

**TOWN COUNCIL
REGULAR MEETING
FEBRUARY 19, 1997**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:09 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. PRESENTATIONS

3.1 1997 WestFair Update - Tim Sheehan

Later in the meeting, Mr. Sheehan thanked Vice-Mayor Cox for providing money from the South Florida Trailriders ride-a-thon. He provided an update on the WestFair events that would be held February 21 - March 2, 1997.

3.2 Seahawk Program

Dr. Glen Rose, Provost from Broward Community College, thanked the Town for its support with the Seahawk Program and added that the forfeiture monies that the Town provided helped immensely. He introduced Braulio Rosa, Coordinator of Adolescent Services, who provided a status report on the program.

Dr. Tom Ryan stated that he had been able to raise \$288,000 in grant monies to send children to the sleep away camp and added that the Elks club would like to send children to the camp on a monthly basis. He said that he would match anyone who was interested in sponsoring a child to camp at a cost of \$170. Dr. Ryan added that he would also pay the \$80 registration fee for each child that was sent.

3.3 Arnold Priebe, Plant Operator Trainee - Five Years

Mayor Venis presented Mr. Priebe with a service award.

3.4 Cynthia Hoxie, Administrative Secretary - Ten Years

Mayor Venis presented Ms. Hoxie with a service award.

3.5 Anthony Phillips, Police Officer - Ten Years

Mayor Venis presented Officer Phillips with a service award.

3.6 Carolyn Windham, Clerk Typist II - Ten Years

Mayor Venis presented Ms. Windham with a service award.

3.7 William Busker, Fire Lieutenant - Fifteen Years

Later in the meeting, Mayor Venis presented Lieutenant Busker with a service award.

3.8 Leonard Mancinelli, Police Officer - Fifteen Years

Mayor Venis presented Officer Mancinelli with a service award.

3.9 Bruce Taylor, Superintendent of Utility Operations, Fifteen Years

Mayor Venis presented Mr. Taylor with a service award.

3.10 Professional Achievement, Casey Lee (Town's first certified landscape inspector)

Mayor Venis presented Mrs. Lee with a certificate of achievement.

3.11 Community Redevelopment Agency

Grant Marant, Agency member, updated Council on the Agency's efforts.

3.12 Greyhound Adoption Program

Mayor Venis advised that this was being postponed until March 19, 1997.

3.13 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent

Bonnie Stafiej, Special Projects Coordinator, announced upcoming events: Orange Blossom Parade (February 22nd); Annual Airboat Show (March 9th); Waterway Cleanup (March 22nd); and Earth Day Celebration/Jazz on the Ridge (April 12th)

Sharon Pierce-Kent, Director of Community Services, announced upcoming events: Spring Break Soccer Camp, Junior Lifeguard Training Program, and installation of Open Space signs.

3.14 CAIRNS IRIS Thermal Imaging System (video)

Fire Chief Michael Donati displayed a video on infrared equipment that enabled the firefighters a better view during a fire. He stated that this equipment was valuable and he would be trying to secure as many devices as possible. Mr. Flatley suggested that this issue be looked at in the upcoming budget process. Councilmember Kiar questioned the status on the fundraiser with McDonald's with Chief Donati advising that he had discussed this with the McDonald's owner, Mickey Maros.

Jim Bunce, President of the Davie Professional Firefighters Union, announced that the Union was endorsing the re-election of Mayor Venis and Councilmember Bush.

4. OCCUPATIONAL LICENSES

Home Occupational License

4.1 Novel Publishing, Inc., 2190 SW 115 Terrace

As the applicant was not present, no action was taken.

Mayor Venis announced that a request had been made to table items 8.1, 8.2, 8.3, and 8.4 to March 19, 1997.

Councilmember Santini made a motion, seconded by Councilmember Kiar, 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 announced that a request had been made to table item 8.11 to April 16, 1997.

Councilmember Kiar made a motion, seconded by Councilmember Bush, 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 announced that a resolution needed to be added to the agenda as item 9.2 and read the title regarding single member districts for the Broward County School Board.

Councilmember Santini made a motion, seconded by Councilmember Bush, to add. 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 she did not like items added at the last minute and did not know why the Town was endorsing the resolution.

