

**TOWN COUNCIL  
REGULAR MEETING  
NOVEMBER 6, 1996**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:03 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.

**3. OPEN PUBLIC MEETING**

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

Edna Moore stated that Marie and Bill Thomas have property on Orange Drive which was platted years ago and for years, the Town had indicated that the Thomas' could not build on the property with the exception of the current home. She said that the Planning and Zoning Division was now indicating that the Thomas' could build on the property but approximately 40 feet of land off Orange Drive had to be dedicated in case of widening. Ms. Moore indicated that Broward County had no plans to widen the road for at least 20 years. She asked the Town to stop "tormenting" the Thomas'.

Jay Stahl, 5801 Surrey Circle West, advised that another telecommunications antenna had been installed on Griffin Road near I-75 without a permit. Development Services Director Michele Mellgren advised that the moratorium only addressed the site plan. She indicated that the antenna that Mr. Stahl was referring to was attached to existing Florida Power & Light structures and did not require a site plan. Ms. Mellgren stated that PrimeCo had been notified of violations and would be fined. Mr. Stahl responded that the antenna was not attached to an existing pole and indicated that one side of an existing tower was removed and a monopole antenna tower was added.

Arthur Joseph, 13700 SW 18 Court, thanked Councilmember Kiar for appointing him to the Charter Review Board which had been an informative experience. He thanked Town Clerk Reinfeld, Assistant Town Clerk Bergamini and Town Attorney Webber for their efforts.

Mr. Joseph read a letter from Marcia Joseph regarding the rezoning of Imagination Farms.

Al Tyler, 8090 SW 19 Court, discussed the six portables in exchange for 110 units and credit should be given to the Davie Good Government League.

Faoud Monier asked Council why it was against the Sunny Lakes residents. Mr. Webber advised that this a quasi judicial matter which was still pending before Council and should not be discussed.

Iva Smith, Pastor - Church of God, thanked Mayor Venis and Councilmember Kiar for voting against charging the churches for Emergency Medical Services (EMS). He discussed EMS and asked that one of the Councilmembers who voted in favor of the fee bring the item up for reconsideration.

Debbie Apolinario thanked Councilmember Cox for meeting with them on various issues.

Phyllis Kowal stated that it was time for the residents to stop the personal attacks on Council.

Michael Davenport, 14041 SW 22 Place, stated that all the staff, excluding the fire union employees, had agreed to a Drug Free Workplace. He said that he supported the Town's efforts and strongly urged the firefighters to join with the Town for a drug free workplace.

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Judy Paul, 14421 SW 24 Street, thanked Councilmember Cox for appointing her to the Charter Review Board and hoped that Council would agree with the recommendations. She thanked staff for their efforts and the Town was lucky to have these individuals on staff. Ms. Paul stated that she was happy to know that the Town was actively pursuing the annexations of a number of properties some of which included equestrian areas.

**4. PRESENTATIONS**

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

Chuck Bonfiglio, representing the Chamber of Commerce, advised of upcoming events for the month of November. He indicated that WestFair meetings had begun to be held.

**4.2 Fourth and Final Quarterly Status Report - Goals, Capital, Finance**

Mr. Flatley advised that this information would be provided in the Town's newsletter.

Mayor Venis advised that the Town had closed on the police/fire facility property on November 1st. Assistant Town Administrator Robert Rawls stated that the Town was moving aggressively on the police/fire facility. Police Chief Jack Mackie advised that a committee was traveling to different cities to inspect other police facilities and thanked Mr. Rawls for his assistance with this matter.

**5. OCCUPATIONAL LICENSES**

*Home Occupational Licenses*

**5.1 Crowl Const. Inc., 14290 SW 17 Street**

James Crowl, the applicant, was present. He confirmed that the request was for mail and phone use only.

Councilmember Kiar 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)

*Seasonal Sales - Christmas Trees - Waiver of Fees*

**5.2 Boy Scout Troop 118, 2920 SW 46 Court (location: 4190 South University Drive; November 27 to December 24, 1996)**

Donna Glendenning, representing the applicant, was present.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to waive the fees. 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)

**5.3 Nova High School Bandparents, 749 NW 91 Terrace (3451 South University Drive; November 27 to December 24, 1996)**

Maria McKee, representing the applicant, was present.

