

**TOWN OF DAVIE  
REGULAR MEETING  
FEBRUARY 11, 2016**

**I. PLEDGE OF ALLEGIANCE**

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

Mayor Paul spoke about Fire Chief Joseph Montopoli's recent passing. She stated Rep. Katie Edwards had requested a moment of silence on the floor of the Florida House of Representatives recently and Mayor Paul showed a video with Rep. Edwards' remarks.

Mayor Paul announced Michael Donati, former Davie Fire Chief, and Bob Gillespie, a Kiwanis Club member, had also passed away recently.

**II. ROLL CALL**

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

**III. OPEN PUBLIC MEETING**

Arthur Joseph expressed his condolences to Chief Montopoli's family.

Stuart Dodd, Lauderdale-By-The-Sea Commissioner, cautioned the Council about pet shops and puppy mills. He said puppy mills were getting around ordinances by registering as hobby breeders. Mr. Dodd requested a total ban on the sale of puppies unless they were from registered rescue organizations. Councilmember Caletka recalled that the Town had considered a ban two years ago but had waited to see the result of legal actions elsewhere. He reported bans had prevailed at every level and he wished to move forward now.

David Oakes, Old Davie School, thanked the Council for their support. Councilmember Hattan asked Mr. Oakes to work toward getting a new driveway and a new sign with a light at the entrance. Mr. Oakes said a board member was already working this.

Debra Roth related her experience with a puppy she had bought at a Petland store in Pembroke Pines who died of Parvo. She said there were many complaints against Petland for sick puppies and she had refused a settlement because this would have required her to sign a non-disclosure agreement. Councilmember Caletka asked Mr. Rayson to draft an ordinance regarding pet sales mirroring Deerfield Beach's, to be considered by Council at their first meeting in March.

Don Anthony, Communications Director for the Animal Rights Foundation of Florida, recalled Council's previous consideration of an ordinance two years ago. He described the deplorable conditions at puppy mills. Mr. Anthony discussed the successful ordinances many municipalities had passed that had withstood legal challenge and asked Council to move forward with an ordinance.

Mayor Paul sent Council's best wishes to Mark Collins, Director of Public Works and Don Bayler, Utilities Director, whose wives had recently fallen ill. Mayor Paul introduced the Town's new Assistant Public Works Director, Osdel Larrea, who had 13 years' experience.

**IV. PRESENTATIONS**

1. Plaque Award to the Town and Officer Brito for Police Department Vehicle Best Sedan Design/August 2015 Law & Order Magazine, Police Chief Patrick Lynn  
Assistant Police Chief Keith Dunn presented the plaque to Officer Brito.

2. First Quarter Financial Results for FY 2016, William Ackerman Budget and Finance Director

Mr. Ackerman provided the presentation. He stressed they were not using one-time revenue sources for operational or personnel purposes. He described the distribution of General Fund revenues and expenses. Mr. Ackerman said all departments except Risk were at or under budget. He said they would continue monitoring revenue and spending. They would move forward with budget amendments for Police and Fire once the FOPA contract was approved.

3. Guardian Ad Litem Program, Laura Davis, Recruiter

Ms. Davis described the program's activities on behalf of the children. She asked residents and business owners to volunteer in the program.

4. Old Davie School, Leslie Schroeder, Executive Director

Ms. Schroeder thanked Council for their support. She presented Town employee Joe Jimenez with a plaque and thanked him for all the work he had done helping with a boy scout project.

5. Orange Blossom Festival, Jeff Pohlman Parks, Recreation and Cultural Arts Operations Manager

Mr. Pohlman said the fourth annual James B. Pirtle Memorial Golf Tournament would begin with an afternoon shotgun start at 1 p.m. Friday. There would be a \$100,000 hole-in-one contest at the 15<sup>th</sup> hole, a helicopter golf ball drop/raffle, golf shirts and food and beverages provided. The Orange Blossom kickoff concert would begin at the Old Davie Schoolhouse at 6:30. The Orange Blossom Festival would be Saturday and Sunday and would include Kids Corner, Petting Farm, arts and crafts vendors, Cowboy Town display, Native American displays and great food. Mr. Pohlman related the many events scheduled over the course of Saturday and Sunday. The Orange Blossom Rodeo would begin at 7:30 p.m. on Saturday and at 2:00 p.m. on Sunday.