5. COUNCILMEMBER COMMENTS

COUNCILMEMBER BUSH

BEAUTIFICATION PROJECT. Councilmember Bush stated that the District 1 area was toured on February 22nd for the Town's beautification project. He thanked Mr. Flatley, Town Clerk Reinfeld, Assistant Town Clerk Barbara Bergamini, Recreation Leader Terry Nantz and Ms. Stafiej for their help.

VICE-MAYOR COX

BERGERON RODEO GROUNDS ENTRANCEWAY. Vice-Mayor Cox stated that she attended the grandopening of the Bergeron Rodeo Grounds entranceway which had been accomplished in a short period of time. She complimented staff, Council, Ron Bergeron and the other contributors.

COUNCILMEMBER SANTINI

DEDICATIONS. Councilmember Santini stated that Council had attended the dedication of the Eastside Community Hall (February 15th), concession stands at the Bamford Sports Complex (February 15th), and Bergeron Rodeo Grounds entranceway (February 19th).

PARKS AND RECREATION BOARD. Councilmember Santini advised that Bob O'Keefe had resigned from the Parks and Recreation Board and appointed Braulio Rosa.

VOLUNTEER RECOGNITION. Councilmember Santini stated that Council attended the Town's first luau and explained that the event was to thank the people who volunteered for the sports programs.

SEAHAWK PROGRAM. Councilmember Santini asked that the Town consider sending children to the Seahawk Program if funds were available.

COUNCILMEMBER KIAR

WESTFAIR. Councilmember Kiar asked that everyone support this event and added that volunteers were still needed.

BERGERON RODEO GROUNDS ENTRANCEWAY. Councilmember Kiar thanked everyone involved for their support of the entranceway.

BROOKWOOD. Councilmember Kiar stated that Brookwood was a home for young women who needed the Town's help and explained the program. He added that he hoped the Town would consider this program if funds were available and asked that Mr. Flatley provide passes to them for the Westfair events. Mayor Venis suggested that a presentation on Brookwood be placed on the next Council agenda.

MAYOR VENIS

DEDICATIONS. Mayor Venis stated that he attended the dedications mentioned by Councilmember Santini and it appeared that all the planning was coming to fruition.

PARKS AND RECREATION BOARD. Mayor Venis stated that Laurrelle Crawford-Kuvin resigned from the Parks and Recreation Board and appointed Robert Hoth.

UPDATES. Mayor Venis stated that there was a lighting problem in the Forest Ridge circle and asked for an update which Assistant Town Administrator Robert Rawls provided. Mayor Venis advised that there was a deep hole on the corner of SW 136th Avenue and asked that this be inspected. He added that he had received some comments on of a sidewalk program in the east side which Mr. Rawls was working on.

AWARD APPLICATION. Mayor Venis stated that he received a letter from Southern Sanitation which sponsored a Civil Livability Award and Southern Sanitation had recommended that the Town apply for the award.

6. CONSENT AGENDA

Minutes

6.1 January 22, 1997 - Regular Meeting

6.2 February 5, 1997 - Regular Meeting

Run/Walk

6.3 Hawkes Bluff Elementary School - February 20, 1997 (8:30 a.m. to 10:00 a.m.)

Resolutions

6.4 **ARENA RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-60 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH FIVE STAR RODEO FOR THE RENTAL OF THE BERGERON RODEO GROUNDS, OF DAVIE FLORIDA.** (June 14, 1997 and August 9, 1997; rental fee - \$1,000)

6.5 **ARENA RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-61 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE DAVIE RODEO ASSOCIATION, INC. AND THE TOWN OF DAVIE, FLORIDA FOR THE RENTAL OF THE BERGERON RODEO GROUNDS OF DAVIE FLORIDA.** (every Wednesday, February 19 to August 20, 1997; rental fee \$100/week)