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to waive the fees. 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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5.4 Davie Merchants & Industrial Association, Inc., 4420 SW 64 Avenue (location: 2701-2751 North University Drive; November 27 to December 24, 1996)

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5.5 Davie Merchants & Industrial Association, Inc., 4420 SW 64 Avenue (location: 4610 South University Drive; November 27 to December 24, 1996)

Grant Marant, representing the applicant, was present.

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to waive the fees on items 5.4 and 5.5. 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)

5.6 Southwest Broward Optimist Club of Davie, 16310 Malibu Drive (location: 5660 Griffin Road; November 27 to December 22, 1996)

Toni Bernard, representing the applicant, was present.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to waive the fees. 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. COUNCILMEMBER COMMENTS**

**COUNCILMEMBER BUSH**

**NOVA SOUTHEASTERN UNIVERSITY LIBRARY.** Councilmember Bush stated that he and Mayor Venis attended a dedication of the new library at Nova Southeastern University.

**TURNING LANE.** Councilmember Bush asked for an update on the turning lane at I-595 and Davie Road. Mr. Rawls responded that the Town had submitted a formal request to the State of Florida for a dual right turn lane.

**VICE-MAYOR COX**

**BRIDGE AT ROBBINS PROPERTY.** Vice-Mayor Cox stated that the bridge had been inaugurated on Saturday, November 2nd.

**POLICE FACILITY.** Vice-Mayor Cox commended Chief Mackie's continued effort to spend the resident's tax and bond dollars wisely in constructing the new police facility.

**LETTER FROM MARCIA JOSEPH.** Vice-Mayor Cox stated that the letter was slanderous and malicious and indicated that the Good Government League would probably do better if it got its facts straight.

**COOPERATIVE EFFORTS.** Vice-Mayor Cox stated that there was a cooperative effort with Silver Ridge Elementary School, the police facility property and the fast tracking of the new elementary school.

**OLD DAVIE SCHOOL.** Vice-Mayor Cox stated that the Broward County School Board, the Old Davie School, and the Department of Transportation had agreed on the removal of the building in front of the School. She indicated that the School should be opened by the end of January.

**COUNCILMEMBER SANTINI**

**THANKS.** Councilmember Santini thanked everyone for their good wishes on her wedding which was held at Signature Grand.

**EMS ASSESSMENT.** Councilmember Santini stated that Council was trying to resolve the issues to release the religious organizations from the EMS assessment.

**CHARITABLE FUNDS.** Councilmember Santini stated that the Town had charitable funds to be given to non-profit organizations to help the Town's residents.

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**ELECTIONS.** Councilmember Santini congratulated those who won their election on November 5th and asked that the Town send a congratulatory letter to those who won.

**CIVILIAN POLICE ACADEMY.** Councilmember Santini stated that her husband had joined the Civilian Police Academy and indicated that computers were needed to help aid in writing reports.

**CONCURRENCY.** Councilmember Santini stated that the Town was working with the School Board's demographer on school concurrency and the information was still being compiled.

**HIATUS ROAD.** Councilmember Santini stated that Mr. Rawls was continuing to work on for the installation of a sidewalk on Hiatus Road.

**TRAFFIC LIGHT.** Councilmember Santini indicated that Mr Rawls was also working on obtaining a traffic light for the intersection of 36th and University Drive.

**TOWN VIDEO.** Councilmember Santini advised that Council had attended the Economic Development Council's annual meeting and a video spotlighting the Town was shown which could be shown to different interest groups.

**THANKS.** Councilmember Santini thanked Mr. Flatley for officiating at her wedding.

**VOTING.** Councilmember Santini stated that Wheelabrater worked with the Supervisor of Elections by helping children vote.

**COUNCILMEMBER KIAR**

**ELECTIONS.** Councilmember Kiar congratulated those who won their election on November 5th.

**CAMPAIGNING.** Councilmember Kiar stated that his sons and a friend helped worked on a State legislator's campaign which was a learning experience.

**APPOINTMENTS.** Councilmember Kiar stated that several of his board appointments had to resign and he appointed Phylis Kowal to the Open Space Advisory Board (item 11.3), Dianne Enten to the Child Safety Board (item 11.1) and Jay Enten to the Davie Water Advisory Board (item 11.2).

