

**TOWN COUNCIL
REGULAR MEETING
SEPTEMBER 4, 1996
7:00 P.M.**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 8:04 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

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

Mayor Venis announced that item 10.3 would be tabled to September 18th; item 10.4 was withdrawn by the petitioner; and items 10.5, 10.6, and 10.7 would be tabled to October 2nd.

3. OPEN PUBLIC MEETING

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

Robert Munsen, 2420 SW 88 Avenue, discussed the inconvenience that was caused to the residents when items were continuously tabled. He suggested that Council provide specific rules regarding petitions.

Jay Stahl, 5801 Surrey Circle West, agreed with the previous speaker. He congratulated the residents who voted in favor of the new police/fire/EMS facility.

Mr. Stahl discussed a hot dog stand that was present during a sidewalk sale at the Home Depot and indicated that Home Depot should receive a Code violation which should not be mitigated.

Cathy Mackenzie and Laura Susek, Child Care Connection, provided a history of the facility and stated that the organization provided subsidized child care for 126 children and needed child care for 98 families. She advised that Child Care Connection was requesting matching funds of \$17,000 which was the same as last year with more children being provided for.

Arthur Joseph, 13700 SW 18 Court, congratulated Mayor Venis, Councilmember Kiar and Marianne Kiar on their Democratic committee person elections.

Mr. Joseph indicated that Councilmember Santini and Development Services Director Michele Mellgren owed the residents of Oak Hill an apology for the Teen Challenge issue and thanked Jean Messler for her research. He added that employees who were no longer employed by the Town should not be blamed and he held Mr. Flatley and Ms. Mellgren responsible. Mr. Joseph stated that the Town would be wise to make a settlement offer.

Michael Davenport, 14041 SW 22 Place, stated that the need for a police/fire/EMS facility was there and this need united the residents. He thanked Council and the volunteers for their support of the facility.

Linda Fain, 13917 SW 36 Court, indicated that she had been double assessed for water and for "the EMT's" which she wanted corrected. She added that Broward County should be paying the \$30,000 for the street and not the Town. Mayor Venis asked Mr. Webber to look into the matter of the assessments.

Mark Casale, representing the Starting Place, provided a history of the facility and advised that a request for funding had been submitted. He indicated that approximately 500 residents had been serviced each fiscal year.

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Judy Paul, 14421 SW 24 Street, thanked Councilmember Santini for appointing her to the Open Space Advisory Committee. She announced that a workshop would be held on September 16th at 7:00 p.m. regarding Pine Island Ridge.

An unidentified man (John Pisula) discussed the efforts made for the police/fire/EMS facility. He advised that he was unable to attend the ribbon cutting ceremony for the bridge at the Robbins property. Mr. Pisula indicated that he enjoyed the Labor Day Splash held at Pine Island Ridge.

Mr. Pisula stated that the Budget Advisory Committee was currently discussing the \$1.2 million EMS assessment.

Al Tyler, 8090 SW 19 Court, agreed with Mr. Munsen regarding postponements. He complimented Officer Martinez' for his handling of a problem in his neighborhood.

Mr. Tyler stated that he had seen an advertisement in Broward County Commissioner Lori Parrish's booklet and he found that the Town had paid for a congratulatory message. He indicated that Mr. Flatley had informed him that it would not happen again.

Mr. Tyler discussed the portables versus the 110 units and the people who volunteer for advisory boards.

Phyllis Kowal, 14491 SW 24 Street, stated that a way to get horses across Nob Hill Road and Flamingo Road was needed. She suggested lights similar to school lights were needed.

Paul Fleischer, 3759 SW 59 Avenue, distributed pictures of dumpsters off 38th Court, discussed their location and asked if something could be done to move them. He added that the streets were dark at night which caused vandalism. Michele Mellgren, Director of Development Services, indicated that enclosing dumpsters was a goal that Council had set for staff and discussed actions that staff was taking. Mr. Fleischer indicated that he had noticed some improvements in removing the abandoned vehicles.