6.6 GRANT APPLICATION - A RESOLUTION OF THE TOWN OF DAVIE, R-97-62 FLORIDA, AUTHORIZING AN APPLICATION FOR A GRANT ON BEHALF OF THE EASE FOUNDATION, INC. UNDER THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FUNDED THROUGH THE COMMUNITY SERVICES BLOCK GRANT PROGRAM; AND ENTERING INTO AN AGREEMENT WITH THE DEPARTMENT OF COMMUNITY AFFAIRS AND AUTHORIZING THE EASE FOUNDATION, INC. TO MATCH FUNDS AS REQUIRED. (grant - \$7,773; matching funds - \$1,547; total grant - \$9,280)

6.7 RANKING OF FIRMS - A RESOLUTION OF THE TOWN OF DAVIE, R-97-63 FLORIDA, APPROVING THE RANKINGS FOR DESIGN/BUILD THE DAVIE ROAD STREETScape PROJECT AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT WITH THE HIGHEST RANKING FIRM. (Weekley Asphalt Paving, Burkhardt Construction, and Griffin Bros.)

6.8 BID EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-64 EXTENDING THE BID FOR METER READING SERVICES. (Municipal Meter Reading, Inc. - 38¢/meter)

6.9 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-97-65 THE BIDS FOR HORTICULTURAL CHEMICALS. (lowest responsive bidder for each item)

6.10 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING R-97-66 FORMAL BIDDING AND ACCEPTING THE BID FOR ELECTRICAL MATERIALS FOR THE BAMFORD SPORTS COMPLEX IN-LINE SKATING RINK AND BATTING CAGES. (McDonald Distributors - \$10,999.29)

6.11 PLAT REVISIONS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-67 AUTHORIZING REVISIONS TO THE McFATTER VOCATIONAL SITE PLAT AMENDING THE NON-VEHICULAR ACCESS LINE, TURN LANE CONFIGURATION, AND BONDING REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE. (P 1-1-95, 6500 Nova Drive)

6.12 CONCURRENCY REQUIREMENTS - A RESOLUTION OF THE TOWN OF R-97-68 DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND WILLIAM RABENAU, PROVIDING FOR REMEDIAL MEASURES TO SATISFY CONCURRENCY REQUIREMENTS RELATED TO THE STIRLING MEADOWS PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT. (P 7-2-96, 7900 Stirling Road)

6.13 AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-69 APPROVING AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND BERMELLO, AJAMIL, & PARTNERS, INC. FOR PROFESSIONAL CONSULTING SERVICES TO COMPLETE THE CONSOLIDATED PLAN AND OTHER SERVICES TO COMMENCE THE TOWN'S COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM. (\$49,000 - reimbursable by grant upon commencement of CDBG fiscal year)

6.14 RECOGNITION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-70 RECOGNIZING THE SIGNIFICANT EDUCATIONAL CONTRIBUTIONS OF WESTERN HIGH SCHOOL TO THE TOWN OF DAVIE AND ACKNOWLEDGING THESE CONTRIBUTIONS THROUGH THE RECOGNITION OF SOUTHWEST 136 AVENUE ADJACENT TO WESTERN HIGH SCHOOL AS "WILDCAT WAY"/SW 136 AVENUE.

6.15 AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,

R-97-71 AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND JOHN LETO RELATING TO THE PROVISION OF A LIEN FOR THE SECURITY TO SECURE THE REQUIRED SUBDIVISION IMPROVEMENTS FOR THE LETO ESTATES NUMBER 4 SUBDIVISION; AND TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT.

6.16 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-72 AUTHORIZING THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE STATE OF FLORIDA DEPARTMENT OF CORRECTIONS/BROWARD CORRECTIONAL INSTITUTION, RELATING TO AN INMATE WORK PROGRAM; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURE TO SAID AGREEMENT.

6.17 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-73 APPROVING AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND DAVID K. SIGERSON, JR. FOR REPRESENTING THE TOWN OF DAVIE IN LEGISLATIVE MATTERS DURING THE 1997 REGULAR LEGISLATIVE SESSION AND MATTERS TO BE HEARD BY THE BROWARD LEGISLATIVE DELEGATION REGARDING THE DELEGATION ANNEXATION COMMITTEE.

