

**TOWN COUNCIL
REGULAR MEETING
MAY 21, 1997
7:00 P.M.**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:05 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 Assistant Town Clerk Bergamini recording the meeting.

3. PRESENTATIONS

3.1 Potter Park Recognition

Police Chief Jack Mackie advised that a cleanup effort was held on April 5th and the Town wanted to recognize the individuals who provided help. He announced the names with certificates to be presented: Dr. Glen Rose from Broward Community College, Tom Diehl, from Publix 148, Pat Williams from Burger King, Marty Yates from Costco, Shawn Murphy from McDonalds, Kathleen Bleier, Sarah Bush, Vice-Mayor Santini, Councilmember Bush, Mr. Flatley, Programs Manager Will Allen, Public Relations Coordinator Susan Dean, Assistant Town Clerk Bergamini, Redevelopment Administrator Glenn Irwin, Community Services Director Sharon Pierce-Kent, Recreation Supervisor Bette Stark, Recreation Leader Trevor Nance, Nova student Raffe Vecere, Battalion Chief Len DePaola, Lieutenant Chris Fletcher, Driver Engineer George Wetzler, Firefighter Scott Mogravero, Deelopment Programs Manager Dan Oyler, Maintenance Technician Bill Meridian, Maintenance Technician Christmas Lakhram, Maintenance Technician Stan Wagner, Chief Mackie, Assistant Police Chief Robert McDaniel, Major John Tucker, Lieutenant Michael Allen, Officer Michael Homenick, Officer Greg Spates, Officer Craig Richards, Officer Barry Dodge, Officer Robert Labelle, and Officer Margaret Hart.

3.2 Take-A-Kid Fishing

Special Projects Coordinator Bonnie Stafiej thanked Everglades Pro Bass, Pro Bass in Dania and Bass'n Fools for coordinating the 14th Annual Take-A-Kid Fishing event and added that over 325 children registered.

3.3 Davie Girls Softball Team - 14 and Under

Athletic Supervisor Mark Dornacker stated that the girls softball team took first place in the Jupiter/Tequesta tournament and the South Broward tournament. He introduced Coach Jim Evans who thanked Council for its support of the sports program. He announced the names of players who were provided with certificates: Lizzie Bartle, Diana Evans, Amy Guarino, Jamie Johnston, Amanda Kruse, Nicole Llyod, Athena Maktabi, Tatiana Molina, Megan Osborn, Jennifer Stover and Shelby Teichel.

Mayor Venis presented plaques to Coach Evans, Coach Earl Johnston and Coach Rick Bartle.

3.4 Jack Mackie, Chief of Police - Five Years

Mayor Venis presented Chief Mackie with a service award.

3.5 Patricia Locke, Finance Clerk I - Ten Years

Mayor Venis presented Ms. Locke with a service award.

3.6 Dora Sacco, Finance Clerk I - Ten Years

Mayor Venis presented Ms. Sacco with a service award.

3.7 Patricia Shupp, Payroll Technician - Ten Years

Mayor Venis presented Ms. Shupp with a service award.

3.8 Quintin Taylor, Police Officer - Ten Years

Mayor Venis presented Officer Taylor with a service award.

3.9 Howard Fox, Police Officer - Fifteen Years
Mayor Venis presented Officer Fox with a service award.

3.10 Thomas Jewell, Firefighter - Fifteen Years
Firefighter Jewell was not present.

3.11 Sandra Lukowski, Police Service Aide - Fifteen Years
Mayor Venis presented Ms. Lukowski with a service award.

3.12 Bonnie Murphy, Finance Clerk II - Fifteen Years
Mayor Venis presented Ms. Murphy with a service award.

3.13 John Wigand, Plant Operator II - Fifteen Years
Mayor Venis presented Mr. Wigand with a service award.

3.14 David Sigerson, Legislative Report
Mr. Sigerson provided a legislative report which included establishment of a public/private partnership for education for autistic and severely handicapped children, EMS assessment fee, school districts, Ranches Bill, Deferred Retirement Option Program, and University Student Resource Bill. Mr. Flatley congratulated Mr. Sigerson on his efforts in representing the Town.

