

**TOWN COUNCIL
REGULAR MEETING
APRIL 16, 1997**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:05 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

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

3. PRESENTATIONS

3.1 Presentations for Arena Management

6:00 p.m. Globe Facility Services, Inc.

A presentation was made by Mitch Sauers. Questions were raised by Council which were answered.

6:20 p.m. International Services of Atlanta

A presentation was made by Bart Whitaker and his associates. Questions were raised by Council which were answered.

6:40 p.m. Recreational Management Services Corporation

A presentation was made by Thomas Hillgrove. Questions were raised by Council which were answered.

Herb Hyman, Procurement Manager, questioned the procedure that Council wanted to follow. Mayor Venis indicated that he would like to schedule a workshop with the community leaders to discuss the proposals. Councilmember Cox indicated that Council needed to assess what it wanted the arena to do and agreed that a workshop needed to be scheduled. Vice-Mayor Santini indicated that she would like to see a list of what the vendor would provide for their money, how much the Town was losing every year, and how much capital improvement money was used every year to keep the arena running. Councilmember Kiar agreed that a workshop was needed.

Vice-Mayor Santini made a motion, seconded by Councilmember Bush, to table item 5.3 to the first meeting in June [June 4, 1997]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

A recess was taken with the meeting reconvening at 7:40 p.m.

3.2 WestFair Update - Tim Sheahan

Mr. Sheahan stated that \$50,000 had been raised for the Boys and Girls Club and advised that the next WestFair was scheduled for February 27 - March 8, 1998. He presented a plaque to Council for their support.

3.3 Westfair Parade Recognition - Mark Chapels

Mayor Venis presented Mr. Chapels with a plaque for his donations during the parade.

3.4 Angelique Adams

Mayor Venis presented Ms. Adams with a plaque and a Key to the City for her prompt efforts in saving a woman's life.

3.5 LifeFleet Atlantic

Jalynn Medlin introduced Dr. Joe Nelson, the Town's Medical Director, and provided a six month status report. She introduced the paramedics and emergency medical technicians who provided service to the Town.

3.6 Keep Davie Beautiful Sponsors

Bonnie Stafiej, Special Projects Coordinator, explained the program and indicated that sponsors who contributed \$100 received a T-shirt and a certificate of appreciation which was presented at a Council meeting. She added that sponsors who contributed \$300 received two T-shirts and a plaque which was presented at a Council meeting. Mayor Venis indicated that the current sponsors were BellSouth, Signature Grand and Berry & Calvin who would receive plaques.

3.7 20th Annual Waterway Clean Up

Ms. Stafiej advised that the Town had sponsored a canal cleanup on March 22nd and 5,755 pounds of trash was retrieved. She advised that there were numerous volunteers and indicated that Certificates of Appreciation were being presented to Girl Scout Troop 557, Boy Scout Troop 118, Davie Fire Department, Sports Program, Dachton family, 4-H Club Sharks, Boy Scout Troop 707, Davie Police Department, Kiwanis Club, Silver Ridge Elementary School, Nick Williams, the LaChance Family, the Southwest Broward Optimist Club, St. David Girl Scout Troop, and Davie Public Works Department.

Mayor Venis presented a plaque to Dotty Nole representing the Marine Industry Association of South Florida. Ms. Nole announced that 75 tons of trash was collected from the canals in Broward County.

3.8 Under 12 Traveling Soccer Team

Mayor Venis announced that the team won the Town's first American Cup Championship in the Florida Youth Soccer Association and presented Coach John Proctor with a plaque recognizing his services to the Town. Coach Proctor presented Council with trophies for being undefeated in the regular season and runner up in the play offs and for first place in the American Cup Tournament. He thanked Council, Athletic Supervisor Mark Dornacker, Mike Webber and Community Services Director Sharon Pierce-Kent for their support. Coach Proctor presented plaques to his coaches: Doug Debruhl, Diego Rueda, and Andy Mavaragames. Certificates were presented to Billy Cole, Derek DeBruhl, Mike Driscoll, Marshall Haynick, Lisa Fink, JJ Induisi, David Johnson, Brett Mavaragames, Jerry Miller, Frankie Moulton, Dawn O'Connor, Kevin Proctor, Steven Tepperberg, and James Wade.

Mr. Dornacker thanked Council for the presentations and presented Council with trophies for Division 2, Region 8 Championship and second place in the Junior Orange Bowl Tournament.