Mayor Paul recognized that former State Representative Gus Barrero was present.

Mayor Paul noted that February was Black History Month.

Mayor Paul recognized the career of Herb Hyman, Procurement Manager and announced he would retire on February 26. She presented him a plaque of appreciation for 30 years of service. Mr. Hyman thanked the Council for their support and confidence and thanked fellow employees for their wisdom, guidance and leadership. He thanked his staff and coworkers for their help and cooperation.

Mayor Paul pulled Item 10 from the Consent Agenda.

Councilmember Hattan made a motion, seconded by Vice-Mayor Starkey to approve the Consent Agenda, less item 10. In a voice vote, all voted in favor. (Motion carried 5-0)

## V. APPROVAL OF CONSENT AGENDA

### *Resolutions*

#### Administration

1. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE ANY DOCUMENTS RELATED TO THE AMENDMENT OF THE NON-VEHICULAR ACCESS LINE FOR THE SHENANDOAH SECTION THREE PLAT APPROVED THROUGH RESOLUTION 2013-252; ALLOCATING \$94,524 FROM THE FIRE STATION 86 PROJECT TOWARDS THE IMPROVEMENTS OBLIGATIONS IDENTIFIED IN THE INSTALLATION OF REQUIREMENT IMPROVEMENTS AGREEMENT BETWEEN THE TOWN OF DAVIE AND BROWARD COUNTY

APPROVED THROUGH R2015-163; AND PROVIDING FOR AN EFFECTIVE DATE.

Fire

2. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FROM CHANNEL INNOVATIONS CORP. BID NO. B-16-52 FOR THE PURCHASE OF AN AIR COMPRESSOR SYSTEM FOR SCBA/SCUBA EQUIPMENT AND PROVIDING FOR AN EFFECTIVE DATE.

Parks & Recreation

3. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH THE FIRM OF C & F FARMS d/b/a MARANDO FARMS TO PROVIDE MANAGEMENT OPERATIONS AND SERVICES FOR A FARMERS MARKET AT THE DAVIE FARM SITE, FORMERLY KNOWN AS BATTEN'S FARM.
4. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND LITTLE CRITTERS CORRAL, INC., TO PROVIDE CATTLE GRAZING SERVICES FOR GOVERNOR LEROY COLLINS FARM PARK AND ROBBINS LODGE PRESERVE.
5. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR TO ACCEPT THE SOLE SOURCE BID FROM SYMBIONT SERVICE CORPORATION IN THE AMOUNT OF \$35,406.75 FOR TWO GEO THERMAL HEATING/COOLING UNITS FOR THE PINE ISLAND SWIMMING POOL.

Police

6. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE POLICE DEPARTMENT TO PURCHASE SEVEN (7) MOTOROLA APX6000 PORTABLE RADIOS AND ACCESSORY EQUIPMENT FROM MOTOROLA SOLUTIONS INC. IN THE AMOUNT OF \$30,510.27 UTILIZING THE BROWARD SHERIFF OFFICE MASTER CONTRACT #121746.
7. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE USE OF \$49,257.42 FROM THE FEDERAL FORFEITURE FUND FOR THE PURCHASE OF EQUIPMENT FOR THE SPECIAL RESPONSE TEAM FROM FIVE (5) VENDORS (FLORIDA GUN CTR.INC./ P.PINES PD CONTRACT#14-11, CLYDE ARMORY, INC./ GSA#GS-07F-163AA, TACTICAL & SURVIVAL SPECIALTIES, INC./ GSA #GS-07F-016DA, DEFENSE SOLUTIONS INC./ GSA#GS-07F-6007R AND LAWMEN'S & SHOOTERS' SUPPLY INC.)

Public Works

8. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN TO PIGGY-BACK THE CITY OF PLANTATION BID ITB NO. 041-14 FOR STORM DRAINAGE REPAIR SERVICES FROM LAYNE INLINER, LLC AND PROVIDING FOR AN EFFECTIVE DATE.
9. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID FROM EAST COAST BUILDERS AND DEVELOPERS

CORPORATION FOR THE OLD DAVIE SCHOOL ELEVATOR REPLACEMENT BID NUMBER B-16-37 FOR A TOTAL OF \$59,980.00 AND PROVIDING FOR AN EFFECTIVE DATE.

