

**TOWN OF DAVIE
REGULAR MEETING
OCTOBER 7, 2015**

I. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:33 p.m. and was followed by the Pledge of Allegiance.

II. ROLL CALL

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

III. OPEN PUBLIC MEETING

None.

IV. PRESENTATIONS

1. Harvest Drive Presentation by Renee Herman

Ms. Herman said they had been in Broward County schools for 23 years. She thanked the Town for its support. Ms. Herman showed a video on the program.

Councilmember Caletka stated items 21 and 22 needed to be tabled to Council's November 4 meeting.

Mayor Paul made a motion, seconded by Councilmember Luis to table items 21 and 22 to November 4. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Caletka said item 23 needed to be tabled to October 21.

Councilmember Hattan made a motion, seconded by Vice-Mayor Starkey to table item 23 to October 21. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Caletka reported items 26 and 27 were being tabled to November 4.

Councilmember Hattan made a motion, seconded by Councilmember Luis to table items 26 and 27 to November 4. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Paul pulled items 1 and 18 from the Consent Agenda.

Councilmember Caletka made a motion, seconded by Vice-Mayor Starkey to approve the Consent Agenda, less items 1 and 18. In a voice vote, all voted in favor. (Motion carried 5-0)

V. APPROVAL OF CONSENT AGENDA

Proclamations

1. Domestic Violence Awareness Month (October 2015), Judy Nesbitt, Victim Advocate

Minutes

2. August 5, 2015 Meeting Minutes (Community Endowment Workshop)
3. August 5, 2015 Meeting Minutes (Capital Improvements Plan Workshop)
4. August 5, 2015 Meeting Minutes (Regular Meeting)
5. August 19, 2015 Meeting Minutes (Regular)

Resolutions

Administration

6. **DECLARATION OF RESTRICTIVE COVENANTS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE DECLARATION OF RESTRICTIVE COVENANTS FOR THE JOY YODER EQUESTRIAN PARK; PROVIDING FOR RECORDATION OF THE RESTRICTIVE COVENANTS; AND PROVIDING FOR AN EFFECTIVE DATE.
7. **DECLARATION OF RESTRICTIVE COVENANTS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE DECLARATION OF RESTRICTIVE COVENANTS FOR VETERANS PARK; PROVIDING FOR RECORDATION OF THE RESTRICTIVE COVENANTS; AND PROVIDING FOR AN EFFECTIVE DATE.
8. **SUPPORT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING LEGISLATION PROPOSED BY CONGRESSWOMAN LOIS FRANKEL (FL-22) TITLED THE METROPOLITAN PLANNING ENHANCEMENT ACT.

Parks and Recreation

9. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH EAGLE EYE OFFICIATING LLC TO PROVIDE SPORTS OFFICIATING SERVICES FOR THE TOWNS BASEBALL AND SOCCER SPORTS PROGRAMS.
10. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SUPERSPORTS OF BROWARD COUNTY, INC, TO PROVIDE SPORTS OFFICIATING SERVICES FOR THE TOWNS YOUTH BASKETBALL AND FLAG FOOTBALL SPORTS PROGRAMS.
11. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BROWARD COUNTY UMPIRES ASSOCIATION, INC., TO PROVIDE SPORTS OFFICIATING SERVICES FOR THE TOWNS ADULT SOFTBALL SPORTS PROGRAM.
12. **THIRD EMPLOYMENT AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE A THIRD EMPLOYMENT AGREEMENT BETWEEN THE TOWN OF DAVIE AND SPORTS SPECIALIST, SAM GULLA, AND PROVIDING FOR AN EFFECTIVE DATE.
13. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE PAYMENT OF EMERGENCY REPAIRS TO THE BERGERON RODEO ARENA TO LAKDAS/YOHALEM ENGINEERING, INC. IN THE AMOUNT OF \$7,996.00 AND SELDIN CONSTRUCTION CO. INC. IN THE AMOUNT OF \$74,960.00 AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney

14. **CONTRACT ADDENDUM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE ADDENDUM TO THE "SCOPE OF SERVICE" EXHIBIT WITHIN THE EXISTING CONTRACT FOR PROFESSIONAL SERVICES PREVIOUSLY EXECUTED AND AGREED TO BETWEEN THE TOWN OF DAVIE AND BAUMAN AND ROSSMAN, PLLC.