**WRESTLING.** Councilmember Kiar stated that Inside Edition would be having a feature story on Mayor Venis' wrestling. He indicated that Mayor Venis would be wrestling to raise funds for Davie Elementary School's new shelter. Councilmember Kiar added that Mayor Venis would also be wrestling for Flamingo Elementary School to help with technology.

**MAYOR VENIS**

**CONGRATULATIONS.** Mayor Venis congratulated his daughter for becoming the manager of her soccer team at Indian Ridge Middle School.

**LIBRARIES.** Mayor Venis stated that he and Councilmember Bush attended the dedication of the new Nova Southeastern University library and at tonight's meeting, Council would be voting on a land use amendment where a developer had dedicated four acres for a new library facility. He asked that the Town be added to the Broward County Commission's agenda to request funds for design work.

**YOUNG AT ART.** Mayor Venis announced that he had been appointed to the Young at Art Children's Museum Board of Directors which wanted to relocate to the Town.

**PUBLIC SAFETY ANNOUNCEMENTS.** Mayor Venis stated that a suggestion had been made to have Jones Intercable prepare public safety announcements for children and a series of announcements would be made. He thanked Jones Intercable for being a good partner in the Town.

**DONATION BINS.** Mayor Venis stated that the problem with the red bins which people thought were for non-profit organizations had been referred to the Code Enforcement

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**BLASTING.** Mayor Venis stated that he and Mr. Flatley met with Senator Howard Forman on the blasting in the unincorporated western areas. He indicated that concessions had been obtained from the developer but the developer had a permit for blasting.

**SCHOOLS.** Mayor Venis stated that elementary school children had projects on the Town's history and the work was great. He suggested that some of the work be displayed in the Community Room.

Mayor Venis stated that he had met with parents from the Indian Ridge Middle School who were concerned with children being forced to walk to school along the State Road 84 corridor which was very dangerous. He directed staff to prepare a safety study to be conveyed to the School Board. Vice-Mayor Cox recommended that a sidewalk be installed opposite the community center right on the School Board property.

Mayor Venis advised that a request had been made to table item 9.8 to December 4, 1996.

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to table to December 4, 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 advised that a request had been made to table item 9.9 to December 18, 1996.

Councilmember Bush made a motion, seconded by Councilmember Santini, to table to December 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 advised that a request had been made to table item 9.10 to November 20, 1996.

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to table to November 20, 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)

**7. CONSENT AGENDA**

*Minutes*

7.1 October 16, 1996 - Regular Meeting

*Proclamations*

7.2 National Epilepsy Awareness Month - November 1996

7.3 National Notary Public Day - November 7, 1996/National Notary Public Week - November 4 - 8, 1996

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*Resolutions*

- R-96-342      **7.4      MEDICAL/DENTAL/FLEX INSURANCE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO RENEW THE AGREEMENT WITH THE PRUDENTIAL INSURANCE COMPANY AS PROVIDER FOR FULLY-INSURED MEDICAL NETWORK, HEALTH MAINTENANCE ORGANIZATION, DENTAL INSURANCE, PRESCRIPTION PLAN AND FLEXIBLE SPENDING ACCOUNT ADMINISTRATION. (January 1 - December 31, 1997)**
- R-96-343      **7.5      COOPERATIVE FIRE SUPPRESSION SERVICES - A RESOLUTION OF THE TOWN OF DAVIE FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE CITY OF COOPER CITY FOR COOPERATIVE FIRE SUPPRESSION SERVICES THROUGH AUTOMATIC AID; AND PROVIDING FOR AN EFFECTIVE DATE.**
- R-96-344      **7.6      PURCHASE OF FIRE AND MEDICAL SUPPLIES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE PURCHASE OF FIRE AND MEDICAL SUPPLIES FROM THE BROWARD COUNTY LOGISTICS WAREHOUSE AND AUTHORIZING THE MAYOR AND APPROPRIATE TOWN OFFICIALS TO EXECUTE A WAIVER OF LIABILITY AGREEMENT. (\$50,000/year)**
- R-96-345      **7.7      AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN NOVA SOUTHEASTERN UNIVERSITY AND THE TOWN OF DAVIE REGARDING THE "COMMUNITY POLICING TO COMBAT DOMESTIC VIOLENCE" GRANT, ADMINISTERED BY THE DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY POLICING SERVICES.**
- R-96-346      **7.8      AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN NOVA SOUTHEASTERN UNIVERSITY AND THE TOWN OF DAVIE REGARDING THE GRANT AWARD UNDER THE FEDERAL ANTI-DRUG ABUSE ACT FOR PROJECT "ADAPT" (ADOLESCENT DRUG ABUSE PREVENTION AND TREATMENT PROGRAM).**
- R-96-347      **7.9      ARENA RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE BUREAU OF LAND MANAGEMENT AND THE TOWN OF DAVIE. (Adopt-A-Horse Program; January 11 - 12, 1997; rental fee - \$1,000)**

