

**TOWN COUNCIL  
REGULAR MEETING  
MAY 20, 1998**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:02 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Venis, Vice-Mayor Cox and Councilmembers Bush, Paul and Weiner. Also present were Town Administrator Flatley, Town Attorney Webber, and Assistant Town Clerk Bergamini recording the meeting.

Mayor Venis announced that item 3.13 needed to be tabled to June 3, 1998.

Councilmember Paul made a motion, seconded by Councilmember Bush, to table to June 3, 1998. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that item 7.5 had been withdrawn.

Mayor Venis announced that item 8.6 needed to be tabled to June 17, 1998.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to table to June 3, 1998. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that items 8.7 and 8.8 needed to be tabled to September 16, 1998.

Councilmember Bush made a motion, seconded by Councilmember Paul, to table to June 3, 1998. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

**3. PRESENTATIONS**

3.1 Joe Moss, Executive Director, Broward County Resource Recovery Board

Mr. Moss discussed the possibility of special assessments being levied because of lawsuits involving Coastal Carting and the Broward County Property Appraisers Office.

3.2 Davie Rodeo Association (Junior Rodeo)

Leanne Sullivan, Jackie Kiddway, Albert Gomez and Stephanie Sullivan were present. Ms. Sullivan presented the Town with a plaque for its support and generosity to the Town's youth.

3.3 Everglades Pro Bass Center (Take-A-Kid Fishing)

Mayor Venis presented Judy Fitzsimmons with a plaque for the support provided at the 15th Annual Take-A-Kid Fishing tournament.

3.4 Frances Carr, Police Service Aide Special Assignment - Five Years

Mayor Venis presented Ms. Carr with a service award.

3.5 Patricia Dobson, Police Service Aide - Five Years

Mayor Venis presented Ms. Dobson with a service award.

3.6 John Chisefsky, Plant Operator I - Ten Years

Mayor Venis presented Mr. Chisefsky with a service award.

3.7 Rodney Guise, Building Plans Examiner - Ten Years

Mayor Venis presented Mr. Guise with a service award.

### 3.8 Micki Mackenzie, Secretary - Ten Years

Mayor Venis presented Ms. Mackenzie with a service award.

### 3.9 Charles Dachtou, Police Sergeant - Fifteen Years

Mayor Venis presented Sergeant Dachtou with a service award.

### 3.10 Elizabeth Roberts, Administrative Secretary - Fifteen Years

Mayor Venis presented Ms. Roberts with a service award.

### 3.11 Community Redevelopment Agency

Neal Kalis, Agency Chair, updated Council on the Agency's efforts with discussion following.

### 3.12 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: 5 Star Rodeo (May 22 - 23, 1998); Memorial Day Events (May 24 - 25, 1998); and the Robbins Lodge grand opening (May 30, 1998).

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: summer teen program registration (11 to 15 year olds; June 15 - July 24, 1998); Town of Davie/YMCA/Broward County Services Board/Swim American Drown Prevention Program (June 15 - July 3, 1998); youth basketball (8 to 16 year olds); registration for youth tackle football, flag football, tackle cheerleading and flag cheerleading programs (registration through July 18, 1998; 4 1/2 to 15 year olds)

### 3.13 Recreational Trail - 142nd Avenue Right-of-Way

This item was tabled.

## 4. OCCUPATIONAL LICENSES

### 4.1 HandiWipe Cleaning, Inc., 4182 SW 107 Way

Kathleen DeRosa, the applicant, was present. She confirmed that the request was for mail and phone use only. Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

### 4.2 Kay's Etcetera's, 5234 SW 82 Avenue

Karen Flynn, the applicant, was present. She confirmed that the request was for mail and phone use only.

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

## 5. MAYOR/COUNCILMEMBER COMMENTS

### COUNCILMEMBER WEINER

**COUNCIL EVENTS.** Councilmember Weiner indicated that Council had participated in the grand opening of a new home in the Habitat for Humanity area and the police substation in the western area of Town. He added that Council had also attended the Young at Art Museum's Birthday Bash.

**THANKS.** Councilmember Weiner thanked unnamed individuals for their support and he hoped that the individuals that these would become involved in the Town.

### VICE-MAYOR COX

**CONGRATULATIONS.** Vice-Mayor Cox congratulated Lil Olfern and Ruth Forbes for being honored by the Area Agency on Aging for their volunteerism.