3.15 Community Redevelopment Agency
Neal Kalis, Chairman, updated Council on the Agency's efforts and he hoped to have a time schedule for redevelopment activities by the next Council meeting. Councilmember Cox asked that when the Agency met with Florida Power & Light, that Mr. Flatley's designee also attend as the Town had additional issues to be discussed.

3.16 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent
Ms. Stafiej provided an update on the Memorial Day weekend events and indicated that Council and staff would be visiting the District 4 area on May 31st for the Keep Davie Beautiful Day program.

Ms. Pierce-Kent announced upcoming events: Rocking '50s Pool Party (June 14th), water aerobics (every Tuesday), and basketball registration.

4. OCCUPATIONAL LICENSES

Home Occupational License

4.1 David Morton General Maintenance, 14291 SW 21 Street (deferred from May 7, 1997)
As the applicant was not present, this item was deferred.

Mayor Venis announced that items 8.11, 8.12, 8.13, 8.14, 8.15 and 8.16 needed to be tabled to June 18, 1996. Councilmember Kiar made a motion, seconded by Councilmember Cox, to table. 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 announced that item 8.17 needed to be tabled to August 20, 1996. Councilmember Bush made a motion, seconded by Vice-Mayor Santini, to table. 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. MAYOR/COUNCILMEMBER COMMENTS

COUNCILMEMBER BUSH

BOY SCOUTS. Councilmember Bush stated that he attended the Micosukee District Boy Scouts soap box derby. He stated that the Memorial Day weekend events sponsored by the Boy Scouts would include a lighted

canoe float parade on May 25th and a Memorial Day parade on May 26th.

Councilmember Bush introduced Michael Murphy II who had recently achieved his Eagle Scout badge. Mr. Murphy advised that his project was to create a habitat at Flamingo Gardens for two injured bald eagles which could not be returned to the wild.

INDIAN RIDGE MIDDLE SCHOOL. Councilmember Bush stated that Council attended the dedication of the middle school.

LUNCHEON. Councilmember Bush advised that he attended a luncheon on May 20th for the Town's senior volunteers.

LEAGUE OF CITIES BOARD MEMBER. Councilmember Bush indicated that he had been appointed as a member of Board of Directors for the League of Cities.

EMPLOYEE PICNIC. Councilmember Bush stated that the Town's employee picnic was held on May 3rd and he and Mr. Flatley were still undefeated in the horseshoe throwing contest. Ms. Stafiej presented Councilmember Bush and Mr. Flatley with a trophy for winning the contest.

VICE-MAYOR SANTINI

INDIAN RIDGE MIDDLE SCHOOL. Vice-Mayor Santini stated that she was also in attendance at the dedication and added that this was the first school which had been built in the Town in over 30 years. She indicated that one of the students' projects was to make a quilt and each student unveiled their patch during the ceremony.

DRUG ABUSE AND RESISTANCE EDUCATION PROGRAM. Vice-Mayor Santini stated that the education programs had begun for 5th graders and thanked Chief Mackie and Assistant Chief McDaniel for this program.

VOLUNTEER LUNCHEON. Vice-Mayor Santini stated that most of Council attended the senior volunteer luncheon and indicated that the Community Services Department did an outstanding job.

COUNCILMEMBER COX

INDIAN RIDGE MIDDLE SCHOOL. Councilmember Cox stated that Council's and Mr. Flatley's attendance at the dedication was an indication of the high priority that education, schools and youth was with Council. She added that the Town was looking forward to having an elementary school built across the street.

WESTFAIR. Councilmember Cox indicated that she attended a meeting regarding next year's Westfair to be held February 28 - March 8, 1998. She said that the Town was committed to having more of a community involvement.

GREENWAYS COMMITTEE MEETING. Councilmember Cox stated that she was not able to attend the volunteer luncheon as she attended a Greenways Committee meeting. She advised that the State of Florida was committed to building a statewide system of greenways and trails. Councilmember Cox indicated that the State was trying to inventory all its public lands and existing trails.

