

**TOWN COUNCIL  
REGULAR MEETING  
FEBRUARY 3, 1999**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:00 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 Interim Town Administrator Rawls, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

**3. OPEN PUBLIC MEETING**

Mayor Venis advised the speakers of the Open Public Meeting procedures.

Tom Truex, 4740 SW 72 Avenue, thanked the Town for supporting the Old Davie School and the EASE Foundation by holding the golf tournament. He mentioned the issue of the Griffin Road Corridor, stating that he had spoken to staff and was aware that the details were being worked out on that plan. He indicated that there were many people who were intensely concerned with the future of that corridor.

Mr. Truex discussed the need for an ethics code for the Town's elected officials and candidates in the Town. He commented that although Council did not need him to lecture them on morality, he hoped that they would take the high ground and make a stand for ethics, morals, and civility in government as being important elements.

Terry Santini, 4001 SW 108 Terrace, agreed with Mr. Truex. She said that she had been impressed by Governor Bush and his statement of needing a higher standard of ethics and a higher standard of leadership.

Jay Stahl, 5801 Surrey Circle West, stated that at a previous homeowner's association meeting, the issue of the Tom Thumb had been discussed and the residents felt there was going to be a problem with the Dykes Road corridor leading into the Tom Thumb. He asked that either the Town or Broward County look at the situation in terms of the divider on Dykes Road and where the turn-in for the Tom Thumb was located.

Dean Alexander, 13820 SW 16 Street, stated that he had some concerns with safety and hazards which included: portable signs in front of stores which blocked the vision of drivers; the guardrail at 36th Street and Flamingo Road needed repair and the Shenandoah Shopping Center where trucks unloading and loading blocked one lane of the road.

Bruce Novack, 4262 SW 78 Drive, expressed his thoughts with regard to how good the new ambulances looked at the main Fire Station. He questioned whether the upgrading of Potters Park was in progress. Mayor Venis responded that there would be a meeting at Potters Park on February 9th and invited him to attend. Mr. Novack further commented that he hoped the Town would continue to make progress in building and upgrading parks.

Kara Martinez, 912 NW 132 Terrace, discussed efforts to find a cure for Ehlers Danlos disease. She advised that a Valentines dance and pot luck dinner would be held on February 13th at Indian Ridge Middle School to raise funds to cure the disease.

Arthur Joseph, 13700 SW 18 Court, mentioned what he referred to as a "witch hunt" against Mayor Venis and many people worked hard last year to change the political face of the Town. He took strong exception to Vice-Mayor Cox's remarks to Councilmember Weiner, stating that he felt that Vice-Mayor Cox had been less than receptive to "some of the new members." Mr. Joseph said that he thought Councilmembers Paul and Weiner had learned well quickly and he thought the majority of the residents appreciated what they

were doing. He went on to say that he did not think what Councilmember Weiner said about the mayor issue was untrue and that Council, once again, had not allowed the people to decide their destiny. Mr. Joseph believed that this was a time of change and that the Town should look at some of these issues and allow the people to make some decisions. Mr. Joseph stated that if Council was not going to move "in that area", the people who had spoken for some of these issues should form a committee and get a referendum passed.

Dr. Irving Rosenbaum, former Town Administrator, spoke on behalf of two people who had made major contributions to the Town, Fire Chief Mike Donati and Deputy Fire Chief Leonard DePaola. He stated that he had had the privilege of working with Chief Donati for many years, adding that he felt that some of the recent actions with the fire union were unfortunate. He expressed his support and asked others in the community to support Chief Donati. With regard to Deputy Chief DePaola, Dr. Rosenbaum stated that he had not worked as many years

with Deputy Chief DePaola but had gotten to know him from an adversarial aspect, negotiating union contracts. He urged Council to look at these issues as labor disputes and not push for an unfortunate conclusion.

Bob Mearns, former Town Administrator, stated that he did not know that the Charter had been changed to allow Council to take action against individual employees. When he worked for the Town, the Town Administrator hired and fired employees. Mr. Mearns indicated that Chief Donati was a dedicated and sincere employee and if the union took a no-confidence vote in Chief Donati, the union was taking a no-confidence vote in the Town. Laura King, 5540 SW 54 Street, stated that Council had adopted an ordinance requiring lobbyists to be registered. She questioned Councilmember Bush as to whether his wife was working for, with, or on behalf of lobbyist Judy Stern with Councilmember Bush replying in the negative.

John Pisula, 2933 SW 136 Avenue, thanked Councilmember Bush for participating in the fundraising effort for the American Cancer Society and congratulated the Town on the golf tournament.

