



**TOWN OF DAVIE  
TOWN COUNCIL REGULAR MEETING  
OCTOBER 4, 2017**

**I. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 6:31 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 (by phone), Hattan and Starkey. Also present were Town Administrator Lemack, Assistant Town Administrator Holste, Deputy Town Administrator Lewis, Town Attorney Rayson and Town Clerk Roig recording the meeting.

Mayor Paul requested a moment of silence for those involved in the mass shooting in Las Vegas. She asked for a prayer in memory of the 58 people who had been murdered.

Mayor Paul said staff had requested adding the following under Presentations: Item 3: Chief Dunn's swearing-in ceremony; Item 4: Hurricane Irma Recovery Update.

Councilmember Starkey made a motion, seconded by Vice-Mayor Luis to add items 3 and 4 to the Agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Paul pulled Item 1 from the Consent Agenda.

Vice-Mayor Luis made a motion, seconded by Councilmember Hattan to approve the Consent Agenda, less Item 1. In a voice vote, all voted in favor. (Motion carried 5-0)

**V. APPROVAL OF CONSENT AGENDA**

Proclamation

1. Junior Achievement of South Florida - JA Fellows Day (September 25, 2017)

Public Works

2. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN TO PIGGY-BACK FROM THE BID AWARDED BY THE CITY OF ORLANDO, FLORIDA FOR HIGH DENSITY MINERAL BOND/HA5 ASPHALT SURFACE TREATMENT BID # IFB17-0072 TO WHITAKER CONTRACTING CORPORATION AND PROVIDING FOR AN EFFECTIVE DATE.
3. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN TO PIGGY-BACK FROM THE BID AWARDED BY BROWARD COUNTY FOR PAVEMENT SURFACING AND REPAIRS BID # J1387002B1 TO WEEKLEY ASPHALT PAVING, INC. AND PROVIDING FOR AN EFFECTIVE DATE.

Quasi-Judicial Consent Agenda

4. **Temporary Use Permit TU17-199 Home Depot Seasonal Sale of Christmas Trees** (15885 Rick Case Honda Way, zoned BP).
5. **Temporary Use Permit TU17-200 Home Depot Seasonal Sale of Christmas Trees** (2301 S. University Drive, zoned B-3).
6. **Temporary Use Permit TU17-201 Home Depot Seasonal Sale of Christmas Trees** (5801

S. University Drive, zoned B-2).

7. **Temporary Use Permit TU17-202 Davie United Methodist Pumpkin Patch** (6500 SW 47th Street, zoned CF).

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

### **IV. PRESENTATIONS**

#### 3. Chief Keith Dunn's Swearing-In Ceremony

Mr. Lemack described Chief Dunn's career and Mayor Paul administered the oath of office.

Mr. Lemack presented Chief Dunn with a Certificate of Commission for his position and presented him with his stars and badge.

Chief Dunn thanked the Town and said it was nice to work for politicians who cared about the people and put the community first. He praised the Davie Police Department and thanked everyone for supporting him.

#### 1. Certificate of Recognition to Alexandra DeLit Garcia - writer and illustrator of a coloring book to educate children on "Bullying Awareness," Mayor Paul

Mayor Paul presented Ms. Garcia with the Certificate of Recognition. Ms. Garcia said she wanted to show kids how to be safe and how to respect others. Mayor Paul said the book was being distributed to schools through the organization A Child Is Missing and Ms. Garcia was holding press conferences with Sherry Friedlander, the organization's founder.

#### 2. Certificates of Recognition - to 30 Junior Achievement students, 1 teacher & 2 volunteers for their outstanding achievements in their role winning Company of the Year

Mayor Paul presented the certificates to the winning students and their teachers and volunteers. One of the participants explained that they had created a cup-holder sized trash receptacle for the car.

#### 4. Hurricane Irma Recovery Update

Mr. Lemack provided the update on debris removal. He stated Council had directed on September 13, 2017 that private roads would have their debris removed by the Town. At the September 27 Council meeting, Council had considered (but not passed or denied) an emergency ordinance regarding debris removal on private roads. Additional information was now available and the item would be reconsidered at the October 18, 2017 Council meeting. The emergency ordinance did not affect the Town's removal of debris from private roads; it would position the Town to meet a FEMA checklist of requirements to receive reimbursement of the costs.

Mr. Lemack estimated there were 250,000 cubic yards of storm debris in the Town. He stressed the need for residents to separate vegetative storm debris from household bulk for collection purposes.

