

**TOWN COUNCIL
REGULAR MEETING
JANUARY 21, 1998**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:03 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor 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 Dr. Glen Rose, Broward Community College Provost (Retired)

Mayor Venis described Dr. Rose's background and contributions to the Town. He presented Dr. Rose with a Key to the City. Dr. Rose thanked the Town for the recognition.

3.2 Fred Bellis, Arthritis Foundation

Mr. Bellis introduced Ray Sheppard, past president of the State Arthritis Foundation. Mr. Sheppard announced that a fundraiser was being held on January 30th at which Mayor Venis would be roasted.

3.3 Davie Ale House

Chief Mackie advised that the Community Oriented Policing Unit and the Davie Ale House had fed over 250 needy people on Thanksgiving Day. He presented a plaque to Lewis Sherman who was the manager of the Davie Ale House. Chief Mackie stated that certificates of appreciation would be provided to Kitten Produce and Romano's Bakery for their help.

3.4 Emergency Operation Center Grant

Chief Mackie stated that the new police facility would house an Emergency Operation Center and indicated that Officer Tiffany Richards had prepared the grant for the Center. He announced that \$50,000 had been received for the Center to purchase equipment.

3.5 New Police Officers

Chief Mackie advised that the Town had received a grant to hire 12 police officers and introduced four officers who had recently graduated from the police academy: Anthony Berardo, Tim Fitzgerald, Barry King and Jim Rogers. He added that there were two officers were still in the academy.

3.6 Nancy Hunington, Com Cast

Ms. Hunington advised that Jones Intercable was under contract to be sold to Com Cast and added that the Town's franchise did not provide a transfer provision. She introduced Cindy Stoder who explained Com Cast's operations and indicated that at this time, there were no immediate plans to change the Town's services. Mayor Venis questioned if customer service was still located in Colorado. Ms. Stoder stated that there was a call center located in West Palm Beach which was for customers in Broward County.

Ms. Hunington presented Mr. Flatley with the quarterly franchise payment in the amount of \$55,000. She added that a new franchise agreement was being worked on and provided a draft copy to Programs Manager Will Allen.

3.7 Siegfried Schmidt, Chief Electrical Inspector - Five Years

Mayor Venis presented Mr. Schmidt with a service award.

3.8 Elmira Nesbitt, Police Service Aide (Special Assignment) - Ten Years

Ms. Nesbitt was not present.

3.9 Timothy Crotty, Police Officer - Fifteen Years

Mayor Venis presented Officer Crotty with a service award.

3.10 Ralph Forgione, Maintenance Technician I - Fifteen Years
Mayor Venis presented Mr. Forgione with a service award.

3.11 Charles Bass, Fire Lieutenant - Twenty Five Years
Mayor Venis presented Lieutenant Bass with a service award.

3.12 Community Redevelopment Agency

Neal Kalis, Agency Chair, updated Council on the Agency's efforts with discussion following. He indicated that the Agency would like to schedule a workshop with Council to consider an expeditious review process for projects within the Western Theme District.

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

Bonnie Stafiej, Special Projects Coordinator, thanked the schools, judges, and children who participated in the Martin Luther King Poster and Essay Contest. She advised that upcoming events included: 5 Star Rodeo (January 23rd - 24th); Davie Elementary School Wrestling Mania (January 24th); Keep Davie Beautiful in District 3 (January 24th); and Bentley Brother Circus (February 3rd - 5th);

Sharon Pierce-Kent, Director of Community Services, advised that upcoming events included: Senior Valentine's Day Party (February 13th); 13 and 14 year traveling juvenile baseball tryouts (February 2nd); and girls softball player ratings (registration deadline January 31st). She advised that several swimming teams from around the world were utilizing the Pine Island Community Center's pool. Ms. Pierce-Kent stated that Braulio Rosa had been hired as the Community Services Coordinator and he would be expanding programs and looking at alternative funding methods.

Councilmember Kiar discussed the Pine Island Community Center's grand opening.

3.14 First Quarterly Status Report on Goals

Mr. Flatley discussed the goals that had been achieved during the first quarter.