Mr. Pisula also discussed the proposed ordinance regarding the strong mayoralship which had been defeated, and he thought it would be over; however, he added that apparently it was not. He indicated that the Davie Update included some mischaracterizations of the truth with regard to the people who had opposed the ordinance and/or some portion of it. Mr. Pisula pointed to Councilmember Weiner making mention of a lack of trust, which he believed had never been raised as an issue for those people opposing the ordinance. He stated that the people were opposed because it was a bad idea in putting all that power into one individual which was the basis for the arguments. Mr. Pisula added that at that meeting, Mr. Davenport who stated that there were some things that should not be placed on the ballot such as legalizing the use of marijuana. The residents would expect Council to deny the issue not because there was a distrust as to how people would vote but simply because it was a bad idea. He indicated that he thought Councilmember Weiner's ideas on single member districts and moving the March election to November were good ideas. He would strongly support those issues and if the Town was going to work on those issues, he would like to be included.

Lisa Edmondson, 4311 NW 93 Avenue, stated that she had participated in the Cowboy Cow Pasture Golf Tournament which was great fun. She said she was not going to sit by and let politics and personal agendas ruin everything that the people were trying to build in Davie. Ms. Edmondson commented that Vice-Mayor Cox had made remarks at the last meeting which needed to be said and which had shaken many people. She stated that she wanted to see vision coming from the Council and not "tunnel vision." Ms. Edmondson added that Councilmember Weiner's comments in the Davie Update were uncalled for, insulting, and demeaning to fellow Councilmembers and to the people in the community. She continued, saying that she did not believe that anything Councilmember Weiner was doing was illegal but that she did have questions about adherence to the Code of Professional Responsibility.

George Wetzler, 12430 SW 11 Court, reminded Council that over ten years ago, Dr. Rosenbaum came to the fire union wanting to fire Chief Donati on grounds of incompetence. At that time, the firefighters union stepped forward asking that Chief Donati be given a second chance. He said he has seen other smaller departments pass Davie by in technology, equipment, and manpower and he thought it was time for a change.

Michael Davenport, 14041 SW 22 Place, advised that he was excited that the Town was on target for the new police/fire/EMS facility and looked forward to the grand opening in April.

Mr. Davenport congratulated Councilmember Weiner on his concern with horse riders wearing helmets and advised that one issue of safety was to get horses and their riders off busy streets and let them ride on protected trails in the Town.

Mr. Davenport discussed the turbulent times that the Town was experiencing with the tension, mistrust, the issue of not telling the truth either by choice or ignorance, bickering amongst Council, deep divisions within the community and the loss of several top public servants. He indicated that there was undue pressure from the fire union regarding Fire Chief Michael Donati and Deputy Fire Chief Len DePaola. Mr. Davenport questioned if these two employees were incompetent two years or five years ago or did they assume these positions by being incompetent. He stated that Deputy Chief DePaola was the past fire union president and refused to be manipulated which was why he was a threat to the fire union. Mr. Davenport added that there was no record of any complaints in the past 27 years against Chief Donati and Deputy Chief DePaola. He stated that Jim Bunce could not run the Town as he was not elected so he had to do it through some of Council. Mr. Davenport stated that there was "a face" behind all the negative actions taken by Council. He stated that the firefighters do a commendable job and he was not sure they realized they would be in trouble as soon as Broward County decided that it did not want anything to do with firefighters anymore which was the "deal negotiated by their lawyers, the union and the

County's lawyers" who happened to be Councilmember Weiner's firm. Mr. Davenport indicated that subsidies would stop and taxes would soar to keep the firefighters jobs or some would have to be let go. He stated that at this time, Councilmember Weiner would not be on the Council and Mr. Bunce would have retired, then who would be protecting the firefighters who became victims of ill-fated decisions. He suggested to do one more firing, that of Jim Bunce, and put a stop to the "circus" and Mr. Bunce would not put Council on the spot again to make firing decision.

Mr. Davenport urged Councilmember Weiner to take steps that would convince the public that he was not a "shark" or "bottom dweller" etc. He made comments to Councilmember Paul with regard to the support that she had received from the fire union that put her "just barely over the top" but this was the mandate and is "now the payback time". Mr. Davenport indicated that the fire union was not a license for Councilmember Paul to allow herself to be manipulated and follow their instructions to the detriment of the Town. He stated that as she kept supporting the fire union's tactics, she was breaking up well established families who had served the Town for many years. Mr. Davenport indicated that Councilmember Paul should let people know that she was her own person and that she cared.

#### **4. PRESENTATIONS**

##### **4.1 Certificate of Achievement for Excellence in Financial Reporting**

Terry Sharpe, representing the Government Finance Officers Association, described the award. Budget and Finance Director Christopher Wallace and Deputy Budget and Finance Director Carol Menke accepted the award. Mr. Wallace recognized Ms. Menke and Administrative Secretary Cindy Hoxie, for their work on the project.