Quasi-Judicial Consent Items

10. **Site Plan (SP) 15-100, Atlantic Montessori Charter School**, (2550 Flamingo Road, zoned CF). (tabled from January 20, 2016)(see related item #12)

**VI. DISCUSSION OF CONSENT AGENDA ITEMS**

Item 10 was discussed with item 12.

**VII. PUBLIC HEARING**

Resolution

11. **CAPITAL IMPROVEMENT PLAN** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE THIRD AMENDMENT TO THE 10-YEAR CAPITAL IMPROVEMENTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2016-2025; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Paul stepped away from the dais.

Mr. Rayson read the resolution by title.

Vice-Mayor Starkey opened the public hearing portion of the meeting. As no one spoke, Vice-Mayor Starkey closed the public hearing portion of the meeting.

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

Quasi-Judicial Public Hearing

12. **VARIANCE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING VARIANCE APPLICATION "V 15-192 ATLANTIC MONTESSORI CHARTER SCHOOL," AND PROVIDING FOR AN EFFECTIVE DATE. (V15-192, 2550 South Flamingo Road, zoned CF) (tabled from January 20, 2016)(see related item #10)

Mr. Rayson read the resolution by title and stated the quasi-judicial process had been waived. David Quigley, Planning and Zoning Manager, invited questions.

Hope Calhoun, attorney for the applicant, entered all documents from the previous meeting into evidence. She also presented an additional 127 letters of support from Davie residents.

Ms. Calhoun spoke to the criteria for a variance:

a. There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of such land or building for which the variance is sought, and that alleged hardship is not self-created by any person having an interest in the property.

Ms. Calhoun referred to State Statute 1002.33 (18)(a) that stated a local government may not impose any local building requirements or site development restrictions that were more stringent than those in the Florida Building Code. Local governments must also treat charter schools equitably compared to public schools. Ms. Calhoun believed there were public schools in the Town that were close to existing residential properties or residentially zoned property.

b. The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.

Ms. Calhoun said this was the minimum variance needed to allow the building to operate as a charter school.

c. That granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Ms. Calhoun stated they would discuss traffic impacts and explain how this was not injurious to the neighborhood. She stated her client was willing to place restrictions on the property and she had included these in a declaration of restrictive covenants:

- Maximum enrollment of 240
- Staggered pick-up and drop-off times
- Closing access points during peak hours
- Staff will manage traffic
- Designated employee parking that would not impact queuing lanes
- Upon reaching 180 students, an operational study would be conducted regarding pick-up and drop-off traffic
- Conduct a traffic signal warrant analysis
- Hire a trained traffic controller

Mark Rickards, planner from Kimley Horn and Associates, remarked on the unique shape of the building, a beehive, which was helpful to the Montessori teaching method. He said it was common for older development that predated current code to need a variance to allow existing conditions to remain. Mr. Rickards said they should consider the intent of the code, particularly the setback for a school, which he believed related to noise reduction. He noted if the building were brought back to the 75-foot mark, it would be “an expanded outdoor playground” which he believed would be the opposite of what the code intended.

Chris Hagen, traffic engineer with Kimley Horn and Associates, said regarding the criterion that granting the variance would not be injurious to the neighborhood, the Montessori with fewer than 250 students would represent a lower traffic impact than the previous daycare facility. He added that the daycare had no declaration controlling how it operated but they had a declaration as outlined by Ms. Calhoun earlier.

Juana Garcia, Atlantic Montessori Academy representative, recalled the process they had gone through to open this school. She reviewed the restrictions to which they had agreed. She asked Council to approve the variance request.

Councilmember Caletka asked where parking would be available for after school special events and Ms. Calhoun said they had 43 parking spaces and this met the parking requirements for Town code.

Mr. Quigley said staff had found that the application met none of the three variance criteria. He believed the hardship was self-created because they were aware there were conditions requiring compliance but the school believed the Town would help work them out. He said a different site could have been chosen.

