

**TOWN COUNCIL  
REGULAR MEETING  
MARCH 6, 1996  
7:00 P.M.**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:00 p.m. by Mayor Bush and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Bush, Vice-Mayor Venis and Councilmembers Cox and Santini. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting. Councilmember Kiar was absent.

Councilmember Cox made a motion, seconded by Vice-Mayor Venis, to excuse Councilmember Kiar. In voice vote, with Councilmember Kiar being absent, all voted in favor.

**3. OPEN PUBLIC MEETING**

Mayor Bush advised the speakers of the Open Public Meeting procedures.

Dean Alexander, 13820 SW 16 Street, questioned Mr. Webber about the Blumenthal decision and the change of ground rules regarding expert testimony and quasi judicial proceedings.

Mr. Alexander stated that he enjoyed Westfair and the coordinators did extremely well for a first year event.

Mr. Webber explained that previous court decisions found that because private citizens were not qualified experts to testify on quasi judicial matters, the body hearing the case could not consider them as experts or very little weight was given to their testimony. He indicated that one appellate judge, Judge Cole, wrote a dissenting opinion which disagreed with the majority's decision. Mr. Webber stated that this decision was appealed and he understood that this decision had been reversed and Judge Cole's dissent was adopted by the Court. He advised that this meant that individuals testifying on a quasi judicial matter would be able to testify as to how it would affect them, their property and their neighborhood. Mr. Webber stated that as soon as the decision was available, he would provide more information to Council.

Mayor Bush advised that a bill would be presented to the legislature which would make rezonings a legislative process.

Al Tyler, 8090 SW 19 Court, stated that an article in the Miami Herald substantiated what Mr. Webber had said and read a portion of the article.

Arthur Joseph, 13700 SW 18 Court, felt that the Imagination Farms decision was another way for the Town to circumnavigate the Sunshine Law by settling the dispute behind closed doors.

Mr. Joseph questioned the status of the Research Park.

Mr. Joseph thought it absurd that the Town did not receive compensation for the Town's service for the better part of a year with the annexation of Silver Oaks. He asked for a breakdown on the garbage bill of all services. Mr. Joseph questioned the amount the Town spent on services for Westfair.

Mr. Joseph stated that the intersection of 136th Avenue and 14th Street was heavily impacted and questioned what was being done to alleviate the traffic since a new school was being added.

Debbie Apolinario, 2940 SW 148 Avenue, advised that she had called Public Works two weeks ago to pick up garbage that people dumped on the side of the road in her neighborhood. She asked Mr. Flatley to take care of this matter.

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Ms. Apolinario stated that most of the accidents at 136th Avenue and 14th Street involved teenagers from Western High and asked what could be done to get a police officer in this area during rush hour. Police Chief Jack Mackie indicated that the Police Department began working on this matter last week and he was trying to free up personnel to solve the problem.

Phyllis Kowal, 14491 SW 24 Street, was thrilled that Westfair was a huge success but it was marred by the abuse to two horses during the parade. She suggested that next year, all horse groups be given letters that this abuse was not acceptable behavior.

Ms. Kowal advised that as of February 6th, Animal Control amended an ordinance aimed to reduce animal casualties. She discussed the ordinance which related to animals in the back of pickup trucks and asked that the Town's Police Department enforce this ordinance.

Ms. Kowal discussed the proposed Metrorail system.

Frank Timberlake, 6321 SW 41 Street, indicated that he had been cited by the Code Enforcement Division for a van that was parked in front of his home. He said that he had had this van for eight years and questioned why he was being cited.

Mr. Timberlake discussed the traffic problems in his area.

Ron Olmstead, 6331 SW 41 Street, advised that he was also cited for his motor home and truck and discussed having to move his vehicles within seven days. He said that he moved the vehicles, they were broken into and he brought them back. Mr. Olmstead indicated that he wanted to move his vehicles but he needed more time. He suggested that the Town provide a storage yard as in surrounding cities.

Jay Stahl, 5801 Surrey Circle West, agreed with Ms. Kowal regarding the animals in pickup trucks but questioned the safety of kids who rode in the back of pickup trucks.

