

**TOWN COUNCIL  
REGULAR MEETING  
JULY 15, 1998  
7:00 P.M.**

**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 Cox and Councilmembers Bush, Paul and Weiner. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

**3. PRESENTATIONS**

**3.1 Police Explorers**

Police Chief Jack Mackie introduced Officer Wayne Boulier and Scott Yoder. He explained the Explorers Program and advised that the Town's Explorer Post was recently awarded a Quality Unit Award which placed the Unit in the top 20% of Explorer Posts. Chief Mackie advised that Officer Boulier had been chosen as Advisor of the Year for Broward County and added that the Explorers would be representing the Town in Washington, D.C.

**3.2 Police Athletic League**

Lieutenant Gary Killam provided an update on the League and recognized outstanding community individuals and organizations for the contributions. He presented a plaque to the Fraternal Order of Police Associates and to Don Engels. Lieutenant Killam added that a plaque would also be presented to the American Legion.

**3.3 Police Department Forfeiture Award**

Chief Mackie presented a \$157,280 check for forfeiture funds.

**3.4 Daniel Laguna, Police Officer - Five Years**

Mayor Venis presented Officer Laguna with a service award.

**3.5 Mark Larghi, Police Officer - Five Years**

Mayor Venis presented Officer Larghi with a service award.

**3.6 Ronald Batterson, Police Officer - Ten Years**

Officer Batterson was not present.

**3.7 Maria Blackiston, Administrative Secretary - Ten Years**

Mayor Venis presented Ms. Blackiston with a service award.

**3.8 Christopher Fletcher, Fire Lieutenant - Ten Years**

Mayor Venis presented Lieutenant Fletcher with a service award.

**3.9 Scott Kiso, Police Officer - Ten Years**

Officer Kiso was not present.

**3.10 Alexander Mahoy, Police Officer - Ten Years**

Mayor Venis presented Officer Mahoy with a service award.

**3.11 Joseph Luciani, Chief Plumbing Inspector - Fifteen Years**

Mayor Venis presented Mr. Luciani with a service award.

**3.12 Ronald Riggs, Fire Lieutenant - Twenty Years**

Mayor Venis presented Lieutenant Riggs with a service award.

### 3.13 Community Redevelopment Agency

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

### 3.14 Upcoming Special Events - Bonnie Stafiej (Trophy Award) and Sharon Pierce

Kent

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Concert in the Park (July 19th); 5 Star Rodeo (July 24th - 25th); and Town's annual auction (August 1st). She discussed the July 4th events and announced that the horseshoe trophy had been returned to Councilmember Bush and Mr. Flatley. Lieutenant Killam and Maintenance Technician Dennis Melgari presented the trophy to Councilmember Bush and Mr. Flatley.

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: free swim lessons provided by Swim America; free soccer clinics (Fridays and Saturdays, concluding in September); senior field trip to a Marlins baseball game (July 21st); and water aerobics classes (Tuesdays, beginning July 21st).

Chief Mackie announced the Annual Night Out Against Crime and indicated that the Town's Police Department would be involved. He stated that events would be held on August 4th at Silver Oaks recreation center and Flamingo Elementary ballfield. Chief Mackie invited everyone to join in the events.

## 4. OCCUPATIONAL LICENSES

### *Home Occupational Licenses*

#### 4.1 Action Canvas and Marine Services, Inc., 14450 SW 24 Street

Drew Caterson, the applicant, was present. He confirmed that the request was for mail and phone use only. Councilmember Weiner 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)

#### 4.2 Caribe America Trading, 2181 SW 117 Terrace

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

#### 4.3 Computer Help Co., 13630 SW 24 Street

This item was deferred to later in the meeting and then tabled to August 5, 1998.

#### 4.4 Copier Masters, Inc., 14561 SW 18 Court

Vidal Perez, the applicant, was present. He confirmed that the request was for mail and phone use only. Councilmember Paul made a motion, seconded by Councilmember Weiner, 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)

#### 4.5 JBS Leasing, Inc., 12600 Lake Road (SW 12 Street)

Robert F. Jackson, the applicant, was present. He confirmed that the request was for mail and phone use only. 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)

#### 4.6 South Florida Custom Brokers, Inc., 6920 SW 56 Court

Mayor Venis advised that he would be representing the applicant and indicated that he would need to abstain from voting as this firm was his client. He confirmed that the request was for mail and phone use only. Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - abstained; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul -

yes; Councilmember Weiner - yes. (Motion carried 4-0)

4.7 Sunburst Pressure Cleaning, Inc., 13730 SW 24 Street

Paula-jean Grant, the applicant, was present. She confirmed that the request was for mail and phone use only. Councilmember Weiner 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)

Mayor Venis announced that item 9.7 needed to be tabled to August 5, 1998.

Councilmember Paul 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)

Mayor Venis announced that item 9.8 needed to be tabled to August 19, 1998.

Councilmember Bush 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)

Mayor Venis announced that item 9.9 needed to be tabled to September 16, 1998.

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)

## **5. MAYOR/COUNCILMEMBER COMMENTS**

### **COUNCILMEMBER WEINER**

**ACCIDENT.** Councilmember Weiner advised that John Pisula's wife had been in an automobile accident.

**ELECTION.** Councilmember Weiner stated that during the election, there was discussion on the Fire Department looking into the use of public property in campaign videos and asked for a report. Mr. Flatley indicated that he would look into the status.

**EMS TRAINING.** Councilmember Weiner stated that the Town was progressing towards a single tiered system and questioned the status of the training. Fire Chief Michael Donati advised that training was progressing and units were almost ready to put into service.

### **VICE-MAYOR COX**

Vice-Mayor Cox stated that she had nothing to report.

