

**TOWN OF DAVIE
DISTRICT BOUNDARIES REVIEW BOARD MINUTES
SEPTEMBER 13, 2012**

1. ROLL CALL

The meeting was called to order at 6:01 pm.

Present at the meeting were Chair John Stevens, Vice-Chair Julie Aitkin, Mary Carlton, Michael Crowley, Donna Evans, Tom Gill, Ira Goldberg arrived at 6:00 p.m., Chris Love arrived at 6:22 p.m. and Leisa Saltzman. Roy Roberts was absent. Also present were Councilmember Starkey, Councilmember Hattan, The Mellgren Planning Group representative Scott Burton, and Assistant Town Clerk Evelyn Roig recording the meeting.

2. APPROVAL OF MINUTES

2.1 August 30, 2012 Minutes

Ms. Evans stated councilmember should not be capitalized unless referring to a specific person.

Ms. Carlton said she had made a "big speech" about fair districts, but the reason for her speech had not been included in the minutes. The reason was "because there was a vote taken by the members at that meeting to instruct our consultant to make sure that the councilmembers were placed within a district; that vote was not in the minutes." Chair Stevens recalled that there had not been a formal vote; there had been agreement that none of the board members would agree to vote in favor of a document that had a councilmember moved outside of his/her district. Ms. Carlton insisted there had been a vote and Ms. Roig agreed to check the recording.

Mr. Crowley made a motion, seconded by Ms. Saltzman, to table the vote on the minutes to the board's next meeting. In a voice vote, motion carried 7-0.

3. PRESENTATION

3.1 Plan 2(A) & Plan 2(B)

Mr. Burton referred to the district map Plan 2(A) with the modifications suggested by Board members. He remarked that the new configuration fit the population equality test and preserved the communities of interest the Board had cited at the previous meeting. Mr. Burton distributed a compactness analysis document and explained that there was an overall average of 27%. The existing compactness average was 25%. Ms. Aitken had done her own research and pointed out two communities - Arrowhead and Nova Villages - that had been split in the previous proposed map that would now be reunited in Plan 2(A).

Ms. Aitken made a motion, seconded by Ms. Carlton to submit Plan 2 (A) to Council for their review and consideration. In a voice vote, motion carried 7-0.

Ira Goldberg arrived at 6:11 p.m.

Mr. Burton referred to the district map Plan 2 (B) with the modifications suggested by Mr. Love. Chair Stevens pointed out that a significant portion of land east of Flamingo Drive had been taken from district 3 and added to District 4. Mr. Burton explained that while the geographic area was large, the population was small. He said he had considered the agricultural use of the area east of Flamingo Drive as described by Mr. Love. Chair Stevens stated Mr. Burton had received several requests for changes from board members by email. He recommended the board address changes at their meetings, and only forward requests on which the board had voted.

Chair Stevens made a motion, seconded by Ms. Saltzman to direct Mr. Burton not to take direction in the preparation of a plan without the direction of the full Board. In a voice vote, motion carried 8-0.

Chris Love arrived at 6:00 p.m.

Ms. Aitken noted that Plan 2 (B) was not as compact as Plan 2 (A) and asked about the standards for compactness. Chair Stevens asked for a summary of the various aspects the Board was supposed to consider. Mr. Burton said the Town's charter and Florida Statute required the districts to be drawn contiguously, with as equal population as was practical. He stated the driving force was "one person, one vote" and the equal protection clause was the most defensible criterion, so population equality was the number one goal. The second priority was compactness and contiguity and communities of interest. He said the problem was that communities of interest had yet to be clearly defined by the courts. Ms. Aitken referred to a Supreme Court decision and she had interpreted it to mean that: 1. communities of interest should not dominate the compactness argument and 2. They should not do anything that favored or disfavored an incumbent.

