Pena [with Frank Serra acting as interpreter] explained that he had come here from Miami after his trailer had been lost in a fire. Mr. Pena did not believe he could save enough money within six months to afford to move.

Juan Gonzales was angry that the park owner had sold mobile homes in the park as recently as two months ago while knowing he intended to close the park. He felt the owner should stop collecting rent until the park closed.

Mitchell Chester advised Council they could instruct their lobbyists to push Tallahassee for a substantive answer to this problem and could ask Governor Crist to get involved in this issue as well. Mr. Chester suggested that the Mobile Home Task force be reconvened to come up with additional recommendations and announced that the next meeting of the Davie Affordable Housing Committee would take place on September 11th. He suggested that Council invite County, State and Federal officials to help with this issue. Mr. Chester pointed out that the Affordable Housing Trust Funds Council currently had no funds and suggested that community leaders help with the trust fund. He also recommended a meeting between mortgage holders and bankers to try to address the crisis, an investigation into creating a community land trust, and micro loans.

Carol Pagan [with Frank Serra acting as interpreter] stated that she had been unaware of the contaminated water at Palma Nova and now suffered from serious health issues. She noted the negative impact relocation would have on her children. Mayor Truex asked someone to forward him the letter sent to residents indicating the water should not be consumed.

Another resident discussed problems with water at the property and health issues his family suffered.

Tony Giamatti said that Ferncrest was owned by Mr. Forman, the mobile park owner, and Mr. Giamatti believed that Palma Nova was closing because of health issues at Ferncrest. Mr. Giamatti asked if Ferncrest could be closed and the park’s water be supplied by the Town instead.

Christine Burroughs felt residents whose trailers were too old to move should be granted at least one year to relocate. She also felt the \$50 rent increase from this year should be returned to those who paid it and residents should not pay rent until the park

closed. Ms. Burroughs thought it was appalling that the owner knew about the water situation and had done nothing about it. She suggested that mental health counseling be made available to residents as well.

Mr. Rayson reiterated that State Statute governed the relationship between mobile park owner and tenant. He advised that owners with grievances could seek relief from the Division of Condos and Mobile Homes.

Heidi Davis stated that the Regional Activity Center was brought to Council's attention three years ago and they had that time to develop a plan to help the residents. She said that Council had denied many of the suggestions made by the Mobile Home Task Force. Mayor Truex reminded Ms. Davis that the suggestions had been denied because they were legally impossible and acknowledged that the Affordable Housing Fund would not help these residents either. Ms. Davis remembered that in February, Councilmember Caletka stated that he had spoken to the owner and he had stated that the park would not close for 20 years. Councilmember Caletka said that when he learned that the park was closing, he called the owner's representative, who stated, "Things change."

Dimaris Ritanski worried that any park she moved to would close soon after she moved there as well.

Richard Shank said that he heard "a lot of talk about how much the Town of Davie cares about these residents" but there were no mobile home parks in the Town's 50-year plan. Mayor Truex explained that nothing required the owner to maintain the property as a mobile home park and he felt "most reasonable people in this room would agree that was not going to be a mobile home park in 50 years." Mr. Shank believed the owner must have known long ago that the park would close and he should have provided more notice.

Nancy said that she had purchased her mobile home in 1999, was still paying the mortgage, and the home could not be moved. She said that she would have nowhere to go when the park closed in six months. She asked where the owner was and wondered why he was not present at the meeting and felt the owner should answer residents' questions. She was concerned about removing her children from Davie Elementary School.

Another resident [speaking through an interpreter] stated that she had bought a home in Palma Nova only two months before she received notice the park would close. She noted that these types of decisions were usually made months or years in advance. The resident described the stress this was causing her and her children and said that six months was not enough time to relocate.