Mr. Lemack reported that to date, they had collected 67,000 cubic yards of material and their goal was to complete a first pass by October 30. The first pass was for debris that posed a threat to health, welfare and safety. The second and third passes were for "hangers, leaners or stumps." He referred to a map showing the public streets where haulers had already removed the debris. He explained that they would change the methodology the following day to allocate resources in the most efficient manner, no longer differentiating between public and private roads.

Mr. Lemack said FEMA issued a standard entry form to allow the Town to remove debris from private roadways. The Town had imprinted this form with the Town's logo to distribute to private community residents. He added that the form was a prerequisite for applying for FEMA reimbursement. He reported that 100 of the 170 homeowners associations had executed the right of

entry agreements and staff was contacting the rest to request they complete the agreements. The Town had received 110 agreements from private roadways without HOAs. He said the private roadways that were not affiliated with HOAs comprised approximately 12 miles of roadway.

Regarding FEMA reimbursement, Mr. Lemack described the different categories and noted that debris removal represented 2/3 of the Town public assistance requests for Hurricane Irma. He explained the reimbursement percentages for FEMA, the State and the Town over six months. Mr. Lemack explained the Town's reserve policy and how the reserve must be replenished over five years. He then described the estimated total costs and possible FEMA reimbursement amounts. Mr. Lemack estimated that Hurricane Irma would cost the Town \$10 million dollars, which must be paid up front and then the Town applies for reimbursement, which could take years. If all went extremely well, the Town's out of pocket expense could be as low as \$1.6 million; if things did not go well, the Town's out of pocket expense could be as much as \$3.8 million.

Mr. Lemack agreed to provide updates via social media and encouraged residents to sign up for them on the Town's website: [www.Davie-FL.gov](http://www.Davie-FL.gov).

Mayor Paul reiterated that the Town had always been committed to removing the debris from private roadways. She thanked Mr. Lemack for changing the collection methodology to be more efficient and to remove debris from private roads at the same time as it was removed from public roadways. She said it was important to treat all residents equally.

Vice-Mayor Luis said residents had asked about areas where property owners could bring their own debris. Mr. Lemack said any site used for debris must be certified by the Florida Department of Environmental Protection first. The site must also be staffed and have a plan for eventual removal to another site. He said they could consider this in their after-action plan.

Mayor Paul reported Senators Marco Rubio and Bill Nelson had sent a letter to the FEMA Administrator urging FEMA to work with Florida Counties to approve Federal reimbursements for debris removal on private roads where safety hazards had been identified.

Councilmember Starkey thanked staff for their efforts. She said she had not wanted to open up using reserves for private road storm cleanup before knowing the costs and whether FEMA would reimburse. She stated that on September 8<sup>th</sup> there was an executive order to declare a state of emergency to begin the FEMA process. She further stated that at the September 13<sup>th</sup> meeting, the Town Council did not know the FEMA reimbursement costs. Councilmember Starkey said that FEMA had previously stated that they were not going to allow private road reimbursements and in the event they did, there criteria needed to be followed. Councilmember Starkey said they needed to identify a funding source, whether it was FEMA or the Town, for reimbursement of the Town's reserves for picking up the private roads. Additionally, it was unknown how much debris would be picked up. Councilmember Starkey stated she was now in a comfortable position after seeing all of the data and Mr. Lemack's presentation on costs and reimbursements. She requested Mr. Lemack prepare an ordinance for Council to consider at the October 18<sup>th</sup> council meeting that would identify two line items in the budget, one for the costs of debris removal from public roads and one for the costs of debris removal from private roads. This would allow them to track the costs and reimbursement going forward.

Mr. Lemack said there would be two ordinances as well, one for FY 2017 and one for FY 2018. He agreed that the private and public road cleanup costs could have two separate account numbers.

Mr. Lemack recognized and thanked staff for their customer service after the storm.

Mayor Paul said there had been many heroes helping neighbors after the storm and she thanked them.

## **VII. PUBLIC HEARING**

### *Quasi-Judicial Public Hearing*

#### **8. VARIANCE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING**

VARIANCE APPLICATION V17-068 PARKSIDE ESTATES; AND PROVIDING AN EFFECTIVE DATE.(Located on Orange Drive, approximately 1,000 feet west of Pine Island Road, Zoned AG) (**tabled from September 27, 2017**)

Mr. Rayson read the resolution by title and reported all parties had waived the quasi-judicial process.

Mayor Paul opened the public hearing portion of the meeting.

Helen Krotenberg, applicant, invited questions.

As no one else 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.)