3.9 Sergeant Arturo Stabile (retiring after 21 years of service)

Police Chief Jack Mackie advised that Sergeant Stabile was retiring after 21 years with the Davie Police Department and added that Sergeant Stabile had retired from the New York Police Department after 21 years. He presented Sergeant Stabile with a plaque.

3.10 United Way Town Representatives

Fire Chief Michael Donati advised that the employees held a fundraiser for United Way and \$624.72 had been raised. He thanked the companies who contributed raffle prizes. Mayor Venis presented Janet Gale, Raquel Gray and Judy Palaez with Certificates of Appreciation for their efforts.

3.11 Andrew Balough, Plant Operator I - Fifteen Years

Mayor Venis presented Mr. Balough with a service award.

3.12 Karl George, Firefighter - Fifteen Years

Firefighter George was not present.

3.13 George Pratt, Driver Engineer - Fifteen Years

Driver Engineer Pratt was not present.

3.14 Dan VanEssendelft, Plant Operator II - Fifteen Years

Mayor Venis presented Mr. VanEssendelft with a service award.

3.15 Community Redevelopment Agency

Neal Kalis, Chairman, updated Council on the Agency's efforts.

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

Ms. Stafiej announced upcoming events: Take-A-Kid Fishing Tournament (April 26th), Five Star Rodeo (April 25th - 26th), Annual Young At Art Birthday Bash and Children's Festival (May 10th), and Horse and Tack Auction (May 17th).

Sharon Pierce-Kent, Director of Community Services, stated that she and Mr. Dornacker had met with the principal of Indian Ridge Middle School to utilize the indoor gymnasium for this summer's basketball program. She announced that upcoming events included Davie Summer Daze (June 23rd - August 15th) and the formation of a Teen Council.

3.17 Economic Development Study

Mr. Flatley advised that this Study, which had been worked on over the past several months, had been completed and indicated that this was a tool to guide the Town in the future. Christopher Wallace, Director of Budget and Finance, advised that the Study had been presented to the Economic Development Council which requested that another graph be prepared. He explained the study.

Vice-Mayor Santini that she would like financial information included when rezonings were submitted to Council. Michele Mellgren, Director of Development Services, suggested that this information would be most applicable for land use plan amendments. She asked if it was Council's desire to rely on this type of information to make a decision as the Comprehensive Plan and Code of Ordinances would need to be revised to allow this type of criteria.

Mr. Flatley advised that this Study was one of a kind and complimented Council on undertaking the this project.

Chief Mackie discussed the inaccuracies of the 1996 crime statistics that were published by the Sun Sentinel on April 5th. He advised that crime was under control in the Town and was decreasing. Chief Mackie stated that the Town had received another grant, ten officers were currently attending the Police Academy and many new Crime Watch neighborhoods had been organized. He added that a \$325,000 grant had been awarded to the Town to pay for lap top computers which would save time on preparing reports.

Mayor Venis announced that the overall crime had decreased by 2%. Chief Mackie advised that a follow-up story would be published in the Sun Sentinel and Miami Herald.

Mayor Venis announced that item 5.6 and 5.7 needed to be tabled to May 7, 1997.

Councilmember Kiar made a motion, seconded by Councilmember Bush, to table [to May 7, 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)

Mayor Venis announced that item 6.8 needed to be tabled to May 21, 1997.

Councilmember Bush made a motion, seconded by Councilmember Cox, to table [to May 7, 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)

4. MAYOR/COUNCILMEMBER COMMENTS

COUNCILMEMBER BUSH

CLEAN UP. Councilmember Bush stated that he was proud to a part of the eastside clean up held on April 5th. He indicated that another clean up needed to be held.

VOLUNTEER PROGRAM. Councilmember Bush advised that he attended the volunteer program held at Silver Oaks and explained the program. He stated that the volunteers needed to be recognized and suggested that a pilot project be established at Silver Oaks with Mr. Flatley explaining a neighborhood grant program which would cost \$7,000 to \$8,000. A brief discussion followed on the provision of van services.

VICE-MAYOR SANTINI

BILLBOARDS. Vice-Mayor Santini provided a list of billboards that had not been approved by Council but had been brought in by annexation. She asked Mr. Webber to look into a "sunset date" for these billboards.

CLEAN UP. Vice-Mayor Santini stated that she was proud of the employees and the neighborhood children

who helped with the eastside clean up on April 5th.

THANKS. Vice-Mayor Santini thanked those who sent their thoughts and prayers while her stepson was ill.

COUNCILMEMBER COX

EMS ASSESSMENT. Councilmember Cox thanked the legislators who were able to submit a bill to remove churches and schools from the assessment.