An unidentified woman advised that it was the income producing properties where the dumpsters were located. Vice-Mayor Cox stated that there were dumpsters in the right-of-way which was a problem.

4. PRESENTATIONS

To Council

4.1 Davie/Cooper City Chamber of Commerce

A representative from Chamber was unable to be present.

Jack Mackie, Chief of Police, stated that it was that time of year where non-profit organizations asked for assistance and he asked for assistance for the Police Athletic League (PAL). He advised that the PAL sponsored cheerleading and football programs and approximately \$5,000 was needed. Chief Mackie indicated that water fountains were needed and running water was needed where the boxers trained. He asked for Council's consideration.

Chief Mackie stated that in the Florida Marlins baseball ticket challenge, the Town sold 729 tickets compared to Pembroke Pines' 300. He advised that a trophy was received and a \$2,100 check would be presented to the Town at Council's next meeting.

Mayor Venis advised that he would like a portion of the Town's alarm ordinance to be allocated to the PAL. Chief Mackie anticipated the ordinance taking effect in the next few months.

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4.2 Economic Development Prospects for the Town of Davie

Mr. Flatley displayed a chart on the Town's current land use plan and indicated that 70% of the Town was residential. He indicated that the Town had not raised its operating millage for the last five years and the Town ranked 18th of 28 cities.

Skip Burnside, representing David M. Griffith and Associates, explained the Town's economic and fiscal impact model.

Lou Orosz, President of the Economic Development Council, stated that the report was the first step in a process whereby the Town made land use decisions based on the amount of "profit" it could make on these decisions. He indicated that the "profit" would be used to reduce taxes for the homeowners.

5. CERTIFICATION OF RESULTS OF SEPTEMBER 3, 1996 ELECTION

Town Clerk Reinfeld read the results of the police/fire/EMS facility referendum into the record:

For:	2, 574 (68.42%)
Against:	1,188 (31.58%)

Vice-Mayor Cox made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Chief Mackie announced the names of the residents who were helpful with the bond issue and thanked Margie Mann, Chairman of the Crime Watch of Davie Political Action Committee.

6. OCCUPATIONAL LICENSES

Home Occupational Licenses

6.1 Jerry's Lawn Service, 6505 Sedgewyck Circle East

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

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

6.2 Image & Mapping Technologies, Inc., 2320 SW 131 Terrace

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

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

6.3 Independence Plumbing & Piping Services, Inc., 13230 SW 28 Place

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

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes;

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Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

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6.4 Sunflower Landscaping Serv., Inc., 14021 SW 20 Street
Daisy Corrales, representing the applicant, was present. She confirmed that the request was for mail and phone use only.

Vice-Mayor Cox, made a motion, seconded by Councilmember Bush, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Carnival - Waiver of Fees

6.5 Saint David Catholic Church, 3900 South University Drive (October 24 - 27, 1996)

Ed Matula, representing the applicant, was present and requested a waiver of fees. Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Mayor Venis stated that item 10.3 needed to be tabled to September 18, 1996.

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to table. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Mayor Venis stated that items 10.5, 10.6 and 10.7 needed to be tabled to October 2, 1996.

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to table. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Vice-Mayor Cox stated that item 10.7 needed to be heard on October 2nd or not heard at all. Councilmember Kiar indicated that once the agenda was completed, there should not be any tablings. Council agreed that item 10.7 would be heard on October 2nd.

Mayor Venis announced that item 10.4 had been withdrawn.

7. COUNCILMEMBER COMMENTS

COUNCILMEMBER BUSH

Councilmember Bush stated that because of the lateness of the hour, he would forego his comments.

VICE-MAYOR COX

ROBBINS PROPERTY BRIDGE. Vice-Mayor Cox stated that a ribbon cutting ceremony was held for the bridge at the Robbins property.

CROSS LIGHT. Vice-Mayor Cox stated that the Town would look into the matter of lengthening the time of the light on Flamingo Road.

BOND ISSUE. Vice-Mayor Cox congratulated Chief Mackie, the Police Department and all the volunteers for their efforts on the bond referendum.