### **III. OPEN PUBLIC MEETING**

Robert Lucas said his community was east of the Weekly property, where FEMA had contracted for debris consolidation and mulching. He was glad the Town would pick up storm debris from gated communities. He thanked Council and Mr. Lemack for being responsive to communications and for doing the right thing.

Arthur Joseph thanked Mayor Paul for her kind words when his wife passed away in July. He thanked Davie Fire Rescue for their swift competent response to his calls over the last year of his wife's life. Regarding the debris removal, Mr. Joseph wanted to know where it would all end up - being reused for mulch and perhaps power generation - or allowing it to go to waste. He asked if companies with whom the Town had contracted before the storm were complying with their contracts.

Mr. Lemack said the Town had contracted for debris removal prior to the storms, per their public procurement process and entered into negotiations with three companies. When they needed emergency services, only Bergeron Emergency Services Inc., had accepted the market rate pricing. When many resources fled to Miami-Dade County, Mr. Bergeron had provided his own resources to move forward.

Mark Sierens thanked Mr. Lemack for his presentation. He said people must be careful around the debris piles; he was aware of one near his home that had caught fire recently. He reported that the game companies involved in the Extra Life Charity Organization had replaced all games that were damaged from the storm and Mr. Sierens was informed by his insurance company that they would cover the loss of games in his home as well. This meant they would have even more games for the next Extra Life event, which raised money for children's hospitals.

Paul la Fontaine asked for clarification on the amount of debris that was collected, when the first pass would be completed and when all debris would be collected. He reported there were rats and raccoons occupying the debris piles and they could not wait three months. Mr. la Fontaine stated his community agreed to pay more to have the debris removed sooner. Mr. Holste said the Town's goal was to complete a first pass by October 30<sup>th</sup>. Mr. Lemack cautioned that the October 30<sup>th</sup> goal was "resource dependent."

Duncan Bossle, President of the Forest Ridge Master Homeowners Association, thanked the Public Works Department for contacting them about debris removal from their private community.

Amanda Geus, property manager, thanked the Town. She asked if Imagination Farms would be cleaned up the following day because she had seen trucks nearby. Mr. Lemack explained that as resources changed, so did the logistics of removal.

Mark Pray said there had been a "serious, serious issue with public relations on this whole matter (debris removal)." He was frustrated by Council's inability to pass an emergency ordinance at the last meeting, which led to confusion in the community. He stated Councilmember Starkey had not responded to an email he sent asking her to explain her vote. Councilmember Starkey apologized and explained that she had been on vacation in anticipation of her daughter's giving birth. Mr. Pray felt

the Town could use the website more efficiently to communicate with the public. He had tried unsuccessfully to find information on the Town website. Mr. Lemack said they had posted to the Town website and kept it updated.

Billie Morgan, 211 Broward, announced The Expo at Nova Southeastern University on October 7 from 10 A.M. to 3 P.M. The event was a day of awareness, resources and support for disabled individuals in the community.

Rolando Rodriguez said private road dwellers were under the impression that their debris was not being picked up at the same time as other residents. He wanted to know what percentage of private communities had been picked up to date. Mr. Lemack clarified that pickup in private communities would begin the following day. Mr. Rodriguez wanted the Town to have a site where residents could bring debris.

Christian Chiwelli thanked staff, Council and Mr. Lemack for all they had done for the Town. He asked if the Town would still pay the vendor the full price for bulk pickup even though bulk pickup had been suspended. Mr. Holste explained that the hauler's contract had a force majeure clause for unforeseeable circumstances that prevented them from performing the work. The Town would not be reimbursed for missed pickups but the Town was holding discussions with the vendor to schedule a special bulk pickup.

Jeannette Smith thanked Mr. Lemack for his presentation. She was relieved the Town was collecting from private roads. Mr. Lemack said separating the costs for private and public roads would simplify the FEMA reimbursement process. Ms. Smith was concerned that the costs could be used to enact a special assessment against property owners to replenish the General Fund. She thanked the Police Department for helping her with a generator on the night of the storm and she thanked staff for being so helpful.

Rudy Renaud thanked staff for everything they had done for the Town. He asked about coordinating debris removal in private communities and Mr. Lemack explained that the removal would proceed if a community's board or management company had acted on behalf of the community.

Gary Carlson thanked the Town for paying attention to the private communities. He did not understand the differentiation between public and private roads for debris removal. Mr. Carlson said people were not aware that they were supposed to segregate regular bulk pickup items from vegetative storm debris. Mr. Lemack said this would be taken care of on the second or third passes, after all the non-comingled (vegetative only) debris had been removed. Mr. Carlson said he thought Councilmember Starkey opposed using Town resources to pick up debris from private communities. She replied she had been waiting for information and data before she could support moving forward. Mr. Carlson asked if Councilmember Starkey had voted against private community debris pickup and she replied, "Not exactly; I asked for more information and at that time, when we were getting directions I said, get the indemnification forms." She agreed to speak with Mr. Carlson privately to explain further.