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**R-96-348**

**7.10 ARENA RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN LORENZO RIVAS AND THE TOWN OF DAVIE, FLORIDA. (Mexican Rodeo; December 14, 1996; rental fee - \$1,000)**

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- R-96-349      7.11    **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINES IN CASE NO. 95-252 FROM \$14,000 IN AMOUNT TO \$2,000; AND PROVIDING AN EFFECTIVE DATE. (Jonel and Saveta Nikola)
- R-96-350      7.12    **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINES IN CASE NO. 95-32 FROM \$51,750 IN AMOUNT TO \$5,000; AND PROVIDING AN EFFECTIVE DATE. (CIT Group/Sales Financial, Inc./Garry Simmons)
- R-96-351      7.13    **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINES IN CASE NO. 95-328 FROM \$16,750 IN AMOUNT TO \$2,000; AND PROVIDING AN EFFECTIVE DATE. (Richard I. Behren, Tr.)
- R-96-352      7.14    **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINES IN CASE NO. 95-429 FROM \$7,000 IN AMOUNT TO \$1,000; AND PROVIDING AN EFFECTIVE DATE. (33rd and University Gas and Oil, Inc.)
- R-96-353      7.15    **INTENT TO ISSUE TAX-EXEMPT BONDS** - A RESOLUTION OF THE  
TOWN OF DAVIE, FLORIDA INDICATING THE OFFICIAL INTENT OF THE TOWN COUNCIL TO ISSUE TAX-EXEMPT BONDS TO FINANCE THE COST OF THE SUNNYLANE FARMS SPECIAL ASSESSMENT PROJECT AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF. (\$225,000)
- R-96-354      7.16    **EXTENDED TRAVEL** - A RESOLUTION OF THE TOWN OF DAVIE,  
FLORIDA, AUTHORIZING EXTENDED TRAVEL FOR ROBERT BELZAIRE AND DEAN RICHARDS OF THE DAVIE FIRE DEPARTMENT. (Fire Suppression - \$897.06 tuition)
- R-96-355      7.17    **APPROVING RANKINGS** - A RESOLUTION OF THE TOWN OF DAVIE,  
FLORIDA, APPROVING THE RANKINGS FOR SPORTS PHOTOGRAPHY SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES. (The Sports Section, Inc., and Doug's Photographv & Video)

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**R-96-356**

**7.18 EXPRESS SHUTTLE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE AN AGREEMENT WITH BROWARD COUNTY FOR PUBLIC TRANSPORTATION SERVICES FOR USE OF COUNTY BUSES TO PROVIDE AN EXPRESS SHUTTLE BETWEEN THE SOUTH FLORIDA EDUCATIONAL COMPLEX CAMPUSES, THE FORT LAUDERDALE TRIRAIL STATION AND DOWNTOWN DAVIE; AND PROVIDING AN EFFECTIVE DATE.**

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R-96-357      7.19    **AMEND AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN COUNCIL TO AMEND THE AGREEMENT FOR THE EMPLOYMENT OF ROBERT RAWLS AS THE ASSISTANT TOWN ADMINISTRATOR, TO PROVIDE FOR EXTENSION OF TERM AND COST OF LIVING ADJUSTMENTS; AND PROVIDING AN EFFECTIVE DATE.**

R-96-358      7.20    **AQUACULTURE FACILITY - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE AN AGREEMENT WITH NOVA SOUTHEASTERN UNIVERSITY, INC. FOR MANAGEMENT OF A TOWN OWNED AQUACULTURE FACILITY; AND PROVIDING AN EFFECTIVE DATE.**