4. OCCUPATIONAL LICENSES

4.1 Air Consultants, Inc., 2282 SW 132 Way

Marco VillaVecencio, the applicant, was present. He confirmed that the request was for mail and phone use only. 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)

Carnival - Waiver of Occupational License Fee

4.2 St. Bernadette Church, 7450 Sterling Road (February 12 - 15, 1998)

Richard Cohen, representing the applicant, was present

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

4.3 Parkway Christian Church, 1200 South Flamingo Road (February 25 - March 1, 1998)

Dick Haskins, representing the applicant, was present.

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

4.4 Saint David Catholic Church, 3900 South University Drive (March 12 - 15, 1998)

Ed Matula, representing the applicant, was present.

Vice-Mayor Santini made a motion, seconded by Councilmember Kiar, to waive. 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 items 8.1, 8.2 and 9.12 needed to be tabled to February 4, 1998.

Councilmember Kiar made a motion, seconded by Councilmember Bush, 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 advised that item 9.13 needed to be tabled to February 18, 1998.

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 items 9.14 and 11.2 had been withdrawn.

Mayor Venis advised that items 9.5 and 10.1 needed to be tabled to March 18, 1998.

Councilmember Kiar made a motion, seconded by Councilmember Bush, 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

GROUND BREAKING. Councilmember Bush stated that the groundbreaking for the police/fire/EMS facility was held on January 20th. He expressed his appreciation for the Police Department's efforts for working in the current facility for the last 15 years in .

DAVIE/COOPER CITY CHAMBER OF COMMERCE INSTALLATION. Councilmember Bush stated that on January 17th, most of Council attended the installation of the Chamber's officers and board of directors.

PINE ISLAND FITNESS CENTER. Councilmember Bush advised that a grand opening of the Pine Island Fitness Center on January 10th. He indicated that had received several suggestions on increasing the membership and making the Center more accessible to residents with one suggestion being to open the Center earlier.

Councilmember Bush stated that he had asked staff to look into the cost of this suggestion. Ms. Pierce-Kent responding that the cost to open four hours earlier would be \$10,069 for the eight remaining months and the cost would be \$7,548 by opening three hours earlier. She said that she would research the costs involved with opening the pool earlier and would report back to Council at its next meeting.

VICE-MAYOR SANTINI

PINE ISLAND FITNESS CENTER. Vice-Mayor Santini stated that the Center was well worth the visit. She advised that she had been walking through neighborhoods and she had been receiving good comments from senior citizens regarding the Center.

BERGERON PARK. Vice-Mayor Santini stated that a slide was broken at the Park; however, this slide was no longer made and could not be fixed. She advised that a new slide had been ordered.

TREES. Vice-Mayor Santini appreciated the efforts that staff had made on the trees at Forest Ridge and explained that a road was being installed too close to the oak trees which would have harmed the trees.

GROUND BREAKING. Vice-Mayor Santini advised that the groundbreaking for the police/fire/EMS facility was exciting and stated that this facility was needed. She indicated that she was proud of Chief Mackie for his efforts.

DAVIE/COOPER CITY CHAMBER OF COMMERCE INSTALLATION. Vice-Mayor Santini stated that the installation of the Chamber's officers was quite an event.

BAMFORD SPORTS COMPLEX. Vice-Mayor Santini stated that more families were utilizing the Complex and advised that the parking area near the tot lot was being redesigned to not allow access to this area. Vice-Mayor Santini stated that because of the increase of quality and size of the Town's sports programs, there were not enough fields. She advised that parents and coaches were requesting more fields even without lights. Vice-Mayor Santini requested that the extra \$140,000+ from the garbage franchise be directed towards construction of at least two more fields at the Complex. Councilmember Bush indicated that money was needed

for more recreation on the eastside of Town and recommended that some of these monies be filtered to the eastside. Vice-Mayor Santini agreed but indicated that the additional money would be received every year but use it for the first year at the Complex. Council had no objections.

DRUG ABUSE RESISTANCE EDUCATION (DARE). Vice-Mayor Santini stated that she, Chief Mackie and Mr. Flatley attended Hawkes Bluff Elementary School's DARE graduation.

ALLIGATOR RACE FUNDRAISER. Vice-Mayor Santini stated that the Old Davie School was holding its first alligator race fundraiser during the WestFair event and applications could be picked up at Town Hall or at the Old Davie School.

COUNCILMEMBER COX

OLD DAVIE SCHOOL. Councilmember Cox advised that the Old Davie School was holding a fundraiser on February 13th to honor the Griffin family and a fair would be held on February 14th.