Annie Starling, 6210 SW 41 Street, advised that she was cited for a Mustang and pickup truck. She indicated that her name was not on the vehicles and wanted to know why she was cited. Ms. Starling wanted her name removed.

Robert Starling, 6210 SW 41 Street, did not know what the problem was and he wanted to know who was making the complaints.

Judy Paul, 14421 SW 24 Street, was concerned with the citation of residents on 41st Street and asked Council to address the issue. Mr. Flatley indicated that he was not aware of these problems until tonight's meeting and indicated that the Code Enforcement Inspectors only investigated a problem when someone complained. He added that he would look into the matter.

Mr. Flatley advised that for an annexation or new development, there was a "lag" time between the taxes that were paid and closer to the tax year, the sooner the revenue comes in. He stated that the Town was receiving franchise fees and utility taxes, however, the Town had to wait for ad valorem until the tax year. Vice-Mayor Venis questioned if the franchise fees covered the Town's expenses. Mr. Flatley replied in the affirmative.

#### **4. PRESENTATIONS**

4.1 Florida WestFair Highlights

4.2 Plaques for Rick Case, Earl Morrall and Chuck Bonfiglio

Mayor Bush presented Mr. Case, Mr. Morrall and Mr. Bonfiglio with plaques.

Mr. Case, President of the Boys and Girls Club, thanked the Town for its support and indicated that all the proceeds went to charity. He indicated that there were hundreds of volunteers with some being Town employees. Mr. Case stated that this

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event was nationally recognized and plans were already being discussed for next year's event.

Mr. Morrall stated that he thought the events were good for the Town and the benefactors were the residents in the Town. He said that no matter what happened, there would always be naysayers and he questioned how much time the naysayers had volunteered. Mr. Morrall advised that the Town's employees had made great sacrifices for this event and congratulated the employees. He indicated that there were some employees who were paid but the proceeds from the event went to the Boys and Girls Club which was a part of Davie.

Mr. Bonfiglio thanked Mr. Case, Mr. Morrall and the Boys and Girls Club for seeking out the Chamber and developing a partnership. He indicated that the Chamber was happy with Westfair's success.

**4.3 Davie/Cooper City Chamber of Commerce**

Chuck Bonfiglio, President, invited all to attend the Chamber Breakfast and the Business Card Exchange.

**4.4 Robert Klausner, Fire Pension Board Attorney**

Mr. Klausner advised that information had been received from the actuarial firm that the Town had undercontributed which created an interest cost to the Town. He stated that there had apparently been a lack of communication with the Town's Finance Department and after meeting with Budget and Finance Director Christopher Wallace, he thought the outstanding problems had been resolved. Mr. Klausner indicated that Mr. Wallace had indicated that information from the retirement systems necessary to accurately and timely make the Town's contributions was not being received. He stated that he was satisfied that this communication had been improved and all correspondence from the actuaries to the Board would be forwarded to the Finance Department and Town Administrator.

Mr. Klausner distributed the two most recent actuarial valuations for the Police and Fire Pension Plans. He advised that the contributions to both plans would continue to decline as a percentage of payroll. Mr. Klausner stated that the primary reason for the decline had been the successful investment performance of both funds.

Vice-Mayor Venis asked if a contribution had been made to date. Mr. Klausner responded that if it had not already been made, it was his understanding that it was being worked on.

Vice-Mayor Venis stated that he had received a letter regarding the Fire Pension fund performance and the investment gains were very impressive.

**4.5 Update on Proposed Future Extension of Dade County Metrorail in to Broward County**

Vice-Mayor Venis advised that he and Mr. Rawls had attended a hearing on the proposed corridors and he was excited about a proposed corridor just west of Flamingo Road. He indicated that he had stated that the Town's position was that it supported the corridor along the Turnpike and it was opposed to the University Drive and western corridor. Vice-Mayor Venis stated that there were several Town residents and officials from Miramar, Pembroke Pines and Plantation who attended were also opposed to the University Drive corridor. He advised that this hearing was a fact finding hearing and the people performing the study said it would be many years before the extension would be implemented. Vice-Mayor Venis stated that there would be more workshops which

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he would be attending and he would be providing updates.