Toby Perkins thanked Mayor Paul for providing her encouragement after the storm. She said she would need the second and third passes to remove all of the debris from her property. Ms. Perkins noted there were root balls that exceeded the size/weight limits for pickup and asked what to do. Staff explained that these needed to be cut up and put out on the road for pickup. If they were too big, staff would try to cut them up.

Shirley Prevatt said there was construction in her neighborhood, along with a lot of debris. She said neighbors had put bulk items on top of storm debris.

Michelle Whitieman said people were not separating the debris piles and some roads were blocked by debris. She feared their neighborhood would be skipped because of the mixed debris. Mr. Holste said they were aware of the construction in the area and said the debris would be picked up. Mr. Prevatt stated there was an Australian Pine in the neighborhood that continued to droop over the guardrail and was getting near cars. Mayor Paul advised Ms. Prevatt to speak with staff about this.

Joe Piccolo, President of the Davie Firefighters Union, announced the second annual Joseph J. Montopoli Golf Tournament on October 13, sponsored by the Davie/Cooper City Chamber of Commerce. Proceeds would go to Kids Care.

Arthur Joseph noted that there was discussion in Washington DC about a big tax cut, while costs for hurricane recovery were climbing into the billions. He asked everyone to call members of Congress and tell them it was not time for a tax cut; it was time to pay the bills for the recent disasters. Mayor Paul said this was an initiative of the Conference of Mayors.

Mark Sierens asked when vegetative bulk pickup would resume. Mr. Holste said regular bulk pickup would resume in November.

## **VIII. APPOINTMENTS**

9. Committee/Board Vacancies & Appointments  
None

## **IX. COMMITTEE RECOMMENDATIONS**

None

## **X. OLD BUSINESS**

None

## **XI. NEW BUSINESS**

None

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

### Upcoming Meetings:

October 18, 2017 – Town Council Stormwater Master Plan Workshop, 5:00 PM

October 18, 2017 - Town Council Meeting, 6:30 PM

November 1, 2017 - Private Partnership Workshop, 4:30 PM

November 1, 2017, - Town Council Meeting, 6:30 PM

November 15, 2017- Town Council Meeting, **CANCELLED**

December 6, 2017 – Town Council Solid Waste Workshop, 5:00 PM

December 6, 2017 - Town Council Meeting, 6:30 PM

December 20, 2017 - Town Council Meeting, **CANCELLED**

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

### **MAYOR PAUL**

**TEEN CHALLENGE LETTER.** Mayor Paul had received a letter from Teen Challenge thanking the Town for their quick hurricane response. They indicated that Code Enforcement officers had checked to make sure they were safe and had power,

**BROWARD COUNTY HOUSING AUTHORITY LETTER.** On behalf of the residents of Griffin Gardens, the Broward County Board of Commissioners and staff thanked the Town, Giovanni Moss and the Community Redevelopment team for the donations of water and ice after the hurricane.

**CHESS WITH THE MAYOR.** Mayor Paul reminded everyone that the event would be on October 7 at the Pine Island Multipurpose Center. Student participants were eligible for prizes.

### **COUNCILMEMBER HATTAN**

**THANKS TO THE COMMUNITY.** Councilmember Hattan thanked everyone who helped with hurricane recovery.

**HAPPY BIRTHDAY.** Councilmember Hattan wished Fire Chief Julie Downey a Happy Birthday

on October 7.

**COUNCILMEMBER CALETKA**

**THANK YOU.** Councilmember Caletka thanked a resident for giving him information on his constituents.

**THANKS TO PUBLIC WORKS.** He thanked Public Works for addressing a problem very quickly and for providing daily briefings.

**INSURANCE RENEWAL.** Councilmember Caletka reported he had just signed a new homeowners insurance policy and advised homeowners who were about to renew to contact their insurance companies to make sure everything was in order.

**CAR RETURN.** Councilmember Caletka announced his insurance company had informed him that his car would be returned the following Thursday.

**XIV. TOWN ADMINISTRATOR'S COMMENTS**

Mr. Lemack had no comments.

**XV. TOWN ATTORNEY'S COMMENTS**

Mr. Rayson had no comments.

Mayor Paul Thanked Town staff for their dedication after the hurricane.

**XVI. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 8:38 p.m.

Approved \_\_\_\_\_

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

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