MARTIN LUTHER KING POSTER AND ESSAY CONTEST. Councilmember Cox stated that she attended the Contest which was very inspiring.

COWBOY GOLF TOURNAMENT. Councilmember Cox advised that the Cowboy Golf Tournament had been delayed until sometime in March.

RIDE-A-THON. Councilmember Cox stated that the Annual Davie Boys and Girls Club Ride-A-Thon would begin at the Robbins Lodge property.

GROUNDBREAKING. Councilmember Cox stated that she found the groundbreaking of the police/fire/EMS facility to be gratifying. She thanked the community and the employees involved for obtaining support for the facility.

COUNCILMEMBER KIAR

DAVIE/COOPER CITY CHAMBER OF COMMERCE INSTALLATION. Councilmember Kiar congratulated Cara Pasquale and Chuck Bonfiglio.

GROUNDBREAKING. Councilmember Kiar stated that Council attended this event and advised that the police/fire/EMS facility would be named after former mayor, Dick Marant.

MARTIN LUTHER KING POSTER AND ESSAY CONTEST. Councilmember Kiar announced the winners from St. David Catholic Church and recommended that all the winners be announced at the next Council meeting.

JIMMY RYCE. Councilmember Kiar stated that last year, a tree had been planted at the Robbins property in honor of Jimmy Ryce and he hoped that the Ryce family would be kept in everyone's prayers with the upcoming trial.

GUN SAFETY. Councilmember Kiar urged all gun owners to take special care with their equipment.

MARTIN LUTHER KING DAY. Councilmember Kiar recommended that next year, the Town consider closing the offices for the day.

DAVIE MERCHANTS AND INDUSTRIAL ASSOCIATION. Councilmember Kiar stated that he and Mayor Venis attended the Association's installation dinner and congratulated the new officers.

EDUCATION FOUNDATION. Councilmember Kiar stated that he had been asked to serve on an education foundation which John Pisula had discussed several weeks ago. He attended his first meeting and indicated that he would provide a report at a future meeting.

EARL MORRALL. Councilmember Kiar stated that he had previously discussed naming a street after Earl Morrall with 75th Avenue having been mentioned; however, this was a private road. He advised that SW 24 Street west of University Drive to Pine Island Road would be named after Mr. Morrall with Council's approval. There were no objections.

MAYOR VENIS

GROUNDBREAKING. Mayor Venis stated that he had also attended the groundbreaking of the police/fire/EMS facility which was an exciting event and thanked the residents who had actively campaigned for the facility.

Mayor Venis stated that the groundbreaking ceremony for Shenandoah Park Phase II was scheduled for February 7th.

DAVIE ELEMENTARY SCHOOL. Mayor Venis stated that he would be shadowing the principal of Davie Elementary School on January 29th.

Mayor Venis stated that he would be wrestling on January 24th to raise money for the School's overhang. He advised that the Broward County School Board would match what was raised at the fundraiser.

NEIGHBORHOOD WORKSHOP. Mayor Venis advised that a neighborhood workshop was held on January 13th. He said that this meeting was a success and he was looking at having additional meetings for this area.

MARTIN LUTHER KING POSTER AND ESSAY CONTEST. Mayor Venis stated that he and Councilmember Cox participated in the contest and thanked Ms. Stafiej, the schools and teachers who participated in the contest.

LEGISLATIVE SURCHARGE. Mayor Venis stated that a legislative meeting was held on the City of Sunrise's surcharge and advised that two issues were accomplished at this meeting: an independent board was established to oversee the rates and the residents who were serviced by Sunrise would be able to speak at Sunrise's meetings. He indicated that negotiations were still continuing on the matter with South Broward Utilities and Sunrise.

Mayor Venis advised that he had been requested to fly to Tallahassee in February to make a presentation to the Utility and Telecommunication Board on the surcharge and inequities.

Councilmember Cox indicated that she thought that individuals who were filling their pools were supposed to receive a break on their water bill from South Broward Utilities; however, Sunrise was refusing. She asked Mr. Webber to discuss this during the negotiations.

6. TOWN ADMINISTRATOR'S COMMENTS

BULK PICKUP. Mr. Flatley stated that a new bulk pickup schedule would be mailed to the residents.