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Bonnie Stafiej, Community Services Coordinator, advised that upcoming events included: 16th Annual Take-A-Kid Fishing Tournament (March 16th); Ft. Lauderdale and Boca AKC Dog Show (March 17-18th); 5 Star Rodeo (March 22-23rd); and Annual Spring Egg Hunt and Child Safety Day (April 6th).

**5. OCCUPATIONAL LICENSES**

*Home Occupational*

**5.1 Abbott Trucking, Inc., 14150 SW 26 Court**

Sandra Abbot, representing the applicant, was present. She confirmed that the request was for mail and phone use only.

Councilmember Cox made a motion, seconded by Vice-Mayor Venis, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

**5.2 Best Concrete Placing & Finishing, 2055 SW 139 Avenue**

Leslie Harrell, representing the applicant, was present. He confirmed that the request was for mail and phone use only.

Vice-Mayor Venis made a motion, seconded by Councilmember Cox, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

**5.3 Costa Flowers, Inc., 14010 SW 36 Court**

Delia Leon, representing the applicant, was present. She confirmed that the request was for mail and phone use only.

Vice-Mayor Venis made a motion, seconded by Councilmember Cox, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

**5.4 Steel City Products & Services, Inc., 3440 Carlton Lane**

Christina House, representing the applicant, was present. She confirmed that the request was for mail and phone use only.

Councilmember Santini made a motion, seconded by Councilmember Cox, to approve the request. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

**6. COUNCILMEMBER COMMENTS**

**COUNCILMEMBER SANTINI**

**WESTFAIR.** Councilmember Santini stated that she was proud of how everyone worked together for the benefit of the children. She advised that she enjoyed the parade and indicated that the new canoe landing had its grand opening. Councilmember Santini thanked those who supported the Town in its purchase of the Huck Liles property which allowed for a portion of the Westfair and for upcoming events.

**DAVIE UPDATE.** Councilmember Santini stated that the Update had been mailed and it told everything that was going on in the Town.

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**HIATUS ROAD.** Councilmember Santini stated that she, Councilmember Cox and Mr. Flatley attended that Broward County Planning Council's meeting in which they asked that Hiatus Road be deleted from the Trafficways Plan. She said that the Town wanted the road to remain rural and the Planning Council agreed to delete the road from the Plan; however, the Town was given four months to prepare an agreement with the County as to who would be responsible for the road's maintenance, up keep and liability.

**DOGS/CHILDREN.** Councilmember Santini stated that she was impressed with Animal Control's ordinance relating to dogs but she would be more impressed if there was this type of ordinance for children. She suggested a resolution be prepared of this nature to be sent to the County.

**MR. FLATLEY.** Councilmember Santini added that an individual who had a concern should contact Mr. Flatley or staff before "they lost sleep". She stated that there was some concern regarding the occupational license fees and Code violations and she wanted to applaud Mr. Flatley for trying to resolve the issues before everyone got upset.

**ANNEXATION.** Councilmember Santini stated that the Town benefited money-wise with annexations. She indicated that the Town had requested that Silver Oaks come into the Town because the Town netted \$200,000 per year.

**COUNCILMEMBER COX**

**ROBBINS PROPERTY.** Councilmember Cox stated that the bid had been let for the bridge on the west side of the Robbins property and the second stage was being worked on to connect the Robbins property with the Kapok Tree property. She complimented staff for their efforts.

**SILVER RIDGE.** Councilmember Cox stated that Silver Ridge Elementary School held its Tana Ki Ki celebration which taught the history of the Ridge.

**WESTFAIR.** Councilmember Cox stated that the Boys and Girls Club worked hard on the Westfair events and for all the negative comments, she received positive comments tenfold. She suggested that the naysayers volunteer their time to build the Town up, not tear it down.

**COUNCILMEMBER KIAR**

Councilmember Kiar was not present.

**VICE-MAYOR VENIS**

**METRORAIL.** Vice-Mayor Venis stated that he had received a resolution from Plantation regarding the Metrorail system and requested that a similar resolution be prepared for the next Council meeting.

**WESTFAIR.** Vice-Mayor Venis stated that Westfair was a real success and he enjoyed it. He commended all those involved and he looked forward to next year's events.