### **COUNCILMEMBER PAUL**

**TRAFFIC SIGNAL.** Councilmember Paul stated that a number of calls had been received regarding a signal at the intersection of 14th and 154th. She congratulated Mayor Venis for working on the signal and asked that everyone use caution until a signal had been installed.

**THANKS.** Councilmember Paul thanked Public Works for clearing the overgrowth along 148th Avenue.

**CONCERT IN THE PARK.** Councilmember Paul stated that Ms. Stafiej was researching Blue Grass groups to appear at the Concert in the Park.

**TALENT SHOW.** Councilmember Paul invited everyone to attend a Appy Pines First Annual Project Stable Summer Talent Show to be held on July 18th at 6:00 p.m.

**GOLF TOURNAMENT.** Councilmember Paul stated that the Soroptimist would be holding its fourth annual golf tournament on August 29th at Flamingo Lakes Country Club.

**HEALTH FAIR.** Councilmember Paul indicated that the Town was partnering with Memorial Regional Hospital and the Boys and Girls Club of Broward County in hosting a Back to School Health Fair on August 29th.

### **COUNCILMEMBER BUSH**

**JULY 4TH.** Councilmember Bush thanked everyone for joining in the festivities on July 4th.

## **MAYOR VENIS**

**JULY 4TH.** Mayor Venis commended the staff involved for the festivities on July 4th which was a huge success.

**BLASTING.** Mayor Venis stated that he had attended a homeowner's meeting at Waverly Hundred to discuss the blasting issue. He indicated that there were not a lot of blasting concerns at the meeting, however, the big concern was with the shopping centers being developed in the Coquina/Ivanhoe area. Mayor Venis advised that this area was in the unincorporated area and the Town did not have the "say so" in the site plan. He asked staff to try to address the resident's concerns and asked that a meeting be held with Broward County Commissioner Lori Parrish. Later in the meeting, Mayor Venis suggested that residents who had complaints with blasting to contact the County and advised that the deadline was August 6th.

**GRIFFIN ROAD PROJECT.** Mayor Venis questioned the status of the Griffin Road study. Development Services Director Michele Mellgren responded that she would be meeting with Craig A. Smith and Associates to review all the base maps. She indicated that after this review, she would be scheduling a meeting with the residents to obtain their input. Ms. Mellgren anticipated that this meeting would be held sometime in August and if a good response was not received due to vacations, a second meeting would be held.

**CEREMONIES.** Mayor Venis questioned the status of the ribbon cutting ceremony for the new park in Shenandoah and the tree planting for Keith Messina. Assistant Town Administrator Robert Rawls advised that the ribbon cutting ceremony would be held in August and added that a date had not yet been scheduled for the tree planting.

**NEW ZEALAND CHALLENGE.** Mayor Venis stated that he had entered Council in a challenge against gunfighters in Westland, New Zealand to e-mail a newspaper quality photo of Council in western costume waving the United States flag. He indicated that he had challenged Westland's Mayor to a wrestling match. Mayor Venis advised that the challenge was to determine who had the best western town.

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

**PARADE PERMIT.** Mr. Flatley advised that he had received a parade permit request from Earl Morrall who represented the Boys and Girls Club. (A parade permit was approved later in the meeting.)

**CONGRATULATIONS.** Mr. Flatley congratulated Ms. Stafiej on the Independence Jam held on July 5th. He advised that she had prepared a checklist of items and staffing that needed to be provided.

## **7. CONSENT AGENDA**

### *Minutes*

7.1 May 28, 1998 - Workshop Meeting

7.2 June 10, 1998 - Special Meeting

7.3 June 24, 1998 - Workshop Meeting

### *Proclamations*

7.4 International Forgiveness Day (August 2, 1998)

7.5 15th Annual National Night Out (August 4, 1998)

### *Resolutions*

7.6 **PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-231 AUTHORIZING A REVISION TO THE CHURCH OF CHRIST PLAT AND PROVIDING AN EFFECTIVE DATE.** (DG 6-3-98, north side of Orange Drive at intersection with SW 92 Avenue) (tabled from July 1, 1998)

7.7 **CONVEYANCE OF PROPERTY - A RESOLUTION OF THE TOWN OF R-98-232 DAVIE, FLORIDA, RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S CONVEYANCE OF A LOT TO ARNETTA DAVIS FOR CONSTRUCTION OF A NEW HOUSE IN THE EASTSIDE NEIGHBORHOOD; AND PROVIDING FOR AN EFFECTIVE DATE.** (5615 SW 43 Street)

7.8 **CONCESSIONAIRE SERVICES RANKING - A RESOLUTION OF THE TOWN**

R-98-233 OF DAVIE, FLORIDA, APPROVING THE RANKINGS FOR CONCESSIONAIRE SERVICES FOR VARIOUS PARK LOCATIONS AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT WITH THE HIGHEST RANKING FIRM. (Parkside Concessions, Inc., Esther & David Company, Bahama Frost, Munch Bunch, Inc., and Davie Girls Softball)

7.9 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-234 BIDS FOR CHAIN LINK FENCE. (Precision Fence & Decking and Tropic Fence)

7.10 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-98-235 PROPOSAL FOR OFFICE SUPPLIES, CO-OP RFP 98-20R. (Office Depot)

7.11 **SERVICES RELATING TO FIRE RESCUE ASSESSMENT** - A RESOLUTION OF R-98-236 THE TOWN OF DAVIE, FLORIDA, APPROVING THE FIRM OF GOVERNMENT SERVICES GROUP, INC., A SUBSIDIARY OF NABORS, GIBLIN & NICKERSON, P.A., TO PERFORM SERVICES RELATING TO THE FIRE RESCUE ASSESSMENT FOR FISCAL YEAR 1999.