Utilities

15. **CONTRACT RENEWAL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE RENEWAL OF THE CONTRACT FOR CALIBRATION AND REPAIR OF FLOW METERS AND RELATED DEVICES AWARDED BY THE CITY OF POMPANO BEACH (BID #T-38-12)

Quasi-Judicial Consent Items

16. **Temporary Use Permit (TU)15-237, Happy Holiday Seasonal Sales**, 5455 South University Drive (B-3).
17. **Site Plan (SP)14-288 Saddle Bridge** (7600 Griffin Road, zoned Griffin Corridor University Drive Node). **(tabled from September 15, 2015)**

18. **Site Plan (SP)15-125, Davie II at College Crossings** (located on the south side of Reese Road, east of Davie Road, zoned RAC-RTE).

19. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PLAT KNOWN AS "EAST DAVIE COMMERCE CENTER" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P15-051, East Davie Commerce Center, located along the west side of College Avenue, north of Nova Drive, zoned RAC-RTW). **(see related item #20)**

20. **Site Plan (SP) 15-060, East Davie Commerce Center** (Generally located along the west side of College Avenue, north of Nova Drive [RAC-RTW]). **(see related item #19)**

APPLICANT IS REQUESTING THESE ITEMS TO BE TABLED TO NOVEMBER 4, 2015

21. **DEVELOPER'S AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO EXECUTE A TERMINATION OF DECLARATION OF RESTRICTIVE COVENANTS AFFILIATED WITH THE PREVIOUS DEVELOPMENT APPLICATION KNOWN AS SITE PLAN SP 12-299 DAVIE COLLEGIATE; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. DA15-096, 35TH & Davie Apartments, generally located on the east side of Davie Road, between Nova Drive and Southwest 39th Street (RAC-RTE). **(tabled from September 15, 2015) (see related items #22 & 26)**

Tabled to November 4, 2015.

22. **Site Plan (SP)15-094, 35th & Davie Apartments** (located on the east side of Davie Road, between Nova Drive and Southwest 39th Street, zoned Regional Activity Center - Research Technology District East). **(tabled from September 15, 2015) (see related items #21 & 26)**

Tabled to November 4, 2015.

VI. DISCUSSION OF CONSENT AGENDA ITEMS

1. Domestic Violence Awareness Month (October 2015), Judy Nesbitt, Victim Advocate Councilmember Luis made a motion, seconded by Vice-Mayor Starkey to approve. In a voice vote, all voted in favor. (Motion carried 5-0)
Councilmember Luis read the proclamation.

18. Site Plan (SP)15-125, Davie II at College Crossings

Mayor Paul explained that she had pulled item because although she loves the project, the roundabouts, the sidewalks and it was a great project, her concern was future impacts on Reese Road and that corner traffic light. The Town requested a contribution of \$50,000 towards traffic studies and/or improvements to reduce potential congestion on Reese Road. The contribution should be made prior to the issuance of building permit. She reemphasized that she did not have a problem with the project. It was just a question of future impact. The Council had done this in the past on a number of projects. Mayor Paul stated that she could provide a list of the projects if needed.

Nectaria Chakas, attorney for the developer, agreed.

Planning and Zoning Manager David Quigley advised that the \$50,000 must be paid prior to issuance of the building permit.

Councilmember Luis made a motion, seconded by Councilmember Hattan to approve, subject to the contribution being made prior to issuance of the building permit. In a voice vote, all voted in favor. (Motion carried 5-0)

VII. PUBLIC HEARING

Resolutions

23. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND APPROPRIATE TOWN OFFICIALS TO EXECUTE AN AGREEMENT FOR PURCHASE AND SALE WITH RICK CASE AUTOMOTIVE GROUP FOR THE SALE OF 7 ACRES OF VACANT TOWN PROPERTY LOCATED AT GOVERNOR LEROY COLLINS PARK; AND PROVIDING FOR AN EFFECTIVE DATE.

Tabled to October 21, 2015.

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

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 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 Starkey - yes; Councilmember Hattan - yes; Councilmember Caletka - yes; Councilmember Luis - yes. (Motion Carried 5-0).

Ordinance (Second and Final Hearing)

25. **LAND USE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION LA(TXT) 15-204, AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN AS TO THE STANDARDS FOR BUILDING HEIGHTS IN COMMERCIAL AREAS ADJACENT TO I-595 AND I-75; PROVIDING FOR TRANSMISSION TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {**Approved on first reading on August 5, 2015. 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).

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 Councilmember Luis to approve. 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).