Ordinances - First Reading (Public Hearing to be held March 5, 1997)

6.18 **WARRANTY DEED** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A WARRANTY DEED FROM PETER BALASKY CONVEYING CERTAIN PROPERTY FOR USE AS A PUBLIC RIGHT-OF-WAY; AND PROVIDING AN EFFECTIVE DATE. (11701 Orange Drive)

6.19 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CR TO CC; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 11-5-96, 5400 South University Drive)

Councilmember Kiar asked that item 6.15 be removed from the Consent Agenda. Mayor Venis asked that item 6.14 be removed.

Town Clerk Reinfeld read the ordinances - first reading by title. Mayor Venis advised that a public hearing on items 6.18 and 6.19 would be held on March 5, 1997.

Vice-Mayor Cox made a motion, seconded by Councilmember Kiar, to approve the Consent Agenda without items 6.14 and 6.15. 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)

6.14 Bob Abel, representing Western High School, stated that this resolution was a point of tremendous community pride for the Town and its western areas.

Samantha Rasner, President of Western High School Interact Club, explained the Club's project in having 136th Avenue renamed Wildcat Way to recognize the student's and faculty's achievements.

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)

6.15 Mr. Rawls explained the resolution and confirmed that the Town would hold the first mortgage interest on the property.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to approve item 6.15. 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. SITE PLANS

7.1 SP 7-5-96, LawnScapes by DynaServ, 990 South Flamingo Road (AG) *Planning and Zoning Division*

approved subject to the planning report; Site Plan Committee approved subject to the planning report
Scott Kleiman and John Reed, representing the petitioner, were present. Michele Mellgren, Director of Development Services, read the planning report.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to approve subject to the recommendations. 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)

7.2 SP 8-2-96, Lauderdale-Miami Auto Auction 3rd Addition, 5100 SW 48 Street (M-2) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report*
Gus Aguirre, representing the petitioner, was present. Ms. Mellgren read the planning report and explained the option of the two year timeframe on the wall.

Councilmember Bush made a motion, seconded by Councilmember Santini, to approve subject to staff's recommendations. 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)

7.3 SP 11-1-96, Ridge Plaza, 9000 - 9200 State Road 84 (B-3) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report, squaring off the landscape box at the northeast corner of the building and providing eight additional sabal palms to the south side at staggered heights matching the heights specified on the plans*

Dave Siegel, representing the petitioner, was present. Ms. Mellgren read the planning report.

Vice-Mayor Cox made a motion, seconded by Councilmember Kiar, to approve subject to the planning report. 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 ITEM TO BE HEARD AFTER PUBLIC HEARING ITEM 8.9

SITE PLAN - SP 12-6-96, West Broward Professional Building, 7320 Griffin Road (B-2) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report and having the existing pavers remain on the west side of the building*

This item was approved later in the meeting.

8. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

8.1 PLANNING AND ZONING BOARD TABLED TO FEBRUARY 26, 1997; COUNCIL CAN TABLE TO MARCH 19, 1997

REZONING - ZB 12-1-96, AEP Broward, Inc., west side of Nob Hill Road, south of I-595 (from B-3 to B-3 amending the master plan)

This item was previously tabled to March 19, 1997.

8.2 PLANNING AND ZONING BOARD TABLED TO FEBRUARY 26, 1997; COUNCIL CAN TABLE TO MARCH 19, 1997

VARIANCE - V 12-3-96, AEP Broward, Inc., 1100 SW 101 Road (B-3)

This item was previously tabled to March 19, 1997.

8.3 PLANNING AND ZONING BOARD TABLED TO FEBRUARY 26, 1997; COUNCIL CAN TABLE TO MARCH 19, 1997

VARIANCE - V 12-4-96, Advance Business Associates/City Furniture, 8210 State Road 84 (B-3, Old Code)

This item was previously tabled to March 19, 1997.

8.4 STAFF REQUESTING A TABLING TO MARCH 19, 1997

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 January 22,

1997) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*

This item was previously tabled to March 19, 1997.

8.5 REZONING - ZB 11-5-96, Fillichio, 5400 University Drive (from CR to CC) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Ms. Mellgren offered the planning report into evidence and summarized the request. She explained the types of uses that were permitted either by right or conditional. Ms. Mellgren advised that her resume was on file with the Town.