COUNCILMEMBER KIAR

INDIAN RIDGE MIDDLE SCHOOL. Councilmember Kiar stated that the dedication was a wonderful event.

VOLUNTEER LUNCHEON. Councilmember Kiar stated that the Community Services Department sponsored the luncheon and it was a pleasure for him to serve the volunteers lunch.

MEMORIAL DAY WEEKEND. Councilmember Kiar asked everyone to make the time to reflect upon Americans who gave their lives in World War II.

MAYOR VENIS

YOUNG AT ART BIRTHDAY BASH. Mayor Venis stated that he, Vice-Mayor Santini and Councilmember Cox attended the event which was a success. He added that the Young at Art Museum would be relocating to the Town.

INDIAN RIDGE MIDDLE SCHOOL. Mayor Venis advised that he attended the dedication and indicated that the school came in at 25% under the State average.

GUEST SPEAKER. Mayor Venis indicated that he was a guest speaker at the Davie Merchant's and Industrial

Association last meeting.

LIBRARY. Mayor Venis stated that he and Mr. Flatley would be meeting with Broward County Commissioner Lori Parrish and Mr. Morrison regarding the proposed library.

METROPOLITAN PLANNING ORGANIZATION (MPO). Mayor Venis advised that he and Mr. Flatley would also be discussing with Commissioner Parrish on the issue of a seat on the MPO for a Town representative.

WAVERLY HUNDRED. Mayor Venis stated that a meeting with the Waverly Hundred residents would be held on May 28th to discuss the community's concerns.

PETITION. Mayor Venis read, and distributed, a petition signed by the Laurel Oaks community regarding the installation of a gate system and privatization of streets.

6. CONSENT AGENDA

Minutes

6.1 April 16, 1997 - Regular Meeting

Proclamation

6.2 Stand for Healthy Children Day - June 1, 1997

Resolutions

6.3 **REVISION TO PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-174 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) (tabled from May 7, 1997)

6.4 **REVISION TO PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-175 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) (tabled from May 7, 1997)

6.5 **REVISION TO PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-176 AUTHORIZING A REVISION TO THE BELMONT LAKES AT DAVIE PLAT, PROVIDING FOR A REVISION TO THE REQUIRED ROADWAY IMPROVEMENTS AND PROVIDING AN EFFECTIVE DATE. (DG 5-1-97, southeast corner of SW 154 Avenue and SW 14 Street)

6.6 **EXTENDING A CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, R-97-177 FLORIDA, EXTENDING THE CONTRACT WITH THE LIL' RASCALS ACADEMY FOR THE OPERATION OF THE SUMMER MINI-CAMPS AND AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NUMBER 1 TO THIS AGREEMENT. (\$85/week; revenue to Town - \$6/week/child) (tabled from May 7, 1997)

6.7 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-178 APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINES IN CASE NO. 96-005 FROM \$3,250 IN AMOUNT TO \$0; AND PROVIDING AN EFFECTIVE DATE. (Florida Drava, Inc.)

6.8 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-179 APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINES IN CASE NO. 96-578 FROM \$5,400 IN AMOUNT TO \$1,000; AND PROVIDING AN EFFECTIVE DATE. (Pangloss Enterprises, Inc.)

6.9 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-97-180 THE BID FOR SUPPLY OF POLICE DEPARTMENT AND FIRE DEPARTMENT UNIFORMS.

(Argo Uniform Co.)

6.10 REASSIGNMENT OF MANPOWER - A RESOLUTION OF THE TOWN OF R-97-181 DAVIE, FLORIDA, AUTHORIZING THE REASSIGNMENT OF POLICE DEPARTMENT MANPOWER TO PROVIDE FOR ANOTHER MOTORCYCLE OFFICER FOR THE TRAFFIC UNIT.