##### **4.2 Broward County School Board (Nova-Davie Zone Night)**

Fran Klauber, Broward County Schools Intergovernmental Relations Specialist, presented plaques to Mayor Venis, Vice-Mayor Cox, Councilmembers Bush, Paul and Weiner and Mr. Rawls. She mentioned the partnership agreement, explaining that both the Town and the County were working together for the children of Davie. Carole Andrews elaborated on the partnership agreement between businesses and the schools. She mentioned that the School Board had passed the agreement with the Town and Flamingo Elementary for the Boys and Girls Club.

##### **4.3 Davie/Cooper City Chamber of Commerce**

Peter Thompson, representing the Chamber, updated Council on the Chamber's efforts.

##### **4.4 Emergency Medical Services Report - Dr. Joe Nelson**

Dr. Nelson updated Council on the emergency medical services in the Town and discussed the two agency medical services system that Davie had been using. He indicated that as of April 1st, all EMS services in the Town would be assumed by the Town's Fire Department. Dr. Nelson stated that he had looked at many elements in the EMS system and gave an explanation of those elements to the Council. He discussed equipment, personnel, and training. Dr. Nelson indicated that the Town was in the final phase of preparation for assuming all EMS responsibilities. He stated that he had requested field training personnel and described what these additional personnel would be responsible for.

Councilmember Weiner thanked Dr. Nelson and asked whether additional field training personnel were to be hired. Dr. Nelson indicated that those duties would be assigned to existing personnel who would be interested in and qualified for those duties.

##### **4.5 Parks and Recreation Bond Issue Quarterly Report**

Mark Dornacker, Community Services Supervisor, provided a report on staff's efforts. Mayor Venis recommended that the quarterly reports provide a statement on each park in terms of what had been promised and what had been completed to date.

##### **4.6 Upcoming Special Events - Sharon Pierce-Kent and Bonnie Stafiej**

Mr. Dornacker stated that thanks to the Broward Cultural Arts Community Arts and Education Grants the Town, in partnership with Young at Art Children's Museum, would offer activities for young people for the next twelve weeks. He announced that upcoming events included: First Annual Elvis Night (February 12th) and traveling

team tryouts for ages 9-14 (February 8th). Mr. Dornacker added that he had spoken to a Police Athletic League representative and there were several teams that would be participating in Davie's sports programs. Vice-Mayor Cox added that the Community Services Department had provided some scholarships for children who were unable to pay the fees.

## **5. OCCUPATIONAL LICENSES**

### ***Home Occupational Licenses***

5.1 Vanishing Species, Incorporated, 1991 SW 136th Ave.

Barbara Harrod, representing the applicant, was present. She 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)

5.2 Waive Occupational License Fee for Sidewalk Sales during the Orange Blossom Festival Parade and the WestFair events (February 27 to March 7, 1999)

Mayor Venis stated that the Council needed to waive the fees for sidewalk sales during the Orange Blossom Parade and Westfair events.

Councilmember Paul made a motion to waive the fee, 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)

### ***Carnival - Waiver of Occupational License Fee***

5.3 St. Bernadette Church, 7450 Stirling Road (February 11 - 14, 1999)

Richard Cohen, representing the applicant, was present.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to waive the fee. 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)

9.26 Mayor Venis stated that he had previously advised the residents that the Town would meet with them on the wetlands mitigation area. He asked that this item be tabled to the next meeting to allow representatives to meet with the residents on the mitigation area.

Barbara Hall, representing Westbrook Communities, was present and stated that a two week deferral would be acceptable. Vice-Mayor Cox questioned Ms. Hall about the establishment of a rookery surrounded by water in the mitigation area. Ms. Hall stated that

she would talk to the environmental consultants during the two-week deferral to determine whether it was possible to do that. Vice-Mayor Cox asked that Ms. Hall report back to her on that issue.

Mayor Venis announced that item 10.1 needed to be tabled to March 3, 1999.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to table. 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 11.9 needed to be tabled until March 17, 1999

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to table. 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 9.26 and 11.10 needed to be tabled to February 17, 1999.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to table. 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 11.11 and 11.12 needed to be tabled to March 3, 1999.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to table. 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 11.13 needed to be tabled to March 17, 1999.

Councilmember Weiner made a motion, seconded by Councilmember Paul to table. 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 11.14, 11.15, and 11.16 had been withdrawn.

## **6. MAYOR/COUNCILMEMBER COMMENTS**

### **COUNCILMEMBER BUSH**

**COWBOY COW PASTURE GOLF CLASSIC.** Councilmember Bush stated that he enjoyed playing in the first annual Cowboy Cow Pasture Golf Classic. He commended staff for the golf course at the Robbins property without damaging the property.

### **VICE-MAYOR COX**

**MORT MEYERS.** Vice-Mayor Cox stated that several individuals had contacted her requesting that the Town honor Mort Meyers. She suggested naming the community room at the new police/fire/EMS facility after Mr. Meyers and asked for other suggestions.

