

**TOWN OF DAVIE  
TOWN COUNCIL REGULAR MEETING  
JULY 27, 2016**

**I. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 6:30 p.m. and was followed by the Pledge of Allegiance.

**II. ROLL CALL**

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

Mayor Paul requested a moment of silence in memory of those affected by recent shootings.

**III. OPEN PUBLIC MEETING**

Ricardo Roig thanked the Town staff and Town Council for the support they had provided his family for the past few weeks. His wife, Evelyn Roig, Town Clerk, had suffered a stroke but had recovered without lasting effects. Mr. Roig thanked many members of the Town staff, stating that their quick and attentive actions saved Mrs. Roig's life. He stated that they would be grateful to the Davie family for the rest of their lives.

**IV. PRESENTATIONS**

1. Boomer BreakThrough, Kitty Preziosi

Ms. Preziosi, founder of Boomer BreakThrough, said the organization sought to inspire Baby Boomers to explore their purpose, passion and productivity for an encore life of meaning and value. She thanked the Town for partnering with Nova Southeastern University to win a grant that would be used to fund a "Baby Boomers: What's Next for You?" conference on November 4 at the university. The keynote speaker at the conference would be Chris Farrell, NPR economics commentator and writer. Ms. Preziosi gave a presentation about Baby Boomers in the U.S. and Boomer BreakThrough's initiative to get Baby Boomers to consider new projects, skills, businesses and volunteer opportunities. She asked the Town to promote the conference to Baby Boomer constituents.

2. Broward County Property Assessed Clean Energy Program (PACE), Jennifer L. Jurado, Director and Chief Resiliency Officer

Ms. Jurado gave a presentation on the PACE program, which was recently approved by the Broward County Board of Commissioners. Municipalities needed to formally opt in to the program for residents and businesses to participate. The program allowed participants to finance clean energy improvements through a non-ad valorem property tax assessment. The program entailed a 7-8% interest rate plus other fees. It was designed to allow access to improvements that might otherwise be unaffordable or difficult to finance because of high up-front costs or an applicant's lack of creditworthiness.

Mayor Paul had seen a presentation on the program recently and said it had been received positively.

Councilmember Caletka pulled items 8 and 16 from the Consent Agenda. Mayor Paul pulled item 37.

Vice-Mayor Luis made a motion, seconded by Councilmember Starkey to approve the Consent Agenda, less items 8, 16 and 37. In a voice vote, all voted in favor. (Motion carried 5-0)

## V. APPROVAL OF CONSENT AGENDA

### Minutes

1. April 20, 2016 Meeting Minutes (Regular)
2. May 4, 2016 Meeting Minutes (Regular)
3. May 18, 2016 Meeting Minutes (Regular)
4. June 8, 2016 Meeting Minutes (Regular)
5. June 8, 2016 Meeting Minutes (First Budget Workshop)
6. June 14, 2016 Meeting Minutes (Special)

### Resolutions

#### Budget and Finance

7. **PROPOSED MILLAGE RATES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING THE PROPOSED MILLAGE RATES TO BE LEVIED FOR OPERATING PURPOSES AND FOR VOTED DEBT SERVICE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016 AND ENDING SEPTEMBER 30, 2017.
8. **FIRE PROTECTION ASSESSMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE PROVISION OF FIRE PROTECTION SERVICES, FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; DESCRIBING THE METHOD OF ASSESSING FIRE PROTECTION ASSESSED COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE TOWN OF DAVIE; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.
9. **SOLID WASTE ASSESSMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN THE TOWN OF DAVIE, FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT RATE FOR SOLID WASTE SERVICE ASSESSMENTS AGAINST RESIDENTIAL PROPERTY LOCATED WITHIN THE TOWN OF DAVIE, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

#### Community Services

10. **CDBG ACTION PLAN** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ACTION PLAN FOR FY 2016/17 WHICH INCLUDES THE CDBG PROGRAM BUDGET; AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE ALL NECESSARY CERTIFICATIONS AND GRANT RELATED DOCUMENTS; AUTHORIZING MINOR, NON-SUBSTANTIVE CHANGES TO THE ACTION PLAN DOCUMENTS WHICH MAY BE IDENTIFIED DURING THE REVIEW AND APPROVAL PROCESS WHICH DO NOT SIGNIFICANTLY AFFECT THE PURPOSE, SCOPE, BUDGET, OR INTENT OF THE ACTION PLAN AND AUTHORIZING SUBMISSION OF THE ACTION PLAN TO BROWARD COUNTY AND HUD; AND PROVIDE FOR AN EFFECTIVE DATE.