APPLICANT IS REQUESTING THESE ITEMS TO BE TABLED TO NOVEMBER 4, 2015

Quasi-Judicial Public Hearing Items

26. **VARIANCE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING VARIANCE APPLICATION V 15-199 35th & DAVIE APARTMENTS; AND PROVIDING AN EFFECTIVE DATE (V15-199, 35th & Davie Apartments, generally located on the east side of Davie Road, between Nova Drive and Southwest 39th Street, zoned RAC-RTE). (tabled from September 15, 2015) (see related items #21 & 22)

Tabled to November 4, 2015.

Ordinance First Reading (Second and Final Reading to be held on October 21, 2015)

27. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION ZB 14-316 TEMPLE VIEW ESTATES, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: AGRICULTURAL A-1 DISTRICT TO OPEN SPACE DESIGN OVERLAY; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 14-316 Temple View Estates, 3801 SW 154th Avenue).

Tabled to November 4, 2015.

VIII. APPOINTMENTS

28. Committee/Board Vacancies and Appointments
None.

IX. COMMITTEE RECOMMENDATIONS

Mayor Paul reported the Open Space and Recreation Advisory Committee had held a special meeting on September 16. She distributed a copy of recommendations they had made regarding the mural planned for the multipurpose building.

Intergovernmental Affairs Coordinator Mitch Taylor displayed the computer-generated rendering and the artist's hand-drawn sketch. The artist had agreed to include an appaloosa in the final mural.

Councilmember Hattan made a motion, seconded by Councilmember Caletka to put this on Council's next agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

X. OLD BUSINESS

None.

XI. NEW BUSINESS

None.

XII. SCHEDULE OF NEXT MEETING

None.

XIII. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER HATTAN

No comments.

VICE-MAYOR STARKEY

METROPOLITAN PLANNING ENHANCEMENT ACT. Vice-Mayor Starkey reported she would meet with Congresswoman Lois Frankel the following day and would present her with the Town's resolution.

SUCCESSFUL MEETING. Vice-Mayor Starkey said she had a very successful meeting with Senator Nelson and Senator Rubio's office and explained their support for the Marketplace Fairness Act and other legislative issues.

SEMINOLE LAND ACQUISITION ISSUE. Vice-Mayor Starkey wished to know the status of this issue because she might visit the Bureau of Indian Affairs the follow day. Council did not have consensus that this was still a priority and Mr. Lemack agreed to update Vice-Mayor Starkey.

COUNCILMEMBER LUIS

INDIAN FESTIVAL. Councilmember Luis said he had enjoyed seeing everyone at the Indian Festival.

COUNCILMEMBER CALETKA

THANKS TO ADMINISTRATION. Councilmember Caletka said requests he had made on residents' behalf recently had been handled very quickly.

MAYOR PAUL

MAYOR'S MESSAGE. Mayor Paul asked Councilmembers to participate in her monthly message.

FARM PARK PROGRESS. Mayor Paul reported all exotics had been removed.

COMMUNITY POLICING MONTH. Mayor Paul reminded everyone that October was Community Policing Month and congratulated Officer Bogden for a recent arrest he had made.

9/11 CEREMONY RECORDING. Mayor Paul stated her October message highlighted the 9/11 ceremony at Western High School and a clip could be viewed online.

WESTERN HIGH SCHOOL JUNIOR ROTC PASTA DINNER. Mayor Paul had attended the event and remarked there had been a great turnout.

CONFERENCE CALL. Mayor Paul had spoken with representatives in Tallahassee regarding Apollo House and Representative Jenne would take the lead in changing the statute.

IGUANA PROBLEM. Mayor Paul had been contacted by residents about the proliferation of iguanas and she was working with the Wildlife Commission on a plan.

GARAGE SALE. Mayor Paul announced there would be a garage sale at Western High School on October 20 from 8 AM until 1 PM

XIV. TOWN ADMINISTRATOR'S COMMENTS

CODE AMNESTY PROGRAM. Mr. Lemack said they had started the program on July 1 and it would continue to December 31. To date, six of the 29 properties considered realistically collectible were closed and four more were pending. They had collected \$73,245.00 and properties had been brought into compliance.

RED LIGHT CAMERAS. Mr. Lemack said they had determined that 12 of the 16 cameras had achieved their objectives of public awareness and behavior modification. They had negotiated with ATS to reduce the number of cameras for the last year of the contract from 16 to four. Mr. Lemack informed Council that the equipment would remain because ATS was introducing a no-cost video monitoring program.

XV. TOWN ATTORNEY'S COMMENTS

No comments.

XVI. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 7:17 pm.

Approved _____

Mayor/Councilmember

Town Clerk