Debra Lewis speculated that the park closing might have something to do with the water problem. She believed there should have been a psychological study done of park residents prior to closing the park. Ms. Lewis said that she was creating a proposal for the owner. She stated, "Everybody moves up; Forman makes money in this matter; you make money in the matter; banks make money; everybody moves up one level on the economic system and it will work." Ms. Lewis agreed that residents should have been informed about the water problems when they moved in. She described issues she and her neighbors had that she attributed to the water. Ms. Lewis said that she had purchased her home for \$40,000 after Hurricane Wilma and it could not be moved.

Pamela Ruggles read a poem she had written about Mr. Forman and this situation addressing the theme of “malignant greed.” She felt Mr. Forman did not care about the water situation and thought “the Forman family is really up to something around that lake.” Ms. Ruggles suggested the Town’s donation to Adopt-A-Hurricane Family be increased to help the displaced families.

Another resident [with Mr. Serra acting as interpreter] stated that he felt the owner had made a hasty decision sending the eviction notices. He believed the contaminated water had affected residents of the park.

Rosi Marti [with Mr. Serra acting as interpreter] said that she had purchased a home for \$16,000 just one month ago. She said that she had asked a park representative when she moved in if the park was closing, and the representative told her it would be illegal not to inform her that the park was closing. The residents felt abused and lied to by Palm Nova, and thought there should be some action taken against the owner.

Bobbi Frahmer asked if the Council knew about the rezoning. Mayor Truex said that when the property was rezoned, Council was not informed about the park closing.

Councilmember Starkey explained that the Town’s Regional Activity Center, within which Palma Nova was located, was a master plan that was rezoned all at once. She referred to the annexation agreement the Town made with the Forman family, which allowed them the “highest, best use” of the property.

Karen Stenzel-Nowicki thanked Council for increasing the donation to Adopt-A-Hurricane Family. She thanked Ms. Taylor-Prakelt and Mr. Shimun for their commitment to the community and for reviewing the exit plan, making recommendations and providing community support. Ms. Stenzel-Nowicki reminded Council that 65 families had been rendered homeless when the Stirling Road Mobile Home Park closed and the Seminole Tribe had done nothing to help. She felt if the community could “step up to the plate” for a weather catastrophe, they could step up for this type of tragedy. Ms. Stenzel-Nowicki offered to work with staff to create a website to provide residents information and recommended Council consider land banks. She suggested rents could be held in escrow until the issue was resolved and that trailer equity could be returned to the owners.

Frank Serra advised that he was representing the Hispanic residents of Palma Nova and asked for Council’s help. He said that six month’s notice was not enough and felt two years would be enough time to allow residents to save money to move. Mr. Serra stated that the Mobile Home Task Force had not voted on the ordinance, only Council had, and the Task Force did not support it.

Pete Sabatini believed the water issue was more serious than they knew. He said that he had been assured by park staff two weeks ago that the park was not closing.

Chang Ramparrat said that he had purchased his trailer just three weeks ago and he too had been assured by mobile park staff before he moved in that the park was not closing. He felt an injustice had been committed and the residents should be compensated.

Another resident felt they could have been given more notice. She also had problems with her water service and higher water bills than she expected.

Mayor Truex advised Mr. Shimun that they should schedule a special meeting to address this issue. Councilmember Caletka wanted someone from the Urban Group, the company helping with the relocations, to attend the special meeting. Councilmember

Crowley volunteered to meet with park representatives to discuss the issues. Mayor Truex advised that he would meet with the representative.

Councilmember Starkey asked Mr. Shimun to send a request to the owner to extend the eviction deadline. She asked Mr. Shimun and staff to report back to Council regarding the expedited permit idea. Councilmember Starkey asked what a re-convened Affordable Housing Task Force would do and what they might achieve under these circumstances. She said that this eviction was “an abomination” and she thought this would be a “phased replace development over time” and many residents thought the same.