#### CRA

11. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING A CONTRACT WITH ACOSTA TRACTORS, INC. ACCORDING TO B-16-80 FOR THE SW 67TH AVENUE ROADWAY IMPROVEMENTS IN THE AMOUNT OF \$978,097.10;

AUTHORIZING THE CRA CHAIR TO EXECUTE THE RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Engineering

12. **UTILITY EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE UTILITY EASEMENT FROM GDC DAVIE LLC FOR PINE ISLAND MARKETPLACE AND TO ACCEPT CLOSEOUT DOCUMENTS INCLUDING UTILITIES BILL OF SALE, GENERAL RELEASE OF LIEN AND OPINION OF TITLE AND PROVIDING FOR AN EFFECTIVE DATE.

Fire

13. **LETTER OF UNDERSTANDING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO A LETTER OF UNDERSTANDING WITH THE CITY OF CORAL SPRINGS TO USE THEIR FIRE TRAINING FACILITY FOR THE PURPOSE OF TRAINING FIRE RESCUE PERSONNEL AND PROVIDING FOR AN EFFECTIVE DATE. (Funding will be from the Education and Training account 001.06.115.522-55501 at a cost of less than \$2,000.00 annually)
14. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE CONTRACT EXTENSION OF BID 14-81 FOR FIRST AID SUPPLIES AND EQUIPMENT FOR DAVIE FIRE RESCUE DEPARTMENT AND PROVIDING AN EFFECTIVE DATE.

Human Resources

15. **HOLIDAY SCHEDULE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE HOLIDAY SCHEDULE AND OTHER OBSERVED DAYS FOR THE TOWN OF DAVIE NON-REPRESENTED EMPLOYEES DURING FISCAL YEAR 2016-2017; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Planning and Zoning

16. **CLEAN ENERGY PROGRAM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, TO ALLOW PROPERTY OWNERS WITHIN THE TOWN OF DAVIE TO PARTICIPATE IN THE BROWARD COUNTY PROPERTY ASSESSED CLEAN ENERGY PROGRAM, AS ADOPTED IN PART XXVIII OF THE BROWARD COUNTY ADMINISTRATIVE CODE; PROVIDING FOR AN EFFECTIVE DATE.

Police

17. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE PURCHASE OF THE STREAMLIGHT TLR-1 HL RAIL MOUNTED TACTICAL LIGHT SYSTEM FROM GT DISTRIBUTORS INC. UTILIZING THE GOVERNMENT CONTRACT GS-07F-0224V IN THE AMOUNT OF \$18,737.25 FROM THE POLICE DEPARTMENT FEDERAL FORFEITURE ACCOUNT.
18. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE PURCHASE OF BALLISTIC PROTECTIVE PRODUCTS, FROM GL DISTRIBUTORS INCORPORATED, A STATE CONTRACTOR USING STATE CONTRACT 680-850-11-1 FROM FEDERAL FORFEITURE FUNDS AS NEEDED FOR THE PURCHASE OF BALLISTIC PROTECTIVE PRODUCTS FOR THE POLICE DEPARTMENT.