7.12 **CLASS SPECIFICATIONS** - A RESOLUTION OF THE TOWN OF DAVIE, R-98-237 FLORIDA, CREATING THE CLASS SPECIFICATION FOR RECORDS SUPERVISOR IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN TO BE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND RETITLING THE JOB SPECIFICATION FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT COORDINATOR FROM SAID TITLE TO HOUSING AND COMMUNITY DEVELOPMENT COORDINATOR.

7.13 **LEASE AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-238 AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND BELLSOUTH MOBILITY INC., WHEREBY THE TOWN WILL LEASE TO BELLSOUTH MOBILITY INC. PUBLIC LANDS FOR PURPOSES OF CONSTRUCTION OF A MONOPOLE TELECOMMUNICATIONS TOWER AT THE POLICE AND FIRE/EMS FACILITY LOCATED AT THE INTERSECTION OF NOB HILL ROAD AND I-595, WITHIN THE TOWN OF DAVIE; AND PROVIDING FOR AN EFFECTIVE DATE.

7.14 **ROAD TRANSFER AGREEMENT** - A RESOLUTION OF THE TOWN OF R-98-239 DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO A ROAD TRANSFER AGREEMENT BETWEEN THE TOWN OF DAVIE AND BROWARD COUNTY FOR THAT PORTION OF HIATUS ROAD BETWEEN STATE ROAD 84 AND S.W. 14TH STREET, AND PROVIDING FOR AN EFFECTIVE DATE.

7.14A **REALIGNMENT AND RECONSTRUCTION OF ROADS** - A RESOLUTION OF R-98-241 THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A CONTRACT WITH BERGERON LAND DEVELOPMENT FOR THE REALIGNMENT AND RECONSTRUCTION OF OAKES AND BURRIS ROADS.

*Ordinances - First Reading (Public Hearing to be held August 5, 1998)*

7.15 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 2, ARTICLE III, ENTITLED "TOWN COUNCIL" BY ADDING THERETO SECTION 2-42 ENTITLED "INTERFERENCE WITH ADMINISTRATION", PROVIDING FOR PROHIBITION FROM INTERFERING WITH VARIOUS EMPLOYEE RELATED MATTERS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from July 1, 1998)

7.16 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION ZB(TXT)-1-1-98, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, CHAPTER 12, LAND DEVELOPMENT CODE, SECTION 12-32 ENTITLED,

"TABLE OF PERMITTED USES," SUBSECTION (A) "RESIDENTIAL DISTRICTS," TO ELIMINATE REFERENCES TO SPECIFIC TYPES OF SPECIAL RESIDENTIAL FACILITIES AND "SUBDIVISION FACILITIES," TO PERMIT "SPECIAL RESIDENTIAL FACILITY" IN ALL RESIDENTIAL ZONING DISTRICTS EXCEPT THE "MH" DISTRICTS SUBJECT TO DETAILED USE REGULATIONS CONTAINED IN SECTION 12-34; AMENDING SUBSECTION (B) "COMMERCIAL, OFFICE AND BUSINESS DISTRICTS" TO PROHIBIT "SPECIAL RESIDENTIAL FACILITIES" IN THE "SC," "B-1," "WT," "B-2," "UC," AND "B-3" DISTRICTS; AMENDING SUBSECTION (D) "RECREATIONAL, COMMUNITY FACILITIES AND UTILITIES DISTRICTS," TO REPLACE REFERENCES TO SPECIFIC RESIDENTIAL FACILITIES WITH THE CATEGORICAL REFERENCE, "SPECIAL RESIDENTIAL FACILITY" AND PERMITTING "SPECIAL RESIDENTIAL FACILITY" IN THE "NCF," "CF" AND "PCF" DISTRICTS; DELETING SECTION 12-34 ENTITLED, "DETAILED USE REGULATIONS," SUBSECTION (Z) "SPECIAL RESIDENTIAL FACILITIES," IN ITS ENTIRETY; ADDING SUBSECTION 12-34(Z)(1), (2) AND (3) PROVIDING FOR THREE CATEGORIES OF SPECIAL RESIDENTIAL FACILITIES AND MAXIMUM DENSITY; ADDING SUBSECTION 12-34(Z)(4) PROVIDING FOR MINIMUM DISTANCE SEPARATIONS; ADDING SUBSECTION 12-34(Z)(5) REQUIRING PROOF OF LICENSING BY THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILY SERVICES; AMENDING SECTION 12-503 ENTITLED, "DEFINITIONS," TO ELIMINATE CERTAIN DEFINITIONS RELATING TO SPECIAL RESIDENTIAL FACILITIES AND ADD NEW DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**7.17 LAND USE PLAN APPLICATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION LA(TXT)-98-1E, AMENDING THE FUTURE LAND USE ELEMENT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY REVISING PROVISIONS GOVERNING SPECIAL RESIDENTIAL FACILITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Bush asked that item 7.8 be removed from the Consent Agenda. Councilmember Paul asked that items 7.6, 7.11, 7.15, 7.16 and 7.17 be removed. Councilmember Weiner asked that item 7.14A be removed. Town Clerk Reinfeld read the ordinances-first reading by title only. Mayor Venis advised that a public hearing on these items [7.15, 7.16, and 7.17] would be held on August 5, 1998.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve the Consent Agenda without items 7.6, 7.8, 7.11, 7.14A, 7.15, 7.16, 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)

7.6 Councilmember Paul questioned the impact this plat would have on Orange Drive as she was concerned with the traffic because of the school element. Ms. Mellgren advised that the Town did not have the right to deny a request to amend a note on the face of a plat if the proposed uses met Town Code.

Vice-Mayor 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 Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 4-1)

7.8 Councilmember Bush stated that the Davie Girls Softball Corporation ranked fifth and asked Council for approval for the Corporation to sit in on the negotiations. He indicated that the other firms had agreed to subcontract the Bill Gessner Sports concession stand to the Davie Girls Softball Corporation.