**COWBOY COW PASTURE GOLF CLASSIC.** Vice-Mayor Cox thanked everyone who participated in the Cowboy Cow Pasture Golf Classic which she discussed. She thanked Councilmember Paul for playing on her team and Councilmember Bush for participating with three broken ribs. Vice-Mayor Cox advised that the Bergeron team won the tournament and everyone had a great time.

**COMMENTS TO MR. PISULA.** Vice-Mayor Cox responded to Mr. Pisula's remarks regarding placing an issue on marijuana on a ballot by drawing an analogy and asking if the residents wanted to put a question of "do you want to pay taxes?" on the ballot.

**BOYS AND GIRLS CLUB AGREEMENT.** Vice-Mayor Cox thanked the School Board for passing the Boys and Girls Club agreement at the Flamingo Elementary School.

**STAFF MEMO.** Vice-Mayor Cox addressed the issue of the memo circulating around town regarding comments made by Councilmember Weiner about his general orientation toward women and his plans for Vice-Mayor Cox. She said that the public needed to be aware of these plans and added that she had difficulty comprehending his orientation and his comments. Vice-Mayor Cox could not believe that in this day and age, people would be dealing with someone who thought that women were warm and nurturing and that men were analytical. She was sure that many union members did not consider her warm and nurturing and indicated that she was disturbed about his comments that he "would be watching everything that I did and that he was going to go after me". Vice-Mayor Cox added that if "my car blows up, my house burns down, or you get some weird cartoon in your mailbox that doesn't have any kind of identifying marks on it like it did at the last election, I think you'll have an explanation what all that's about." She hoped that they could move forward. Vice-Mayor Cox said she was very disturbed about the report that came through the Personnel Division and hoped that in the future, Councilmember Weiner would restrain his remarks to staff members and adhere to the non-interference policy that Council had passed.

### **COUNCILMEMBER WEINER**

**STAFF MEMO.** Councilmember Weiner expressed his true hope that in this day and age when people read something, they would look at the language and see whether or not it really fit the person that was saying it about, read it in context, and also read it to see if something was put down on paper out of context and not necessarily attributed. He added that Vice Mayor Cox and him could not talk outside of these meetings about issues that come up in front of the Council and she did not know if issues on paper were accurate. Councilmember Weiner said that he was not going to say that the person who wrote the memo, which he was made privy to earlier this week, misrepresented things and he was not looking to get the employee in trouble. He said that his and her recollection

of the conversation differ greatly. The issues that were discussed in the memo were discussed, but the words that were used and the way it was characterized, did not really fit the conversation that was had. There were discrepancies and he had concerns, as Vice Mayor Cox pointed out at the last meeting, about the employment of one of the department heads, whether it was true or not, he was only telling someone the rumors that were heard which he hoped were not true. Councilmember Weiner stated that he would not address the rest of the conversation, adding that he along with Vice-Mayor Cox wanted to move forward. He remarked that he hoped in the future, when Vice-Mayor Cox read things and if she saw that maybe some of things did not make sense in the way it was written, he would appreciate the benefit of the doubt.

### **COUNCILMEMBER PAUL**

**RANDOM ACT OF KINDNESS PROGRAM.** Councilmember Paul requested that a presentation for Random Acts of Kindness be placed on the next agenda. She mentioned that Robert Longstreet, who was to receive the award at tonight's meeting, had to leave and she explained that he had stopped his car to take a turtle out of the road and put him in the canal. Councilmember Paul advised that another gentleman, John Paul, had found a wallet with a substantial amount of money in it and turned it over to the Police Department. She said that a certificate would be mailed to Mr. Paul.

**ETHICS CODE.** Councilmember Paul expressed her thanks to Mr. Truex for his comments on the ethics code, stating that she thought it was a good idea and that she would be willing to sit down with him at some point and try to develop something.

**CELL TOWER.** Councilmember Paul commented that she thought all the Councilmembers should take a trip out to the storage facility at 136th Avenue and State Road 84 to view the cell tower on top of the billboard. She thought it was larger than what had been represented and she thought a policy needed to be prepared regarding these towers.

**THANKS.** Councilmember Paul complimented staff for providing more information in the Council packet. She thanked staff for the golf tournament and Bill Laystrom for being a leader in the tournament. Councilmember Paul thanked the Police Department for ticketing the speeders in the Oak Hill area.

**INFORMAL MEETING.** Councilmember Paul announced that on March 23rd, she would be holding an informal meeting with members of District 4 at the Ivanhoe Community Room.

**STAFF MEMO.** Councilmember Paul stated that she was hurt in the sense that any animosity individuals might have was a reflection of the entire Town. She said that personal feelings needed to be put behind everyone and everyone needed to try to work together to move forward.