6.11 REVISING/CREATING CLASS SPECIFICATIONS - A RESOLUTION OF THE R-97-182 TOWN OF DAVIE, FLORIDA, REVISING THE CLASS SPECIFICATIONS FOR MAINTENANCE TECHNICIAN I, MAINTENANCE TECHNICIAN II, MAINTENANCE TECHNICIAN III AND EQUIPMENT OPERATOR IN THE FEDERATION OF PUBLIC EMPLOYEES, BLUE COLLAR UNIT, CREATING THE CLASS SPECIFICATION FOR ZONING TECHNICIAN I, REVISING AND RETITLING THE CLASS SPECIFICATION FOR ZONING TECHNICIAN, AND REVISING AND RETITLING THE CLASS SPECIFICATIONS FOR CODE ENFORCEMENT INSPECTOR AND CODE ENFORCEMENT SUPERVISOR IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN TO BE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT.

6.12 NUTRITION CLASSES - A RESOLUTION OF THE TOWN OF DAVIE, R-97-183 FLORIDA, AUTHORIZING APPROVAL AND EXECUTION OF AN AGREEMENT TO BECOME A MATCH PARTNER WITH THE FAMILY NUTRITION PROGRAM INSTITUTE OF FOOD AND AGRICULTURAL SCIENCES, THROUGH THE UNIVERSITY OF FLORIDA FAMILY NUTRITION PROGRAM

6.13 COED YOUTH BASKETBALL PROGRAM - A RESOLUTION OF THE TOWN R-97-184 OF DAVIE FLORIDA, AUTHORIZING APPROVAL AND EXECUTION OF AN AGREEMENT WITH THE BROWARD COUNTY SCHOOL BOARD TO LEASE THE GYMNASIUM AND THE RESTROOMS FROM INDIAN RIDGE ELEMENTARY SCHOOL FOR NINE WEEKS FOR A COED YOUTH BASKETBALL PROGRAM. (rental fee - \$1,703.94)

6.14 ISSUANCE OF TAX-EXEMPT BONDS - A RESOLUTION OF THE TOWN OF R-97-185 DAVIE, FLORIDA INDICATING THE OFFICIAL INTENT OF THE TOWN COUNCIL TO ISSUE TAX-EXEMPT BONDS TO FINANCE THE COST OF THE SHENANDOAH 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. (\$100,000 grant award; \$100,000 matching funds)

6.15 INTERLOCAL AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, R-97-186 FLORIDA AUTHORIZING THE TOWN OFFICIALS TO ENTER INTO AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY PROVIDING FOR THE JOINT FUNDING OF THE SOUTHWEST 36TH STREET AND PINE ISLAND ROAD INTERSECTION IMPROVEMENT PROJECT WITHIN THE TOWN OF DAVIE; AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACKNOWLEDGE SUCH APPROVAL AND AFFIXING THEIR SIGNATURE TO SUCH DOCUMENT; AND PROVIDING AN EFFECTIVE DATE.

6.16 INTERLOCAL AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, R-97-187 FLORIDA APPROVING AND EXECUTING THE FOURTEENTH AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE.

6.17 INTERLOCAL AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, R-97-188 FLORIDA APPROVING AND EXECUTING THE AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY

ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE.

6.18 LIEN SUBORDINATION - A RESOLUTION OF THE TOWN OF DAVIE, R-97-189 FLORIDA, SUBORDINATING THE LIEN OF THE TOWN OF DAVIE ON PROPERTY OWNED BY JOLMY ENTERPRISES, INC. WITH RESPECT TO CERTAIN MORTGAGE INDEBTEDNESS; AND PROVIDING AN EFFECTIVE DATE.

6.19 SIGNAGE EASEMENT - A RESOLUTION OF THE TOWN OF DAVIE, R-97-190 FLORIDA, ACCEPTING A SIGNAGE EASEMENT FROM THE SCHOOL BOARD OF BROWARD COUNTY CONVEYING CERTAIN PROPERTY FOR USE AS A SIGNAGE EASEMENT; AND PROVIDING AN EFFECTIVE DATE.