7. CONSENT AGENDA

Minutes

7.1 December 10, 1997 - Regular Meeting

Proclamations

7.2 "1998 Partnerships Week '98" (January 26 - 30, 1998)

7.3 Engineers Week (February 20 - 26, 1998)

Race

7.4 11th Annual Tri-K Race, David Posnack Jewish Community Center (March 1, 1998; 7:30 a.m. to 10:00 a.m.)

Resolutions

7.5 **SUBDIVISION PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, R-98-14 FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "WESTWIND PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 11-1-97, 11800 State Road 84)**

7.6 **CONVEYANCE OF PROPERTY RATIFICATION - A RESOLUTION OF THE R-98-15 TOWN OF DAVIE, FLORIDA, RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S CONVEYANCE OF A LOT TO ERIN SMITH FOR CONSTRUCTION OF A NEW HOUSE IN THE EASTSIDE NEIGHBORHOOD; AND PROVIDING FOR AN EFFECTIVE DATE. (5630 SW 43 Street)**

7.7 **EXPENDITURE OF FUNDS - A RESOLUTION OF THE TOWN OF DAVIE, R-98-16 FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUND TO BE USED BY THE DAVIE POLICE DEPARTMENT. (\$4,000)**

7.8 **ARENA RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-17 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN**

BOYS AND GIRLS CLUB OF BROWARD COUNTY AND THE TOWN OF DAVIE. (Third Annual WestFair Festival; February 27 - March 8, 1998; arena rental: waiver of fee)

7.9 STREETLIGHT BANNERS AGREEMENT - A RESOLUTION OF THE TOWN OF R-98-18 DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN BROWARD COUNTY, THE TOWN OF DAVIE, AND THE BOY CLUBS OF BROWARD COUNTY, INC. FOR THE INSTALLATION OF BANNERS ON COUNTY STREETLIGHT POLES ALONG CERTAIN STREETS WITHIN THE TOWN OF DAVIE.

7.10 CONTRACT CHANGE ORDER - A RESOLUTION OF THE TOWN OF DAVIE, R-98-19 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT CHANGE ORDER FOR RENOVATIONS TO ROBBINS LODGE. (Change Order No. 2; net increase in the amount of \$11,715)

7.11 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-20 BID FOR A PRE-ENGINEERED MODULAR RESTROOM BUILDING. (E.M. Enterprises; \$31,343)

7.12 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-21 BID FOR PHOTOGRAPHIC FILM DEVELOPING. (L.F.D. Photography)

7.13 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-22 BID AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH JOHN LUTHER, INC. FOR RENOVATIONS TO THE POTTER PARK PAVILION. (\$37,370)

7.14 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-23 BID AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH UNITED UNDERGROUND CONTRACTOR CORP. FOR THE CONSTRUCTION OF A RIGHT-HAND-TURN LANE ON SW 36TH STREET AT PINE ISLAND ROAD. (\$35,642.50)

7.15 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-24 PROPOSAL AND AUTHORIZING PURCHASE OF NOTEBOOK COMPUTERS AND ACCESSORIES. (COMP USA - \$135,135)

7.16 EXTENDED TRAVEL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-25 AUTHORIZING EXTENDED TRAVEL FOR OFFICER STEVE RACHLIN OF THE DAVIE POLICE DEPARTMENT. (Instructor Techniques Training - \$129 in direct costs for the purpose of providing training and education)

7.17 LOCAL MATCH INCENTIVE - A RESOLUTION OF THE TOWN OF DAVIE, R-98-26 FLORIDA, AUTHORIZING PAYMENTS FROM THE COMMUNITY REDEVELOPMENT AGENCY ACCOUNTS AND CONTINGENCY FROM THE TOWN'S GENERAL FUND AS A LOCAL MATCH ECONOMIC INCENTIVE TO ANDRX CORPORATION.

7.18 AFTER SCHOOL CARE APPLICATION - A RESOLUTION OF THE TOWN OF R-98-27 DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE STAFF TO SUBMIT AN APPLICATION NOT TO EXCEED \$25,000 FOR FUNDING WITH A TWELVE AND A HALF PERCENT CASH MATCH FOR THE 1998/99 AFTER SCHOOL CARE AT ORANGE PARK, ADMINISTERED BY THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS CHILDREN'S SERVICES BOARD.