Public Works

19. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN TO PIGGY-BACK FROM THE BID AWARDED BY THE NATIONAL JOINT POWERS ALLIANCE (NJPA) FOR FACILITIES MAINTENANCE PRODUCTS MADE AVAILABLE THROUGH RFP# 091214 AND PROVIDING FOR AN EFFECTIVE DATE.
20. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY THE COBB COUNTY BOARD OF COMMISSIONERS, COBB COUNTY, GEORGIA FOR ROOFING SUPPLIES AND SERVICES, WATERPROOFING AND RELATED PRODUCTS AND SERVICES MADE AVAILABLE THROUGH THE US COMMUNITIES GOVERNMENT PURCHASING ALLIANCE BID # 14-5903; AND PROVIDING FOR AN EFFECTIVE DATE.
21. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AWARDED BID # B-16-98 TO DEANGELO BROTHERS, LLC FOR PROVIDING VARIOUS SERVICES IN THE AMOUNT OF \$ 132,724.25 AT THE DAVIE GOLF COURSE WETLANDS (FORMER ARROWHEAD GOLF COURSE), AND PROVIDING FOR AN EFFECTIVE DATE.
22. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN TO PIGGY-BACK FROM THE BID AWARDED BY THE COUNTY OF FAIRFAX, VIRGINIA FROM SAFEWARE, INC. FOR PUBLIC SAFETY AND EMERGENCY PREPAREDNESS AND RELATED SERVICES MADE AVAILABLE THROUGH RFP# 11-205753-10 AND PROVIDING FOR AN EFFECTIVE DATE.
23. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY THE HARFORD COUNTY PUBLIC SCHOOLS, MARYLAND TO TRANE U.S., INC. FOR PUBLIC HEATING, VENTILATION, AND AIR CONDITIONING (HVAC) PRODUCTS, INSTALLATION, SERVICES AND RELATED PRODUCTS AND SERVICES MADE AVAILABLE THROUGH THE US COMMUNITIES GOVERNMENT PURCHASING ALLIANCE RFP# 15-JLP-023; AND PROVIDING FOR AN EFFECTIVE DATE.
24. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT EXTENSION WITH MEGAWATTAGE LLC AND TAW POWER SYSTEMS, INC. FOR GENERATOR SERVICES FROM RESOLUTION R-2014-86 AND PROVIDING FOR AN EFFECTIVE DATE.
25. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT EXTENSION WITH ASHBRIIT, INC. FOR DISASTER RECOVERY SERVICES FROM RESOLUTION R-2012-76 AND PROVIDING FOR AN EFFECTIVE DATE.

Purchasing

26. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE PURCHASING CARD AGREEMENT AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH SUNTRUST BANKCARD, N.A. IN

ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE CITY OF FORT LAUDERDALE CONTRACT #745-11328.

27. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE WITH SYSCO SOUTH FLORIDA, INC. AND CHEF MINUTE MEALS, INC., FOR THE EMERGENCY FOOD AND SUPPLY SERVICES SOUTHEAST FLORIDA COOPERATIVE AGREEMENT.

Town Attorney

28. **AGREEMENT AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE FIRST AMENDMENT TO THE SETTLEMENT AGREEMENT WITH BROWARD COUNTY FOR THE LITIGATION STYLED *CITY OF SUNRISE ET. AL. V. BROWARD COUNTY*; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Utilities

29. **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 WATER CONSERVATION INCENTIVES PROGRAM.
30. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING RENEWAL OF THE BID AWARDED TO KEMIRA WATER SOLUTIONS, INC. FOR A DISSOLVED SULFIDE REDUCTION AND ODOR CONTROL SYSTEM FOR THE UTILITIES DEPARTMENT.
31. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID FOR REHABILITATION OF TREATMENT UNIT #3 AWARDED BY THE TOWN OF DAVIE, FLORIDA (B-15-32).
32. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE RENEWAL OF THE BID FOR ELECTRICAL MAINTENANCE AND REPAIR SERVICES AWARDED BY BROWARD COUNTY, FLORIDA (BID NO. Y1109311B1).
33. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID FOR A TEN INCH (10”) SUBMERSIBLE PUMP AWARDED BY ORANGE COUNTY, FLORIDA (CONTRACT #Y11-1006).
34. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE CONTRACT AWARDED BY THE NATIONAL JOINT POWER ALLIANCE (NJPA), CONTRACT #071415-GGI, FOR CONSTRUCTION CONTRACTING SYSTEMS AND RELATED SERVICES.

Quasi-Judicial Consent Items

35. **Site Plan SP 13-021, Davie Christian Academy**, (6590 SW 39th Street, zoned RAC-TC)
36. **Site Plan SP 16-058, CubeSmart**, (5600 S. University Drive, zoned CC)

37. **Site Plan SP 15-103, Parkway Christian Early Childhood Learning Center**, (1200 South Flamingo Road, zoned CF) (see related item #38)

38. **AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ACCEPT AN AMENDMENT TO THE PREVIOUSLY APPROVED DECLARATION OF RESTRICTIONS SIGNED BY PARKWAY CHRISTIAN CHURCH OF DAVIE ON MAY 9, 2001 AND ACCEPTED BY TOWN COUNCIL BY ORDINANCE ON JUNE 6 2001; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 16-149 Parkway Christian Church, 1200 South Flamingo Road, zoned CF) (see related item #37)

## **VI. DISCUSSION OF CONSENT AGENDA ITEMS**

### **8. FIRE PROTECTION ASSESSMENT**

Councilmember Caletka stated he would register a protest vote.