**VOLUNTEERS.** Vice-Mayor Cox stated that on May 19th, the Town honored its volunteers with a luncheon held in the Community Room. She said that the volunteers were the real backbone of the Town and made a huge contribution.

**GRAND OPENING.** Vice-Mayor Cox invited everyone to attend the grand opening of Robbins Lodge. She said that the property was a significant accomplishment and was a real asset to the Town.

### **COUNCILMEMBER BUSH**

**VOLUNTEERS.** Councilmember Bush stated that it had been privilege to serve lunch to the Town's volunteers on May 19th.

**BROWARD LEAGUE OF CITIES.** Councilmember Bush advised that he had recently been installed as a board of director of the Broward League of Cities.

**FISH FRY.** Councilmember Bush stated that on May 15th, a fish fry utilizing the Town's talapea had been held at the Nova Southeastern University's Oceanographic Center.

**CONTEST.** Councilmember Bush stated that a resident, Jason Lear, had won the oratorical contest sponsored by the Optimist International South Florida District Competition.

### **COUNCILMEMBER PAUL**

**FLOAT RIDE.** Councilmember Paul thanked the residents who were working in their yards during the Town's Keep Davie Beautiful float ride.

**CONGRATULATIONS.** Councilmember Paul congratulated Lil Olfern and Ruth Forbes for being honored by the Area Agency on Aging.

**ROBBINS LODGE.** Councilmember Paul stated that she was thrilled with the grand opening of Robbins Lodge. She congratulated Vice-Mayor Cox and Assistant Town Administrator Robert Rawls on the efforts.

**CAR WASH.** Councilmember Paul announced that the Police Explorers would be holding a car wash on May 22nd.

**PUBLIC RECORDS.** Councilmember Paul stated that lobbyists had made a public record's request for copies of her private notes which she considered to be her work product in preparing a study for the EMS workshop. She indicated that she had questioned Mr. Webber as to what constituted private versus public notes. Councilmember Paul advised that Mr. Webber had reviewed the matter and opined that her notes were public record.

Councilmember Paul stated that several attorneys had given her a different opinion on this issue and requested that Mr. Webber obtain an Attorney General's Opinion on what constituted private notes.

### **MAYOR VENIS**

**CONGRATULATIONS.** Mayor Venis congratulated Lil Olfern and Ruth Forbes for being inducted into the Area Agency on Aging's Hall of Fame and indicated that a presentation would be made to Ms. Olfern and Ms. Forbes at the June 3rd Council meeting.

**GRIFFIN ROAD EXPANSION.** Mayor Venis stated that he had met with residents who lived off Griffin Road and advised that the meeting stemmed from items being tabled at a previous Council meeting. He advised that the residents were concerned with how the Griffin Road expansion would affect their community. Mayor Venis stated that a [staff] workshop would be held with the residents and asked that the consultants be invited.

**DINNER.** Mayor Venis stated that he and Councilmember Paul had attended a retirement dinner for Greg Clark who was the principal at the Indian Ridge Middle School. He advised that Mr. Clark had been presented with a Key to the City, a proclamation and a street sign named after him.

**COUNCIL EVENTS.** Mayor Venis indicated that Council participated in the dedication of Harmony Village and the dedication at the Ivanhoe Community Center. He added that Council had also attended the Young at Art Museum's Birthday Bash.

**VOLUNTEERS.** Mayor Venis stated that he had also served lunch to the Town's volunteers.

**GUEST SPEAKER.** Mayor Venis stated that he had been the guest speaker at the Davie Merchants and Industrial Association meeting on May 19th and thanked the Association for inviting him.

## **6. TOWN ADMINISTRATOR'S COMMENTS**

**DAVIE/COOPER CITY CHAMBER OF COMMERCE BREAKFAST.** Mr. Flatley stated that the Broward legislature were the speakers at the Chamber's breakfast and indicated that May 22nd was the last day that the Governor could act on any bills. He advised that the Town had four annexation and two utility bills pending.

**GOALS.** Mr. Flatley stated that Council had held a goal setting session with the department director's on May

13, 1998 and added that these goals would be discussed at a budget workshop this summer.

**TOURS.** Mr. Flatley stated that monthly neighbor tours would be held at the aquaculture facility by the Nova Southeastern University Oceanographic Center.