7.19 POLICE DROP PLAN - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-28 AUTHORIZING THE FINANCE DIRECTOR TO CONSULT WITH LEGAL COUNSEL AND ACTUARY REGARDING THE FRATERNAL ORDER OF POLICE DROP PLAN; AND URGING THE

FOP TO EDUCATE ITS MEMBERS CONCERNING THE IMPACT OF PENSION BOARD CONSOLIDATION.

7.20 LIEN SUBORDINATION - A RESOLUTION OF THE TOWN OF DAVIE, R-98-29 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.

7.21 EXPENDITURE OF FUNDS - A RESOLUTION OF THE TOWN OF DAVIE, R-98-30 FLORIDA, AUTHORIZING THE EXPENDITURE OF LAW ENFORCEMENT TRUST FUNDS TO SUPPLEMENT THE RENOVATION TO THE POTTER PARK PAVILION.

7.22 EASEMENTS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-31 ACCEPTING EASEMENTS FROM CAROLINA-RELCO LTD. PARTNERSHIP AND PREFCO V LTD. PARTNERSHIP FOR USE AS PUBLIC UTILITY EASEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (3790 Davie Road, on the west side of the First Union Bank's drive thru teller building)

7.23 EASEMENTS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-32 ACCEPTING EASEMENTS FROM CAROLINA-RELCO LTD. PARTNERSHIP AND PREFCO V LTD. PARTNERSHIP FOR USE AS PUBLIC UTILITY EASEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (3790 Davie Road, behind First Union Bank's main building)

7.24 EASEMENTS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-33 ACCEPTING EASEMENTS FROM JESSE P. GADDIS AND SUSAN T. GADDIS, HIS WIFE FOR USE AS PUBLIC UTILITY EASEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (east side of property, south side of SW 41 Street)

7.25 EASEMENTS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-34 ACCEPTING EASEMENTS FROM CHARLES BARNETTE FOR USE AS PUBLIC UTILITY EASEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (6362 SW 41 Place)

7.26 EASEMENTS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-35 ACCEPTING EASEMENTS FROM OXFORD CAPITAL CORPORATION FOR USE AS PUBLIC UTILITY EASEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (4300 Davie Road)

7.27 DEVELOPMENT PERMIT SERVICES - A RESOLUTION OF THE TOWN OF R-98-36 DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND BROWARD COUNTY FOR DEVELOPMENT PERMIT SERVICES. (Coquina Flats, west of I-75 at Sheridan Street)

7.28 CONTRACT EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, R-98-37 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT EXTENSION FOR MEDICAL DIRECTOR SERVICES BETWEEN THE TOWN OF DAVIE AND JOE NELSON, D.O.

7.29 RELEASE OF LIEN/WAIVER OF PARKING RESTRICTION - A RESOLUTION OF R-98-38 THE TOWN OF DAVIE, FLORIDA, RELEASING CODE ENFORCEMENT LIENS UPON REAL PROPERTY DESCRIBED AS 5631 S.W. 38TH COURT, DAVIE, FLORIDA; AND PROVIDING FOR A TEMPORARY WAIVER OF PARKING RESTRICTION; AND PROVIDING AN EFFECTIVE DATE.

7.30 POLICY - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXPRESSING OPPOSITION TO PROPOSED SPECIAL ACTS REGARDING BROWARD COUNTY EMPLOYEES DISPLACED BY ANNEXATION OF UNINCORPORATED AREAS; ADOPTING A POLICY OF PREFERENTIAL

HIRING, EQUAL CONSIDERATION FOR PROMOTION, AND REASONABLE CONTINUATION OF BENEFITS FOR COUNTY EMPLOYEES DISPLACED BY ANNEXATION.

Vice-Mayor Santini asked that items 7.15 and 7.19 be removed from the Consent Agenda. Councilmember Bush asked that items 7.29 and 7.30 be removed. Councilmember Kiar asked that item 7.2 be removed.

Councilmember Bush made a motion, seconded by Councilmember Kiar, to approve the Consent Agenda without items 7.2, 7.15, 7.19, 7.29 and 7.30. 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 Town Clerk Reinfeld read the proclamation.

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)

7.15 Captain John George explained the resolution.

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)

7.19 Vice-Mayor Santini explained the resolution.

Vice-Mayor Santini 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)

7.29 Mr. Flatley explained the resolution. Councilmember Bush stated that he hoped that after the 30 day waiver, the Code would be enforced and added that he hoped that staff had looked into other methods of helping the individual should the problem continue after the 30 days.