Ms. Saltzman pointed out that because of the difference in population density in districts 3 and 4, their compactness was different. Ms. Aitken said recent Florida law was more stringent than Federal law regarding redistricting. Mr. Burton reiterated that population equality was the number one priority. He stated P

Plans 2, 2(A) and 2(B) were within 2 percentage points regarding compactness. Ms. Carlton asked if the Town's charter required them to follow the Florida State Statutes and Chair Stevens stated they were required to follow State law. Ms. Carlton pointed out that if Mr. Burton followed the board's wish expressed at the previous meeting to form districts around existing councilmembers, this defied State statute. Mr. Love said the Town's charter as a whole fell under State law, so it did not need to state specifically that the redistricting was following State law. Ms. Carlton argued that therefore, the board could not give the consultant a direction to form districts around the existing councilmembers. Chair Stevens insisted they had not. He said he had indicated that he personally would not "vote for a plan that took a current-seated councilmember out of their district." Ms. Carlton recalled that Mr. Burton had stated that he knew that any plan he submitted that did not include keeping current councilmembers in their districts would be rejected.

Ms. Aitken made a motion, seconded by Mr. Love to present Plan 2(B) to Council for review and consideration.

Mr. Crowley pointed out that Long Lake Estates was being severed into two districts. Chair Stevens felt Plan 2(A) was the better plan.

In a show of hands vote, motion carried 5-4. (Dissenting votes were Leisa Saltzman, Tom Gill, and John Stevens)

3.2 Plan 3(A) & Plan 3(B)

Mr. Burton displayed a map for Plan 3(A) reflecting the change suggested by the Board at the previous meeting. Ms. Aitken noted that this plan split Arrowhead and Nova Villages. The Board discussed where the boundaries were. Mr. Burton said he would make additional modifications by the following Monday.

Chair Stevens made a motion, seconded by Mr. Goldberg to direct the consultant to make the modification to include all sub-associations in the district and send the Board a revised plan that would be moved forward if it met population criteria.

Chair Stevens withdrew his motion.

Chair Stevens made a motion, seconded by Ms. Aitken to table Plan 3(A). In a voice vote, motion carried 9-0.

Mr. Burton described the map for Plan 3(B) reflecting changes suggested by the board at the previous meeting. Chair Stevens felt that moving the Nova Communities back into District 1 in Plan 3(B) might substantially reduce the population variance.

Ms. Aitken opposed Plan 3(B) on the grounds it was not compact. She felt that Plans 3(A) and 3(B) failed completely regarding compactness on a geographical basis. Mr. Burton stated the Plan 3(B) was only 1% different from the existing map regarding compactness. Mr. Love noted that there was a real challenge in configuring tightly contiguous districts in Davie. Mr. Crowley said he would prefer that Nova be kept together and noted that Plan 3(B) severed Long Lake Estates.

Mr. Crowley made a motion, seconded by Ms. Aitken to deny Plan 3(B). In a voice vote, motion carried 9-0.

3.3 Plan 5

Mr. Burton described Plan 5 and explained how he had determined compactness. Mr. Crowley objected to this plan, except for the Nova connection in district 1. Mr. Stevens did not like this plan either, but suggested this line be included in Plan 3(A) to reflect the board's desired demarcation.

Ms. Aitken made a motion, seconded by Mr. Love to withdraw Plan 5. In a voice vote, motion carried 9-0.

Chair Stevens wanted Plan 3(A) to be presented if it met the population standard and if the Nova communities were drawn as in Plan 5. Mr. Crowley wanted to be sure that the Nova communities north and south of Nova were connected. Chair Stevens explained to Mr. Burton how to alter the configuration of Plan 3(A) and Mr. Burton described the impact the change would have on population distribution. Ms. Aitken opposed this proposal because Pine Island Ridge was much more like district 2 than district 1. She also felt the proposal lacked compactness.

The Board discussed different configurations.

Mr. Crowley made a motion, seconded by Ms. Aitken to withdraw Plan 3(A). In a voice vote, motion carried 7-2.

Mr. Crowley left the meeting at 7:17.

4. MEETING SCHEDULE

The Board agreed their next meeting would be on September 27.

5. OLD BUSINESS

None.

6. NEW BUSINESS

Ms. Saltzman made a motion, seconded by Mr. Goldberg to leave the district boundaries as they were. In a show of hands vote, motion **failed** 4-4.

7. ITEMS FOR NEXT AGENDA

Karen Stenzel-Nowicki reiterated that "Any plan that does not correct the gerrymandering done in 2007 I will vigorously fight." She thanked the Board for submitting Plan 2 and its variations.

8. ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 7:23 p.m.