Council agreed to hold the special meeting on September 17th at 5:30 p.m.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to add item 10.1 to the agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1 July 16, 2008 (Regular Meeting) (tabled from August 20, 2008)
- 4.2 August 6, 2008 (Workshop Meeting)
- 4.3 August 6, 2008 (Regular Meeting)
- 4.4 August 11, 2008 (Workshop Meeting)

Resolutions

- 4.5 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2008-194 ENTERING INTO AN AGREEMENT WITH THE FORT LAUDERDALE DOG CLUB FOR THE RENTAL OF THE BERGERON RODEO GROUNDS TO HOLD AN AKC DOG SHOW. (arena rental - \$2,000)

- 4.6 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2008-195 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN REBUILDING TOGETHER BROWARD COUNTY, INC FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR A BUILDERS DECATHLON EVENT. (arena rental - \$1,300)

- 4.7 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2008-196 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH THE FLORIDA TRANSPORTATION BUILDERS ASSOCIATION TO LEASE THE BERGERON RODEO GROUNDS FOR A CONSTRUCTION CAREER DAYS EXPO. (arena rental - \$3,000)

- 4.8 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA**

- R-2008-197 ACCEPTING THE AGREEMENT BETWEEN THE TOWN OF DAVIE AND DAVIE TRAVEL CENTER INC./1-15 HARTSDALE AVENUE CORPORATION AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT; AND PROVIDING FOR AN AFFECTIVE DATE.
- 4.9 **FRANCHISE EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2008-198 FLORIDA, EXTENDING THE FRANCHISE WITH E.A.S.E. FOUNDATION, INC. FOR BUS SHELTERS.
- 4.10 **FRANCHISE EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2008-199 FLORIDA, EXTENDING THE FRANCHISE WITH E.A.S.E. FOUNDATION, INC. FOR BUS STOP BENCHES.
- 4.11 **CONTRACT RENEWAL** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2008-200 FLORIDA, APPROVING A ONE-YEAR EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND LIMOUSINES OF SOUTH FLORIDA FOR THE EAST "GREEN" ROUTE COMMUNITY BUS TRANSPORTATION SERVICES, WITH THE ADDITION OF A FUEL ADJUSTMENT CLAUSE. (\$232,750)
- 4.12 **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2008-201 FLORIDA, AUTHORIZING THE MAYOR TO EXTEND THE SERVICE AGREEMENT FOR MEDICAL DIRECTOR SERVICES BETWEEN THE TOWN OF DAVIE AND WAYNE LEE M.D. F.A.C.E.P. d/b/a PHYSICIAN ASSOCIATES, INC. (\$20,000)
- 4.13 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2008-202 AUTHORIZING THE EXPENDITURE OF UP TO \$21,310 FROM THE DISTRICT ONE OPEN SPACE ACCOUNT FOR IMPROVEMENTS TO VETERANS PARK.
- 4.14 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2008-203 AUTHORIZING THE EXPENDITURE OF UP TO \$20,200 FROM THE DISTRICT ONE OPEN SPACE ACCOUNT FOR IMPROVEMENTS TO POTTER PARK.
- 4.15 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE

- R-2008-204 BID FROM CDW GOVERNMENT, INC. FOR THE PURCHASE OF TWO INTERNET PROTOCOL SMALL COMPUTER SYSTEM INTERFACE STORAGE AREA NETWORK (ISCSI SAN). (\$63,473.34)
- 4.16 **BID** - A RESOLUTION OF THE TOWN OF DAVIE ACCEPTING THE BID
- R-2008-205 AWARDED BY NJPA TO CDW-G FOR COMPUTER MONITORS. (\$37,799.92)
- 4.17 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE
- R-2008-206 BID AWARDED BY BROWARD SHERIFF'S OFFICE, CONTRACT # 07C-206, TO MOTOROLA FOR DIGITAL MOBILE RADIOS; AND AUTHORIZING THE EXPENDITURE OF FIRE DEPARTMENT FUNDS IN THE AMOUNT OF \$49,558.64 FOR THE PURCHASE OF EMERGENCY SERVICES DIGITAL MOBILE RADIOS FOR THE DAVIE FIRE RESCUE DEPARTMENT. (not budgeted)
- 4.18 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ACCEPTING BIDS
- R-2008-207 FOR FIRST AID SUPPLIES AND EQUIPMENT.
- 4.19 **HOLIDAY SCHEDULE AMENDMENT** - A RESOLUTION OF THE TOWN OF
- R-2008-208 DAVIE, FLORIDA, AMENDING THE APPROVED HOLIDAY SCHEDULE AND OTHER OBSERVED DAYS FOR THE TOWN OF DAVIE NON-REPRESENTED EMPLOYEES DURING FISCAL YEAR 2008-2009; AND PROVIDING AN EFFECTIVE DATE.
- 4.20 **SELECTION OF FIRMS** - A RESOLUTION OF THE TOWN OF DAVIE,
- R-2008-209 FLORIDA, SELECTING VARIOUS FIRMS TO PERFORM CONTINUING ENGINEERING SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AGREEMENTS FOR SUCH SERVICES.
- 4.21 **EQUALIZE FUNDING** - A RESOLUTION OF THE TOWN OF DAVIE URGING
- R-2008-210 THE FLORIDA LEGISLATURE TO EQUALIZE FUNDING BASED ON POPULATION TO PROVIDE EACH REGION OF FLORIDA, INCLUDING SOUTH FLORIDA, ITS FAIR SHARE OF STATE FUNDING, AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.22 **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE,

R-2008-211 FLORIDA, APPROVING A DELEGATION REQUEST TO AMEND THE RESTRICTED NOTE OF THE BOUNDARY PLAT KNOWN AS "SUPERSITE COMMERCIAL PLAT," AND PROVIDING AN EFFECTIVE DATE. (DG 6-1-08, Supersite Commercial Plat, 3105 North University Drive)

Councilmember Crowley pulled items 4.13 and 4.14 from the Consent Agenda. Councilmember Starkey pulled items 4.9 and 4.10. Vice-Mayor Luis pulled item 4.8. Mayor Truex pulled items 4.20 and 4.21.

Vice-Mayor Luis made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda less items 4.8, 4.9, 4.10, 4.13, 4.14, 4.20 and 4.21. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.8 Vice-Mayor Luis asked the applicant if the Town made the water available, would the applicant move ahead with the original plan to build. The applicant explained that this was an extension to the tolling agreement and was not the special permit and the site plan.

Councilmember Starkey asked if this would be a benefit to the Town. Mr. Rayson responded that this just allowed them to avoid revisiting it every year until 2011. Mayor Truex said that it would be a benefit to the Town.

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

4.9 Councilmember Starkey asked how many bus shelters there were. Linda Owen, EASE representative, stated that there were 17 shelters and approximately 80 benches. Councilmember Starkey wanted to add language that would allow them to construct nicer shelters to replace the old shelters or benches. Ms. Owen said that she had discussed replacing the shelters with the vendors and advised that the replacement designs they were considering were wrought iron.

Councilmember Caletka asked how much EASE benefited from the contract. Ms. Owen said that they received approximately \$35,000 per year for the shelters and approximately \$15,000 per year for the benches. She confirmed for Councilmember Caletka that it was at EASE's discretion to award the contract for the shelters. Mayor Truex suggested language be added to indicate that EASE must seek Council approval for the design of any new or replacement shelters.

Councilmember Luis made a motion, seconded by Councilmember Starkey, to approve, with the condition that any new benches or shelters would come before Council for approval. In a voice vote, all voted in favor. (Motion carried 5-0)

4.10 Councilmember Starkey requested that Council be provided with a map of shelters and benches.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve, with the same condition as item 4.9. In a voice vote, all voted in favor. (Motion carried 5-0)

4.13 Councilmember Crowley wanted to make sure Councilmember Caletka was in favor of this. Councilmember Caletka said that he approved this and had asked for it to be placed on the agenda.