Ben Fillichio, representing the petitioner, explained the request.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning. 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)

8.6 REZONING - ZB 12-2-96, Way of Life Assembly of God/Andreas Holding, Corp., 12100 State Road 84 (from R-3 to CF) *Planning and Zoning Division denied; Planning and Zoning Board approved subject to having deed restrictions against certain uses being considered by staff and the petitioner to eliminate undesirable uses*

Town Clerk Reinfeld swore in the witnesses. Ms. Mellgren 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. She stated that she had informed the applicant that staff wanted to table this item to allow for a review of the deed restrictions; however, the applicant was adamant that the issue move forward. Ms. Mellgren added that staff wanted the opportunity to review the restrictions in conjunction with the current neighborhood and its impact. She mentioned that the proposed deed restrictions would not change staff's recommendation even if the restrictions were palatable as there was a concern with the tax base and concentration.

Mayor Venis questioned if the matter should be tabled to allow staff a chance to evaluate the restrictions. Ms.

Mellgren reiterated that the petitioner was adamant that the process move forward. Councilmember Santini indicated that she was willing to table this matter to allow staff time to review the documents. Vice-Mayor Cox stated that she would like staff to have the opportunity to evaluate the documents along with transportation options. She suggested that the public hearing be held at tonight's meeting and then defer the decision until after staff could evaluate the restrictions. Mayor Venis agreed with this

suggestion. Mr. Webber indicated that the hearing could be held this evening with a continuation at the next meeting at which time the only evidence that would be presented would be the staff's opinion as to the deed restrictions. No objections were noted.

Timothy Talbot, representing the petitioner, stated that the deed restrictions provided by the petitioner were specific and discussed the request.

Joseph Castaleon, representing the petitioner, discussed the Town's history and explained the request.

Pastor Dave Norris, the petitioner, explained the request.

Mr. Webber repeated the criteria Council used in order to make a decision on the request. He asked if anyone wished to provide testimony in favor of or opposition to the rezoning. The following individuals spoke:

Gabey Abraham, 1750 SW 116 Avenue, spoke in favor.

Kevin Covert spoke on behalf of Giavanna Forte who lived at 3315 Maple Lane. He advised that Ms. Forte was in favor.

John Skipper, 1462 SW 97 Lane, spoke in favor.

Paula Mills, 1506 SW 110 Way, spoke in favor.

Robert Mills, 1506 SW 110 Way, spoke in favor.

Mr. Talbot, Mr. Castaleon and Ms. Mellgren provided a closing statements.

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

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to table [to March 5, 1997]. 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 - no. (Motion carried 4-1)

Representative Debbie Wasserman-Schultz advised that the 1997 legislative session would begin on March 4th. She stated that she had been appointed to the House Education Appropriations Committee and the Utilities and Telecommunications Committee. Representative Wasserman-Schultz indicated the issues that would be discussed during the 1997 session.

8.7 **VARIANCE** - V 10-1-96, Pinsker, 751 West Beckley Square (within the Shenandoah Subdivision) (PRD 3.8) (to reduce the required building separation from 10 feet to 5.17 feet; to reduce the required rear setback from 12.5 feet to 10.39 feet; to increase the allowable area of a screen enclosed patio from 196.9 feet to 385.75 feet) (tabled from February 5, 1997) *Planning and Zoning Division approved; Planning and Zoning Board denied the reduction to the side setback to 5.17 feet; approval of the reduction to the rear setback to 10.39 feet; and, approval of the increase to the allowable area of screen enclosed patio ratio to 385.75 feet*

Town Clerk Reinfeld swore in the witnesses. Gayle Easterling, Planning and Zoning Manager, 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. She indicated that she was provided a letter from Alina Barteta, 781 West Beckley Square who was in support of the request.

Mr. Webber explained the criteria for consideration of a variance.

Steven Pinsker, representing the petitioner, explained the request. He presented a copy of the petition and five pictures of the screen enclosure. Mr. Webber accepted the petition and pictures into evidence. Mr. Pinsker provided a letter from a contractor who would bring the structure up to Code should the variance be approved. Mr. Webber accepted the document into evidence.