Vice-Mayor Luis made a motion, seconded by Councilmember Starkey to approve. In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

### **16. PACE CLEAN ENERGY PROGRAM**

Councilmember Caletka recommended they opt out because of the number of fees totaling \$555. The interest rate was also 8%, and a homeowner could get an unsecured loan for 6.9%. In the PACE program, interest was compounded monthly, but only one payment was made per year, so the interest was not being paid off monthly as with a conventional loan. Councilmember Caletka had remarked to the PACE administrator that this seemed like a bad deal and the administrator had admitted it was “for people who can’t afford to do this any other way.” The administrator stated they intended to discontinue the 5% pre-payment penalty. Councilmember Caletka wondered where they would draw the line; he felt the tax bill should be for property taxes, not for zero-risk loans for outside entities.

Raphael Perez from Ygrene Energy Fund, the company that provided PACE funding, said “people at all spectrums use this” and their current rate was 6.4% for 5 years and 7.08% for 20 years. He said they advised people to talk to their banks first. He explained they did not pay contractors until the municipality inspected the completed the work and the property owner signed a closing statement. He said most of the loans were for windows and roofs, which helped homeowners reduce their insurance payments. The money they saved on insurance helped pay off the loan.

Davesh Nirmul, Renew Financial, said their program had no prepayment penalties. He pointed out that their process assured greater consumer protection than other financing options; they trained contractors in implementation and ensured fair pricing.

Mayor Paul noted the program was voluntary and all but one member of the Town’s Environmental Board had voted in favor of it. She wanted to make it available to people who wanted it. Councilmember Starkey said these improvements did not provide much return to homeowners, since the improvements stayed with the house. When selling the home, its value could be increased by the improvement and insurance savings would be provided the current and future owners. Councilmember Starkey said she had been following the program for a couple of years and was glad it had come to Broward.

Vice-Mayor Luis made a motion, seconded by Councilmember Starkey to approve. In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

### **37. Site Plan SP 15-103, Parkway Christian Early Childhood Learning Center**

Mayor Paul wanted to ensure the item was adopted with the condition.

Vice-Mayor Luis made a motion, seconded by Councilmember Starkey to approve, with the condition of the traffic study and stacking analysis to the site plan. In a voice vote, all voted in favor. (Motion carried 5-0)

## **VII. PUBLIC HEARING**

### Ordinance (Second and Final Reading)

39. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE FOLLOWING SECTIONS OF CHAPTER 12, LAND DEVELOPMENT CODE: ARTICLE III, USE REGULATIONS, SEC. 12-32, PERMITTED USES; SEC. 12-33, GENERAL REGULATIONS; SEC. 12-34, STANDARDS FOR SPECIFIC USES; ARTICLE IV, DISTRICT PERFORMANCE STANDARDS AND CAPACITY ANALYSIS; ARTICLE V, DEVELOPMENT STANDARDS; ARTICLE VI, SITE LANDSCAPING; CREATING THE FOLLOWING DIVISIONS WITHIN ARTICLE VI: DIVISION 1, LANDSCAPING, DIVISION 2, PREVENTION OF TREE ABUSE, DIVISION 3, TREE PRESERVATION, REMOVAL AND RELOCATION; AND DIVISION 4, CLEARING AND GRUBBING OF LAND; AMENDING ARTICLE VII, PARKING; AMENDING ARTICLE VIII, SIGNS, LIGHTING; AMENDING ARTICLE X, PLANNING AND DEVELOPMENT; ARTICLE XI, DEVELOPMENT REVIEW PROCEDURES; ARTICLE XII, SUBDIVISIONS AND SITE PLANS; ARTICLE XIII, SPECIAL PLANNING AREAS AND DISTRICTS, DIVISION 11, REGIONAL ACTIVITY CENTER, SEC. 12-438.15. - SUPPLEMENTAL REGULATIONS (CONCERNING DRIVE-THROUGH BUSINESSES); ARTICLE XIV, DEFINITIONS; REPEALING CHAPTER 26 VEGETATION; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on first reading on June 8, 2016. In a roll call vote: Mayor Paul - yes; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Hattan - yes; Councilmember Starkey - yes. (Motion carried 5-0)}**

Mr. Rayson read the ordinance by title.