**STREETLIGHTS.** Vice-Mayor Venis stated that half the streetlights on 136th Avenue had been removed and the residents were happy.

**DAVIE FIREFIGHTER.** Vice-Mayor Venis stated that a Davie firefighter's newborn daughter had severe heart problems and had to be on special formula for several months. He advised that the formula, Enfamil Human Milk Supplement, was not covered by health insurance and the employee's were trying to raise funds. Vice-Mayor Venis requested that anyone who could donate the formula or who would like to make a donation, they can be made to the Davie Professional Firefighter's Benevolent Association.

**CONDOLENCES.** Vice-Mavor Venis extended the Town's condolences to Mr. Joseph in

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the loss of his father.

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**LANDSCAPING.** Vice-Mayor Venis stated that he had received calls regarding landscaping along University Drive by the Valencia Village development. He asked that this be worked on in the near future.

**WEST DAVIE.** Vice-Mayor Venis asked for a presentation at the next Council meeting on the happenings in west Davie and asked Planning Director Michele Mellgren to research this.

**4H CLUB.** Vice-Mayor Venis stated that the 4H Club had invited him to a Legislative Session in Tallahassee and the Club wanted the Town to become more involved. He requested that contacts be made for the Town to become more involved.

**BLASTING.** Vice-Mayor Venis stated that in tomorrow's Miami Herald, there would be a story regarding the Town's position on blasting and the Town may have to look to the County to help the Town's residents with the blasting in Pembroke Pines.

**MAYOR BUSH**

**WESTFAIR.** Mayor Bush stated that a luncheon was held today to show appreciation for the Town's employees who volunteered and another function would be held at the Davie Junction to recognize all volunteers.

**NOVA SOUTHEASTERN UNIVERSITY.** Mayor Bush stated that he attended a celebration at Nova Southeastern University which had been designated as a United States Department of Education National Blue Ribbon School of Excellence.

**7. CONSENT AGENDA**

*Minutes*

7.1 February 28, 1995 - Workshop Meeting

7.2 February 11, 1996 - Workshop Meeting

7.3 February 21, 1996 - Regular Meeting

*Resolutions*

**7.4 STAFF REQUESTING TABLING TO APRIL 2, 1996**

**SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBDIVISION PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE.**

or

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, DISAPPROVING A SUBDIVISION PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 2-1-95, Orangewood Farms, SW 118 Avenue, approximately 500 feet south of SW 17 Court) (tabled from February 7, 1996)  
*Planning and Zoning Division denied; Planning and Zoning Board denied*

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- R-96-71      **7.5 QUIT CLAIM DEED** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
ACCEPTING A PUBLIC PURPOSE QUIT CLAIM DEED FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION CONVEYING THREE PARCELS OF LAND ALONG THE FLAMINGO ROAD CORRIDOR FOR OPEN SPACE PURPOSES; AND PROVIDING AN EFFECTIVE DATE. (tabled from February 21, 1996)
- R-96-64      **7.6 LEASE AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA  
ACCEPTING A LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE BROWARD COUNTY SCHOOL BOARD FOR THE USE OF A BUILDING AT THE BROWARD COUNTY SCHOOL BOARD SOUTH AREA OFFICE; AND PROVIDING AN EFFECTIVE DATE. (tabled from February 21, 1996)
- R-96-65      **7.7 SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO PREVIOUSLY APPROVED SUBDIVISION PLAT AND PROVIDING AN EFFECTIVE DATE. (DG 2-2-96, Butler Plaza, 450 SW 130 Avenue)
- R-96-66      **7.8 MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 90-228 FROM \$8,000 IN AMOUNT TO \$400; AND PROVIDING AN EFFECTIVE DATE. (Chapman/Hagen)
- R-96-67      **7.9 ARENA RENTAL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A RODEO ARENA LEASE AGREEMENT WITH THE GEHL GROUP. (April 13, 1996; rental fee - \$1,000)
- R-96-68      **7.10 INTERLOCAL AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,  
FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A FOURTH AMENDMENT TO THE INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR SOLID WASTE DISPOSAL SERVICE; AND PROVIDING FOR AN EFFECTIVE DATE.
- R-96-69      **7.11 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING  
THE BID FOR LAWN MAINTENANCE OF TOWN HALL COMPLEX AND VARIOUS ROADWAY CORRIDORS. (H & L Lawn Maintenance - \$55,864.64/year)
- R-96-70      **7.12 LEASE AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,  
FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO LEASE AGREEMENT BETWEEN THE TOWN OF