Mr. Webber asked if anyone wished to provide testimony in favor of the variance. The following individuals spoke:

Dianne Veranda, 242 SW 159 Way.

Debbie Apolinario, 2940 SW 148 Avenue.

Michael Davenport, 14041 SW 22 Place.

Frank Candreva, 14741 North Beckley Square.

James Dellapietra, 14680 Beckley Square.

Randy Blackman, 761 West Beckley Square.

Elizabeth Bob, 2931 SW 87 Terrace.

Anthony Nevarez, 14771 North Beckley Square.

Dominick Barillo, who lived three homes from the petitioner.

Jack Bell, 14751 North Beckley Square.

Mr. Webber asked if anyone wished to provide testimony in opposition to the variance. The following individual spoke:

Paul William Steigner, 14781 North Beckley Square. He presented and explained photographs which were accepted by Mr. Webber. Vice-Mayor Cox clarified that Mr. Steigner's objection was to the request for reduction in side setback.

Ms. Easterling explained the difference in the current Code requirements versus the requirements of approximately two years. She indicated that the structure was reported to Code Enforcement approximately six months ago. Ms. Mellgren advised that Mr. Pinsker had indicated that vegetation would be planted to help buffer the noise.

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

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve the second variance request. 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 Kiar made a motion, seconded by Councilmember Santini, to approve the third variance request. 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 Kiar made a motion, seconded by Councilmember Santini, to approve the first variance request. 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)

8.8 VARIANCE - V 12-2-96, Gunster, Yoakley, Valdes-Fauli & Stewart/Poinciana Homes of Broward, Inc., corner of Shenandoah Parkway and SW 136 Avenue (PURD) (to reduce the required peripheral setback from 25 feet to 20 feet along a portion of the east boundary of the proposed Poinciana Parc Community; to reduce the required peripheral setback from 25 feet to 10 feet along the southeast boundary of the proposed Poinciana Parc Community; to reduce the required peripheral setback from 25 feet to 0 feet along the west east boundary and a portion the north and east boundaries of the proposed Poinciana Parc Community) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Town Clerk Reinfeld swore in the witnesses. Ms. Easterling summarized the request.

Courtney Callahan, 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. 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)

8.9 VARIANCE - V 12-5-96, Jeff Falkanger & Associates, Inc./West Broward Professional Condominium Associations, 7320 Griffin Road (B-2) (to reduce the required landscape buffer along SW 73 Avenue from 10 feet to 4.5 feet; to reduce the required number of parking of spaces from 85 to 81; to reduce the required landscape island width from 10 feet to 3 feet within the east parking area line and 5 feet internally) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Town Clerk Reinfeld swore in the witnesses. Ms. Easterling summarized the request.

Mr. Webber indicated that it appeared that no one was present to speak in opposition to the request.

An unidentified man, representing the petitioner, was present.

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)

7.4 Jeff Falkanger, representing the petitioner, was present. Ms. Easterling summarized the request.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve subject to the recommendations. 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)

8.10 VARIANCE - V 12-6-96, Corporate Property Services, Inc./Wendy's International Inc., southwest corner of University Drive and SW 30 Street (B-2) (to reduce the required number of parking spaces from 62 to 47) *Planning and Zoning Division denied; Planning and Zoning Board denied*

Town Clerk Reinfeld swore in the witnesses. Ms. Mellgren 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. She explained the justification for staff's recommendation.

David Feldman, representing the petitioner, explained the request.

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

Bob Curlander, project developer, provided a letter from the developer of Walgreens regarding parking spaces which he read into the record and a document indicating the required parking for Walgreens pursuant to the Town's Code. Mr. Webber stated that the second document would not be admitted as part of the record due to the fact that it contained information regarding the Boston Market/Blockbuster which the Town had testified was not moving forward.