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COUNCILMEMBER SANTINI

CHARITABLE ORGANIZATIONS. Councilmember Santini stated that numerous organizations approached the Town for monetary support and said that there was still time for requests to be made. She indicated that she wanted Council involved in distributing funds to the charities.

ROBBINS PROPERTY BRIDGE. Councilmember Santini stated that the bridge was incredible.

BOND ISSUE. Councilmember Santini thanked all those involved on the bond referendum.

LABOR DAY SPLASH. Councilmember Santini stated that thousands of people attended and thanked the Town for this event.

ADVISORY BOARDS. Councilmember Santini urged Council to appoint residents who wanted to participate on the Town's advisory boards. She asked that residents let Council know if they were interested in volunteering.

COUNCILMEMBER KIAR

ROBBINS PROPERTY BRIDGE. Councilmember Kiar agreed with Councilmember Santini on the bridge.

BOND ISSUE. Councilmember Kiar thanked all the volunteers who worked on the bond referendum.

WELCOME. Councilmember Kiar welcomed Gail, a new resident, into the Town.

CONGRATULATIONS. Councilmember Kiar congratulated Wayne Arnold on being unopposed on the Central Broward Drainage District. He added that Mr. Arnold had been selected by the Kiwanis to attend a meeting on Marco Island regarding the Town's Child Safety Board.

THANKS. Councilmember Kiar thanked all those who voted for him and congratulated his wife and Mayor Venis as being selected Democratic committee chairpersons.

MAYOR VENIS

BOND ISSUE. Mayor Venis thanked all those involved on the bond referendum.

LIBRARY. Mayor Venis asked for an update on the new library. Mr. Flatley indicated that he understood this matter was in the County's budget.

MASS TRANSIT. Mayor Venis asked if a request could be made to provide additional transit routes. Mr. Flatley indicated that the County continually monitored the "ridership" and its needs. He said that staff could ask that areas of the Town that were not being serviced be re-evaluated. Mayor Venis mentioned that requests had been made to review Stirling Road and 58th Avenue. Councilmember Santini asked that the Isla Merita area be reviewed.

CHILD SAFETY BOARD. Mayor Venis stated that he had attended a meeting and distributed certificates of appointments to the members and congratulated the new board officers.

BENEFIT RACE. Mayor Venis stated that a charitable race was being held at Tree Tops Park on September 8th which would benefit Cerebral Palsy.

8. CONSENT AGENDA

Minutes

- 8.1 June 24, 1996 - Workshop Meeting
- 8.2 August 7, 1996 - Workshop Meeting
- 8.3 August 7, 1996 - Regular Meeting

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Proclamation

8.4 Constitution Week, September 16-20, 1996

Resolutions

- R-96-298 8.5 **ERECTING ONE BILLBOARD - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EASE FOUNDATION INC. AND ACKERLY COMMUNICATIONS GROUP, INC. TO OPERATE AND ERECT ONE BILLBOARD UPON A CERTIFIED BILLBOARD SITE; AND PROVIDING AN EFFECTIVE DATE.**
- R-96-286 8.6 **ERECTING ONE BILLBOARD - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE DAVIE POLICE ATHLETIC LEAGUE, INC. AND GOLD COAST ADVERTISING TO OPERATE AND ERECT ONE BILLBOARD UPON A CERTIFIED BILLBOARD SITE; AND PROVIDING AN EFFECTIVE DATE.**
- 8.7 **CERTIFYING BILLBOARD SITE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CERTIFYING BILLBOARD SITES PURSUANT TO SECTION 12-238(J)(9) OF THE CODE OF THE TOWN OF DAVIE PURSUANT TO THE REQUEST OF THE EASE FOUNDATION INC. AND ACKERLEY COMMUNICATIONS GROUP, INC.; AND PROVIDING AN EFFECTIVE DATE.**
- 8.8 **CERTIFYING BILLBOARD SITE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CERTIFYING BILLBOARD SITES PURSUANT TO SECTION 12-238(J)(9) OF THE CODE OF THE TOWN OF DAVIE PURSUANT TO THE REQUEST OF THE BOYS AND GIRLS CLUB OF BROWARD COUNTY, INC. AND GOLD COAST ADVERTISING; AND PROVIDING AN EFFECTIVE DATE.**
- R-96-287 8.9 **EXTENSION OF ADVISORY BOARD - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXTENDING THE JOINT ECONOMIC DEVELOPMENT STEERING COMMITTEE. (for one year; appointments made August 1996)**
- R-96-288 8.10 **EXTENSION OF ADVISORY BOARD - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REESTABLISHING THE OPEN SPACE ADVISORY COMMITTEE; AND PROVIDING AN EFFECTIVE DATE. (for one year; appointments made July 1996)**
- R-96-289 8.11 **CRA BUDGET - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE CRA PRIOR YEAR CARRYFORWARD FUNDS AND PLACING SUCH FUNDS INTO THE FY 1996-97 CRA BUDGET.**