OPEN SPACE/TRAIL MAP BROCHURE. Councilmember Cox stated that the brochure had been completed and was available for distribution.

COUNCILMEMBER KIAR

HOLIDAY. Councilmember Kiar wished those of the Jewish faith a happy Passover.

SPELLING BEE CHAMP. Councilmember Kiar congratulated Erin Condin, an eighth grader from St. David, who won the Broward County Spelling Bee Championship.

FORMER TRUCK STOP SITE. Councilmember Kiar discussed the recent Sun Sentinel article regarding the former truck stop site which would now have 400 homes built on that property. He commended the prior Council for their efforts on this matter.

AWARDS CEREMONY. Councilmember Kiar stated that his son received an academic's award for his Grade Point Average.

THANKS. Councilmember Kiar thanked the Child Safety Board for the efforts in making the community aware of the necessity of protecting children.

MAYOR VENIS

LITERARY CONTEST. Mayor Venis stated that he had been a judge at Silver Ridge Literary Contest and he congratulated the winners.

INDIAN RIDGE MIDDLE SCHOOL. Mayor Venis welcomed Indian Ridge Middle School which opened to students last week.

METROPOLITAN PLANNING ORGANIZATION. Mayor Venis stated that he was the alternate member for the Organization and asked that staff begin work on the Town becoming a full voting member.

TREE CITY USA. Mayor Venis stated that the Town had been named a Tree City USA for the eighth year in a row.

CIVIL LIVABILITY AWARD APPLICATION. Mayor Venis advised that he had received an application for the Civil Livability Award sponsored by the United States Conference of Mayors. He stated that the organization was impressed with the Town's Open Space Program and was using the Program as a model for other cities to utilize.

AWARD. Mayor Venis stated that the Nova Southeastern University College of Medicine was the 1997 recipient of the Paul R. Wright Excellence in Medical Education Award.

WORKSHOP. Mayor Venis stated that a workshop needed to be scheduled to discuss the South Broward Utilities issue with Mr. Flatley indicating that May 28th had been selected.

5. CONSENT AGENDA

Minutes

5.1 December 18, 1996 - Regular Meeting

5.2 April 2, 1997 - Regular Meeting

Resolutions

5.3 RANKING OF ARENA MANAGEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE RANKINGS FOR MANAGEMENT OF THE DAVIE ARENA AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT WITH THE HIGHEST RANKING FIRM.

5.4 ARCHITECTURAL SERVICES - A RESOLUTION OF THE TOWN OF DAVIE, R-97-130 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A TRI-PARTY CONTRACT WITH

THE STATE OF FLORIDA, DEPARTMENT OF MANAGEMENT SERVICES, DIVISION OF BUILDING CONSTRUCTION AND SPILLIS CANDELA & PARTNERS, INC. FOR ARCHITECTURAL SERVICES. (tabled from April 2, 1997)

5.5 REVISION TO RESTRICTIVE NOTE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE ASSOCIATED WITH THE S & Z SUBDIVISION PLAT AND PROVIDING AN EFFECTIVE DATE. (DG 2-2-97, south side of State Road 84 approximately 1/2 mile east of University Drive) (tabled from April 2, 1997)

5.6 TRANSFER OF COMMITTED TRIPS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, FRANK AND GARY SHEAR, MARIO AND KARON ZACCO, AND CARMAX AUTO SUPERSTORES, INC., RELATING TO THE TRANSFER OF COMMITTED TRIPS BETWEEN CONTIGUOUS PLATTED PARCELS; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURE TO SAID AGREEMENT. (tabled from April 2, 1997)

5.7 LOCAL MATCH FUNDING - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING THE STARTING PLACE WHICH PROVIDES COUNSELING SERVICES FOR CHILDREN, ADOLESCENTS AND ADULTS WITH SUBSTANCE ABUSE AND ADDICTION PROBLEMS. (tabled from April 2, 1997)

5.8 MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-131 APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINES IN CASE NO. 94-131 FROM \$10,200 IN AMOUNT TO \$1,000; AND PROVIDING AN EFFECTIVE DATE. (James E. and Jo M. Denmark)

5.9 MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-132 APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINES IN CASE NO. 96-490 FROM \$15,000 IN AMOUNT TO \$2,000; AND PROVIDING AN EFFECTIVE DATE. (Chase Mtg. Co.)

5.10 MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-133 APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINES IN CASE NO. 96-594 FROM \$8,500 IN AMOUNT TO \$800; AND PROVIDING AN EFFECTIVE DATE. (Warren J. and Patricia R. North, Trs.)