Councilmember Weiner questioned if Council could specify as a condition to awarding the bid, to require subcontracting to the Corporation. Mr. Webber indicated that he was not certain that this could be done if this requirement was not included in the proposal. Ms. Pierce-Kent advised that all the firms who had submitted bids were willing to work with the Town to subcontract to Davie Girls Softball Corporation.

Councilmember Bush made a motion, seconded by Councilmember Weiner, 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)

7.11 Councilmember Paul asked for a report on the costs and what was involved with the service. Mr. Flatley

advised that this service was very technical which amounted to updating the assessment roll, calculating rates, preliminary rate resolutions, mailing of notices, final rate resolutions and certifying the assessment with the Broward County Property Appraiser's Office. He indicated that the total cost last year was \$31,000 which was recouped from the EMS assessment.

Councilmember Paul 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)

7.15 Councilmember Paul reiterated her previous comments that this ordinance was not necessary.

Councilmember Weiner indicated that the language did not leave any discretion to the employee. He proposed that the language be amended to include "the subordinate may, in his or her discretion, comply with such direct order or refrain therefrom until such time as he or she has received authorization from the Town Administrator to proceed to act on such order." Vice-Mayor Cox stated that the policy did take away an employee's discretion, however, the policy also protected the employee. Mayor Venis stated that he thought that there had also been discussion on an employee's discretion regarding minor requests.

Councilmember Bush recommended that the language include "designee" should Mr. Flatley not be available. He added that Mr. Flatley needed to define substantial time. Mr. Flatley stated that he and staff had a seamless communication process. He added that he felt substantial time would be more than two hours and indicated that staff would be letting him know of a request that took this long.

Councilmember Weiner stated that he would withdraw his objections if substantial time was two hours or more. Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve with the change of including "or designee". In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 4-1)

7.14A Councilmember Weiner stated that the contract did not address Florida law or the right to recover attorneys fees. Mr. Webber explained that this contract was not a complete contract and he had only recently received it for review.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve subject to provisions the contract construed with Florida law, the venue in the event of any dispute of the terms of the contract be Broward County and that the contract provided the Town to recover attorneys fees and costs if it should prevail in litigation. 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)

7.16 Councilmember Paul stated that she still had concerns with residential facilities with one concern being the public hearings. She indicated that discussions had been held to hold informative workshops and it appeared that there may be errors in the ordinance. Mayor Venis advised that a public hearing on this issue would be held at the August 5th Council meeting and additional time could be allowed.

Ms. Mellgren advised that discussions had been held with Mr. Webber on what the Town could do to mirror the Florida Statutes as the Town's Comprehensive Plan was more liberal. She indicated that the ordinance's language provided for that. She added that there would be a public hearing on August 5th with the final adoption being held sometime in the late fall. Ms. Mellgren stated that Council had also extended the suspension of site plan review. After a lengthy discussion, Councilmember Weiner suggested that the columns be renamed and the labels be changed "for whatever it was" category 1, 2, and 3.

Mayor Venis advised that he thought a Council workshop was needed. Vice-Mayor Cox indicated that she wanted to have the public hearing on August 5th and then hold a workshop if one was necessary. Mayor Venis indicated that he would like to postpone the public hearing to August 19th so that a workshop could be held. After a brief discussion, Ms. Mellgren clarified that a workshop would be scheduled prior to August 19th with the public hearing being held on August 19th. She explained that adopting the ordinance tonight would initiate a zoning in progress. Ms. Mellgren questioned if staff should hold a workshop if a Council quorum could not be obtained. There were no objections.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve subject to the clarification as discussed to the language for categories 1, 2 and 3. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - yes.

(Motion carried 4-1)

7.17 Ms. Mellgren explained the ordinance and indicated that the Town could not adopt regulations that were more restrictive than the Florida Statutes. Councilmember Weiner requested that the ordinance clarify what a client was. Councilmember Paul questioned how flexibility units tied in with residential facilities. Ms. Mellgren stated that the Broward County Administrative Rules document set forth the rules for flexibility and flex units could be applied for the care of elderly people. She indicated that the only categories that would be affected would be those properties zoned community facility. Ms. Mellgren advised that this was noted in the Town's Code Book, but it would be clarified in the ordinance.

Ms. Mellgren recommended that Councilmember Paul contact her prior to the workshop with any additional questions so that she could provide answers by the workshop.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve with the clarification of the definition of clients and such other definitions as Ms. Mellgren believes are necessary. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 4-1)

## **8. SITE PLANS**

8.1 SP 11-4-97, Stor-All, 3700 South University Drive (B-3) (tabled from July 1, 1998) *Planning and Zoning Division approved subject to the planning report; on June 9, 1998, the Site Plan Committee approved subject to the planning report with the exception of the condition listed as number 3, moving five oak trees from the south property line to the north side, changing the oak trees to mahogany trees and placing them as high up in the retention area as possible, removing all evasive species of trees and shrubbery on the east side of the property and, if the existing trees are not acceptable, that mahogany trees be planted 40 feet on center; changing the one 20-foot mahogany to match the existing Magnolia trees; providing a color elevation, as well as samples of the paint chips and an indication of the color for the fence material, having the footprint to show the air conditioning system assuring that none of the machinery could be seen from adjacent properties; and, bringing the elevations and sample materials back to the Committee on June 23, 1998, on June 23, 1998, the Site Plan Committee approved subject to the planning report*

Bonnie Miskel, representing the petitioner, was present. Gayle Easterling, Planning and Zoning Manager, read the planning report. She stated that there had been a request to revise the landscaping which she explained.