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R-96-290

8.12 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. (P 7-1-96, Forest Ridge Single Family VA) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*

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- R-96-291 **8.13 WAIVING PERMIT FEES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING FIELD PERMIT FEES FOR THE SILVER RIDGE ELEMENTARY SCHOOL. (1996-97 school year)**
- R-96-292 **8.14 PRE-SCHOOL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO APPROVE A CONTRACT WITH DINA P. AYERS FOR PRE-SCHOOL. (instructor to be compensated 75% of the class fee, not to exceed \$30,000)**
- R-96-293 **8.15 PIANO AND KEYBOARD LESSONS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO APPROVE A CONTRACT WITH LAURA SCHUNK FOR PIANO AND KEYBOARD LESSONS. (instructor to be compensated 75% of the class fee, not to exceed \$25,000)**
- R-96-294 **8.16 KARATE CLASSES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO APPROVE A CONTRACT WITH JOE KELLJCHIAN FOR KARATE CLASSES. (instructor will be compensated 75% of the class fee, not to exceed \$20,000)**
- R-96-295 **8.17 CHANGE ORDER - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT CHANGE ORDER FOR OLD DAVIE SCHOOL RENOVATION. (net increase in the amount of \$18,479)**
- R-96-296 **8.18 SECURITY PROGRAM - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE RESIDENTIAL SECURITY PROGRAM AT WOLF LAKE**

Ordinance - First Reading (Public Hearing to be held September 18, 1996)

8.19 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12-303(B) OF THE CODE OF THE TOWN OF DAVIE ENTITLED, "ADVERTISING AND PUBLIC NOTICE", AND SECTION 12-306(F)(1), ENTITLED "SUPPLEMENTARY NOTIFICATION REQUIRED FOR REZONINGS, VARIANCES AND SPECIAL PERMITS", TO CLARIFY PUBLIC NOTICE PROCEDURES FOR PLANNING AND ZONING APPLICATIONS SUBJECT TO PUBLIC HEARINGS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice-Mayor Cox asked that items 8.5, 8.6, 8.7, and 8.19 be removed from the Consent Agenda. Councilmember Santini asked that items 8.8 and 8.17 be removed. Councilmember Kiar asked that item 8.12 be removed.

Councilmember Bush made a motion, seconded by Vice-Mavor Cox, to approve

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the Consent Agenda without items 8.5, 8.6, 8.7, 8.8, 8.12, 8.17 and 8.19. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Town Clerk Reinfeld read the ordinance - first reading by title only. Mayor Venis advised that a public hearing on item 8.19 would be held on September 18, 1996.

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8.12 Councilmember Kiar clarified that this resolution regarded property east of the ridge.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

8.17 Councilmember Santini asked if this resolution was for construction of the water proofing or an additional \$18,000. Mr. Flatley responded that this matter had to be put out to bid and was not an additional \$18,000.

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

8.19 Vice-Mayor Cox stated that she would like a voice vote on this item.

Councilmember Bush made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-1)

8.5 Councilmember Santini asked that billboard matters not be placed under the Consent Agenda because of the controversy.

Mr. Webber announced that the budget item, 10.1, had to be the first substantive issue to be heard and asked that it be heard at this time.