5.11 WATERFORD PARK IMPROVEMENTS - A RESOLUTION OF THE TOWN OF R-97-134 DAVIE, FLORIDA, APPROPRIATING SUFFICIENT FUNDS FROM FUND BALANCE TO PAY THE COSTS ASSOCIATED WITH THE IMPROVEMENTS TO WATERFORD PARK. (to be reimbursed through a future bond issue)

5.12 INTENT FOR ISSUANCE OF TAX-EXEMPT BONDS - A RESOLUTION OF THE R-97-135 TOWN OF DAVIE, FLORIDA INDICATING THE OFFICIAL INTENT OF THE TOWN COUNCIL TO ISSUE TAX-EXEMPT BONDS TO FINANCE THE COST OF THE WATERFORD PARK IMPROVEMENT PROJECT OR FOR OTHER MUNICIPAL PURPOSES AND TO USE A PORTION OF THE PROCEEDS OF SUCH BONDS TO REIMBURSE EXPENDITURES PAID OR INCURRED PRIOR TO THE DATE OF ISSUANCE THEREOF. (maximum principle amount to be issued - \$20,000)

5.13 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING R-97-136 THE BID FOR PLAYGROUND EQUIPMENT, PARK EQUIPMENT, PARK SHELTERS AND THE INSTALLATION OF THE SAME PURSUANT TO THE PALM BEACH COUNTY SCHOOL BOARD BID SB96 C-1695. (Pete Jeffrey and Associates; total amount shall not exceed \$100,000)

5.14 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-97-137 THE BID FOR BUS TRANSPORTATION, BROWARD CO-OP RFP 97-B-006. (Shortway Lines of Florida - \$37/hour with the expected total yearly expenditure to be \$16,000)

5.15 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-97-138 THE BID FOR PRINTING OF THE DAVIE UPDATE. (South Florida Newspaper Network; approximately \$18,000/year)

5.16 GRANT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-139 AUTHORIZING APPLICATION, APPROVAL AND EXECUTION FOR A GRANT UNDER THE STATE OF FLORIDA DEPARTMENT OF EDUCATION SUMMER FOOD SERVICE PROGRAM FOR CHILDREN. (Programs being held at Orange Park, Silver Oaks Mobile Home Community Center, and the Eastside Community Hall)

5.17 LEASE EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-140 EXTENDING THE LEASE WITH HARLEY DAVIDSON OF MIAMI, L. C., FOR FOUR POLICE MOTORCYCLES. (\$350/month/motorcycle)

5.18 POLICE LEGAL ADVISOR - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-141 APPROVING A CONTRACT FOR JOEL CANTOR, P.A., TO PERFORM PROFESSIONAL SERVICES PERTAINING TO POLICE MATTERS, PROVIDING FOR FUNDING FROM THE LAW ENFORCEMENT TRUST FUND; AND PROVIDING AN EFFECTIVE DATE. (\$40/hour for classroom and roll call training presentations; and not to exceed \$75/hour for consultation and like kind services)

5.19 PROPOSAL FOR REVIEW OF DISTRICT BOUNDARIES - A RESOLUTION OF R-97-142 THE TOWN OF DAVIE, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND FLORIDA ATLANTIC UNIVERSITY/FLORIDA ATLANTIC UNIVERSITY JOINT CENTER FOR ENVIRONMENTAL AND URBAN PROBLEMS FOR THE PROVISION OF OPTIONS REDELINEATING THE TOWN'S DISTRICT BOUNDARIES. (\$4,623)

5.20 REVISION TO PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE STIRLINGWOOD II PLAT, FOR A REVISION TO THE RESTRICTIVE NOTE TO INCREASE THE NUMBER AND TYPE OF RESIDENTIAL UNITS AND PROVIDING AN EFFECTIVE DATE. (DG 4-1-97, south side of Stirling Road approximately 1/2 mile west of Davie Road Extension)

5.21 REVISION TO PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE STIRLINGWOOD SUBDIVISION PLAT, PROVIDING FOR A REVISION TO THE RESTRICTIVE NOTE TO INCREASE THE NUMBER AND TYPE OF RESIDENTIAL UNITS AND PROVIDING AN EFFECTIVE DATE. (DG 4-2-97, south side of Stirling Road approximately 1/2 mile west of Davie Road Extension)

5.22 REVISION TO PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-143 AUTHORIZING A REVISION TO THE STIRLINGWOOD SUBDIVISION PLAT, PROVIDING FOR A REVISION TO THE NON-VEHICULAR ACCESS LINE AND PROVIDING AN EFFECTIVE DATE. (DG 4-3-97, south side of Stirling Road approximately 1/2 mile west of Davie Road Extension)

5.23 MAINTENANCE OF RECREATIONAL PATH - A RESOLUTION OF THE R-97-144 TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO BETWEEN THE TOWN OF DAVIE AND G.L. HOMES OF DAVIE CORPORATION, RELATING TO THE MAINTENANCE OF LAND UTILIZED FOR RECREATIONAL PATH USES WITHIN PARCEL A OF

THE BUCKRAM OAK FARM PLAT; AND TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE APPROPRIATE SIGNATURES TO SUCH AGREEMENT.