## **7. CONSENT AGENDA**

### *Minutes*

7.1 April 1, 1998 - Regular Meeting

### *Proclamations*

7.2 Arbor Day (May 30, 1998)

7.3 The Third Annual Davie Dolphins Day (June 9, 1998)

### *Resolutions*

7.4 **EXTENDING CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, R-98-168 FLORIDA, EXTENDING THE CONTRACT FOR CONCESSIONAIRE SERVICES FOR THE DAVIE ARENA. (Boston Concessions, Inc.; \$6,000/month payment to Town) (tabled from May 6, 1998)

7.5 **WITHDRAWN BY STAFF**

**EXTENDING BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXTENDING THE BID FOR PRINTING OF THE TOWN OF DAVIE UPDATE. (South Florida Newspaper Network; approximately \$18,000/year) (tabled from May 6, 1998)

7.6 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-169 BID FOR ADA RAMPS AND RAIL IMPROVEMENT PROJECT FOR TOWN HALL. (Coral-Tech Associates, Inc. - \$23,517)

7.7 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-170 BID FOR THE STATE OF FLORIDA DEPARTMENT OF EDUCATION SUMMER FOOD SERVICE PROGRAM, CO-OP BID #G 398043G1. (Jerry's Catering - \$1.70/lunch)

7.8 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXTENDING THE R-98-171 BID FOR SUPPLY OF POLICE AND FIRE UNIFORMS. (Argo Uniform Company)

7.9 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-172 GEORGIA STATE CONTRACT BID 1010-400W09/17/97, TO PURCHASE 5 POLICE VEHICLES FOR THE EXPANSION OF THE PERSONALLY ASSIGNED POLICE VEHICLE PROGRAM. (Clint Brannen Ford Motor Company - \$103,900)

7.10 **SUPPORT OF GRANT FUNDS** - A RESOLUTION OF THE TOWN OF DAVIE, R-98-173 FLORIDA, SUPPORTING THE JOINT APPLICATION FROM THE CDBG ENTITLEMENT JURISDICTIONS IN BROWARD COUNTY AND HOPE, INC. (HOUSING OPPORTUNITIES FOR PROJECT EXCELLENCE) FOR FAIR HOUSING EDUCATION AND OUTREACH (EOI) GRANT FUNDS, UNDER THE HUD SUPERNOFA FOR FAIR HOUSING INITIATIVES.

7.11 **GRANT BUDGET AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, R-98-174 FLORIDA, AMENDING RESOLUTION R-97-250 BY AUTHORIZING THE AMENDMENTS HEREIN DESCRIBED TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUDGET FOR FY 1997/98, AS CONTAINED IN THE TOWN OF DAVIE CONSOLIDATED PLAN FOR FEDERAL FUNDS 1997-2002.

7.12 **AFFORDABLE HOUSING INCENTIVE STRATEGY REVISIONS** - A R-98-175 RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING RESOLUTIONS R-98-110 AND R-97-206, THEREBY EFFECTUATING REVISIONS TO THE TOWN'S AFFORDABLE HOUSING

INCENTIVE STRATEGY IN ORDER TO CONFORM TO THE STATE STATUTES GOVERNING THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM.

**7.13 MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-176 APPROVING THE SPECIAL MASTER'S RECOMMENDATION FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 96-153 FROM \$2,250 IN AMOUNT TO \$400; AND PROVIDING AN EFFECTIVE DATE. (Frank W. Timberlake)

**7.14 CONVEYANCE OF LOT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-177 RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S CONVEYANCE OF A LOT TO ANGELA P. GARCIA FOR CONSTRUCTION OF A NEW HOUSE IN THE EASTSIDE NEIGHBORHOOD; AND PROVIDING FOR AN EFFECTIVE DATE. (5525 SW 43 Street)

**7.15 PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-178 APPROVING THE PURCHASE OF PROPERTY FOR ROAD RIGHT-OF-WAY FROM ROUNDTREE TRANSPORT & RIGGING., FOR THE SUM OF \$5,000.00; PROVIDING FOR CLOSING WITHOUT PROPERTY APPRAISAL; PROVIDING AUTHORIZATION FOR TOWN OFFICIALS TO CLOSE THE TRANSACTION; AND PROVIDING AN EFFECTIVE DATE. (3580 SW 46 Avenue (Burriss Road) - 566 square feet (.0130 acres) at the southwest corner of the site) (to obtain property needed for the Oaks Road/Burriss Road realignment and widening project)