Mayor Paul opened the public hearing portion of the meeting.

Matthew Goode inquired if this ordinance would lift the moratorium imposed last year on changes of use for existing day care facilities. He also wanted to know if Council would entertain variance requests, particularly regarding setback requirements.

David Quigley, Planning and Zoning Manager, confirmed this ordinance would lift the Zoning in Progress that was in place. He said the review of variances was site-specific.

Anker Pearce, Fort Lauderdale resident, said the Lauderdale Isles Civic Association was very concerned about activity on the south bank of the North New River Canal. He felt the restrictions should be tighter and not allow any painting or refinishing to any part of a vessel: hull, deck, topside or interior.

Mr. Quigley and Mr. Rayson agreed the language could be changed to indicate that “work shall not involve painting or refinishing to any aspect of a vessel.”

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

Councilmember Caletka made a motion, seconded by Councilmember Hattan to approve, with the amendment that in the B-2N District, section D, the sentence containing “shall not involve painting or refinishing” be amended to say include “...to any aspect of the vessel.” All other language would be retained. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Luis - yes; Councilmember Hattan - yes; Councilmember Caletka - yes; Councilmember Starkey - yes. (Motion carried 5-0).

*Ordinances First Readings (Second and Final Reading to be held on August 3, 2016)*

40. **BUDGET AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE ESTIMATED REVENUES AND APPROPRIATIONS FOR FISCAL YEAR 2016; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rayson read the ordinance by title and indicated the second reading would be held on August 3.

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

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

41. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 12, ARTICLE X, DIVISION 1, SECTION 12-309, CODE OF ORDINANCES TITLED, "REVIEW FOR VARIANCES", PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rayson read the ordinance 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 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 Luis - yes; Councilmember Hattan - yes; Councilmember Caletka - yes; Councilmember Starkey - yes. (Motion carried 5-0).

42. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 12, ARTICLE XII, DIVISION 3, SECTION 12-371, CODE OF ORDINANCES TITLED, "SITE PLAN REVIEW", PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rayson read the ordinance 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.

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

43. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 25, ARTICLE III, SECTION 31, CODE OF ORDINANCES TITLED, "WATER AND SEWER LIENS", PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rayson read the ordinance by title and Mayor Paul indicated the second reading would be held on August 3.

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

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

44. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING ARTICLE XVIII, ALCOHOLIC BEVERAGES, OF CHAPTER 12, LAND DEVELOPMENT CODE; REPEALING CHAPTER 3; ALCOHOLIC BEVERAGES; REPEALING SECTION 12-34(C), ALCOHOLIC BEVERAGE ESTABLISHMENTS; PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rayson read the ordinance by title and Mayor Paul indicated the second reading would be held on August 3.

Mayor Paul opened the public hearing portion of the meeting.

Heather Mahoney, Hollywood resident, said she was in favor of this amendment because of the impact it would have on businesses.

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

Mr. Quigley confirmed that "almost any kind of dimensional criteria could be changed through a variance, including alcoholic beverage distance."

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

45. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 7, ARTICLE I, SECTION 3, CODE OF ORDINANCES TITLED, "USE AND STORAGE OF FIREWORKS", PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rayson read the ordinance by title and Mayor Paul indicated the second reading would be held on August 3.

Mayor Paul opened the public hearing portion of the meeting.

Patricia Taney, Weston resident, said she was in the fireworks industry and asked how this would affect their business.

Mr. Rayson explained this ordinance concerned the use of fireworks.

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

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

46. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CREATING CHAPTER 7, ARTICLE I, SECTION 3.1, CODE OF ORDINANCES TITLED, "SALE OF SPARKLERS AND FIREWORKS", PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Rayson read the ordinance by title and Mayor Paul indicated the second reading would be held on August 3.

Mayor Paul opened the public hearing portion of the meeting.

Patricia Taney, Weston resident, said the State did not allow fireworks vendors to sell aerials and this amendment would prevent her from selling fireworks that were allowed by the State but would not prevent people from purchasing aerials elsewhere. This would only negatively affect Ms. Taney's business and employees. She asked Council to consider this before amending the ordinance.