Vice-Mayor Cox stated that the reason for the royal palms was to soften the "box" structure. Assistant Town Administrator Robert Rawls explained that the diameter of two royal palm trunks in tandem could be an effective screen from the oncoming traffic from the Post Office. He indicated that he thought there was an opportunity to relocate the trees against the structures. Ms. Miskel advised that the petitioner did not have an objection to this recommendation but added that the architect thought it was "kind of tight for that to survive." She recommended that the parking be moved, expanding the green area in front of the building by a foot and a half, shaving the "bump", and moving the island over a foot. A discussion followed on the different types of trees that could be utilized.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve with the change to the two clusters of three Washingtonians at 26 feet, 24 feet and 22 feet in height respectively and the adoption of the amended Planning and Zoning Division recommendation and the Site Plan Committee's recommendation of June 9, 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)

8.2 SP 2-4-98, Davie Commerce Center II, west side of State Road 7, approximately 660 feet south of Griffin Road (M-2) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report, addressing the roof drainage that if it was internal that overflow scuppers be added, another tone of color for the building [dome] be looked at, that the side elevation represented the step outs as shown on the rendering, increase the heights of all the Royal Palms to 18/20/22 feet overall height, the Alexander Palms be 16/18/20 feet overall height, substituting the Ixoras for the hibiscus, correcting the landscape legend and signage at a later date*

Gus Aguirre, representing the petitioner, was present. Ms. Easterling read the planning report. Mr. Aguirre discussed the site plan. Councilmember Weiner asked that staff keep track of the owner's signatures on applications.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve subject to the planning report, the engineering report and the Site Plan Committee's recommendation. 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)

8.3 SP 3-3-98, Kelly Tractor Parcel "A" Zacco Plat, 2801 Reese Road (M-3, County) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved as it exceeded County code requirements, subject to the Planning and Zoning Division recommendation, with a caveat that they identify on the elevation the colors of the materials and the glass block with a 1, 2, 3*

Ms. Easterling advised that the applicant needed to table this item to August 5, 1998.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to table [to August 5, 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)

4.3 Mayor Venis asked for a tabling to August 5, 1998.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to table to August 5, 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)

8.4 SP 4-3-98, Flexspace at Oakes Road, 4350 Oakes Road (M-3, County) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report and changing the height of the 19 Royal Palms to 6 foot of gray wood minimum, removing the roof top air conditioning screening and the colors*

Bob Schecter, representing the petitioner, was present. Ms. Easterling read the planning report.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve subject to the staff report and the Site Plan Committee recommendation. 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)

## **9. PUBLIC HEARINGS**

Mayor Venis opened the public hearing portion of the meeting.

*Ordinance - Second and Final Reading*

**9.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, 98-33 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 DISTRICTS," TO PROHIBIT MINI WAREHOUSE/SELF STORAGE AS A PERMITTED USE WITHIN THE B-3 AND FB ZONING DISTRICT; PROVIDING FOR SEVERABILITY; 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.

Leonard Kessler, 1284 Bayview Circle - Weston, spoke in opposition.

Al Tyler, 8090 SW 19 Court, spoke in favor.

Mayor Venis closed the public hearing. Ms. Mellgren explained the ordinance. Vice-Mayor Cox stated that she thought the market "should drive it" and she was not in favor of removing someone's property rights just to suit the aesthetics.

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 - no; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-1)

*Quasi Judicial Items*

**9.2 REZONING** - ZB 5-1-98, Affordable Landmarks, Inc./Viele, Individually, and Griffin., Sr., Trustee, 7230 Stirling Road (from RM-10 to RM-16) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Mr. Webber questioned if anyone would be speaking in opposition to the petition with no one responding. Ms. Mellgren summarized the request and offered the planning report and attachments into the record. Bonnie Miskel, representing the petitioner, discussed the request and indicated that property would be conveyed to the Town prior to the issuance of a building permit.

Councilmember Weiner questioned if any tests had been done on the property that would bring liability to the Town. Ms. Miskel indicated that the petitioner had had a phase one environmental conducted which came back clean.

Mr. Webber asked if anyone wished to provide testimony on the rezoning. As no one spoke, Mr. Webber concluded the hearing.

Vice-Mayor Cox clarified that this site plan would be married into the "other site plan" with Ms. Miskel responding in the affirmative.

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

**9.3 VARIANCE** - V 5-2-98, Levans and Kalb/Elson, 4841 SW 47 Lane (MH-10) (to reduce the required rear setback from 8 feet to 5 feet) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*

Town Clerk Reinfeld swore in the witnesses. Mr. Webber questioned if anyone would be speaking in opposition to the petition with no one responding. Ms. Mellgren summarized the request.

Albert Levans, representing the petitioner, was present and explained the request.

Mr. Webber asked if anyone wished to provide testimony on the variance. As no one spoke, Mr. Webber concluded the hearing.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve. 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)

**9.4 VARIANCE** - V 6-1-98, Kilgore/Amoco Oil Company, 4450 South University Drive (B-2) (to reduce the required setback for a 15 foot high sign from 15 feet to 0 feet) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved*

Mr. Webber questioned if anyone would be speaking in opposition to the petition with no one responding. Town Clerk Reinfeld swore in the witnesses. Ms. Mellgren summarized the request.

George Padala, representing the petitioner, was present and explained the request.

Mr. Webber asked if anyone wished to provide testimony on the variance. As no one spoke, Mr. Webber concluded the hearing.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve subject to the recommendation of the Planning and Zoning Board. 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)

**9.5 SPECIAL PERMIT** - SE 5-1-98, Nextel Communications, Inc./Shurgard Institutional Fund, L.P., 250 SW 136 Avenue (B-3) (to locate a telecommunication device in the B-3 District) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved to the planning report so long as the special permit for the billboard remains in full force and effect and, should the special permit for the billboard be revoked, rescinded, and/or terminated, this special permit would also be revoked, rescinded, and/or terminated at the same time*

Town Clerk Reinfeld swore in the witnesses. Ms. Mellgren summarized the planning report and offered the

planning report into the record. She advised that by supporting this petition, the Planning and Zoning Board and staff intended that the owner of the telecommunication device would not be vested to install a single monopole should the billboard "go away". Ms. Mellgren explained that the purpose was to co-locate on an existing structure. Kevin Karr, representing the petitioner, explained the request. He indicated that the petitioner was not adverse to making a minimum one time contribution of \$3,000 to the EASE Foundation. Ms. Mellgren added that the billboard ordinance provided the the charitable organization receive a minimum of \$8,000 but should revenues increase, the charitable organization would receive more.