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

Councilmember Caletka informed Mayor Truex that he was certain the neighbors would not complain.

Councilmember Starkey did not agree this was proper use of open space bond funds. Mr. Rayson stated that this was a legal use of the funds.

In a voice vote, with Councilmember Starkey dissenting, all voted in favor. (Motion carried 4-1)

4.14 Councilmember Crowley noted that some of the funds would be used for snow-cone and ice machines, which he did not agree with. Public Works Director Manny Diez said that the request for the snow-cone machine had come from the Police Athletic League. Councilmember Caletka wanted to revise the application to exclude the snow-cone machine.

Councilmember Starkey wanted to eliminate the snow-cone and ice machines. She believed that most of the other things were maintenance items for which bond funds should not be used.

Councilmember Crowley said that he would ask for a reconsideration of items Council agreed to expend these funds for in District 2 later in the meeting.

Councilmember Caletka made a motion, seconded by Councilmember Crowley, to approve including only items 1 and 3 for a total of \$17,000. In a voice vote, with Councilmember Starkey dissenting, all voted in favor. (Motion carried 4-1)

4.20 Mayor Truex said that he had been advised by the previous Town Attorney not to vote on an item for which his brother's firm had submitted a bid, even if the firm lost the bid. Mr. Rayson disagreed with this advice and said that Mayor Truex was required to vote unless he had a direct or indirect pecuniary interest.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve, with the condition that negotiations be undertaken with the top four firms instead of the top three. In a voice vote, all voted in favor. (Motion carried 5-0)

4.21 Mayor Truex pointed out an error on page 344. In the "whereas" that began "Whereas the recent Miami Herald..." He pointed out that 6.69 million should be changed to 6.69 *billion*.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve with the correction. In a voice vote, all voted in favor. (Motion carried 5-0)

6. PUBLIC HEARING

Ordinances - First Reading (Second and Final Reading to be held September 17, 2008)

6.1 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 12, LAND DEVELOPMENT CODE, ARTICLE XI.,**

DEVELOPMENT REVIEW PROCEDURES; ADDING DIVISION 6, SCHOOL CONCURRENCY, IN ORDER TO COMPLY WITH REQUIREMENTS TO IMPLEMENT PUBLIC SCHOOL CONCURRENCY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rayson read the ordinance by title. Mayor Truex announced that a public hearing on the ordinance would be held at the September 17, 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 Crowley made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 5-0)

6.2 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 12, LAND DEVELOPMENT CODE, ARTICLE III., USE REGULATIONS, DIVISION 2., GENERAL REGULATIONS, SECTION 12-33(Q) GENERAL PROVISIONS PERTAINING TO ALL BUSINESS DISTRICTS; PROVIDING DEVELOPMENT REGULATIONS FOR PERMANENT, FREE-STANDING AND UNOCCUPIED KIOSKS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Rayson read the ordinance by title. Mayor Truex announced that a public hearing on the ordinance would be held at the September 17, 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 Starkey made a motion, seconded by Vice-Mayor Luis, to approve with the terms and conditions requested by the Planning and Zoning Board.

Councilmember Caletka said that he never supported these due to the vehicle backup they caused.

Councilmember Crowley confirmed that Council would be reviewing the site plan. Planning and Zoning Manager David Quigley advised that at a certain square footage, Council would review the site plan. Councilmember Starkey added that Council should see all of the site plans. Mayor Truex indicated that this needed to be added to the motion. Councilmember Starkey amended her motion to include Council reviewing the site plan. Councilmember Luis agreed to the amendment.