6.20 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING R-97-191 FORMAL BIDDING AND ACCEPTING A BID FOR RECYCLING CONTAINERS. (Toter, Inc.; amount not to exceed \$17,000)

6.21 RANKINGS FOR PLANNING SERVICES - A RESOLUTION OF THE TOWN R-97-192 OF DAVIE, FLORIDA, APPROVING THE RANKINGS FOR MISCELLANEOUS PLANNING SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT WITH THE HIGHEST RANKING FIRM. (Bermello-Ajamil & Partners, Inc., Craig A. Smith & Associates, and Carr Smith Corradino)

Councilmember Kiar asked that items 6.11 and 6.16 be removed from the Consent Agenda. Mayor Venis asked that items 6.3 and 6.4 be removed. Mr. Flatley asked that amended item 6.21 be removed.

Councilmember Kiar made a motion, seconded by Vice-Mayor Santini, to approve the Consent Agenda without items 6.3, 6.4, 6.11, 6.16 and 6.21. 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 and 6.4 Bonnie Menscul, representing the applicant, explained that the applicant could "rework" the site plan to eliminate or shift some of the three bedroom units to two bedroom units. She advised that the applicant was able to work it out so the proposal was

less than what was currently before Council. Ms. Menscul stated that she was authorized to commit to 20 less three bedrooms thus making the mix 101 two bedrooms and 46 three bedrooms.

Mr. Webber advised that under the Town's Code and case law regarding plat approval, Council would have no authority to delay the plat approval until such time that the site plan was approved. He added that if the petitioner agreed, Council could consider the commitment to amend the plat note. Ms. Menscul indicated that she was prepared to make the voluntary offer.

Councilmember Cox made a motion, seconded by Councilmember Kiar, to approve with the amended offer from the petitioner. 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)

6.11 Councilmember Kiar stated that he needed to abstain from voting as his daughter may be affected by the change.

Councilmember Cox made a motion, seconded by Councilmember Bush, to approve item 6.11. 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 - abstain. (Motion carried 4-0)

6.16 Councilmember Kiar announced that the Town ranked as the eighth largest city in Broward County.

Vice-Mayor Santini 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)

6.21 Mr. Flatley explained the amended resolution. Discussion followed on utilizing more than one company for

planning services with Bruce Chatterton, representing Bermello-Ajamil & Partners, Inc., indicating that his company had the resources to provide the services needed. Mr. Chatterton added that during the term that his company was under contract for planning services, he pledged that his company would not accept other private sector representations within the Town.

Herb Hyman, Procurement Manager, advised that utilizing a top notch firm came with a price and indicated that Mr. Chatterton had made a commitment to work with the Town on the cost of small projects.

Vice-Mayor Santini made a motion, seconded by Councilmember Cox, to approve the original resolution submitted. 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. SITE PLAN

7.1 SP 12-3-96, Wendy's Old Fashioned Hamburgers, southwest corner of University Drive and SW 30 Street (B-2) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report*

David Felton, representing the petitioner, was present. Michele Mellgren, Director of Development Services, read the planning report.

Councilmember Cox made a motion, seconded by Vice-Mayor Santini, to approve subject to the planning report. 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. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinances - Second and Final Reading

8.1 STATE HOUSING INITIATIVES PARTNERSHIP PROGRAM - AN 97-27 ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, PROVIDING FOR THE ESTABLISHMENT OF AN AFFORDABLE HOUSING ADVISORY COMMITTEE; PROVIDING FOR THE REVIEW AND APPROVAL OF THE AFFORDABLE HOUSING INCENTIVE PLAN; PROVIDING FOR SEVERABILITY; AND FOR AN EFFECTIVE DATE.

Assistant Town Clerk Bergamini 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)

8.2 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE NAME OF THE CODE ENFORCEMENT DIVISION TO THE CODE COMPLIANCE DIVISION; AMENDING SECTION 6-1 BY ADDING SECTION 6-1(c), REFERRING TO THE TERM CODE COMPLIANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Mr. Webber announced that this item was being withdrawn by staff as an ordinance was not needed to change the name of the Code Enforcement Division to Code Compliance Division.