Mr. Rayson had reviewed the State statute and agreed the law required charter schools to be treated the same as public schools. The Town code did not differentiate either, and specified that the setback must be a minimum of 75 feet from a residential parcel.

The Council discussed reopening the public hearing and Mayor Paul called for all those present who felt the school had met the variance criteria to stand.

Mayor Paul opened the public hearing portion of the meeting.

Elizabeth Gonzales, Director of Safety and Security for the school, said she had consulted on traffic and community control. She said it was imperative for the community to have a school that provided a state of the art learning environment.

Sunita Moses, representing the land owner, said the family had built this facility a long time ago and had been supported by the Town. She stated the needs of the community had changed and they would do whatever the Town wished to operate this facility here.

Otto Crump said he had two children in the school and asked Council to approve the variance

request. He stated they had addressed every concern.

Irina Nori discussed the importance of early childhood education. She said the school would probably be 90% Davie residents.

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

Councilmembers disclosed communications they had regarding this item.

Mayor Paul stated staff had determined the application did not meet any of the three variance criteria. Councilmember Caletka stated the declaration of restrictive covenants was nice but “there’s nothing really to hold the feet to the fire...” He noted a letter of objection from the adjacent property owner, showing the last variance criterion had not been met. Vice-Mayor Starkey talked about the benefits of Montessori schools but stated the request was inconsistent with the Town’s plans for the surrounding land uses. She said the parking issues would have a negative effect on the surrounding residents.

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

#### Quasi-Judicial Consent Items

10. Site Plan (SP) 15-100, Atlantic Montessori Charter School

Mr. Rayson confirmed that the cite plan could not be approved because the request did not meet the setback requirement.

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

### **VIII. APPOINTMENTS**

13. Committee/Board Vacancies and Appointments

Councilmember Luis appointed Danette Williams to the Budget Advisory Committee.

Vice-Mayor Starkey appointed Michael Bartlett to the Open Space Advisory Committee.

### **IX. COMMITTEE RECOMMENDATIONS**

Mayor Paul reported the recent joint meeting of several committees had resulted in unanimous approval for the Mirando Farms of Davie concept and wanted Council to move forward.

### **X. OLD BUSINESS**

None.

### **XI. NEW BUSINESS**

None.

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

Councilmember Caletka stated he would attend the March 23 Council meeting by phone.

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

#### **MAYOR PAUL**

**KEEP DAVIE KIDS IN DAVIE.** Mayor Paul thanked Mr. Gonzalez for pushing the program, which the Superintendent of Schools had not moved forward. She thanked School board members who had supported it. She hoped they could convince more School Board members to support it in the future.

**FLORIDA LEAGUE OF CITIES FLORIDA MUNICIPAL ACHIEVEMENT AWARDS AND MUNICIPAL YOUTH COUNCIL VIDEO COMPETITION.** Mayor Paul stated nominations were due by May 6 and wished to nominate the Town.

**THANK YOU NOTE.** Mayor Paul had received a note from the church food bank they had visited during the holidays.

**ORANGE BLOSSOM.** Mayor Paul said this was her favorite time of year and she hoped for good weather.

**CHIEF MONTOPOLI'S FUNERAL.** Mayor Paul said she was proud of how the Fire and Police Departments had handled the funeral. She noted the outpouring of love and admiration for Chief Montopoli.

#### **COUNCILMEMBER HATTAN**

**WHOLE FOODS ANNIVERSARY.** Councilmember Hattan said she had entered the chili cook-off at the store's one-year anniversary. She remarked on how bad the traffic was at the shopping plaza and wanted to look into providing another entrance.

**HAPPY BIRTHDAY.** Councilmember Hattan wished Councilmember Caletka Happy Birthday.

**PEACEFUL RIDGE.** Councilmember Hattan said donations were down because people believed the Town was providing them money, but this was not true. She encouraged people to donate to the facility. Mayor Paul clarified the Town had paid the boarding fees for the horses that had been rescued until they were adopted.

**ACT THEATER.** Councilmember Hattan announced later in the meeting that the theater was producing Death Trap on February 12, 13, 14, 19, 20 and 21 at Bamford.