Mayor Venis questioned if another company could co-locate on the same billboard. Ms. Mellgren responded that a special permit would be required. Mr. Karr indicated that there was generally a ten foot separation between antennae.

Ms. Mellgren stated that the charitable organization may not benefit as an organization it would be paid from advertising revenues and this petition was not an advertising revenue. She clarified that short of the annual donation from the petitioner to EASE, there may not be any direct benefit to the charitable organization.

Mr. Webber questioned if there would be a certification by a Florida engineer as to load capacity. Mr. Karr responded affirmatively.

Mr. Webber asked if anyone wished to provide testimony on the special permit.

Tom Truex was sworn in and spoke in favor of "anything that will bring revenue to EASE." He indicated that a larger contribution would be appreciated.

Mr. Webber stated that the hearing was concluded.

Councilmember Paul indicated that she had a problem with putting antennae on top of billboards. She stated that although the donations to charitable organizations was great, the aesthetic aspect of the billboard was not "readily adored" by the Town's residents.

Councilmember Weiner questioned if the Town had options to the placement of towers and antennae. Mr. Webber responded that co-location possibilities were to be encouraged; however, a petitioner did not have as a matter of right the right to go a sign. He explained that the Town's Code provided for an antennae [stealth] to go onto buildings. Vice-Mayor Cox questioned if the Town had to provide a place in a specific area to locate. Mr. Flatley responded affirmatively.

Mayor Venis questioned if pictures of other co-locator sites were available as he was uncomfortable with the concept. Ms. Mellgren responded negatively and recommended that the item be tabled to allow the petitioner to return with pictures. Discussion followed.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to table to August 5, 1998. 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)

### *Resolution*

**9.6 ACTION PLAN - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-240 ADOPTING THE FY 1998/99 ACTION PLAN FOR FEDERAL FUNDS WHICH INCLUDES THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM BUDGET; AUTHORIZING THE ACTION PLAN TO BE REFORMATTED IF DETERMINED NECESSARY BY HUD; AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE ALL NECESSARY CERTIFICATIONS AND GRANT RELATED DOCUMENTS; AUTHORIZING THE TOWN ADMINISTRATOR TO MAKE MINOR, NON-SUBSTANTIVE CHANGES TO THE ACTION PLAN WHICH MAY BE IDENTIFIED DURING THE REVIEW AND APPROVAL PROCESS WHICH DO NOT SIGNIFICANTLY AFFECT THE PURPOSE, SCOPE, BUDGET, OR INTENT OF THE PLAN; AND AUTHORIZING SUBMISSION OF THE PLAN TO HUD.**

Town Clerk Reinfeld read the resolution by title.

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

Ms. Mellgren indicated that the resolution was for the Town's proposed plan for expenditures for the Community Development Block Grant for fiscal year 1998-99. She advised that a large of portion of the funding had been recommended for improvements to the Driftwood area. Shirley Taylor-Prekelt, Housing and Community Development Coordinator, explained the resolution.

As no one spoke, the public hearing was closed.

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)

*Items to be tabled*

9.7 STAFF REQUESTING A TABLING TO AUGUST 5, 1998

*Ordinance - Second and Final Reading*

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 2, ARTICLE III, ENTITLED "TOWN COUNCIL" BY ADDING THERETO SECTION 2-42 ENTITLED "INTERFERENCE WITH ADMINISTRATION", PROVIDING FOR PROHIBITION FROM INTERFERING WITH VARIOUS EMPLOYEE RELATED MATTERS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from July 1, 1998)

This item was tabled earlier in the meeting.

9.8 PLANNING AND ZONING BOARD TABLED TO JULY 22, 1998; COUNCIL CAN TABLE TO AUGUST 19, 1998

VARIANCE - V 4-1-98, Avid Engineering, Inc./Poinciana Homes of Broward, Inc., 13601 Shenandoah Parkway

This item was tabled earlier in the meeting.

9.9 PLANNING AND ZONING BOARD TABLED TO AUGUST 26, 1998; COUNCIL CAN TABLE TO SEPTEMBER 16, 1998

VARIANCE - V 5-3-98, Felicella, P.E./, 6900 Griffin Road

This item was tabled earlier in the meeting.

## **10. APPOINTMENTS**

10.1 Open Space Advisory Committee (one exclusive appointment - Councilmember; Weiner; term August 1998 to July 1999)

Councilmember Weiner appointed Joy Yoder.

10.2 Child Safety Board (two exclusive appointments per Councilmember; members shall reflect, to the greatest extent possible, interest and expertise in the following areas: law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood) (term August 1998 to July 1999)

Councilmember Weiner deferred his appointments. Vice-Mayor Cox appointed Kathleen Bleier and Doreen Hixon. Mayor Venis appointed Lil Olfern and deferred his second appointment. Councilmember Bush deferred his appointments. Councilmember Paul appointed Dudley Jones and Rosemary Lanshe.

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

11.1 Parks Bond Issue Survey Estimates

Mr. Flatley advised that Council had requested informal estimates on the cost of a survey for a public opinion poll. He indicated that the estimates ranged from \$7,000 to \$10,000.

Mayor Venis stated that he thought it was vitally important to conduct a survey and the Town should move forward. He indicated that the estimate of \$7,500 was from Florida Voters which was located in the Town and had conducted polls for the Town before.