8.3 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, 97-28 FLORIDA, AMENDING ARTICLE III, PERMITTED USES, SECTION 12-33, PROVIDING LOCATION REGULATIONS FOR SCREEN ENCLOSED PATIOS WITHIN RESIDENTIAL DISTRICTS AND REVISING LOCATION REGULATIONS FOR SCREEN-ENCLOSED POOLS WITHIN RESIDENTIAL DISTRICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Assistant Town Clerk Bergamini 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)

8.4 RECLASSIFYING OCCUPATIONAL CATEGORY NAMES - AN ORDINANCE 97-29 OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE 95-38 REGARDING THE TOWN'S OCCUPATIONAL TAX SCHEDULE BY RECLASSIFYING CATEGORY NAMES AND ADDING AN EXEMPT CATEGORY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Assistant Town Clerk Bergamini 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 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)

8.5 AMENDING ORDINANCE - AN ORDINANCE OF THE TOWN OF DAVIE, 97-30 FLORIDA, AMENDING ORDINANCE NO. 97-21 WHICH WAS AN ORDINANCE VACATING PORTIONS OF ROAD RIGHT-OF-WAY FOR SW 75TH AVENUE AND SW 71ST TERRACE ADJACENT TO THE SOUTH 84 PLAT; AND PROVIDING FOR AN EFFECTIVE DATE.

Assistant Town Clerk Bergamini 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 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)

8.6 VACATION/ABANDONMENT - VA 4-1-97, Pasadena at Imagination Farms, Inc., 14001 Orange Drive (to vacate a portion of right-of-way within Section 27, Township 50 South, Range 41 East) *Planning and Zoning Division approved; Planning and Zoning Board approved subject to Exhibit A of the planning report*
Bonnie Menscul, representing the petitioner, was present. Ms. Mellgren entered the planning report into evidence and summarized the request.

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

Councilmember Cox made a motion, seconded by Vice-Mayor 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)

8.7 VACATION/ABANDONMENT - VA 4-3-97, Millard & Parker-Star, Inc., 6550 - 6590 SW 39 Street (to vacate a 24 foot access easement show on the Davie-39 Street Plat) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Levy England, representing the petitioner, was present. Gayle Easterling, Planning and Zoning Manager, summarized the request.

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

Vice-Mayor 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)

8.8 VARIANCE - V 3-3-97, Harrell, 2055 SW 139 Avenue (R-1) (to increase the maximum area of a guest house from 400 square feet to 540.3 square feet) *Planning and Zoning Division denied; Planning and Zoning*

Board approved

Mr. Webber explained the rules concerning the admission of evidence. Assistant Town Clerk Bergamini 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 advised that her resume was on file with the Town which qualified her as an expert witness. Ms. Mellgren advised of staff's concern with utilizing the guest house as a rental unit and with a proliferation of these types of requests.

Councilmember Cox asked if there was a mechanism that the Town could use to enforce not being able to utilize a guest house as a rental unit. Ms. Mellgren responded that this would be hard to prove. Mayor Venis asked if utility or cable records could be used for proof with Ms. Mellgren explaining that the Town did not have access to this information.

An unidentified man, representing the petitioner, was present and explained the request.

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

Michael Davenport, 14041 SW 22 Place, was sworn in and spoke in favor.

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

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

Vice-Mayor Santini asked if a new owner could be prohibited from turning the guest house into a rental unit. Ms. Mellgren responded negatively but indicated that she may be able to work with Florida Power and Light on the issue of determining if there were renters. Vice-Mayor Santini suggested obtaining a written statement from the petitioner that the variance was for his family and not to be rented. Ms. Mellgren advised that this has been acknowledged on the building plan. The man representing the petitioner indicated that he had no objections.

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 3-4-97, Geller, 10742 SW 14 Place (PRD 5) (increase the allowable area of a screen-enclosed patio from 232.5 square feet to 437.8 square feet) *Planning and Zoning Division denied; Planning and Zoning Board approved*

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

An unidentified couple, representing the petitioner, were present. The woman explained the request and added that the homeowner's association and architectural board had approved the request.

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 Santini, to approve. Vice-Mayor Santini stated that this request and item 8.8 did not fall within the guidelines for the Town to give a variance. She suggested that the Code be reviewed to make it less strict. Mr. Webber stated that there was a body of law with regard to varying from requirements of ordinances. A brief discussion followed.