**7.16 PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-179 AUTHORIZING FUNDS FROM THE LAW ENFORCEMENT TRUST FUND TO PURCHASE SUPPLIES FOR THE DRUG ABUSE RESISTANCE EDUCATION PROGRAM OF THE POLICE DEPARTMENT. (Dare America and Tees Plus - \$3,094)

*Ordinance - First Reading (Public Hearing to be held June 3, 1998)*

**7.17 BUDGET AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE BUDGET FOR THE TOWN OF DAVIE FOR THE FISCAL YEAR 1997-1998.

Vice-Mayor Cox asked that item 7.17 be removed from the Consent Agenda. Councilmember Bush asked that item 7.3 be removed. Mayor Venis indicated that he was glad to see that the Police Department was purchasing full size vehicles instead of smaller vehicles.

Assistant Town Clerk Bergamini read the ordinance - first reading by title only. Mayor Venis advised that a public hearing on item 7.17 would be held on June 3, 1998.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. the Consent Agenda without items 7.3 and 7.17. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

7.3 Councilmember Bush discussed the Davie Dolphin Days and thanked the sponsors for helping with the event. He indicated that the Town bore no costs for this event.

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

7.17 Vice-Mayor Cox asked that the cost of the two paramedics and two transport units be split into operating expenditures and capital expenditures. She stated that it was important to track what the program would cost the Town. Assistant Budget and Finance Director Carol Menke distributed a revised document which showed the costs for the paramedics and the transport units.

Vice-Mayor Cox stated that at a previous Council meeting, she had requested costs for what an ambulance would normally cost compared to the cost that was provided to the Town. She advised that she had not received this information and requested it by the next Council meeting.

Councilmember Paul indicated that if the Town received grants that had been applied for, the cost of the EMS

equipment and vehicles may be offset.

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

## **8. PUBLIC HEARINGS**

Mayor Venis opened the public hearing.

### *Ordinances - Second and Final Reading*

**8.1 REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 98-23 CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO B-2; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-2-97, CDI Engineering and Planning/Roth, 5660 Griffin Road) (tabled from March 4, 1998)

Assistant Town Clerk Bergamini read the ordinance by title.

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

Al Tyler, 8090 SW 19 Court, asked for an explanation which was provided by Dan Fee who was representing the petitioner.

Mayor Venis closed the public hearing.

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

**8.2 VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A UTILITY AND ACCESS EASEMENT FROM THE TOWN OF DAVIE, AND PROVIDING AN EFFECTIVE DATE. (VA 2-1-98, Hawkes Bluff Avenue)

Michele Mellgren, Director of Development Services, indicated that staff was requesting that this item be tabled to the next meeting.

Vice-Mayor Cox made a motion, seconded by Councilmember Paul, to table to the next meeting [June 3, 1998].

In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

### *Vacation/Abandonment*

**8.3 VACATION** - VA 3-1-98, Town of Davie, SW 36 street from Pine Island Road east 1,114 feet (to vacate 80 feet of SW 36 Street right-of-way located between Rolling Hills Golf and Tennis Club and Isla Merita Condominium) *Planning and Zoning Division approved; Planning and Zoning Board approved*

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.

Mayor Venis asked if anyone wished to provide testimony in favor of or opposition to the petition.

Jim Flannery, 3629 West Bell Drive, indicated that he was President of the Isla Merita Homeowners Association. He discussed the problems that the residents were encountering with this vacation as some wanted the trees removed and some did not. Mr. Flannery stated that there was also the issue of liability.

After a lengthy discussion, Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to table the petition to the next meeting [June 3, 1998].

Councilmember Paul asked Mr. Flannery if a vote of the unit owners had been taken with Mr. Flannery replying negatively. Council agreed that a vote of the owners was needed.

Al Tyler, 8090 SW 19 Court, stated that he was confused with the petition and hoped that staff and Council could help.

Mayor Venis closed the public hearing.

Councilmember Weiner clarified that his motion was to table so that the public hearing could continue at the next meeting.