R-96-359      7.21    **PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR A COPY MACHINE, UNIVERSITY OF FLORIDA COMPETITIVE BID NO. 96K-2YC, TO REPLACE OBSOLETE COPY MACHINE CURRENTLY IN USE BY THE POLICE DEPARTMENT.**

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

7.22    **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, REPEALING ARTICLE II OF CHAPTER 26 OF THE CODE OF DAVIE ENTITLED "TREE PRESERVATION" IN ITS ENTIRETY; AMENDING CHAPTER 26 BY CREATING A NEW ARTICLE II ENTITLED "TREE PRESERVATION" AND A NEW ARTICLE III ENTITLED "TREE ABUSE"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

7.23    **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12-107(A)(5) OF THE CODE OF THE TOWN OF DAVIE ENTITLED "SITE LANDSCAPING," TO CLARIFY THE REQUIREMENTS FOR DIVERSITY AND PLACEMENT OF LANDSCAPE MATERIALS WITHIN A BUFFER STRIP, AND TO REGULATE THE PLACEMENT OF FENCES AND WALLS RELATIVE TO LANDSCAPE BUFFERS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

7.24    **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12-260 OF THE CODE OF THE TOWN OF DAVIE ENTITLED "LIGHTING STANDARDS" BY AMENDING SAID STANDARDS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

7.25    **AMENDING THE COMPREHENSIVE PLAN - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION NO. LA 96-2, AMENDING THE COMPREHENSIVE PLAN OF THE TOWN OF DAVIE BY CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN LANDS FROM "RESIDENTIAL 5 DU/ACRE" TO**

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**“INDUSTRIAL”; GENERALLY LOCATED IN SECTION 36, TOWNSHIP 50 SOUTH, RANGE 41 EAST, AS DESCRIBED HEREINBELOW; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (4.4 acres located east of the Turnpike, south of SW 48 Street)**

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**7.26 AMENDING THE COMPREHENSIVE PLAN - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION NO. LABC 96-1, AMENDING THE COMPREHENSIVE PLAN OF THE TOWN OF DAVIE BY CHANGING THE FUTURE LAND USE DESIGNATION OF CERTAIN LANDS FROM "RESIDENTIAL 5 DU/ACRE" AND "COMMERCIAL" TO "RESIDENTIAL 8.5 DU/ACRE"; GENERALLY LOCATED IN SECTION 7, TOWNSHIP 50 SOUTH, RANGE 41 EAST, AS DESCRIBED HEREINBELOW; AND PROVIDING AN EFFECTIVE DATE. (40 acres located south of State Road 84, east of Hiatus Road)**

**7.27 IMPACT FEE - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE TOWN OF DAVIE IMPACT FEE ORDINANCE FOR POLICE, FIRE, AND EMERGENCY MEDICAL SERVICES FACILITIES; PROVIDING FOR A SHORT TITLE, AUTHORITY AND APPLICABILITY; PROVIDING FOR INTENT AND PURPOSE; PROVIDING FOR DEFINITIONS AND RULES OF CONSTRUCTION; PROVIDING FOR THE IMPOSITION OF THE FAIR SHARE IMPACT FEE; PROVIDING FOR A FEE SCHEDULE; PROVIDING FOR ANALYSIS; PROVIDING FOR CREDITS; PROVIDING FOR REVIEW OF THE ORDINANCE AND FEE SCHEDULE; PROVIDING FOR ACCOUNTABILITY; PROVIDING FOR LIBERAL CONSTRUCTION AND SEVERABILITY; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE.**

Councilmember Bush asked that items 7.10 and 7.20 be removed from the Consent Agenda. Vice-Mayor Cox asked that item 7.23 be removed. Councilmember Kiar asked that item 7.4 be removed. Mayor Venis asked that item 7.18 be removed. An unidentified man (Arthur Joseph) asked that item 7.6 be removed.

Town Clerk Reinfeld read the ordinances - first reading by title only. Mayor Venis advised that a public hearing on items 7.22 through 7.27 would be held on November 20, 1996.

