

**TOWN COUNCIL  
WORKSHOP  
JANUARY 6, 2010**

**1. CALL TO ORDER**

The meeting was called to order at 6:47 p.m.

**2. ROLL CALL**

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

**3. UNIPROP**

Mr. Rayson described the Uniprop settlement with the Town and stated the settlement was justified. He explained they had negotiated a \$30,713.28 settlement as a rebate to Uniprop for 9 months of 2009, and they may have a plan to convert them to commercial property, which would avoid this problem in the future.

Mr. Rayson explained to Councilmember Caletka that the Florida Supreme Court had made it clear that ordinances that apportioned assessment of a solid waste fee must be based on whether the property was generating solid waste or was capable of generating solid waste. Councilmember Caletka noted that all residential properties paid waste management fees, whether someone was living in the house or not. Mr. Rayson said the assessment was based upon providing a service, which was based upon a number of dwelling units. He felt there was a flaw in this method, and vacancies should be built into the assessment.

Mr. Rayson recommended accepting the settlement, as this would avoid a lawsuit and result in a substantial savings for the Town. Councilmember Caletka thought this set a bad precedent. He stated, "We have a franchise fee from our collector that we collect, and it does go in for revenue uses, which you would argue is tax money. So, they are paying taxes, and that's what it is. Just because they didn't use it, I don't understand why the Town has to roll over for these people when it was just bad management that caused them to have the empty lots to begin with." Mr. Rayson responded that this was the law of the land and confirmed that this would not set a precedent.

Mr. Rayson believed they had a solution, which was to convert the way this property was assessed to a commercial pattern, thereby eliminating the problem.

Councilmember Caletka did not recall Council approving this settlement in an executive session.

Mr. Shimun stated Mr. Rayson was empowered to represent the Town in negotiations on Council's behalf; an executive session was not mandatory. He explained that when these properties were treated as commercial properties, Waste Management would bill the owner directly and the Town would no longer be involved.

Mr. Rayson explained that the suit had been served just days ago, and the claim had been pending for months. He had recommended moving forward, but they had not had a settlement to discuss until recently. The Item on the regular meeting Agenda would settle this, and resolve the issue from 2007 through 2009.

Councilmember Luis stated he backed Mr. Rayson's recommendation. Vice-Mayor Crowley agreed.

Assistant to the Town Administrator Kristi Caravella asked if the motion needed to speak to the lawsuit, or if Mr. Rayson had worked this out with Uniprop already. Mr. Rayson said he had not heard from Uniprop's attorney, but he recommended the motion include the condition that it would be contingent on dismissal of the lawsuit and a release from Uniprop to the Town of Davie.

**TOWN COUNCIL MINUTES  
JANUARY 6, 2010**

**4. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 7:00 p.m.

Approved \_\_\_\_\_

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Mayor/Councilmember

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Town Clerk