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**DAVIE, AS LESSOR, AND THE DAVIE POLICE ATHLETIC LEAGUE, AS  
LESSEE; AND PROVIDING AN EFFECTIVE DATE.**

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*Ordinances - First Reading (Public Hearing to be held March 20, 1996)*

**7.13 REVIEW FOR REZONINGS** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN BY AMENDING SECTION 12-307 OF THE CODE ENTITLED "REVIEW FOR REZONINGS"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**7.14 REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-5 TO CF; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 1-2-96, 1380 SW 124 Avenue)

*RECOMMENDATION: Approval*

Town Clerk Reinfeld advised that item 7.4 needed to be tabled to April 2, 1996.

Councilmember Cox made a motion, seconded by Vice-Mayor Venis, to table item 7.4 to April 2, 1996. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; Councilmember Santini - yes. (Motion carried 4-0)

Town Clerk Reinfeld read the ordinances - first reading by title only. Mayor Bush advised that a public hearing on items 7.13 and 7.14 would be held on March 20, 1996.

Vice-Mayor Venis made a motion, seconded by Councilmember Cox, to approve the Consent Agenda. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; Councilmember Santini - yes. (Motion carried 4-0)

**8. SITE PLANS**

**8.1SP 12-1-95, Racetrac - Davie, 2855 Davie Road (M-4, County)** *Planning and Zoning Division approval subject to the planning report; Site Plan Committee approval subject to the planning report and substituting the Hong Kong orchid with Cassia surattensis or comparable planting material and the Bahia sod to Saint Augustine sod*

Robert Smith, representing the applicant, was present. Matt Wood, Town Planner, read the planning report.

Councilmember Cox made a motion, seconded by Vice-Mayor Venis, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

Mayor Bush indicated that there had been a request to hear item 7.4 which had previously been tabled. Mr. Webber stated that staff had requested that this item be tabled because they had not received the deed.

Mayor Bush passed the gavel and made a motion to reconsider item 7.4. Councilmember Cox seconded the motion. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

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7.4 An unidentified man said that there were two issues: 1) the ownership of a portion of 118th Avenue and 2) the design of the roadway. He advised that the Central Broward Drainage District had given a quit claim deed to Broward County and it would be on the County's agenda as a formality within two weeks. He requested that Council approve the plat conditioned upon this event occurring. The man said that tabling the item for this purpose did not address the issue of the size of the road. He explained that he had delivered a design plan which staff had refused to consider and he had never received any comments on the design. The man advised that no more land could be created and it would be best to have this issue voted on tonight.

Councilmember Cox stated that she did not have enough information to vote on this issue as staff had not distributed the plat.

Councilmember Cox made a motion, seconded by Councilmember Santini, to table the item until April 2, 1996. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

*8.2SP 1-1-96, Antenna Installation for PCS PrimeCo At the Danielle Site, 4000 SW 47 Avenue (M-4, Hacienda Village) Planning and Zoning Division approval subject to the planning report; Site Plan Committee approval subject to the planning report*

Alan Gabriel, representing the applicant, was present. Mr. Wood read the planning report.

Councilmember Cox made a motion, seconded by Vice-Mayor Venis, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

**9. PUBLIC HEARINGS**

Mayor Bush opened the public hearing.

*Ordinances - Second and Final Reading*

96-5      **9.1 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO B-3; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 11-2-95, Flamingo Road and Orange Drive) (tabled from February 21, 1996)**

Town Clerk Reinfeld read the ordinance by title.

Mayor Bush asked if anyone wished to speak for or against the ordinance.

Howard Zimmerman, representing the petitioner, asked that Council vote in favor of the ordinance.

Mayor Bush closed the public hearing.