Vice-Mayor Cox questioned the difference between a \$7 million and a \$10 million bond issue in terms of the cost to the taxpayer. Christopher Wallace, Director of Budget and Finance, advised that the cost to a homeowner with a home valued at \$125,000 with the homestead exemption was \$32 for a \$10 million bond issue and the cost would be \$22 for a \$7 million bond issue.

Councilmember Paul stated that during the recent election, she heard a lot regarding parks and the residents recognized the need for parks and improvements.

Councilmember Weiner made a motion to award the survey based on informal polling conducted by the Town Administrator to Florida State University for \$7,000, however, if the Town Administrator felt "if it was not going to be the \$7,000" based upon the numbers, the Town award the survey to the next lowest bidder, Florida Voters Inc. Mayor Venis passed the gavel and seconded the motion. In a roll call vote, the vote was as follows: Mayor

Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - no; Councilmember Paul - no; Councilmember Weiner - yes. (Motion failed 3-2)

Councilmember Bush made a motion to approve the quote from Florida Voters, Inc. Mayor Venis passed the gavel and seconded the motion. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - no. (Motion failed 3-2)

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to reconsider the first motion. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 3-2)

Councilmember Weiner made a motion, seconded by Councilmember Bush, to award the poll to Florida State University but if the price turned out to be more than \$7,500 based on the number and types of question, the poll be awarded to the lowest bidder which would be Florida Voters, Inc. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 3-2)

### 11.2 Registration of Lobbyists

Councilmember Weiner stated that he would readily incorporate some of the suggestions made by Councilmember Bush, while other suggestions he questioned. He indicated that one suggestion was to change the requirement of disclosure of professional, familial or other type of lobbyist to be a direct business association. Councilmember Bush advised that he did not have a problem with including familial relationship. Councilmember Weiner recommended that his proposed ordinance be accepted and to incorporate Councilmember Bush's proposed 2-58(b) along with 2-60 which was the prohibition as to the information on the reporting forms. He indicated that he would like to see this issue get to an ordinance-first reading which would allow public input. Councilmember Weiner added that he did not agree with the other revisions proposed by Councilmember Bush. Vice-Mayor Cox indicated that she felt Councilmember Bush's proposal was less complicated. Councilmember Bush stated that his proposal was based on Broward County's ordinance which had worked for a number of years. He advised that an ordinance needed to be in place for the Town to work with and the process needed to be a slow one. Councilmember Bush reiterated his agreement with including familial relationships. Vice-Mayor Cox stated that she would not vote for Councilmember Weiner's proposed ordinance as it excluded attorneys and it was complicated and cumbersome. She recommended Councilmember Bush's ordinance which could then be amended.

Councilmember Paul stated that she thought Councilmember Weiner's proposal was a good one with a few suggestions that she had made. She indicated that a strong ordinance was needed so there was no room for loopholes or misunderstanding. Councilmember Paul recommended that there should be some type of penalty imposed on the principal as the principal needed to be held responsible.

Mayor Venis stated that the County's ordinance had been in place for a number of years and seemed to work. He suggested that the County's ordinance be utilized with modifications being made.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to adopt Councilmember Bush's ordinance and ask Mr. Webber to incorporate something in the ordinance regarding familial relationships. In a voice vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - no. (Motion carried 3-2)

### 11.3 Establish a ten-member standing committee to promote the well-being of Davie's agricultural/equestrian community (70 percent of the membership has to represent the agricultural/equestrian community and membership shall not be restricted to Davie residents so as to include input from contiguous communities with similar interests)

Councilmember Paul clarified that the committee had ten Davie residents appointed by Council and a minimum of three non-voting members who would be chosen by Council as a whole and who were not necessarily be residents. She defined the committee's mission statement. Councilmember Paul recommended that the committee be established for one year with Council reviewing the committee's success and accomplishments. She indicated that the committee should meet once a month and after Council's review, the schedule could be changed.

Vice-Mayor Cox questioned the cost to fund the board. Councilmember Bush felt that a standing committee was not needed and Councilmember Weiner had previously mentioned that a non-profit corporation may be better. Councilmember Weiner indicated that nothing prohibited the Town from working with and cooperating with a non-profit corporation. Vice-Mayor Cox stated that it cost the Town quite a bit of money to create a standing committee and the committee was subject to the Sunshine Law which made it hard to communicate. She added that if the committee was similar to the Economic Development Council, there was no prohibition on speaking with one another on issues that were of concern.

Councilmember Paul questioned how the Town could initiate a committee similar to the Economic Development Council. Vice-Mayor Cox responded that the Town could provide some organizational help and Councilmember Bush volunteered to prepare the paperwork for a non-profit corporation. Councilmember Paul questioned the action that needed to be taken. Mr. Webber replied that Council needed to provide Mr. Flatley with direction. Vice-Mayor Cox stated that Council should receive notice of the meeting and suggested that Council provide Mr. Flatley with a list of interested individuals. She suggested that the committee be promoted at the Davie/Cooper City Chamber of Commerce and the Davie Merchants and Industrial Association.

#### 11.4 American Medical Response Letter

Mr. Flatley advised that there had been discussions on next year's contract with American Medical Response (AMR) with one area of discussion being to change the fractile response six minutes to average six minutes. He stated that one area of concern was being able to operate with two paramedics per unit rather than two paramedics and one EMT which was beneficial to both the Town and AMR. Mr. Flatley indicated that AMR had agreed with this change and added that in critical cases, a third individual from the fire engine would be added. He explained that the contract would still remain fulfilled for three until October 1st with two paramedics from AMR and one being either from the fire engine or a trainee. Mr. Flatley stated that after October 1st, he would like there to be two paramedics per unit, both for the Town and for AMR. He said that his understanding from Council was that it was critically important that the Town's paramedics get as much experience before October 1st as possible. Mr. Flatley stated that EMS Coordinator Jose Rivero was the Town's preceptor and had been working closely with the Town's Medical Director, Dr. Nelson. He indicated that since June 1st, the Town's paramedics had been riding with AMR and had been receiving performance records. Mr. Flatley added that the Town's paramedics would graduate to Mr.