### **MAYOR VENIS**

**SPEEDY RECOVERY.** Mayor Venis wished his wife, Audrey, a speedy recovery from being sick.

**CHANGE OF ORDER.** Mayor Venis made mention of the fact that he had changed the order of Council comments in order of districts which he thought was a good concept. He suggested that district plaques be ordered and placed under each Councilmembers name.

**HOMEOWNERS MEETINGS.** Mayor Venis stated that he would be at the Orange Park Homeowners meeting on February 25th and the Pine Island Lakes Homeowners Association meeting on February 11th. He added that he would be attending the Community Services Department meeting for Waverly Hundred and Waterford Parks on February 8th and on February 9th, he would be at Potters Park regarding the workshop on that park.

**MORT MEYERS.** Mayor Venis mentioned that he had been receiving correspondence asking that Mr. Meyers be honored in an appropriate manner.

**LIBRARY MEETINGS.** Mayor Venis stated that the Cultural Affairs Arts Design Program had asked that a representative attend meetings regarding the process to select an artist for the future Davie Branch Library which he would be attending. He advised that his wife was on the Library Board and questioned if there would be a conflict which Mr. Webber indicated that he would have to look into.

**REPRESENTATIVE TRACY STAFFORD.** Mayor Venis advised that he had a met with Representative Stafford to discuss the surcharge legislation, the Young at Arts Museum, and adding a seat to the Education Research and Training Authority.

**CHANNEL 10 INTERVIEW.** Mayor Venis stated that on February 8th, he would be on Channel 10 News

to highlight the Town.

**FUNDRAISER.** Mayor Venis stated that as part of an ongoing fundraiser, University Car Wash had provided tickets for individuals to use when services were purchased. The individual's card would be entered into a computer with 10% of the proceeds being provided to a specific organization. He thanked Mr. Snyder for participating.

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

**DEVELOPMENT SERVICES DIRECTOR.** Mr. Rawls introduced Mark Kutney who had been hired as the new Development Services Director. He asked for Council's confirmation on this appointment. Mr. Kutney indicated that he was looking forward to undertaking the challenges of the Town and hoped to be a significant contribution to the Town.

After a brief discussion, Vice-Mayor Cox made a motion, seconded by Councilmember Paul, to approve Mr. Rawls' appointment [of Mark Kutney]. 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)

Mr. Rawls indicated that Mr. Kutney would be starting on February 16th.

## **8. TOWN ATTORNEY'S COMMENTS**

**LITIGATION.** Mr. Webber stated that the judge had ruled that the Town had to issue an occupational license to Teen Challenge; however, a written order had not been received. Once the order had been received, he would be requesting an Executive Session to discuss the litigation.

Mr. Webber provided an update on litigation in which the Town was involved: Bar-B-Ranch; Joseph Orendello; 142nd Avenue; Chapter 175 and 185 funds and Discount Auto Parts.

**VENDORS.** Mr. Webber indicated that Councilmember Weiner had questioned if the Town could create and enforce Codes that would make the streets safer concerning vendors. He advised that he thought an amendment could be created which would provide greater flexibility on the Town's part and asked for Council direction. Councilmember Weiner suggested that vendors be restricted where vendors were in the intersection. There were no objections from Council.

**ASSESSMENT RESOLUTION.** Mr. Webber advised that Councilmember Weiner had also requested that there be one EMS assessment resolution that would incorporate all subsequent annexations. Mr. Webber indicated that he had looked into this issue and it appeared that this could not be done as there were notice requirements.

## **9. CONSENT AGENDA**

### *Minutes*

9.1 January 6, 1999 - Regular Meeting

### *Proclamation*

9.2 Engineers' Week (February 21-27, 1999)

### *Parade Permits/5 K Run*

9.3 Davie/Cooper City Chamber of Commerce (Parade; February 27, 1999)

9.4 Boys & Girls Clubs of Broward (5 K Stampede; March 6, 1999)

### *Resolutions*

9.5 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-99-29 THE BIDS FOR TRUCKS, STATE OF FLORIDA BID #070-001-99-1. (Kaiser Pontiac Buick GMC Truck, Inc. - \$20,148)

9.6 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-99-30 THE BID FOR AN AIR COMPRESSOR SYSTEM, CITY OF STUART BID NO. 98-13. (United Compressor, Inc. - \$26,274.05)

9.7 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING

R-99-31 THE BID FOR STREET TREE PROGRAM. (Siga, Inc.; to supply and install trees in the swale areas of public roadways)

9.8 **BID EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-32 EXTENDING THE BID FOR HORTICULTURAL CHEMICALS.