Councilmember Cox questioned if Mr. Webber had received the amended settlement agreement. Mr. Webber confirmed.

Councilmember Santini made a motion, seconded by Councilmember Cox, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - no; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - ves. (Motion carried 3-1)

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96-6           **9.2 REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO BP; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 11-3-95, Griffin Road and NW 160 Avenue) (tabled from February 21, 1996)

Town Clerk Reinfeld read the ordinance by title.

Mayor Bush asked if anyone wished to speak for or against the ordinance.

Howard Zimmerman, representing the petitioner, asked that Council vote in favor of the ordinance.

Mayor Bush closed the public hearing.

Councilmember Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - no; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 3-1)

96-7           **9.3 REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO E; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 11-5-95, 13000 Orange Drive) (tabled from February 21, 1996)

Town Clerk Reinfeld read the ordinance by title.

Mayor Bush asked if anyone wished to speak for or against the ordinance.

Howard Zimmerman, representing the petitioner, asked that Council vote in favor of the ordinance. Debbie Apolinario spoke on the number of lakes that the South Florida Water Management approved and said that one could not blast for lakes.

Al Tyler, 8090 SW 19 Court, spoke against the rezoning.

Phyllis Kowal, 14491 SW 24 Street, wanted the boundaries for blasting damage extended to at least 14th Street. Mr. Zimmerman indicated that the boundaries went to 14th Street and indicated that there were two criteria - 1) mileage and 2) from 14th Street, as far east as Hiatus Road and as far west as I-75.

Mayor Bush closed the public hearing.

Councilmember Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - no; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 3-1)

**9.4 REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO R-2; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 10-1-95, 5390 SW 58 Avenue)

Town Clerk Reinfeld advised that the petitioner had requested that this item be tabled until March 20, 1996.

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Councilmember Cox made a motion, seconded by Vice-Mayor Venis, to table the item until March 20, 1996. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

96-8           **9.5 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-2 TO B-3; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 1-1-96, southeast corner of State Road 84 and SW 130 Avenue)**

Town Clerk Reinfeld read the ordinance by title.

Mayor Bush asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Vice-Mayor Venis made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

96-9           **9.6 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF UTILITY EASEMENT LOCATED WITHIN PARCEL "B" OF THE FOUNDATION PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 1-1-96, 3401 Burris Road)**

Town Clerk Reinfeld read the ordinance by title.

Mayor Bush asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Cox made a motion, seconded by Vice-Mayor Venis, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

96-10           **9.7 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING UTILITY, CANAL, AND CANAL MAINTENANCE EASEMENTS LOCATED WITHIN THE BUCKRAM OAK FARM PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 1-2-95, 3001 Nob Hill Road)**

Town Clerk Reinfeld read the ordinance by title.

Mayor Bush asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

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REGULAR MEETING  
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96-11           **9.8 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 13-21, OF THE CODE OF DAVIE BY AMENDING SECTION 13-21(a), AND ADDING SECTION 13-21(c), DELETING THE REQUIREMENT FOR PROPERTY FIRE INSPECTIONS RELATED TO HOME OCCUPATIONAL LICENSES AND PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title.

Mayor Bush asked if anyone wished to speak for or against the ordinance.

Michele Mellgren, Director of Planning, advised that there was a backlog of occupational license applications as the Code required a fire inspection for home occupational licenses. She explained that this ordinance deleted this requirement in an attempt to provide these licenses in a more expedient manner.

Mayor Bush closed the public hearing.

Councilmember Cox made a motion, seconded by Vice-Mayor Venis, to approve. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

R-96-72           **9.9 SETTLEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND TOWN ATTORNEY TO ENTER INTO SETTLEMENT STIPULATION IN CASE NO. 94-010108 CACE (21), WHEREIN JOSEPH SCELZI AND GAIL SILKEBAKKEN ARE PLAINTIFFS AND THE TOWN OF DAVIE IS THE DEFENDANT; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title. Mr. Webber explained the settlement.

Mayor Bush asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Santini made a motion, seconded by Councilmember Cox, to approve item 9.9. In a roll call, the vote was as follows: Mayor Bush - yes; Vice-Mayor Venis - yes; Councilmember Cox - yes; Councilmember Kiar - absent; and Councilmember Santini - yes. (Motion carried 4-0)

Mayor Bush closed the public hearing portion of the meeting.