Town Clerk Muniz advised that the motion was to approve with the Planning and Zoning Board recommendations and Council approving the site plan. Councilmember Starkey clarified the request would first be heard by the Site Plan Committee. Councilmember Caletka questioned if this included modifications. Mr. Quigley confirmed that modifications would come back before Council.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4 -1)

6.3 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY ADDING A NEW ARTICLE II TO CHAPTER 18 OF THE TOWN CODE ENTITLED "MOTOR VEHICLE ACCIDENT FEES"; AUTHORIZING THE TOWN TO IMPOSE SERVICE FEES OR CHARGES FOR THE DEPLOYMENT OF PUBLIC SAFETY SERVICES RENDERED BY THE TOWN OF DAVIE FOR MOTOR VEHICLE ACCIDENTS; PROVIDING THAT SUCH FEES AND CHARGES SHALL BE ESTABLISHED OR MODIFIED FROM TIME TO TIME BY RESOLUTION OF THE TOWN COUNCIL; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; INCORPORATION INTO THE CODE OF ORDINANCES OF THE TOWN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Rayson read the ordinance by title. Mayor Truex announced that a public hearing on the ordinance would be held at the September 17, 2008 meeting.

Mayor Truex opened the public hearing portion of the meeting.

Karen Stenzel-Nowicki described an accident in which she had been involved with an uninsured driver. She believed Council had good intentions, but did not want this included in the budget because she was unsure what funds the Town would collect, since there were so many uninsured drivers.

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

Councilmember Starkey supported this ordinance and pointed out the following corrections: page 426, paragraph 3, "Home Security" should read "Homeland Security" and page 427, third whereas, "...providing emergency response services to vehicular crashes *and incidents.*"

Mr. Shimun confirmed for Mayor Truex that this would apply to all roads. Mr. Shimun said that Davie residents would be exempt. The consultant had recommended not including the suggestion Mayor Truex had made that Davie residents who were driving under the influence or without insurance or license should be charged.

Mayor Truex said that he now supported this, but not as written. He said that he would only approve it if it applied to the roads included in the whereas clause. Mayor Truex did not want to bill Davie residents if their insurance would not cover it but he did want to bill any Davie resident who was driving under the influence, or driving without license or insurance.

Councilmember Crowley suggested tabling the item to allow Mr. Rayson to consider these suggestions and make a recommendation to Council.

Vice-Mayor Luis supported the ordinance, but wanted to exempt Davie residents unless the driver was under the influence or driving without license or insurance.

Councilmember Crowley made a motion, seconded by Mayor Truex, to table to the next meeting to allow Mr. Rayson to look into the suggestions Council had made. Mr. Rayson pointed out how the suggestion to charge a DUI driver on a road not listed in the whereas clause would present a conflict.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4-1)

6.4 **BENEFIT TRUST FUND - AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF AN OTHER POST- EMPLOYMENT BENEFIT TRUST FOR THE EMPLOYEES OF TOWN OF DAVIE, FLORIDA; AUTHORIZING THE JOINING AS A PARTY THE FLORIDA MUNICIPAL PENSION TRUST FUND MASTER TRUST AGREEMENT AND THE PARTICIPATION OF SAID TRUST IN THE OTHER POST-EMPLOYMENT BENEFIT PLAN TRUST UNDER THE FLORIDA MUNICIPAL PENSION TRUST FUND MASTER TRUST AGREEMENT; PROVIDING FOR PUBLICATION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE**

Mr. Rayson read the ordinance by title. Mayor Truex announced that a public hearing on the ordinance would be held at the September 17, 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 Starkey advised that she was a member of the Florida Municipal Investment Trust, which invested the money from the pension and insurance trusts and indicated that she did not benefit in any way from serving on this board. Mr. Rayson informed Councilmember Starkey she should vote on this item.

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

7. **APPOINTMENTS**

7.1 Mayor Truex

7.1.1 Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2010) (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 2010) (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 Vice-Mayor Luis

7.2.1 Open Space Advisory Committee Agency (one exclusive - term expires April 2010)

No appointment was made.