#### **COUNCILMEMBER LUIS**

**CHIEF MONTOPOLI'S PASSING.** Councilmember Luis remarked on how nice the funeral had been. He said citizens saluted the funeral procession on the street and this was very touching. Councilmember Luis stated he would miss the Chief for a long time.

#### **VICE-MAYOR STARKEY**

**CHIEF MONTOPOLI'S PASSING.** She said the Fire Department had done an amazing job honoring Chief Montopoli. She stated he would be missed.

**ETHICS TRAINING.** Vice-Mayor Starkey thanked Alan from the Town Attorney's office for the enlightening ethics training.

**CHIEF MONTOPOLI RECOGNITION.** Vice-Mayor Starkey thanked Mayor Paul for attending when Rep. Edwards recognized Chief Montopoli in Tallahassee.

**QUARTERLY REPORT.** Vice-Mayor Starkey thanked everyone for the keeping the Town on financial track

**PALM RANCH APARTMENTS GRAND OPENING.** Vice-Mayor Starkey had attended the grand opening and remarked on the amenities and how the happy residents were.

**NOVA SOUTHEASTERN UNIVERSITY HONORS ACADEMY.** Vice-Mayor Starkey served on the academy and reported they were raising funds for scholarships. She provided sponsorship information to Councilmembers.

**OWLS.** Vice-Mayor Starkey reported the owls were doing very well.

#### **COUNCILMEMBER CALETKA**

**ONE CENT SALES TAX FOR INFRASTRUCTURE/TRANSPORTATION.** Councilmember Caletka reported the Broward Metropolitan Planning Organization subcommittee had made a motion that was rejected by the County Commission. County Commissioners on the MPO board had indicated at the meeting that "it is going to be in the best interest to move forward with the County getting all of the money" and had scheduled their discussion on the tax during Broward Days. Later in the meeting, Councilmember Caletka explained the County wanted to keep the revenue for County projects but municipalities could apply for "worthwhile" projects for the County to consider funding.

**LETTER OF DISPLEASURE.** Councilmember Caletka reported the Broward Delegation had sent

the letter to Transportation Secretary Anthony Fox regarding the fact that Florida had received no TIGER grants last year, They would re-submit a scaled back version this year. He said the last third of Davie Road improvements were contingent on getting this grant.

**THANKS TO TODD EVANS IN PUBLIC WORKS.** Councilmember Caletka thanked Public Works for removing a profane word he had noticed in his neighborhood.

**XIV. TOWN ADMINISTRATOR'S COMMENTS**

**FLORIDA WATER AND POLLUTION CONTROL OPERATIONS ASSOCIATION.** Mr. Lemack reported the Town had been awarded the 2015 Utility of the Year Award from the association. Renuka Bajnath, Assistant Utilities Director, accepted the award and said had they had many dedicated staff.

**CHIEF MONTOPOLI'S PASSING.** Mr. Lemack eulogized Chief Montopoli. He said he was a poster person for fire services who excelled at his leadership role, commitment for community, love for family and faith and cherished the uniforms he had worn for over 35 years. He continually sought advancement for personnel to ensure the public received exceptional service. Mr. Lemack said he Chief would be missed. He expressed gratitude to the executive leadership of the Fire Recue Department and Police Chiefs for the remarkable memorial service. Mr. Lemack said they were working on a memorial locally and at the Firefighters' memorial in Colorado.

**XV. TOWN ATTORNEY'S COMMENTS**

**CHIEF MONTOPOLI'S PASSING.** Mr. Rayson stated he would miss Chief Montopoli as well and talked about how long they had been friends. He said this was a terrible loss.

**COUNTY MARIJUANA ORDINANCE.** Mr. Rayson stated the Town had not opted out of the ordinance and now problems had arisen. Mr. Rayson said they needed a database to track convictions. The County Human Services Department had been unable to reach an agreement with the Clerk of Court and would hire a third party company to build a website Police could use, but this would take several months to develop. In the meantime, they would use paper records. Mr. Rayson said they needed to demine how to deal with offenders who did not comply with the program. He felt the Town was better off with their pre-trial diversion program. Mr. Lemack said he would not pass along Council's decision on opting in or out until they had more information and Council was comfortable.

**XVI. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 9:05 pm.

Approved \_\_\_\_\_

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

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