10.1 Town Clerk Reinfeld read the ordinance by title.

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

Councilmember Kiar congratulated Council for working hard on this budget and for finding areas that could be reduced.

Christopher Wallace, Director of Budget and Finance, advised that when the sales tax was increased from 4¢ to 5¢, the State promised that it would roll back property taxes by an amount equal to the new sales tax. He stated that property tax rates were frozen for three years and the roll back rate was created which he explained.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

8.5 Councilmember Santini said that she was not comfortable acting on this resolution because the backup information was not provided until tonight's meeting.

Joel Gustafson, representing Ackerley Communications, advised that the agreement was the Town's form. Mr. Webber stated that he had also received the agreement today and noted that there was an inconsistency in the resolution. He explained that the resolution allowed for one billboard to EASE and the Ackerley group; however, the agreement provided for two. Mr. Gustafson explained. Discussion followed.

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Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve item 8.5 and changing the agreement to only one sign. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

8.6 Debbie Orshefsky, representing Gold Coast Advertising, asked for approval for a sign location for the Police Athletic League.

Mayor Venis passed the gavel and made a motion to approve. Councilmember Santini seconded the motion. Councilmember Santini stated that the wording regarding no smoking or drinking was not clear and indicated that she liked the wording in Ackerley's documents. Ms. Orshefsky advised that this wording would be incorporated into a second addendum.

Vice-Mayor Cox stated that she did not like the site location.

In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-1)

8.7 Town Clerk Reinfeld read the resolution.

Joel Gustafson explained the request. George Zartolas explained the site location. Councilmember Santini indicated that she did not like the sign's location. Councilmember Kiar indicated that this site had previously been denied.

Debbie Orshefsky, representing Gold Coast Advertising, discussed the site's previously submittal and asked Council to stand by its original decision.

Councilmember Kiar stated that he did not want sites that were denied to return to Council. Mr. Webber indicated that Council could direct that this be the policy.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to deny item 8.7. In a roll call, the vote was as follows: Mayor Venis - no; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-1)

8.8 Debbie Orshefsky, representing Gold Coast Advertising, explained that with the Zartolas site denial, decertification of the AMF site was unnecessary which was the reason for recertification. She indicated that the site had previously been approved by Council.

Vice-Mayor Cox made a motion to deny item 8.8. Councilmember Santini asked if the petitioner would be willing to table this item to provide a map showing where all the site were located. Ms. Orshefsky indicated that a graphic could be created but she would like the site to be certified.

Joel Gustafson discussed the location of the sign compared to the Ireland site and asked that Council review the location of the signs.

Ms. Orshefsky read an affidavit from Jeffrey Fitt regarding the distance of the proposed signs being approximately 1,660 feet.

Councilmember Santini seconded the motion to deny.

In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - no; and Councilmember Santini - yes. (Motion carried 4-1)

Councilmember Kiar indicated that he did not want this site location to return to Council.

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9. SITE PLANS

9.1 SP 3-2-96, University/30th Walgreens (Phase 1 at Rolling Hills Commercial Site), southwest corner of University Drive and SW 30 Street (B-2) Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report, changing the Washingtonian Palms to have 8 foot clear trunks, and the addition of a floor plan sheet

George McBee, representing the petitioner, was present. Dan Oyler, Development Programs Manager, read the planning report.

Councilmember Santini asked if there was an agreement that the drive-thru would remain a pharmacy and not the sale of liquor. Ms. Mellgren explained that the site plan noted that the drive-thru was a pharmacy and if it was converted, it would be in violation of the site plan. Mr. McBee added that it was not Walgreens' intention to sell liquor through the drive-thru facility.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

9.2 SP 6-7-96, Rolling Hills Commercial, southwest corner of University Drive and SW 30 Street (B-2) Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report and having the plan reflect all changes [to architectural drawings], including colors and materials of awnings if not the same as rendering and correcting the type of canopy for the Texaco station

Sean Connelly, representing the petitioner, was present. Mr. Oyler read the planning report and added that the plans had been revised to reflect the Site Plan Committee's conditions. Mr. Connelly displayed the corrected plan.