7.3 Councilmember Crowley

- 7.3.1 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2010) (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.

7.4 Councilmember Starkey

- 7.4.1 Agricultural Advisory Board (one exclusive appointment - term expires April 2010) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

No appointment was made.

- 7.4.2 Youth Education and Safety Advisory Board (two exclusive appointments - terms expire April 2010) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointments were made.

- 7.5 Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (one appointment shall be a plumbing contractor - member shall be a permanent resident or have their principal place of business within the Town's jurisdiction)

No appointments were made.

8. OLD BUSINESS

- 8.1 Charter Review Board Recommendations (deferred from August 20, 2008)

Earlier in the meeting, Vice-Mayor Luis made a motion, seconded by Mayor Truex, to table to the next meeting. In a voice vote, all voted in favor. (Motion carried 5-0)

9. NEW BUSINESS

No new business was discussed.

10. SCHEDULE OF NEXT MEETING

Planning & Zoning Manager David Quigley requested a workshop to discuss the Flamingo Road landscape and Welcome to Davie sign designs. Council agreed to a meeting on October 1st at 6:30 p.m.

Councilmember Starkey reminded Council that Councilmember Caletka's seat would be open after November 17th and residents could apply to fill the seat until the March election. She invited residents to send letters of interest and resumes to the Town Clerk's Office. Councilmember Starkey suggested putting this on their agenda.

Councilmember Crowley made a motion, seconded by Mayor Truex, to put this item on Council's first October meeting agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

11. MAYOR/COUNCILMEMBER'S COMMENTS COUNCILMEMBER CROWLEY

EXPENDITURE OF OPEN SPACE BOND FUNDS. Councilmember Crowley said that he was concerned regarding the use of District 2 open space funds for capital improvement projects at existing facilities. His biggest concern was the \$730,000 for renovations to Pine Island Park Fitness Center.

Councilmember Crowley made a motion to reconsider Council's previous vote regarding the expenditure of open space bond funds for renovations to Pine Island Park Fitness Center. Mr. Rayson stated that a motion for reconsideration must come from a Councilmember who had voted on the prevailing side of the motion. Since Councilmember Crowley was absent when Council had voted, he could not make a motion for reconsideration.

Vice-Mayor Luis made a motion, seconded by Councilmember Starkey, to reconsider Council's previous vote regarding the expenditure of open space bond funds for renovations to Pine Island Park Fitness Center. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table to the next meeting [September 17, 2008]. In a voice vote, all voted in favor. (Motion carried 5-0)

COUNCILMEMBER STARKEY

NIGHT SKY ORDINANCE. Councilmember Starkey requested an update on the night sky ordinance. Mr. Rayson agreed to provide Council a status report the next day.

VICE-MAYOR LUIS

SHENANDOAH PARTY. Vice-Mayor Luis announced that Shenandoah would host a community party on October 18th.

COUNCILMEMBER CALETKA

REPAVING ESTIMATE AT PARK CITY EAST. Councilmember Caletka requested a copy of the repaving estimate and information from the minutes where this item was discussed. Mayor Truex explained that the Town would not do this because Sunrise had informed them they were going to install water pipes and pave.

Mr. Diez reported that the property was currently being surveyed and work should commence in six months. He clarified that the project was put in the 2010 Capital

Budget in the event the Sunrise plan did not go through. Utilities Director Bruce Taylor informed Council that Sunrise intended to move forward within the year.

MAYOR TRUEX

EVERGLADES MOBILE HOME PARK BUS. Mayor Truex asked if changing the route to the other mobile home park would affect Everglades. Councilmember Caletka advised that he had been trying to get bus service to Everglades, but the County had denied the request.

12. TOWN ADMINISTRATOR'S COMMENTS

No comments were provided.

13. TOWN ATTORNEY'S COMMENTS

No comments were provided.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 11:36 p.m.

Approved _____

Mayor/Councilmember

Town Clerk