5.24 CITIZEN PARTICIPATION PLAN - A RESOLUTION OF THE TOWN OF R-97-145 DAVIE, FLORIDA, ADOPTING THE CITIZEN PARTICIPATION PLAN FOR FEDERAL FUNDS IN ORDER TO COMPLY WITH THE FEDERAL REGULATIONS GOVERNING THE CONSOLIDATED PLAN.

5.25 REVISING/CREATING CLASS SPECIFICATIONS - A RESOLUTION OF THE R-97-146 TOWN OF DAVIE, FLORIDA, REVISING THE CLASS SPECIFICATION FOR MAINTENANCE TECHNICIAN I IN THE FEDERATION OF PUBLIC EMPLOYEES, BLUE COLLAR UNIT, REVISING THE CLASS SPECIFICATION FOR SHALLOW POOL LIFEGUARD IN THE NON-Classified (PART TIME, SEASONAL OR TEMPORARY) PAY AND CLASSIFICATION PLAN, AND CREATING THE CLASS SPECIFICATION FOR REVENUE SPECIALIST IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN TO BE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT.

5.26 EXTENDED TRAVEL - A RESOLUTION OF THE THE TOWN OF DAVIE, R-97-147 FLORIDA, AUTHORIZING EXTENDED TRAVEL FOR DETECTIVE RON MARSECO OF THE DAVIE POLICE DEPARTMENT. (\$965 - Advanced Drug Law Enforcement School)

5.27 LIEN SUBORDINATION - A RESOLUTION OF THE TOWN OF DAVIE, R-97-128 FLORIDA, SUBORDINATING THE LIEN OF THE TOWN OF DAVIE ON PROPERTY OWNED BY JOLMY ENTERPRISES, INC. WITH RESPECT TO A CERTAIN MORTGAGE INDEBTEDNESS; AND PROVIDING AN EFFECTIVE DATE.

5.28 SUPPORTING LEGISLATIVE BILL - A RESOLUTION OF THE TOWN OF R-97-148 DAVIE, FLORIDA, SUPPORTING SENATE BILL 676 AND HOUSE BILL 603, RELATING TO MUNICIPAL SPECIAL ASSESSMENTS; PROVIDING AN EXEMPTION FROM ANY SPECIAL ASSESSMENT LEVIED BY A MUNICIPALITY TO FUND EMERGENCY MEDICAL SERVICES FOR PROPERTY OWNED OR OCCUPIED BY A RELIGIOUS INSTITUTION OR ELEMENTARY, MIDDLE, OR HIGH SCHOOL; AS PRESENTED DURING THE 1997 LEGISLATIVE SESSION.

5.29 SUPPORTING LEGISLATIVE BILL - A RESOLUTION OF THE TOWN OF R-97-129 DAVIE, FLORIDA SUPPORTING SENATE BILL 2472 AND HOUSE BILL 1907, RELATING TO BROWARD COUNTY; PROVIDING FOR EXTENDING THE CORPORATE LIMITS OF THE CITIES OF PEMBROKE PINES, DAVIE, COOPER CITY, AND WESTON; PROVIDING FOR ANNEXATION OF THE UNINCORPORATED AREAS KNOWN AS "SOUTHWEST RANCHES" AND "SUNSHINE RANCHES" AND SURROUNDING AREAS; PROVIDING FOR INCORPORATION OF A NEW MUNICIPALITY; AS PRESENTED DURING THE 1997 LEGISLATIVE SESSION.

Ordinances - First Reading (Public Hearing to be held May 7, 1997)

5.30 PERSONNEL RULES AND REGULATIONS - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, REVISING THE TOWN OF DAVIE'S PERSONNEL RULES AND REGULATIONS BY AMENDING VARIOUS PORTIONS OF SAID RULES AND REGULATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

5.31 TRANSFER OF OCCUPATIONAL LICENSES - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 13-25 OF THE CODE OF DAVIE REGARDING FEES FOR TRANSFER OF OCCUPATIONAL LICENSES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Venis advised that item 5.5 needed to be tabled to May 7, 1997.