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)

7.30 Councilmember Bush explained the resolution and indicated that the League of Cities voted unanimously to request the delegation to withdraw the special act. Mr. Flatley advised that the municipalities were upset that they had not been consulted. Mayor Venis stated that the special act was inequitable in making the municipalities hire Broward County employees. Councilmember Bush indicated that the municipalities were in agreement that the displaced employees should be hired; however, the employees should be hired under the municipality's guidelines. Councilmember Cox added that the Town's employees needed to be protected and indicated that the special act did not seem fair or thought out.

Councilmember Bush recommended that this resolution be tabled as he thought it was premature.

Councilmember Bush made a motion, seconded by Councilmember Kiar, to table to a time uncertain. 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 Bush made a motion, seconded by Vice-Mayor Santini, to request the Broward County Delegation to withdraw its special act in regard to displacement of future annexed employees. 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. SITE PLANS

8.1 STAFF REQUEST A TABLING TO FEBRUARY 4, 1998

SP 8-6-97, Davie Shopping Center, 4400 Weston Road (BP) (tabled from January 7, 1998) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report, eliminating the center entrance to the rear, maintaining a minimum of 20 foot landscaping buffer, using natural*

clay roof tiles, using colors as represented in the color rendering, and providing a color rendering that accurately depicted what would be seen off South Pointe Drive

This item was tabled earlier in the meeting.

8.2 STAFF REQUEST A TABLING TO FEBRUARY 4, 1998

SP 11-1-97, Lake Pine Village, 11920 SW 7 Court (RM-5) (deferred from January 7, 1998) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report*

This item was tabled earlier in the meeting.

8.3 SP 12-4-97, Muvico @ Davie, 15401 Sheridan Street (PUD-5, County) *Planning and Zoning Division approved; Site Plan Committee approved subject to having the access provided to the west*

Robert Lockrie, representing the petitioner, was present. Michele Mellgren, Director of Development Services, read the planning report. Mr. Lockrie explained the site plan.

Mayor Venis stated that one of the concerns of the residents was if there would be a cul-de-sac at the end of Hawkes Bluff Avenue. Mr. Lockrie indicated that no roadway improvements would be made into the property as there would be landscape buffer on the lake. Ms. Mellgren advised that there would be no changes to the cul-de-sac or existing roadway configuration of Hawkes Bluff Avenue. Mayor Venis indicated that after meetings with the petitioner, he was under the impression that there would be an additional cul-de-sac where Hawkes Bluff Avenue ended. Mr. Lockrie stated that if the cul-de-sac could be accommodated, this recommendation could be provided. He added that the petitioner would be returning with the landscape plan as it was not sufficient. Councilmember Cox added that the signage would be returned to Council. Mr. Lockrie indicated that the lighting plan would also be returned to Council.

Hamid Hashemi, representing the petitioner, explained the site plan.

Robert Rawls, Assistant Town Administrator, advised that staff had been working with the engineers on the site plan and would work with the petitioner on the cul-de-sac.

Councilmember Cox made a motion, seconded by Councilmember Kiar, to approve with the provision of the cul-de-sac at the terminus of Hawkes Bluff Avenue provided that the right-of-way was sufficient to accommodate the cul-de-sac and including 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)

8.4 SP 12-3-97, Bob Roth's New River Groves Temporary Operation Plan, 5660 Griffin Road (B-2 and A-1) *Planning and Zoning Division approved; Site Plan Committee approved*

Dan Fee, representing the petitioner, was present. Gayle Easterling, Planning and Zoning Manager, summarized the planning report.

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)

9. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinances - Second and Final Reading

9.1 **EASEMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-5 ACCEPTING A UTILITY AND SIDEWALK EASEMENT FROM THE TOWN OF DAVIE, AND PROVIDING AN EFFECTIVE DATE.** (VA 9-2-97, SW 55 Avenue at SW 57 Street)

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 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)

9.2 AMENDING TRUST FUND - AN ORDINANCE OF THE TOWN OF DAVIE, 98-6 FLORIDA, AMENDING CERTAIN PROVISIONS RELATING TO THE COMMUNITY REDEVELOPMENT TRUST FUND CREATED BY ORDINANCE 88-75, AS AMENDED; PROVIDING FOR THE EXISTENCE OF THE REDEVELOPMENT TRUST FUND FOR THIRTY (30) YEARS FROM THE DATE OF THE ADOPTION OF THE AMENDED COMMUNITY REDEVELOPMENT PLAN; PROVIDING FOR AMENDMENTS TO THE FUNDING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title.