In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

*Quasi Judicial Items*

**8.4 REZONING** - ZB 3-2-98, Evangelical Formosan Church of South Florida/Sanchez, 12151 SW 26 Street (from A-1 to CF) *Planning and Zoning Division denied; Planning and Zoning Board denied*

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 and was qualified to testify as an expert witness.

Councilmember Weiner disclosed that he had attended a portion of the Planning and Zoning Board meeting on April 29th. He indicated that there were five individuals who testified in opposition to the rezoning and two individuals who testified in favor. Councilmember Weiner added that he left the meeting after the "second one". Thomas Lee and Lynn Sin, representing the petitioner, were present. Mr. Lee explained the request and discussed the impact on traffic. He indicated that the growth potential was limited because of the culture and a Chinese Mandarin language. Mr. Lee added that at the Planning and Zoning Board meeting, residents had expressed a concern that the property would be used to hold carnivals, fairs and bazaars. He stated that the petitioner would enter into a covenant restricting these types of uses on the property.

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

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

David Weisman, 11901 Piccadilly Place.

Brad Winston, 11840 Piccadilly Place.

Ethan Loubriel, owner of land in Paradise Pines.

Dan Barr, 11550 SW 32 Court.

Bob Rossi, 12000 Ashford Lane.

Carol Gray, 2670 SW 122 Avenue.

Ken Schultz, 12000 Piccadilly Place.

Hugh Behan, 12080 Piccadilly Place.

Mr. Lee indicated that a plan had not been formulated on which direction the building would face and discussed the access which would be from the access road.

Ms. Mellgren advised that there was a possibility for access to be from the frontage road but staff was concerned with setting a precedent. Should the rezoning be denied, she encouraged the petitioner to meet with staff to find an appropriate location.

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

Vice-Mayor Cox concurred with staff on setting a precedent and she would not support the rezoning as it was not appropriate for the corridor. She said that she would like to enhance the cultural diversity in the community but not in this area.

Mayor Venis indicated that he was opposed to the rezoning which would negatively impact the 26th Street area.

Councilmember Paul stated that she was opposed to the rezoning and hoped that the petitioner would meet with staff on a different location.

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

**8.5 VARIANCE** - V 3-1-98, Libra, 13851 SW 37 Court (R-1) (to reduce the required setback for a barn from 40 feet to 20 feet from the rear property line) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Assistant Town Clerk Bergamini swore in one witness. Ms. Mellgren summarized the planning report and stated that the exhibits mentioned in the planning report were being entered into the record.

An unidentified woman indicated that she had no additional comments.

Mr. Webber asked if anyone wished to provide testimony on the variance. No one spoke.

Mr. Webber stated that the hearing was concluded.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to approve. In a roll call, the vote was

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

Items to be tabled

8.6 PLANNING AND ZONING BOARD TABLED TO MAY 27, 1998; STAFF REQUESTING A TABLING TO JUNE 17, 1998

VACATION/ABANDONMENT - VA 12-1-97, Nickerson, 5357 SW 48 Street (tabled from May 15, 1998)

This item was tabled earlier in the meeting.

8.7 PLANNING AND ZONING BOARD TABLED TO AUGUST 26, 1998; STAFF REQUESTING A TABLING TO SEPTEMBER 16, 1998

REZONING - ZB 3-1-98, Bugbee, 4710 SW 72 Avenue

This item was tabled earlier in the meeting.

8.8 PLANNING AND ZONING BOARD TABLED TO AUGUST 26, 1998; STAFF REQUESTING A TABLING TO SEPTEMBER 16, 1998

VARIANCE - V 3-2-98, Bugbee, 4710 SW 72 Avenue

This item was tabled earlier in the meeting.

## **9. ORDINANCE - FIRST READING (*Public hearing to be held June 3, 1998*)**

9.1 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR SW 36 STREET, WHICH PORTION IS LOCATED BETWEEN PINE ISLAND ROAD AND ROLLING HILLS CIRCLE, AND BETWEEN THE ROLLING HILLS GOLF AND TENNIS CLUB PLAT AND ISLA MERITA CONDOMINIUM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 3-1-98, SW 36 street from Pine Island Road east 1,114 feet)

Councilmember Weiner made a motion, seconded by Councilmember Bush, to table item 9.1 because of the tabling of item 8.3 [to June 3, 1998]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

## **10. APPOINTMENTS**

10.1 Planning and Zoning Board (1 appointment - Vice-Mayor Cox with appointee having to be a legal resident of the Town; term expires May 1999)

Vice-Mayor Cox appointed Michael Davenport.