Councilmember Santini stated that she had a problem with this site plan and explained that when Council was asked to reconsider the zoning on the property, an upscale office/retail and restaurant facility was promised. She said that a convenience store, a Texaco gas station and a drive-thru restaurant was not upscale. Ms. Mellgren stated that in the B-2 zoning district, these uses fell within the permitted uses allowed. Councilmember Santini asked if site plans could be attached to a rezoning request. Ms. Mellgren responded that the Code could be changed to require a conceptual master plan as was required in the B-3 zoning district. Discussion followed on the different phases.

Sandy Duckert, representing Miller, Legg & Associates, indicated that the proposal was for a convenience store that sold gas and not a gas station.

Vice-Mayor Cox advised that the awning being shown was different than what was shown to the Site Plan Committee. She added that there were several comments made about the roof line and the sign that the Committee wanted to resolve.

Councilmember Kiar did not see how a gas station would enhance the "salability" of homes and he thought this addition would have a negative effect on the remaining project. Ms. Mellgren suggested that Council consider having Mr. Webber make a determination as to the point a convenience store became a gas station. Mr. Webber recommended that this item be deferred to provide him an opportunity to research this issue.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to

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table this item to the next meeting (September 18, 1996).

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Councilmember Santini questioned if anything could be done to the remaining phases prior to their being developed. Mr. Webber indicated that the zoning controlled the uses at this point. Discussion followed.

Councilmember Kiar asked if Council could object to a building if it did not like the site plan. Mr. Webber replied that the building had to comply with the Town's Code and if the building complied with the Code, Council would have to approve.

Vice-Mayor Cox indicated that she was not thrilled with the building and was disappointed with the aesthetic level of what she believed would be a nice development.

Joe Chambles, owner/operator of the proposed Texaco, stated that he would reassess the physical facility to satisfy the Town and he wanted to address Council's concerns. He indicated that he would provide photographs of a facility in Coconut Grove.

In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Councilmember Santini requested that the petitioner speak with the developer on the promises that were previously made. Mr. Connelly asked if anything could be done to improve the site plan. Vice-Mayor Cox responded that the architecture could be made the same as the other building. Councilmember Santini suggested that the petitioner return with the awnings and get rid of the "concrete polish."

9.3 SP 7-1-96, Forest Ridge Single Family VI, Nob Hill Road north of Tree Tops Park (PRD 3.6) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report*

Walter Collins, representing the petitioner, was present. Mr. Oyler read the planning report. Discussion followed.

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - no; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - no; and Councilmember Santini - yes. (Motion carried 3-2)

9.4 SP 7-2-96, Forest Ridge Single Family VII, Nob Hill Road north of Tree Tops Park (PRD 3.6 & E) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report and the addition of an equestrian crossing as agreed to by the applicant*

9.5 SP 7-3-96, Forest Ridge Single Family VIII, Nob Hill Road north of Tree Tops Park (PRD 3.6) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report*

Walter Collins, representing the petitioner, was present. Mr. Oyler read the planning report.

Vice-Mayor Cox indicated that at some point, the existing trail crossing may have to be relocated and added that the crossing would be maintained. She advised that the bikepath was shown to be meandering through the entire 50 foot right-of-way on the Ridge crossing and asked that enough space was left for equestrian users and walkers.

Vice-Mayor Cox made a motion, seconded by Councilmember Kiar, to approve

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items 9.4 and 9.5. In a roll call, the vote was as follows: Mayor Venis - no; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - no; and Councilmember Santini - yes. (Motion carried 3-2)

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9.6 S 7-2-96, Regency Square [Dairy Queen], 4979 SW 148 Avenue (PUD, County) *Site Plan Committee approved*

Wanda Rivera, representing the petitioner, was present. Mr. Oyler read the planning report.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

10. PUBLIC HEARINGS

Ordinance - First Reading

10.1 BUDGET - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE BUDGET FOR THE TOWN OF DAVIE FOR THE FISCAL YEAR 1996-1997.