Councilmember Kiar made a motion, seconded by Councilmember Bush, to table [to May 7, 1997). In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes;

Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

Mayor Venis asked that items 5.20 and 5.21 be removed from the Consent Agenda. Councilmember Kiar asked that items 5.16 and 5.18 be removed. Councilmember Cox asked that item 5.4 be removed.

Vice-Mayor Santini made a motion, seconded by Councilmember Cox, to approve the Consent Agenda without items 5.4, 5.16, 5.18, 5.20, and 5.21. Town Clerk Reinfeld read the ordinances-first reading by title only. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

Mayor Venis advised that a public hearing on items 5.30 and 5.31 would be held on May 7, 1997.

5.4 Herb Hyman, Procurement Manager, advised that the contract had been revised since the last meeting and Exhibit H had been amended. Councilmember Cox detailed the changes that had been clarified and made to the contract with a discussion ensuing.

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

5.16 Councilmember Kiar read the resolution's title and explained the grant. He commended the Town for being aggressive with grant applications.

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

5.18 Councilmember Kiar explained the resolution. Chief Mackie explained that the services that Mr. Cantor would be providing were outside the services that the Police Department required from Mr. Webber.

Vice-Mayor Santini made a motion, seconded by Councilmember Kiar, to approve item 5.18. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - out; Councilmember Kiar - yes. (Motion carried 4-0)

5.20 and 5.21 Mayor Venis stated that he thought a site plan had been approved a few years ago. Councilmember Cox asked why the note had been placed on the plat which Ms. Mellgren explained. Councilmember Cox asked if Council had to allow the removal of the note. Mr. Webber explained that typically, Council had to approve the plat if all requirements were met. He indicated that the Broward County records could be reviewed to verify that the information provided to the Town could have some bearing and recommended that the County records be looked into to determine when the note was placed on the plat. Councilmember Kiar stated that he would like this matter researched further. Planning and Zoning Manager Gayle Easterling advised that a site plan had been approved approximately 1 1/2 years ago, however, the site plan had expired. After a brief discussion, Council concurred that the matter should be researched further.

Councilmember Kiar made a motion, seconded by Councilmember Cox, to table items 5.20 and 5.21 to May 7, 1997. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

6. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinances - Second and Final Reading

6.1 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 97-21 VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR SW 75TH AVENUE AND SW 71ST TERRACE ADJACENT TO THE SOUTH 84 PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 12-2-96, 7420 State Road 84) (tabled from April 2, 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 Cox made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

6.2 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 97-22 VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR SW 44 STREET WITHIN THE DAVIE CHAMBER OF COMMERCE SUBDIVISION PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 1-1-97, 5700 SW 44 Street) (tabled from April 2, 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.

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

6.3 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 97-23 CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-3 TO B-3; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-1-96, 1100 SW 101 Avenue) (tabled from March 2, 1997)

Town Clerk Reinfeld read the ordinance by title.

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

Dick Coker, representing the petitioner, was present.

Mayor Venis closed the public hearing.

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

6.4 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 97-24 VACATING RECREATIONAL PATH EASEMENTS LOCATED WITHIN THE BUCKRAM OAK FARM PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 1-2-96A, 3001 Nob Hill Road)

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

6.5 VARIANCE - V 2-1-97, Surman, 4301 SW 105 Avenue (A-1) (to reduce the required side yard from 25 feet to 12 feet and to reduce the required rear yard from 40 feet to 30 feet) *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. Mr. Webber questioned if anyone would be speaking in opposition with no one speaking. Ms.

Mellgren entered the planning report and referenced exhibits into the records and summarized the request.

Kathy and Bill Surman, representing the petitioner, were present. Ms. Surman indicated her agreement with staff's report and showed photographs of the shed.

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

Vice-Mayor Santini made a motion, seconded by Councilmember Cox, to approve. In a roll call, the vote was as

follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - out of room; and Councilmember Santini - yes. (Motion carried 4-0)

6.6 VARIANCE - V 2-2-97, Raul C. Perez and Associates and Planners Inc./Vamel Corporation, 6530, 6550 and 6570 Griffin Road (B-2) (to reduce the required front setback from 10 feet to 8.75 feet, to reduce the required perimeter landscape buffer width from 10 feet to 3 feet along the south property line, to reduce the vehicular buffer width 4 feet to 3 feet along the west property line and along the south side of the building, to reduce the minimum lot size from 52,500 square feet to 44,000 square feet, to reduce the minimum lot depth from 200 feet to 190 feet and to reduce the required terminal landscape island width from 10 feet to 7 feet) *Planning and Zoning Division approved; Planning and Zoning Board approved with a finding that this was not a self-imposed hardship* Town Clerk Reinfeld swore in the witnesses. Mr. Webber indicated that it appeared that no one would be speaking in opposition. Ms. Easterling summarized the request. Raul Perez, representing the petitioner, explained the request. Mr. Webber stated that the hearing was concluded.