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

Councilmember 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)

9.3 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-7 CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO M-3; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 10-2-97, Mastriana/Sloan - Turnpike Business Center, 4955 Orange Drive)

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 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)

Public Hearing Item

9.4 VA 11-1-97, Helbar Investment Corp., Inc., 13290 State Road 84 (to vacate a 40 foot wide private access easement located within a portion of Tracts A, B, and C, of the Griffiths Center plat) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*

Richard Abraham, representing the petitioner, was present. Ms. Easterling read the planning report.

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

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)

Quasi Judicial Items

9.5 **REZONING** - ZB 5-3-97, CDI Engineering & Planning/Sublime Inc., 5900 SW 70 Avenue (from R-2 to B-1) (tabled from January 7, 1998) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*

This item was tabled earlier in the meeting.

9.6 **REZONING** - ZB 11-1-97, Westwind Contracting, Inc., 11800 State Road 84 (from A-1 to CC) *Planning and Zoning Division approved; Planning and Zoning Board approved subject to the planning report*

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Mr. Webber indicated that the individuals sworn in were the petitioners and no one would be speaking on the matter. Ms. Mellgren summarized 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.

Richard Lockrie, representing the petitioner, was present. He advised that the rezoning was consistent with the land

use plan recently adopted and with the declaration of restrictive covenant.

Ms. Mellgren advised that staff would look to the applicant to ascertain that "they lived up to" the deed restrictions when the site plan was submitted. She stated that the planning report should indicate that the land use designation was Commerce/Office.

Mr. Webber asked if anyone wished to provide testimony on the rezoning. No one spoke. Mr. Webber stated that the hearing was concluded.

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 - no; and Councilmember Santini - yes. (Motion carried 4-1)

9.7 VARIANCE - V 11-1-97, Ross, 14420 SW 23 Street (R-1) (to reduce the required rear setback from 40 feet to 25) *Planning and Zoning Division approved; Planning and Zoning Board approved*

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

An unidentified man, representing the petitioner, was present.

Mr. Webber asked if anyone wished to provide testimony on the variance. No one spoke. Mr. Webber stated that the hearing was concluded.

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

9.8 VARIANCE - V 11-2-97, Glazer, 3581 SW 116 Avenue (R-1) (to reduce the required side setback from 25 feet to 8 feet) *Planning and Zoning Division approved; Planning and Zoning Board approved*

The petitioner was not present. (This item was tabled to February 4, 1998 later in the meeting.)

9.9 SPECIAL PERMIT - SE 11-2-97, Goodwill Industries of Broward, Inc./Tri-County Plaza Assoc. Ltd., 1910 South University Drive (B-3) (to allow an attended donation center modular within a shopping center parking lot) *Planning and Zoning Division had no objections subject to the planning report; Planning and Zoning Board approved subject to the planning report*

Town Clerk Reinfeld swore in the witness. Mr. Webber indicated that it appeared that there was no one to speak in opposition to the request. Ms. Easterling summarized the request.

An unidentified woman, representing the petitioner, was present. The woman clarified that the center would be open seven days a week.

Councilmember Kiar 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)

Trafficways Map Amendment

9.10 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING STAFF R-98-39 TO TRANSMIT TRAFFICWAYS PLAN AMENDMENT APPLICATION TA-98-1 TO THE BROWARD COUNTY PLANNING COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Reinfeld read the resolution by title. Jeff Katims, Planner, explained the resolution.

Councilmember Cox questioned if the verbiage regarding sidewalks should be removed from Section 6, A as sidewalks and bike access on Hiatus Road might be wanted in the future. Ms. Mellgren indicated that the resolution would be clarified to preserve the Town's rights and addresses the County's plan.

(This item's public hearing was opened and closed under item 9.11.)