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to approve the Consent Agenda without items 7.4, 7.6, 7.10, 7.18, 7.20, and 7.23. 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)

7.4 Councilmember Kiar stated that there was a substantial increase in premium to the employees under the current health insurance plan. He requested that this item be placed out to bid. Mr. Flatley advised that staff would be placing out all the health insurance policies to bid during the spring. Budget and Finance Director Christopher Wallace commented on the increase and explained staff's discussion on the insurance issue.

Councilmember Santini stated that even though there had been an increase, the cost was still lower than most other plans. Councilmember Bush added that most of the employees liked the current plan.

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)

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7.6 Mr. Joseph questioned the waiver of liability. Mr. Wallace explained that because Broward County purchased materials in bulk, the cost of supplies was cheaper. He stated that the County wanted the waiver because it was only providing items that it purchased. Mr. Webber advised that the waiver was only for the County.

Fire Chief Michael Donati stated that there was a substantial cost savings by purchasing through the County.

Councilmember Santini 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)

7.10 Councilmember Bush remembered that there were numerous problems with this group several years ago. Special Projects Coordinator Bonnie Stafiej agreed that problems were encountered and explained the problems. She stated that there was a new promoter for this event and several discussions were held with the promoter. Ms. Stafiej added that the promoter had requested that the event be rescheduled to December 15th.

Councilmember Kiar asked what assurances the Town had that certain events would not take place. Ms. Stafiej explained that the promoters were assuring staff that certain types of events would not be held.

Lorenzo Rebas, the promoter, stated that security would be provided. Henry Gonzalez explained the difference between a Mexican rodeo and an American rodeo.

Councilmember Bush made a motion, seconded by Councilmember Kiar, to approve with the change in date to December 15th. 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)

7.18 Mr. Rawls explained the shuttle project. Mayor Venis indicated that the Traffic Management Association was meeting on November 12th and a request would be made to possibly expand the routes.

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)

7.20 Councilmember Bush stated that the Town was entering into an aquaculture partnership with Nova Southeastern University. Mr. Flatley advised that the initial placement of fish would be on November 8th.

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)

7.23 Ms. Mellgren explained the proposed ordinance and suggested that language be added that unless otherwise approved by Council, a hedge, wall, or fence of a height not less than 2 1/2 feet and not to exceed the maximum height permitted, shall be placed in the landscape buffer for all developments subject to site plan review.

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Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to approve with the additions as mentioned by Ms. Mellgren. 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. SITE PLANS**

8.1 SP 6-6-96, FL-41 Waterford Park, 15400 Slydgemill Road (U) Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to using 10 to 12 foot high Washingtonian Palms and confirming that the handicap parking was in compliance with all Code requirements

Debbie Orshefsky, representing the petitioner, was present. Ms. Mellgren read the planning report. Ms. Orshefsky explained the site plan with discussion following.

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)

**9. PUBLIC HEARINGS**

Mayor Venis opened the public hearing portion of the meeting.

*Ordinances - Second and Final Reading*

9.1 **ESTABLISHING POLICY - AN ORDINANCE OF THE TOWN OF DAVIE,**

96-41 **FLORIDA, ESTABLISHING A POLICY REGARDING A LIMITATION ON THE NUMBER OF BOARDS UPON WHICH AN INDIVIDUAL MAY SERVE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title.

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

Chuck Bonfiglio, 4699 SW 64 Avenue, spoke in favor.

Al Tyler, 8090 SW 19 Court, spoke in opposition.

Larry Lane, 8121 SW 24 Court, spoke in opposition.

Iva Smith, Pastor - Church of God, spoke in opposition.

Dean Alexander, 13820 SW 16 Street, spoke in opposition.

Arthur Joseph, 13700 SW 18 Court, spoke in opposition.

Debbie Apolinario, 2940 SW 148 Avenue, spoke in opposition.

Phylis Kowal, 14491 SW 24 Street, spoke in opposition.

Jay Stahl, 5801 Surrey Circle West, spoke in opposition.

Gary Gargiulo, 3035 Periwinkle Circle, spoke in opposition.

Mayor Venis closed the public hearing.

Councilmember Bush suggested that the ordinance be amended so that an individual could not be appointed by the same Councilmember more than once but could be appointed by another Councilmember.

Councilmember Kiar agreed with the speakers who were in opposition and added that he trusted Council to make the appropriate appointments. He indicated that Council should make a concerted effort to appoint new members.