Councilmember Kiar made a motion, seconded by Councilmember 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)

6.7 SPECIAL PERMIT - SE 3-1-97, Engel/Rafael, 4251 SW 64 Avenue (B-2) (to permit a single family residence to remain on commercially zoned property upon redevelopment of the remaining portion of the lot) *Planning and Zoning Division had no objection; Planning and Zoning Board approved*

Town Clerk Reinfeld swore in the witnesses. Ms. Mellgren stated that her resume was on file with the Town which qualified her as an expert witness. She 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.

Sam Engel, representing the petitioner, explained the request. Councilmember Cox questioned if a site plan was available. Mr. Engel replied affirmatively and was ready for submittal if this petition was approved.

Mr. Webber asked if anyone wished to provide testimony in favor of to the special permit. No one spoke.

Mr. Webber asked if anyone wished to provide testimony in opposition to the special permit. The following individuals spoke:

Dr. Paul Fulton, 4217 SW 64 Avenue.

Paula Fulton.

Mr. Engel advised that the petitioner thought that the individuals who would be living in the apartments and the home would be college students.

Ms. Mellgren reminded Council that consideration of the special permit was not if the house should be demolished if no redevelopment took place as the house would remain. She added that if there was a question as to the structure's soundness, she could have the Building Official make an inspection.

Mr. Webber advised that the criteria for making a determination was found in Section 12-308 of the Town's Code which had been included in the Council packet. He stated that the hearing was concluded and Council could deliberate.

Vice-Mayor Santini asked if a determination if the structure's safeness could be made prior to Council making a decision and if Council could review the site plan. She indicated that she did not like making a decision that the house should be kept because it gave the applicant a financial benefit. Ms. Mellgren replied that the Building Official could inspect the building and provide an opinion. Mr. Webber indicated that Council's action at tonight's meeting would have no effect whether or not the structure was unsafe.

Councilmember Cox discussed the surrounding buildings. Discussion followed on redevelopment.

Councilmember Bush made a motion, seconded by Councilmember 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)

6.8 PLANNING AND ZONING BOARD TABLED TO APRIL 30, 1997; COUNCIL CAN TABLE TO MAY 21, 1997

VARIANCE - V 3-1-97, Broward County Housing Authority, 4881 Griffin Road (RM-10)

This item was tabled earlier in the meeting.

Resolution

6.9 AMENDING BUILDING PERMIT FEES - A RESOLUTION OF THE TOWN OF R-97-149 DAVIE, FLORIDA, AMENDING THE CURRENT FEE SCHEDULE FOR BUILDING PERMIT FEES OF THE TOWN OF DAVIE; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the resolution by title.

Ms. Mellgren explained that the resolution proposed a change in the way fees are calculated for building permit fees. She added that the fee would be based on a percentage of the value of construction. Ms. Mellgren advised that Building Official Jim Smith had met with the major builders in the Town to obtain feedback and some of the builders did not have any major problems with the change.

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

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

Mayor Venis closed the public hearing.

7. SITE PLANS

7.1 SP 11-8-96, David Posnack Jewish Community Center, 5850 South Pine Island Road (CF) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report using 10 foot Crepe Myrtles, and changing the colors on the proposed structure to match the existing structure*

Fred Nagler, representing the petitioner, was present. Ms. Mellgren read the planning report. Mr. Nagler advised that the petitioner had agreed to all comments and explained the request.

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

7.2 SP 12-2-96, Nob Hill Village - Burger King, 600 feet south of I-595 on Nob Hill Road (B-3) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report*

Dick Coker and Steve Rottblatt, representing the petitioner, were present. Ms. Mellgren read the planning report. Mr. Coker advised that the petitioner accepted staff's comments and recommendations.

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

8. APPOINTMENTS

8.1 Unsafe Structures Board (3 non-exclusive appointments - attorney, term expires April 1998; plumbing contractor, and real estate broker, terms expire April 2000)

For the attorney seat, Councilmember Kiar nominated Mark Berman. Councilmember Bush nominated Dean Alexander.