9.9 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-33 APPROVING THE SPECIAL MASTER'S RECOMMENDATION FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 91-165 FROM \$82,600 IN AMOUNT TO \$2,000; AND PROVIDING AN EFFECTIVE DATE. (formerly owned by Jon-Anthony Elliott)

9.10 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-34 APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 95-376 FROM \$7,500 IN AMOUNT TO \$1,000; AND PROVIDING AN EFFECTIVE DATE. (formerly owned by Joseph L. and Barbara J. Elliott)

9.11 **FUNDING APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-35 AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND APPROPRIATE STAFF TO SUBMIT AN APPLICATION FOR FUNDING FOR THE 1998/1999 "DAVIE DAZE PLUS", SUMMER ACTIVITY PROGRAM ADMINISTERED BY THE BROWARD COUNTY HUMAN SERVICES DEPARTMENT, CHILDREN'S SERVICES ADMINISTRATION DIVISION IN THE AMOUNT OF \$50,000.00. (Town to provide 12.5% match)

9.12 **FUNDING APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-36 AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND APPROPRIATE STAFF TO SUBMIT AN APPLICATION FOR FUNDING FOR THE 1998/1999 DROWNING PREVENTION PROGRAM ADMINISTERED BY THE BROWARD COUNTY HUMAN SERVICES DEPARTMENT, CHILDREN'S SERVICES ADMINISTRATION DIVISION IN THE AMOUNT OF \$50,000.00. (Town to provide 12.5% match)

9.13 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-37 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND BROWARD COMMUNITY COLLEGE FOR COMMUNITY ORIENTED POLICE OFFICERS. (50% federal grant; 50% Broward Community College)

9.14 **RENTAL AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-38 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A RENTAL AGREEMENT WITH PEAK PERFORMANCE SWIM CAMP FROM MARCH 19, 1999 TO APRIL 9, 1999 FROM 8:00 A.M. TO 12:00 NOON AND FROM 4:00 P.M. TO 8:00 P.M. AT THE PINE ISLAND COMMUNITY CENTER POOL. (rental fee of \$7,920)

9.15 **SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-39 APPROVING THE KEN PLAZA II PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 10-2-98, Griffin Road approximately 1,000 feet west of State Road 7) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

9.16 **SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-40 APPROVING THE STAMILE BROS. TRUCK PARTS INC. INDUSTRIAL PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 10-5-98, 3940 SW 47 Avenue) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject*

*to the planning report*

**9.17 PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-41 AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "ST. DAVID CHURCH PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 1-1-99, 3900 South University Drive)

**9.18 PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-42 AUTHORIZING A REVISION TO THE NON - VEHICULAR ACCESS LINES AND AN ACCESS OPENING ON PARCEL "A" OF THE "ICW NORTH PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 1-2-99, 15885 Pointe West Drive)

**9.19 PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-43 AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "ICW NORTH PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 1-3-99, 15885 Pointe West Drive)

**9.20 PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-44 AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "RIVIERA COMMERCIAL PARK NORTH PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 1-4-99, 3405 North University Drive)

**9.21 LIEN SUBORDINATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-45 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. (Oakes Road Grant Partnership)

**9.22 POLICY** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING A POLICY FOR ENFORCEMENT OF SITE PLAN RELATED AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE.

**9.23 RECYCLING GRANT FUNDS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-46 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, FLORIDA FOR ELEVENTH YEAR RECYCLING GRANT FUNDS. (\$14,048 with no match requirements)

**9.24 PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-47 AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "HOLY SACRAMENT PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 1-5-99, 2801 North University Drive)

**9.25 TELEPHONE EQUIPMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-48 FLORIDA, FOR PURCHASING, INSTALLING AND SERVICING TELEPHONE EQUIPMENT FOR THE NEW PUBLIC SAFETY BUILDINGS, PIGGYBACKING ON THE EXISTING BROWARD COUNTY AGREEMENT #RX91T00001001, AT THE SAME UNIT COST RATES. (not to exceed \$190,000 over a period of five years)

**9.26 AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXECUTION AND IMPLEMENTATION OF AN AGREEMENT TO DEDICATE LANDS BETWEEN THE TOWN OF DAVIE AND THE WESTBROOKE COMMUNITIES, INC.; PROVIDING FOR CONVEYANCE OF WETLAND MITIGATION LANDS TO THE TOWN OF DAVIE; AND PROVIDING AN EFFECTIVE DATE.

**9.27 CREATING A CLASS SPECIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-49 DAVIE, FLORIDA, CREATING THE CLASS SPECIFICATION FOR PROJECT MANAGER IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN TO BE IN ACCORDANCE WITH

## THE AMERICANS WITH DISABILITIES ACT.

**9.28 CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-50 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH DAVID M. GRIFFITH AND ASSOCIATES LTD. FOR DEVELOPMENT AND IMPLEMENTATION OF A PERSONNEL MANAGEMENT STUDY OF THE COMMUNITY SERVICES DEPARTMENT PIGGYBACKING THE STATE OF FLORIDA CONTRACT AND AUTHORIZING AN APPROPRIATION OF UP TO \$27,500 FROM THE FY99 GENERAL FUND BUDGET CONTINGENCY ACCOUNT TO PAY FOR THE PERSONNEL MANAGEMENT STUDY.