Councilmember Santini indicated that this ordinance was to set policy for the future and the majority of the cities in Broward County had a similar requirement.

Vice-Mayor Cox stated that the ordinance did not limit the number of years that

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an individual could sit on a board and the ordinance was not retroactive. She added that the ordinance made a distinction between standing committees and temporary committees. Vice-Mayor Cox indicated that each Councilmember could appoint the same person with the majority vote of Council. She advised that until recently she did not support this ordinance; however, because of actions taken over the past few months, she had begun to support this ordinance.

Mayor Venis indicated that he did not support this ordinance. He stated that Councilmembers had exclusive appointments and it was his right to appoint who he/she wanted. Councilmember Santini made a motion, seconded by Vice-Mayor Cox to approve item 9.1. 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)

Mayor Venis announced that the petitioner had withdrawn items 9.11 and 10.1.

Mayor Venis recessed the meeting which reconvened at 9:53 p.m.

96-42                   **9.2        AMENDING TOWN CODE - AN ORDINANCE OF THE TOWN OF DAVIE,  
FLORIDA, AMENDING SECTION 12-371 (A) OF THE CODE OF THE TOWN OF DAVIE ENTITLED SITE PLAN REVIEW TO ENSURE CONSISTENCY WITH THE REDEVELOPMENT PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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 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)

96-43                   **9.3        COMMUNITY DEVELOPMENT DISTRICT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT ENCOMPASSING THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 50 SOUTH, RANGE 40 EAST, BROWARD COUNTY, FLORIDA, PROVIDING FOR THE EXTERNAL BOUNDARIES OF THE DISTRICT; PROVIDING FOR THE MEMBERS OF THE BOARD OF SUPERVISORS FOR THE DISTRICT; PROVIDING FOR THE NAME OF THE DISTRICT AS BELMONT LAKES COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

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 Bush 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)

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**9.4 AMENDING TOWN CODE - AN ORDINANCE OF THE TOWN OF DAVIE,**

96-44 FLORIDA, AMENDING SECTION 12-391 (10) OF THE CODE ENTITLED SIGNAGE TO PERMIT COMMERCIALIZED WALL MURALS IN THE WESTERN THEME DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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.

Vice-Mayor Cox advised that the mural on one business could contain commercial information of another business and suggested that language be added that the commercial information be integrated into the design of the mural.

Vice-Mayor Cox made a motion, seconded by Councilmember Kiar, to amend the language to include "as long as it is integrated into the design of the mural". 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 made a motion, seconded by Councilmember Santini, to approve item 9.4. 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)

**9.5 REZONING - ZB 9-1-96A & B, Simonson and Miele, 2001 Flamingo Road (from AG and E to A) *Planning and Zoning Division approved; Planning and Zoning Board approved***

Town Clerk Reinfeld swore in the witnesses.

Mr. Webber asked if anyone wished to provide testimony in opposition to the rezoning. No one spoke. Mr. Webber stated that the evidentiary rules would apply. Ms. Mellgren advised that staff resumes were on file with the Town which qualified them as expert witnesses. She offered the planning report into evidence and summarized the request.

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

Willie Simonson, the petitioner, was present and concurred with staff's report.

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

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)

**9.6 VARIANCE - V 5-1-96, Winston Lee & Associates, Inc./Bonfiglio, 4699 SW 64 Avenue (B-1) (to reduce the required lot size from 35,000 square feet to 15,426 square feet; to reduce the required lot depth from 200 feet to 108.07 feet along the northern limits of the property and 120.19 feet along the southern limits of the property; and to reduce the required lot frontage from 150 feet to 120.19 feet along SW 47 Avenue) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report***

Town Clerk Reinfeld swore in the witnesses. Gayle Easterling, Planning and Zoning Manager, read the planning report and stated that the following documents were

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to be included into the record: the application, the subject site map, planning report, and an aerial. Discussion followed on the taking of the road by the Department of Transportation.

Winston Lee, representing the petitioner, explained the variance.

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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 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)

**9.7 VARIANCE - V 9-3-96, Gray, 4272 SW 78 Drive (R-5) (to reduce the required street side yard from 25 feet to 10 feet) *Planning and Zoning Division approved; Planning and Zoning Board approved***

Town Clerk Reinfeld swore in the witnesses. Ms. Easterling offered the planning report into evidence and summarized the request.