**10. DISCUSSION**

**10.1 New Generation of Wireless Technology Status Report**

Mr. Flatley advised that because of mobile phones and the change in federal legislation, many phone companies were attempting to establish towers. He explained that the Town did not have a zoning category except for the Danielle site that was approved tonight. Mr. Flatley added that the zoning precluded tower installation without Council's approval. Ms. Mellgren stated that most of the Town's Zoning Codes precluded towers without being in a utilities district.

Mr. Flatley advised that CityTel allowed anyone to connect to its antennae by leasing space. He indicated that in return, the tower was placed on public property with Florida League of Cities receiving 1.5% of gross revenues and a city receiving 15% of tower lease revenues.

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Mr. Flatley stated that he wanted Council to be aware that the Town may be inundated with requests and indicated that a proposal had already been received from PCS to utilize the Public Works property as a site. Councilmember Santini asked Mr. Flatley to review areas that the Town could lease so that the Town could control the incoming towers. Councilmember Cox stated that it would be helpful if the areas were identified and it would be to the Town's benefit to take a proactive approach. Mayor Bush agreed.

Ms. Mellgren stated that it might be in the Town's best interest to amend the Comprehensive Plan to provide for siting criteria. Vice-Mayor Venis agreed.

**10.2 Town of Davie - Legislative Priority Issues**

Mr. Flatley stated that pending issues in the Legislative Session that the Town was interested in included: education, overcrowding of schools, assessments of new developments after built - interim service fees, transportation fees, grants, annexation bill, and TRIM bill. Councilmember Santini asked that the Town be proactive in juvenile crime.

Councilmember Cox asked if the Town was looking at more than 25¢ on each dollar on the equitable transportation fee. Mr. Flatley responded that there would be additional transportation funds created and passed on to the cities in support of the infrastructure improvements that needed to be made. Councilmember Cox asked if there was a timeframe on the annexation bill. Mr. Flatley indicated that the timeframe had been removed from the bill. He indicated that he would keep Council informed.

Councilmember Santini asked if consideration was being given to the Snyder decision and Council's right to inspect properties and speak with constituents. Mr. Flatley indicated that he had not seen any bill to this extent but he thought there may be some during the Session. Councilmember Santini suggested that a resolution be prepared on the Town's priorities and mailed to the Town's representatives. Mr. Flatley stated that a resolution would be prepared for the next Council agenda with the Council's concerns and showing support for the change to the Snyder decision.

**11. TOWN ADMINISTRATOR'S REPORT**

**HIATUS ROAD.** Mr. Flatley stated that he, Mr. Rawls and Mr. Webber met with Broward County's attorney and drafted a document that would remove Hiatus Road from the Trafficways Plan. He indicated that the Road would be maintained as a two lane road and gave the road and its liability and maintenance responsibilities to the Town. Mr. Flatley advised that an interlocal agreement would need to be approved by Council and the County Commission.

Councilmember Santini asked that staff determine if the Town would ever be required to widen the road to four lanes. Mr. Flatley stated that the County would have to take the road back but the problem would be the rights-of-way.

Councilmember Cox asked what the homeowner's position was and asked if the homeowners could petition to have the rights-of-way returned to them. Mr. Flatley responded that once the road was not on the Plan, the rights-of-way could be given back. Councilmember Cox asked that Council be provided with a list of everything that would happen in terms of the legalities, the rights-of-way dedication, cost estimates to maintain the road, etc.

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Councilmember Santini advised that the residents had offered to give up their request for their rights-of-way as they felt strongly in keeping the road a two lane road. She asked if the Town could do anything to request this. Mr. Webber indicated that an agreement could be prepared and recorded.

**RURAL TOWN.** Mr. Flatley stated that when "you begin to put through Flamingo, put through Nob Hill", the community became sliced and the overall impression was that Hiatus "would be another slice". He added that the sentiment was to keep the Town rural.

**12. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 9:20 p.m.

APPROVED \_\_\_\_\_

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Mayor/Councilmember

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Town Clerk