Vice-Mayor Cox asked that item 9.28 be removed from the Consent Agenda. Councilmember Weiner asked that items 9.1 and 9.20 be removed. Mr. Webber asked that item 9.22 be removed. Gayle Easterling, Planning and Zoning Manager, asked that item 9.19 be removed for clarification.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to approve the Consent Agenda without items 9.1, 9.19, 9.20, 9.22, and 9.28. 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)

9.1 Councilmember Weiner advised that the comments made by Terry Santini, Vice-Mayor Cox and him regarding the Sunshine Law were absent from the minutes. Town Clerk Reinfeld indicated that she would need to review the tapes.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to table item 9.1 to February 17, 1999. 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)

9.19 Ms. Easterling stated that the applicant was requesting a minor change to the proposed note and indicated that the change would read, "Parcels A, C, G, deleting B and D," leaving the remainder of the note unchanged.

Councilmember Weiner requested that Council receive copies of existing restrictive notes when they were to be considered so that it could see what the actual note said. Ms. Easterling indicated that the recorded plat would have the original plat note but if there had been subsequent amendments, the note on the plat might not be the note on record with the County. Councilmember Weiner stated that the Town would have the amended restricted notes coming to Council at some point which Ms. Easterling agreed with.

Vice-Mayor Cox 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)

**9.20** Councilmember Weiner expressed concern over changing the use of this piece of property. Ms. Easterling stated that a site plan had recently been approved by the Site Plan Committee and Council that provided for basic office uses, a soccer club, and some small percentage of retail usage. She mentioned that this note was implementing that site plan. After a brief discussion, Councilmember Weiner asked Ms. Easterling to reference recent site plan implementations if possible.

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)

9.22 Mr. Webber advised that Ms. Easterling had some concerns with this resolution and asked that it be tabled to the next meeting.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to table [to February 17, 1999]. 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)

**9.28** Vice-Mayor Cox stated that the contract did not provide for volunteer groups which she would like to see incorporated. Mr. Rawls indicated that volunteer groups had always been part of discussions and he would

reiterate this when meetings were held.

Councilmember Paul mentioned that she had had a discussion with Mr. Rawls with regard to the need for this type of a study and he had indicated to her that he was able to bring the cost down substantially in terms of the consulting fee. She agreed that there was a need for the study and felt that the consultant's fee was a well spent expenditure.

Vice-Mayor Cox 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)

## **10. PUBLIC HEARINGS**

Mayor Venis opened the public hearing portion of the meeting.

### ***Ordinances - First Reading (Public Hearing to be held February 17, 1999)***

10.1 STAFF REQUESTING A TABLING TO MARCH 3, 1999

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12-388 OF THE TOWN CODE BY AMENDING SUBSECTION (A)(1) CONCERNING FRONT SETBACKS, SUBSECTION (C) CONCERNING COVERED BOARDWALKS, AND ADDING A NEW SUBSECTION (J) CONCERNING MINIMUM FRONT WALL HEIGHT IN THE WESTERN THEME DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from January 20, 1999)

This item was tabled earlier in the meeting.

Mayor Venis advised that a public hearing on items 10.2, 10.3 and 10.4 would be held on February 17, 1999.

**10.2 UTILITY EASEMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A UTILITY EASEMENT FROM THE TOWN OF DAVIE, AND PROVIDING AN EFFECTIVE DATE. (VA 4-2-97, 13900 State Road 84)

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.

Mr. Rawls explained the ordinance.

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 - out of room; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

**10.3 VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR WESTPARK BOULEVARD ADJACENT TO THE WESTPARK - WEST PARCEL PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 4-2-97, 13900 State Road 84)

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 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 - out of room; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

**10.4 ROAD TRANSFER AGREEMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXECUTION AND IMPLEMENTATION OF A ROAD TRANSFER AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE TOWN OF DAVIE CONCERNING REESE ROAD; PROVIDING FOR CONVEYANCE BY THE DEPARTMENT OF TRANSPORTATION AND ACCEPTANCE BY THE TOWN OF DAVIE OF CERTAIN LANDS; PROVIDING FOR SEVERABILITY; AND PROVIDING 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 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 - out of room; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

## **11. PUBLIC HEARINGS**

Mayor Venis opened the public hearing portion of the meeting.