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

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

Quasi-Judicial Public Hearing Items

Ordinance – Second and Final Reading

47. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING APPLICATION ZB15-312 DAVIE JUNCTION, CHANGING THE ZONING DESIGNATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AGRICULTURAL (A-1) TO MEDIUM-HIGH DENSITY DWELLING (RM-12 RM-10) DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on first reading on June 8, 2016. In a roll call vote: Mayor Paul - yes; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Hattan - yes; Councilmember Starkey - yes. (Motion carried 4-1)}**

Mr. Rayson reported that for items 47, 48 and 49, the quasi-judicial procedures had been waived.

Mr. Rayson read the ordinance 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.

Councilmember Hattan made a motion, seconded by Vice-Mayor Luis to approve. In a roll call vote, the vote was as follows: Mayor Paul - yes; Vice-Mayor Luis - yes; Councilmember Hattan - yes; Councilmember Caletka - no; Councilmember Starkey - yes. (Motion carried 4-1).

Resolutions

48. **VARIANCE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING VARIANCE APPLICATION V16-097 TRIPP, AND PROVIDING AN EFFECTIVE DATE. (Variance V16-097, Tripp, 4850 SW 61st Avenue, zoned A-1).

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.

Councilmember Caletka said these plans augmented the property and would be fitting for the neighborhood.

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

49. **VARIANCE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING VARIANCE APPLICATION V16-102 WALKER, AND PROVIDING AN EFFECTIVE DATE. (Variance V16-102, Walker, 9821 SW 15<sup>th</sup> Drive, zoned R-5).

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

## **VIII. APPOINTMENTS**

50. Committee/Board Vacancies and Appointments  
None.

## **IX. COMMITTEE RECOMMENDATIONS**

None.

## **X. OLD BUSINESS**

None.

## **XI. NEW BUSINESS**

None.

## **XII. SCHEDULE OF NEXT MEETING**

51. Cancel Second Meeting In November (November 16, 2016)

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

52. Cancel Second Meeting in December (December 21, 2016)

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

Mr. Lemack asked Council to consider a date for a CIP items related to the proposed infrastructure/transportation surtaxes. Mr. Holste wished to schedule prior to the August 17 Council meeting. Council agreed to August 17 at 5:30.

Mayor Paul left the dais temporarily.

Councilmember Caletka made a motion, seconded by Councilmember Starkey to schedule a workshop regarding CIP items related to the proposed infrastructure/transportation surtaxes for August 17 at 5:30. In a voice vote, with Mayor Paul absent from the dais, all voted in favor. (Motion carried 4-0)

## **XIII. MAYOR/COUNCILMEMBER'S COMMENTS**

### **COUNCILMEMBER CALETKA**

**NATIONAL ASSOCIATION OF REGIONAL COUNCILS.** Councilmember Caletka announced he had been elected to serve on the Council's board of directors representing Florida and Georgia. This would cause him to attend Council's second September meeting by phone. He assured everyone that his travel would not be paid for by the Town.

### **COUNCILMEMBER STARKEY**

**OWL GUARDIAN AWARD FOR PROJECT PERCH.** Councilmember Starkey announced she had accepted the award, given to Mark Collins, Director of Public Works, Tim Lee, Urban Forester and herself. She had attended a meeting at Long Key Reserve recently regarding the success of the relocation project for burrowing owls from Fort Lauderdale Airport. Most of the owls had settled into their new site and were digging burrows, finding mates and producing offspring. The airport reported that owl strikes on planes had stopped. There were four more owls that needed to be relocated and the Town was considering putting them in Owls' Lookout Park.

**SOROPTIMISTS INTERNATIONAL MEETING.** Councilmember Starkey said they had discussed the Pace for Girls program that helped young women get a new start.

### **COUNCILMEMBER HATTAN**

**SEAFOOD FESTIVAL.** Councilmember Hattan had attended the festival and said the food was

great, the vendors were wonderful and it was well-attended.

**HUG A COP.** Councilmember Hattan had gone to the briefing room and brought the police pies and treats, given them hugs and told them to be safe.

**CONCERT IN THE PARK.** Councilmember Hattan reported the most recent concert had been very entertaining.

**COLUMBIAN FESTIVAL.** Councilmember Hattan had attended and said the entertainment had been very exciting, and the event was very well-attended and well-received.

**TEA WITH BARBIE.** Councilmember Hattan informed everyone that Councilmember Starkey would be Barbie at the Tea with Barbie event at the Old Davie School this weekend.