In a roll call vote on Mr. Berman's nomination, the vote was as follows: Mayor Venis - no; Vice-Mayor Santini - no; Councilmember Bush - no; Councilmember Cox - no; Councilmember Kiar - yes. (Motion failed 1-4)

In a roll vote on Mr. Alexander's nomination, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

No nominations were made for the plumbing contractor seat.

For the real estate broker seat, Vice-Mayor Santini nominated Robin Massa with Mayor Venis seconding the nomination. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

9. DISCUSSION AND POSSIBLE ACTION

9.1 Second Annual Tree Discount Program (participating nurseries: Tropical Paradise Nurserys, Live Oak Tree Farm, Sunshine Nursery, Pot Luck Nursery, JR's Nursery & Equipment, McCall Nursery, Jesse Durko Nursery, Tropic Trees of Davie, Black Olive Nursery and River Springs Nursery)

Mr. Flatley stated that the public could purchase trees at wholesale prices from May 3 - May 10, 1997.

9.2 Comprehensive Annual Financial Statement for Fiscal Year 1996

Mayor Venis asked that this item be deferred until the next meeting to allow the auditors to present this item to Council. There was no objection noted.

9.3 MVP Properties, Inc.

Mr. Webber stated that the Town had received the court order regarding the litigation over the refusal to vacate the roads in the Laurel Oaks North Development. He advised that because of facts that should not have been considered or were incorrect, he felt that this order was appealable. Mr. Webber explained that he needed Council's direction whether this order should be appealed and added that he was planning on filing a motion for rehearing. Council was in an agreement that the appeal should be filed.

Councilmember Kiar made a motion, seconded by Vice-Mayor Santini, to move for a rehearing at once and to file the notice of appeal if need be. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

Councilmember Cox stated that the larger issue was whether the Town had the right to vacate rights-of-way and added that a number of private communities wanted the Town to assume the roads because of the maintenance and liability issues.

Mr. Webber advised that once this case was over, vacations would be adopted into the Town's quasi judicial rules and this might be the appropriate time to establish specific criteria.

Ms. Mellgren displayed the project plat and explained the vacation.

Arthur Marrero advised that it had been his intent to only prohibit vehicular traffic and he wanted to maintain an open community where he could record an "OSRT" easement which he explained. He stated that he wanted to provide access to the Town's general public as an equestrian/bicycle/pedestrian trail next to the gate. Mr. Marrero indicated that if the Town lost the appeal, there would not be an access.

Vice-Mayor Santini asked Mr. Marrero if he would install signs indicating the trails with Mr. Marrero replying in the affirmative.

Ms. Mellgren suggested that Mr. Marrero work with staff and a solution could possibly be agreed upon between the filing date and the next Council meeting.

Mayor Venis announced that resolutions needed to be added to the agenda as item 9.4, 9.5 and 9.6

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

9.4 SUPPORTING LEGISLATIVE BILL - A RESOLUTION OF THE TOWN OF R-97-150 DAVIE, FLORIDA, SUPPORTING THE EFFORTS OF DAN MARINO TO REQUEST THAT THE STATE LEGISLATURE SUPPORT A BILL PROVIDING FOR THE MEDICAL AND EDUCATIONAL SUPPORT OF AUTISTIC CHILDREN; REQUESTING THAT THE BILL TO BE INTRODUCED AND ADOPTED SHALL INCLUDE A BROAD SPECTRUM OF CHILDREN OTHERWISE AFFECTED BY AUTISM AND OTHER NEUROBIOLOGICAL DISORDERS; PROVIDING FOR ALTERNATIVES TO THE MEDICAL MODELS OTHERWISE ESTABLISHED BY

APPROPRIATE NATIONAL ORGANIZATIONS; PROVIDING FOR ADDITIONAL SUPPORT ITEMS IN CONNECTION WITH THIS LEGISLATION; PROVIDING THAT THIS RESOLUTION BE SENT TO THE BROWARD COUNTY LEGISLATIVE DELEGATION AND THE TOWN COUNCIL OF EACH CITY IN BROWARD COUNTY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mr. Flatley explained the resolution.

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

9.5 ARENA RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-151 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

Mr. Flatley explained items 9.5 and 9.6.

Councilmember Cox made a motion, seconded by Councilmember Kiar, to approve item 9.5. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

9.6 ARENA RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-152 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

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

10. TOWN ADMINISTRATOR'S REPORT

No report was provided.

11. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 11:21 p.m.