This item was approved earlier in the meeting.

Ordinance - Second and Final Reading

10.2 REVISION TO MASTER SITE PLAN - AN ORDINANCE OF THE TOWN OF

96-38 DAVIE, FLORIDA, AMENDING ORDINANCE 94-37 BY CHANGING SECTIONS 1(b) AND 1(c) TO PROVIDE FOR A REVISION TO THE APPROVED MASTER SITE PLAN AND DECLARATION OF RESTRICTIONS ASSOCIATED WITH THE REZONING APPROVAL; AND PROVIDING AN EFFECTIVE DATE. (ZB 6-1-96, 15400 Slydgemill Road)

Town Clerk Reinfeld read the ordinance by title.

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

Debbie Orshefsky, representing the petitioner, was present.

As no one spoke, the public hearing was closed.

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to approve.

In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

10.3 STAFF REQUESTING A TABLING TO SEPTEMBER 18, 1996

VACATION/ABANDONMENT - VA 1-2-96A, G.L. Homes of Davie Corporation, 3001 Nob Hill Road (to vacate a recreational path easement within Parcel "A" of the Buckram Oak Farm Plat) (tabled from August 21, 1996) *Planning and Zoning Division approved; Planning and Zoning Board approved*

This item was tabled earlier in the meeting.

10.4 WITHDRAWN BY THE PETITIONER

REZONING - ZB 7-1-96, Keith & Ballbe', Inc./Rabenau, 7900 Stirling Road (from R-5 to RM-5) (tabled from August 21, 1996)

This item was withdrawn earlier in the meeting.

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**10.5 PLANNING AND ZONING BOARD TABLED TO
SEPTEMBER 25, 1996; COUNCIL CAN TABLE TO
OCTOBER 2, 1996**

VARIANCE - V 4-2-96, New Town Commerce Center, Ltd., 3801 - 4131
NW 47 Avenue (M-3) (tabled from August 7, 1996)

This item was tabled earlier in the meeting.

**10.6 PLANNING AND ZONING BOARD TABLED TO
SEPTEMBER 25, 1996; COUNCIL CAN TABLE TO
OCTOBER 2, 1996**

VARIANCE - V 6-3-96, Weiss/Duncan, south side of State Road 84,
between Hiatus Road and Nob Hill Road (A-1) (tabled from August 21,
1996)

This item was tabled earlier in the meeting.

**10.7 REZONING - ZB 4-1-96, Lester, 2400 SW 88 Avenue (from A-1 to
CF) (tabled from August 7, 1996) *Planning and Zoning Division approved
subject to the planning report; Planning and Zoning Board approved
subject to the planning report and voluntary deed restrictions***

This item was tabled earlier in the meeting.

**10.8 VARIANCE - V 6-2-96, Weiss/Ceresne, 15703 SW 31 Street (A-1)
(to increase the maximum height of a communication structure from 25
feet to 125 feet) (tabled from August 21, 1996) *Planning and Zoning
Division approved subject to the planning report; Planning and Zoning
Board denied***

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Ms. Mellgren advised that the resumes of all planning staff were on file with the Town which qualified them as expert witnesses. Jeff Katim, Planner II, read the planning report.

Richard Weiss, representing the petitioner, was present. He explained site selection and the monopoles. Mr. Weiss advised that the pole would be built to accommodate other carriers.

Councilmember Santini questioned if there were Town owned properties in the area where the monopoles were needed. Mr. Weiss replied negatively. Discussion followed on the size of the monopole and building.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance. No one spoke.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

**10.9 VARIANCE - V 6-4-96, Weiss/Maggert and Grabowski, 4730 SW
83 Terrace (M-1) (to increase the maximum height of a communication
structure from 25 feet to 100 feet) (tabled from August 21, 1996) *Planning
and Zoning Division approved subject to the planning report; Planning***

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and Zoning Board approved subject to the planning report

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Mr. Webber asked if there was anyone in the audience to speak on the matter that had not been sworn in. No additional witnesses were sworn in. Ms. Mellgren offered the planning report into evidence and summarized the request. Mr. Webber accepted the report into evidence.