After some discussion, Mr. Curlander indicated that the petitioner would work with staff. Ms. Mellgren requested that the item be tabled to March 19th. Discussion followed.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to table to March 19, 1997. 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)

8.11 **SPECIAL PERMIT** - SE 6-1-96, Pellerito/Home Depot, 2300 South University Drive (B-3) (to permit an outside food vendor adjacent to the Home Depot store entrance) (tabled from September 18, 1996) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board denied*

Mayor Venis announced that this item had been tabled earlier in the meeting. Ms. Mellgren stated that this item had been tabled a number of times at the petitioner's request; however, staff had never heard from the petitioner and phone calls went unanswered. She asked that Council direct staff to withdraw the item and if the petitioner was interested in pursuing the matter, the request could be resubmitted.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to reconsider. 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 Kiar made a motion, seconded by Vice-Mayor Cox, to direct staff to withdraw the petition. 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)

Ordinance - Second and Final Reading

8.12 **IMPACT FEE** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 97-13 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. (tabled from February 5, 1997)

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 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)

Resolution - Second Public Hearing

8.13 **POLICE AND FIRE IMPACT FEES** - A RESOLUTION OF THE TOWN OF R-97-74 DAVIE, FLORIDA, ACCEPTING A CONSULTANT'S REPORT FOR A PUBLIC SAFETY IMPACT FEE AND ADOPTING THE FEE SCHEDULE CONTAINED WITHIN THAT REPORT. (tabled from February 5, 1997)

Town Clerk Reinfeld read the resolution by title.

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

John Toole, 11250 Orange Drive, advised that "8.12" stated that the fee is required at the time the certificate of occupancy was issued; however "8.13" stated that the fee is required at the time of the issuance of building permits. Mr. Webber responded that the ordinance was the controlling document. Mr. Toole questioned portions of the ordinance which Budget and Finance Director Christopher Wallace explained.

Mayor Venis closed the public hearing.

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)

9. DISCUSSION AND POSSIBLE ACTION

9.1 Scheduling Changes

Mr. Flatley advised that the police/fire/EMS facility selection committee had narrowed the choices to the top three

firms. He provided Council with different options for the presentations to be made to Council. Mr. Wallace explained the selection committee process. Councilmember Kiar questioned why a Councilmember was not on the selection committee with Mr. Wallace explaining that the final decision was already being made by Council. After some discussion, it was decided that presentations would be made by the top three firms on March 5th at 5:00 p.m. with the open public meeting being held at 7:00 p.m.

9.2 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING A SENATE BILL BY SENATOR KEN JENNE WITH REFERENCE TO AN ACT RELATING TO DISTRICT SCHOOL BOARD ELECTION; REQUIRING CERTAIN SCHOOL DISTRICTS TO ELECT SCHOOL DISTRICT BOARD MEMBERS FROM SINGLE-MEMBER RESIDENCE AREAS; AS PRESENTED DURING THE 1997 LEGISLATIVE SESSION.

Councilmember Santini explained the resolution and recommended Council's support. Vice-Mayor Cox advised that she had a fundamental problem with this resolution as no legislator had asked Council to support the bill. She said that this was an issue for the Broward County School Board. Councilmember Santini stated that the Davie/Cooper City Chamber of Commerce and the League of Cities were asking for support. She discussed the overcrowding of schools. Vice-Mayor Cox stated that the method of electing School Board members was between the School Board and the constituents.

An unidentified woman (Judy Stern) recommended that the different options that were being considered should be clarified with the School Board.

After some discussion, Councilmember Santini made a motion, seconded by Councilmember Bush, to table to March 5, 1997. 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)

10. TOWN ADMINISTRATOR'S REPORT

MEMO. Mr. Flatley announced that the memo from Rural Metro indicating that the Town was in active negotiations was a fabricated memo.

ECONOMIC DEVELOPMENT COUNCIL (EDC) REQUEST. Mr. Flatley distributed a resolution by the Economic Development Council requesting that the Town defer any action to be taken on the Town's EMS until actual costs were finalized and verified by the Town's Finance Department. He added that the document that was produced by the Fire Department was not to be adopted nor be provided to Council as more work was needed. Mr. Flatley advised that this was an attempt by the Fire Department, at the request of the Budget Advisory Committee, to determine why the Town could not be cost effective to take over EMS. He indicated that the study would show that at the moment and at the end of the three year document, the Fire Department would not be in a financial position to compete. Mr. Flatley further stated that based on input from the Town's consultant, the document may incorporate changes such as an engine transporter for a station with little activity.

11. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 12:31 a.m.