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 4-1-97, Laystrom/Sandler at Broward, L.P., 4300 - 4400 Dykes Road (BP) (to increase the maximum sign area for a temporary development sign from 32 square feet to 288 square feet on the ICW South parcel and to increase the maximum sign area for a temporary development sign from 32 square feet to 384 square feet on the ICW North parcel) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to a voluntary stipulation*

Assistant Town Clerk Bergamini swore in the witnesses. Ms. Mellgren entered the planning report into evidence and summarized the request.

Scott Allsworth, representing the petitioner, was present and explained the request.

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.

Vice-Mayor 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)

8.11 PLANNING AND ZONING BOARD TABLED TO MAY 28, 1997; COUNCIL CAN TABLE TO JUNE 18, 1997

VACATION/ABANDONMENT - VA 4-2-97, Town of Davie, Westpark Boulevard, between Fairfax and Groaton Avenues

This item was tabled earlier in the meeting.

8.12 PLANNING AND ZONING BOARD TABLED TO MAY 28, 1997; COUNCIL CAN TABLE TO JUNE 18, 1997

REZONING - ZB 3-1-97, Kalis/McHugh, 7550 Griffin Road

This item was tabled earlier in the meeting.

8.13 PLANNING AND ZONING BOARD TABLED TO MAY 28, 1997; COUNCIL CAN TABLE TO JUNE 18, 1997

V 3-1-97, Broward County Housing Authority, 4881 Griffin Road (tabled from April 16, 1997)

This item was tabled earlier in the meeting.

8.14 PLANNING AND ZONING BOARD TABLED TO MAY 28, 1997; COUNCIL CAN TABLE TO JUNE 18, 1997

VARIANCE - V 3-2-97, Aucamp/Letto, 13201 SW 16 Street

This item was tabled earlier in the meeting.

8.15 PLANNING AND ZONING BOARD TABLED TO MAY 28, 1997; COUNCIL CAN TABLE TO JUNE 18, 1997

VARIANCE - V 4-2-97, Furia/Digital Comm Link, Inc., 10450 State Road 84

This item was tabled earlier in the meeting.

8.16 PLANNING AND ZONING BOARD TABLED TO MAY 28, 1997; COUNCIL CAN TABLE TO JUNE 18, 1997

SPECIAL PERMIT - SE 4-1-97, Furia/Digital Comm Link, Inc., 10450 State Road 84

This item was tabled earlier in the meeting.

8.17 PLANNING AND ZONING BOARD TABLED TO JULY 30, 1997; COUNCIL CAN TABLE TO AUGUST 20, 1997

VARIANCE - V 6-3-96, Weiss/Duncan, 10220 State Road 84 (tabled from February 5, 1997)

This item was tabled earlier in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

9. APPOINTMENTS

9.1 Unsafe Structures Board (non-exclusive appointment - plumbing contractor, term expires April 2000)

This item was deferred to the next meeting.

9.2 Parks and Recreation Advisory Board (exclusive appointment by Mayor Venis; term expires August 1997)

Mayor Venis deferred this item to the next meeting.

9.3 Affirmation of the Community Redevelopment Agency's Selection of Chairman and Vice-Chairman (Chair - Neal Kalis; Vice-Chair - Lowell Goode)

Councilmember Kiar made a motion, seconded by Councilmember Cox, to reaffirm the appointments. 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)

Ms. Mellgren indicated that last year, the structure of the Council meetings was changed so that public hearings

were being heard on the second meeting of the month. She advised that the Planning and Zoning Board was considering a return to a two meeting a month format which would require Council to return to the two meeting a month public hearing format. Council indicated that it liked the current format.

10. DISCUSSION AND POSSIBLE ACTION

10.1 Selection of Construction Manager

Mr. Flatley advised that responses from construction managers were to be received on May 22nd and indicated that Building Official Jim Smith would be part of the selection committee. He asked if a Councilmember wanted to also be a part of the committee. After discussion ensued, Mayor Venis indicated that he wanted to a part of the committee with Mr. Webber responding that the meeting would need to be noticed properly.

11. TOWN ADMINISTRATOR'S REPORT

Mr. Flatley did not provide a report.

12. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 10:00 p.m.