Richard Weiss, representing the petitioner, explained the request. He indicated that as part of the site plan process, the applicant would plant additional landscaping to enhance the site. Vice-Mayor Cox asked if the applicant would be amenable to planting trees on the neighboring mobile home property in order to provide a visual screen. Mr. Weiss replied affirmatively. Discussion followed on the site of the pole.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance. No one spoke.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Councilmember Bush made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Mr. Weiss indicated that the applicant would consider the motion approved subject to the condition of the landscaping.

10.10 VARIANCE - V 7-1-96, Glen/Weitzer, 1520 SW 106 Terrace (PRD-5) (to reduce the required peripheral setback from 25 feet to 0 feet along the eastern boundary of the lot) (tabled from August 21, 1996) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Town Clerk Reinfeld swore in the witnesses. Ms. Easterling read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

Dick Coker, representing the petitioner, indicated that an agreement had been reached with the Ridgeview Estates Homeowners Association and a stipulation had been signed. He indicated that the stipulation had been submitted to Mr. Webber for review. Mr. Coker explained the agreement and asked for Council's favorable support for the variance.

Mr. Webber asked if anyone wished to speak on the variance

Mitchell Chester, 10391 SW 16 Place - representing the homeowner's association "on the other side", congratulated Mr. Coker and the residents of Weitzer. He indicated that the residents urged Council to vote in favor of the variance with the understanding that the applicant would comply with the stipulation when approved by all involved.

Mr. Webber stated that the hearing was concluded.

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

10.11 VARIANCE - V 7-2-96, Kitay/Weitzer, 1500 SW 106 Terrace (PRD-5) (to reduce the required peripheral setback from 25 feet to 0 feet along the eastern boundary of the lot) (tabled from August 21, 1996) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Dick Coker asked that this variance be tabled to September 18, 1996.

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Councilmember Santini made a motion, seconded by Councilmember Kiar, to table [September 18, 1996]. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Mayor Venis closed the public hearing portion of the meeting.

11. APPOINTMENTS

11.1 Charter Review Board (2 exclusive appointments per Councilmember)

Councilmember Bush appointed Larry Davis and deferred his second appointment until the next meeting. Vice-Mayor Cox deferred her appointments until the next meeting. Councilmember Santini appointed Laurrelle Crawford-Kuvin and Vicki Augustus-Fidelia. Councilmember Kiar appointed Gary Gargiulo and Arthur Joseph. Mayor Venis appointed Dean Alexander and Wayne Arnold.

11.2 Parks and Recreation Advisory Board (2 exclusive appointments per Councilmember)

Councilmember Bush appointed Corey Johnson and Les Heskew. Vice-Mayor Cox Vice-Mayor Cox deferred her appointments until the next meeting. Councilmember Santini appointed John Cassaro and Jim Mester. Councilmember Kiar appointed Robert Sammons and Joyce Stewart. Mayor Venis appointed Laurrelle Crawford-Kuvin and Joan Kovac.

12. DISCUSSION AND POSSIBLE ACTION

12.1 Suggested Change to Code Concerning Churches

Ms. Mellgren indicated that there were a number of churches that were located in shopping centers which did not appear to be permitted by the Town's Code. She suggested that Council direct staff to amend the Code to allow these churches but not without conditions and indicated that a special permit may be required. Vice-Mayor Cox and Councilmember Kiar agreed with the suggestion. Mr. Flatley advised that an ordinance would be presented to Council at its next meeting.

Mayor Venis advised that a resolution needed to be added to the agenda.

Vice-Mayor Cox made a motion, seconded by Councilmember Kiar, to add 12.2. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

**R-96-297 12.2 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING THE
APPLICATION FOR WASTE TIRE GRANT FUNDS FROM BROWARD
COUNTY, AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Flatley explained the resolution.

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

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- 13. TOWN ADMINISTRATOR'S REPORT**
No report was provided by Mr. Flatley.

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14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 12:45 a.m.

APPROVED _____

Mayor/Councilmember

Town Clerk