Rivero's preceptorship and be in charge of a unit under Mr. Rivero's guidance. He indicated that the letter of request could be supported without the last sentence [in the first paragraph] which AMR agreed could be removed. Fire Chief Michael Donati stated that the proposed change would reduce costs on AMR's overhead and would reduce the Town's costs for implementing the system. He indicated that Mr. Rivero would be responsible for the training and an employee could be placed on an AMR unit should the Town have a surplus of employees on a particular day.

Mayor Venis asked if the Town's paramedics have more "ride time" with the proposed change. Mr. Rivero replied that the availability of personnel would relate to how many employees took time off. Mr. Flatley added that the proposed change would provide more opportunity to ride on the various vehicles. Councilmember Weiner disagreed as the letter did not speak to having the Town's personnel ride as regular time. He indicated that he was trying to understand why the Town would agree to reduce the units without completing negotiations for the phase in. Councilmember Weiner added that offers had been made by Broward County and other municipalities for the Town's personnel to obtain ride time.

Vice-Mayor Cox stated that she thought the proposed change was beneficial to the Town for two months. Chief Donati added that if AMR maintained three individuals per unit, the Town would need to provide the same. Mr. Flatley confirmed that the Town would save approximately \$500,000.

Deputy Fire Chief Len DePaola explained staffing requirements and the feasibility for training. Mayor Venis questioned if there was a required amount of training. Mr. Rivero responded negatively except for the internship that was required while attending school. Councilmember Bush asked if the Town's personnel needed more training before October 1st. Mr. Rivero responded in the affirmative and added that the more training an individual had would reduce the Town's liability. Mayor Venis asked Mr. Rivero if this was a good move and requested an explanation on the process that would be followed. Mr. Rivero responded affirmatively and provided an explanation.

Councilmember Paul questioned if the Town could request guarantees to ascertain that "everything was down

pat". She indicated that she was concerned that the contract would be negotiated piece-meal and everything should be in writing. Councilmember Paul added that she was also concerned that there was no subsidy reduction with the proposed change and questioned if the training was included in the contract. Mr. Flatley advised that the contract did provide training at no cost, however, the proposed change provided approximately \$50,000 in cost savings over two months. He stated that it was an effective use of the Town's dollars to reduce the staffing from three to two paramedics. Councilmember Weiner responded that the savings was not a major item but was symbolic as the Town was bargaining with AMR to reach a long term phase-in plan. He questioned what incentive AMR had to negotiate with the Town for any type of reduction as of October 1st. Mr. Flatley indicated that the proposed change was only for two months with the understanding that there would be three individuals per unit with one being a Town employee from the fire engine. He added that the proposed change was positive for the Town to obtain this type of commitment from AMR as he did not think AMR would return to three individuals. Councilmember Weiner agreed that AMR would remain at two individuals but would not negotiate a reduction in costs with Mr. Flatley replying that the Town would then not agree to the change in the contract. Chief Donati indicated that his interest was in getting the EMS system on line and providing training. He clarified that he thought this was in the best interest in getting the EMS system ready by October 1st. Vice-Mayor Cox stated that it was Council's decision to accelerate the program and this proposed change was a way to provide on-hands experience.

Councilmember Weiner made a motion to reject the letter.

Councilmember Paul questioned if the letter could provide conditions that there be certain guarantees including that the reduction to two would be accepted in October. Mr. Flatley questioned if it was AMR's intention to keep to two personnel per unit. Bob Eberhart, representing AMR, responded negatively and indicated that he would not accept this as a condition as they were currently in negotiations. He indicated that the proposed change was strictly for training purposes.

Vice-Mayor Cox stated that the proposed change was strictly temporary and did not guarantee AMR any type of concessions or numbers on the subsidy. She added that it was important for the Town's personnel to receive as much hands on experience as they could.

Councilmember Paul agreed with the need for training and that training was included in the contract. She questioned if the Town would be able to staff the Town's medical units and the AMR's units. Chief Donati replied that from a training standpoint, the Town's unit would be able to be staffed for eight hours every day, five days a week. He stated that AMR's units would be staffed by AMR personnel; however, if extra personnel was available, they would be able to train with AMR.

Mayor Venis asked Mr. Rivero if he recommended the proposed change with Mr. Rivero responding in the affirmative, based on costs. Mr. Rivero confirmed that the Town could operate with two paramedics per unit and the two paramedics would be supplemented as needed with a suppression piece of apparatus. Mayor Venis questioned if it was anticipated that a number of the Town's paramedics would be riding with AMR throughout the next two months. Mr. Rivero advised that this depended on the staffing levels on a given day. Chief Donati indicated that the chances were fair that personnel would be available.

Mayor Venis questioned if the letter would hamper the negotiations with Mr. Webber responding that the letter amended the contract requirements until October 1, 1998.

Councilmember Paul seconded the motion. In a roll call vote, the vote was as follows: Mayor Venis - no; Vice-Mayor Cox - no; Councilmember Bush - no; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion failed 3-2)

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to accept the letter with the striking of the sentence [last line of first paragraph] and the inclusion of Mr. Eberhart's statement of acceptance for a third person riding on the unit. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - no. (Motion carried 3-2)

Mayor Venis indicated that a parade permit needed to be added to the agenda as item 11.5

Vice-Mayor Cox 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)

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to approve the parade permit. 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**

There was no new business brought before Council.

## **13. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 12:29 a.m.