An unidentified man, representing the petitioner, was present.

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 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)

**9.8 PETITIONER REQUESTING A TABLING TO  
DECEMBER 4, 1996**

**VARIANCE - V 5-5-92A, Powers, 4199 Kean Road (M-4, Hacienda Village) (to release the voluntary stipulation imposed by V 5-5-92 on July 2, 1992, which restricts junk yard or wrecking yard use of the 15.3 acre parcel located at the southeast corner of Kean Road and Oakes Road) *Planning and Zoning Division denied; Planning and Zoning Board approval subject to the voluntary stipulations that no dismantling or disassembling of vehicles would be permitted on the property, that the property would be developed with the same type of wall and landscaping currently existing, and that no stacking of vehicles would be permitted.***

This item was tabled earlier in the meeting.

**9.9 PLANNING AND ZONING TABLED TO  
DECEMBER 11, 1996; COUNCIL CAN TABLE TO  
DECEMBER 18, 1996**

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

This item was tabled earlier in the meeting.

**9.10 PLANNING AND ZONING TABLED TO  
NOVEMBER 13, 1996; COUNCIL CAN TABLE TO  
NOVEMBER 20, 1996**

**VARIANCE - V 9-4-96, Felicella/Oran Family Trust, 4851 Griffin Road**  
This item was tabled earlier in the meeting.

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9.11 **LAND USE PLAN AMENDMENT - LA 96-1 [LA BC(SS) 97-1C]**, Westwind Contracting, Inc., located on the south side of State Road 84 approximately 1/2 mile east of Flamingo Road (from R-5 to Commercial) (tabled from July 17, 1996) *Planning and Zoning Division approved; Planning and Zoning Board denied*  
This item was withdrawn earlier in the meeting.

**10. RESOLUTIONS**

10.1 **LAND USE PLAN AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO TRANSMIT A LAND USE PLAN AMENDMENT TO THE BROWARD COUNTY PLANNING COUNCIL WITH APPROPRIATE RECOMMENDATIONS; AND PROVIDING AN EFFECTIVE DATE. (LA 96-1 [LA BC(SS) 97-1C], Westwind Contracting, Inc, 11800 State Road 84) (tabled from July 17, 1996)**

This item was withdrawn earlier in the meeting.

**11. APPOINTMENTS**

11.1 Child Safety Board (terms expire July 1997; 2 exclusive appointments by Councilmember Kiar and 2 exclusive appointments by Mayor Venis)

Mayor Venis deferred his appointments to the next meeting. Councilmember Kiar appointed Dianne Enten earlier in the meeting and he deferred his second appointment to the next meeting.

11.2 Davie Water Advisory Board (term expires December 1996; 1 exclusive appointment by Councilmember Kiar)

Councilmember Kiar appointed Jay Enten earlier in the meeting.

11.3 Open Space Advisory Committee (term expires July 1997; 1 exclusive appointment by Councilmember Kiar)

Councilmember Kiar appointed Phyllis Kowal earlier in the meeting.

11.4 Parks and Recreation Board (term expires August 1997 - 1 exclusive appointment by Councilmember Santini; term expires August 1998 - 1 exclusive appointment by Councilmember Bush)

Councilmember Santini appointed Bob O'Keefe. Councilmember Bush appointed Sandy Lloyd.

**12. DISCUSSION AND POSSIBLE ACTION**

12.1 Clarification of Terms for Parks and Recreation Board (1 and 2 year terms) (Councilmember Kiar)

Councilmember Kiar deferred this item to the next meeting.

**13. TOWN ADMINISTRATOR'S REPORT**

13.1 Closing on Police and Fire Property at Nob Hill Road and I-595

This item was discussed at the beginning of the meeting.

**BEAUTIFYING NEIGHBORHOODS PROGRAM.** Mr. Flatley stated that staff wanted to alert specific neighborhoods that Town volunteers would be riding through each

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neighborhood with shirts provided to those working in their neighborhood.

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**14. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 10:30 p.m.

APPROVED \_\_\_\_\_

\_\_\_\_\_

Mayor/Councilmember

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