## **11. DISCUSSION AND POSSIBLE ACTION - OLD BUSINESS**

11.1 An Ordinance or Resolution Providing for Non-Interference with the Performance of Duties of Any Officer or Employee Appointed by the Town Administrator

Vice-Mayor Cox stated that she liked the City of Ft. Lauderdale's language for a non-interference clause with Mr. Flatley indicating his agreement. She stated that clarification of this issue was needed and Council should not circumvent the Town Administrator. Councilmember Bush agreed with the Ft. Lauderdale's language.

Councilmember Weiner stated that he did not disagree with Vice-Mayor Cox on this issue, however, Council should not be at a disadvantage. He suggested that this issue be discussed at the lobbyist registration disclosure workshop on June 24th with Vice-Mayor Cox disagreeing saying that the lobbyist issue should be separate.

Vice-Mayor Cox stated that Council could still solicit information from staff but could not direct staff to take a certain action. Mayor Venis added that he did not have a problem with a non-interference clause as long as it did not preclude Council from asking for information.

Councilmember Paul stated that in some cases, Council making a request directly to staff could save time and would be more appropriate. She indicated that if a non-interference clause was prepared, it had to be prepared in a way that everyone was treated fairly and equally.

Councilmember Weiner indicated that many cities have a clause and added that he thought this should be in the Town's Charter and not by ordinance. Councilmember Bush if an issue could be accomplished by ordinance, he did not know why it should be put to a referendum vote. Mayor Venis stated that if this clause was accomplished

by ordinance, it could be removed if it did not work. Councilmember Weiner stated that he thought this issue should be submitted to a Charter Review Committee but in the interim, it could be accomplished ordinance. There was no objection to Mr. Webber's preparing an ordinance.

**RESOLUTION.** Mayor Venis indicated that a resolution needed to be added to the agenda as item 11.2. Councilmember Weiner made a motion, seconded by Councilmember Bush, to add. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

11.2 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING THE PROPOSAL OF THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS TO LEVY AN ADDITIONAL ONE (1) CENT FUEL TAX AND TO DESIGNATE THE EQUIVALENT AMOUNT OF GENERAL FUNDS NOW USED FOR TRANSPORTATION TO BE USED EXCLUSIVELY FOR HOMELESS SERVICES.

Assistant Town Clerk Bergamini read the resolution by title.

Councilmember Paul questioned if the additional one cent would constitute a new tax or to use money that was already being taxed. It was a general consensus that the one cent would be a new tax. Councilmember Weiner read Section 1 and questioned if the resolution

constituted a one cent or two cent tax. He indicated that he was in favor of the goal but was not in favor of raising the tax by two cents. Mr. Webber stated that the resolution appeared to be ambiguous.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table to June 3, 1998 pending Mr. Webber's review. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

## **12. NEW BUSINESS**

### **12.1 Board Attendance**

Councilmember Paul stated that due to the number of absences of some board members and the number of meetings canceled because of no quorums on the Child Safety Board, she would like to see a unified attendance policy. Vice-Mayor Cox stated that she felt it was up to each Councilmember to monitor their appointments attendance. She said that one alternative was to reduce the number of individuals on a board to one per Councilmember which would make it easier. Vice-Mayor Cox indicated that a unified attendance policy could be established. Councilmember Weiner indicated that he would like to consider reducing the composition of the boards to one appointed per Councilmember.

Councilmember Paul advised that she knew of a number of individuals who were interested in serving on the Town's advisory boards. Vice-Mayor Cox recommended that individuals send their resumes to the Town Clerk's Office.

Mayor Venis stated that he would like the board secretaries to monitor board member's attendance and if a member was absent a number of times, the secretary could prepare a letter for the appointing Councilmember's signature. He indicated that the letter should emphasize the importance of attending meetings and if the board member continued to miss meetings, another letter be prepared questioning the board members willingness to continue to serve. Mayor Venis stated that if a negative response was received, the individual could be replaced. Councilmember Weiner advised that he wanted to review the attendance of his appointees on the board members on the Child Safety Board. He indicated that he would be contacting these members to let them know that he would be reappointing members if they did not attend the meetings.

## **13. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 10:07 p.m.