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)

9.11 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING STAFF R-98-40 TO TRANSMIT TRAFFICWAYS PLAN AMENDMENT APPLICATION TA-98-2 TO THE BROWARD COUNTY PLANNING COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Reinfeld read the resolution by title. Mr. Katims explained the resolution.

Mayor Venis asked if anyone wished to speak for or against items 9.10 and 9.11. As no one spoke, the public hearing was closed.

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)

Items requested to be tabled

Ordinance - Second and Final Reading

9.12 STAFF REQUESTING A TABLING TO FEBRUARY 4, 1998

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-2 TO B-1; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-3-97, Fee/Sublime, Inc., 5900 SW 70 Avenue) (tabled from December 17, 1998)

This item was tabled earlier in the meeting.

9.13 STAFF REQUESTING A TABLING TO FEBRUARY 18, 1998

VACATING OF RIGHT-OF-WAY - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR SW 55TH AVENUE ADJACENT TO SW 57TH STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 9-2-97, First Impression II Lake Owners Association, Inc., 5700 SW 55 Street) (tabled from January 8, 1998)

This item was tabled earlier in the meeting.

No Action to be Taken

9.14 **DENIED ON FIRST READING; NO ACTION TO BE TAKEN**

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, SECTION 12-32, ENTITLED, "TABLE OF PERMITTED USES," SUBSECTION (B), "COMMERCIAL, OFFICE AND BUSINESS USE DISTRICTS," AND SUBSECTION (C), "BUSINESS PARK AND INDUSTRIAL," TO CLASSIFY "VEHICLE, BOAT, TRUCK SALES" AS A CONDITIONALLY PERMITTED USE, SUBJECT TO THE DETAILED USE REGULATIONS OF SECTION 12-34; AMENDING SECTION 12-34 ENTITLED, "STANDARDS ENUMERATED," PARAGRAPH (CC), "VEHICLE, MOBILE HOME, RECREATIONAL VEHICLE, BOAT SALES, RENTALS", TO REQUIRE A MINIMUM DISTANCE SEPARATION BETWEEN AUTOMOBILE AND/OR TRUCK SALES FACILITIES; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE. (tabled from December 10, 1997)

No action was taken on this item due to the ordinance being denied on first reading.

Mayor Venis closed the public hearing portion of the meeting.

10. ORDINANCES - FIRST READING (Public Hearing to be held February 4, 1998)

10.1 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-2 TO B-1; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-3-97, Fee/Sublime, Inc., 5900 SW 70 Avenue) (tabled from January 7, 1998)

This item was tabled earlier in the meeting.

10.2 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO CC; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 11-1-97, Westwind Contracting,

Inc., 11800 State Road 84)

Town Clerk Reinfeld read the ordinance-first reading by title only. Mayor Venis advised that a public hearing on item 10.1 would be held on February 4, 1998.

Councilmember Bush 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 - no. (Motion 4-1)

10.3 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PRIVATE ACCESS EASEMENT LOCATED WITHIN TRACTS A, B, AND C, OF THE GRIFFITHS CENTER PLAT, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 11-1-97, Helbar Investment Corp., Inc., 13290 State Road 84)

Town Clerk Reinfeld read the ordinance-first reading by title only. Mayor Venis advised that a public hearing on item 10.1 would be held on February 4, 1998.

Councilmember Bush 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)

11. APPOINTMENTS

11.1 Davie Water Advisory Board (terms expire December 1998; one exclusive appointment: Councilmember Cox and Councilmember Kiar) (a minimum of one member shall be a licensed engineer)
Councilmembers Cox and Kiar deferred their appointments.

11.2 Planning and Zoning Board (term expires May 1998; exclusive appointment: Vice-Mayor Santini)
This item was withdrawn earlier in the meeting.

11.3 Police Pension Board (affirm Mark Berman as elected by the Police Pension Board)
Councilmember Kiar made a motion, seconded by Vice-Mayor Santini, to approve [the appointment of Mr. Berman]. 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 an appointment to the Metropolitan Planning Organization needed to be made. It was the consensus of Council that the Mayor should be appointed. Councilmember Kiar nominated Mayor Venis. 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)

9.8 As the petitioner was not present, Councilmember Kiar made a motion, seconded by Councilmember Cox, to table this item to the next meeting [February 4, 1998]. 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)

12. DISCUSSION AND POSSIBLE ACTION

There were no items to be discussed.

13. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 10:01 p.m.