#### **VICE-MAYOR LUIS**

**HEAT STROKE AND ANIMALS.** Vice-Mayor Luis reminded everyone to protect their animals from the heat.

#### **MAYOR PAUL**

**LETTER TO BUSINESS OWNERS.** Mayor Paul distributed copies of a letter she had written that had been included with businesses' tax receipt information. In the letter, she told businesses how important they were and provided information on: joining the Chamber of Commerce, the Joseph Montopoli Memorial Golf Tournament and the Fun Day at Mirando Farms on October 22.

**SAVE THE NATIONS CHURCH.** Mayor Paul had received a request from the church for Council to attend the church on August 14 for "Law Enforcement Encouragement Sunday."

**MAYORS' GALA.** Mayor Paul had received a letter announcing the Mayor's Gala celebrating Broward County Mayor Martin Kiar and asking them to nominate a veteran or a veteran's family who had lost a loved one. Mayor Paul felt this would be a good way to honor the Mancini family in honor of Curtis, who had been lost.

**THANK YOU LETTER FROM WILTON MANORS MAYOR GARY RESNICK.** Mayor Paul recalled that after the Orlando nightclub shooting, Davie had sent police officers to Wilton Manors during their Stonewall Parade and Street Festival. The letter indicated that more than 130 officers had assisted Wilton Manors during the event.

**SEMINOLE TRIBE MEETING.** Mayor Paul said the Tribe had recently made changes to their utility lines, and since their lines were connected to the Town's water infrastructure, Mr. Lemack had requested a meeting to better understand their intentions. The Tribal Council had invited Mayor Paul to attend the meeting as well. The Tribe explained that the water line was intended to enhance their fire suppression. They agreed to bi-annual meetings with the Town to monitor the utility. Future discussions on metering the outflow for Davie and increases in interconnects would be held. Mayor Paul said they had also discussed the 10-acre parcel at Stirling Road and the Turnpike and the Tribe stated they intended to use it for residential development. They wanted to retain the municipal service to the property and were therefore seeking to put the site in a trust. The Town had expressed their concerns about putting the land in a trust and had discussed other options that would allow the Town to maintain existing zoning and taxes while allowing the Tribe to provide its own police and fire services. Mayor Paul reported the Tribe was very eager to hear more about this and other options that would avoid the land trust. The Tribe intended to submit development plans to the Town soon. Regarding the Hard Rock Hotel and Casino, the Tribal Council had advised that nothing would happen on the property until April 2018. Regarding the old Farmers' Bureau building, the Tribe proposed it would be used for a medical clinic and offices and had no plans to place this property in trust. Mayor Paul said the parcel at 58<sup>th</sup> and Stirling Road would be fine for a shopping center and the Tribe mentioned they may follow that plan in the future and had no interest putting that parcel into a trust. Mayor Paul stated the Town intended to memorialize the discussion in a letter to the Tribe.

**XIV. TOWN ADMINISTRATOR'S COMMENTS**

**SOUTHWEST RANCHES FIRE CONTRACT EXTENSION.** Mr. Lemack requested an extension to November 1, 2016, as he believed they could conclude negotiations by then. Council agreed.

**BICYCLE CLUBS AND SAFETY.** Assistant Police Chief Keith Dunn said they had received complaints about riders grouping up and impeding the flow of traffic on Town roads. He said this was a regional issue, not just a Town issue. He had met with Commander Butler of the Broward Sheriff's Office to put together a combined enforcement blitz in Davie, Cooper City, Southwest Ranches, Weston and Sunrise. They had already visited local bike shops and officers intended to visit cycling groups to distribute an educational flyer about the problem. He hoped this would result in voluntary compliance and avoid going into enforcement mode. On Monday, Sergeant Prichard would meet with the Broward County Traffic Magistrate to ensure that citations would be taken seriously. Mayor Paul stated Town staff was compiling documentation on the large number of people involved in this. Mayor Paul felt it was too late for education; she felt the cyclists knew the law and ignored it. Mayor Paul said these rides were advertised on the Internet and drew hundreds of people and she wanted to explore making the bike clubs apply for a parade permit when they rode through Town.

**MOUNTED UNIT.** Chief Dunn gave a presentation on two new mounted unit horses: Buddy and Red, who were acclimating well.

**ROBBINS LODGE PLAYGROUND.** Mr. Lemack showed Council photos of the Robbins Lodge playground.

**XV. TOWN ATTORNEY'S COMMENTS**

None.

**XVI. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 8:22 pm.

Approved \_\_\_\_\_

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

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