### ***Ordinances - Second and Final Reading***

**11.1 REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 99-3 CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG (AGRICULTURE DISTRICT) TO BP (BUSINESS PARK DISTRICT); AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 9-2-98, 3550 Weston Road) (tabled from January 20, 1999)

Town Clerk Reinfeld read the ordinance by title.

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

Dennis Mele, representing the applicant, was present.

Mayor Venis closed the public hearing.

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 - out of room; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

**11.2 REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 99-4 CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM MH-5 (MOBILE HOME RESIDENTIAL) TO A-1 (AGRICULTURAL DISTRICT); AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 10-4-98, 4800 SW 76 Avenue)

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 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 - out of room; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

**11.3 VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 99-5 VACATING A PORTION OF 12 FOOT DRAINAGE EASEMENT LOCATED WITHIN THE STIRLING-DYKES PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 10-1-98, 15898 Stirling Road)

Town Clerk Reinfeld read the ordinance by title.

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

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 - out of room; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

**11.4 CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, 99-6 FLORIDA, AMENDING THE TOWN CODE BY AMENDING SECTION 12-40, ENTITLED "NON-CONFORMING USES OF BUILDINGS, STRUCTURES AND PREMISES" BY ADDING THERETO SUBSECTION 12-40(6); PROVIDING FOR RECONSTRUCTION IN CERTAIN CASES OF NON-CONFORMING MULTI-FAMILY RESIDENTIAL PREMISES OF NO LESS THAN 10 ACRES IN

SIZE; PROVIDING CONDITIONS FOR RECONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Ms. Reinfeld read the item into the record.

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

Jay Stahl, 5801 Surrey Circle West, stated that he was happy to see this Code amendment as opposed to the RM-22 change.

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

#### *Quasi Judicial Matters*

11.5 **VARIANCE** - V 5-3-98, Felicella, P.E./Viele, 6900 Griffin Road (A-1) (to reduce the required setback from 25 feet to 5.5 feet and to reduce the required street landscape buffer from 20 feet to 5.5 feet; to increase the allowable height of a freestanding sign from 15 feet to 20 feet and to reduce the required setback for a freestanding sign, from a distance equal to the height of the sign, to 5 feet) (tabled from November 18, 1998) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended denial*

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Ms. Easterling advised that because of her experience, education and certification, she was qualified as a witness on behalf of the Town. She read the planning report.

Don Felicella, the petitioner, explained the rezoning.

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

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

Sarah Wunderlick, 4741 SW 72 Avenue,

Jane Radanoff, 4747 SW 72 Avenue.

Roy Radanoff, 4747 SW 72 Avenue.

Mr. Webber stated that the hearing was concluded.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to deny. 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)

11.6 **VARIANCE** - V 9-3-98, Nova Southeastern University, Inc., 3301 College Avenue (CF) (to increase the allowable building height from 35 to 85 feet) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Town Clerk Reinfeld swore in the witnesses. Mr. Webber advised that it appeared that only the petitioner was in attendance with regard to this matter. Ms. Easterling summarized the planning report.

John Santulli, representing the petitioner, explained the variance.

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

Mr. Webber stated that the hearing was concluded.

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)

11.7 **VARIANCE** - V 11-1-98, Home Depot, 15885 Pointe West Drive (BP) (to reduce the landscape median width for head to head parking from 10 feet to 0 feet) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report*

Town Clerk Reinfeld swore in the witnesses. Mr. Webber advised that it appeared that only the petitioner was in attendance with regard to this matter. Ms. Easterling summarized the planning report.

Dennis Mele, representing the petitioner, explained the variance.

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

Mr. Webber stated that the hearing was concluded.

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)

**11.8 VARIANCE - V 12-1-98, Bucci, 4345 S 74 Terrace (R-3) (to reduce the required front yard from 30 feet to 25 feet and to reduce the required rear yard from 30 feet to 20 feet) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval***

Town Clerk Reinfeld swore in the witnesses. Mr. Webber advised that it appeared that only the petitioner was in attendance with regard to this matter. Ms. Easterling summarized the planning report.

Patrick Bucci, the petitioner, was present.

Mr. Webber stated that the hearing was concluded.

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)

*Items to be tabled*

**11.9 AS COUNCIL TABLED FIRST READING OF THE ORDINANCE TO FEBRUARY 3, 1999 AND STAFF IS REQUESTING A TABLING OF THE FIRST READING TO MARCH 3, 1999; SECOND READING WILL NEED TO BE TABLED TO MARCH 17, 1999**

***Ordinance - Second and Final Reading***

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12-388 OF THE TOWN CODE BY AMENDING SUBSECTION (A)(1) CONCERNING FRONT SETBACKS, SUBSECTION (C) CONCERNING COVERED BOARDWALKS, AND ADDING A NEW SUBSECTION (J) CONCERNING MINIMUM FRONT WALL HEIGHT IN THE WESTERN THEME DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

**11.10 LOCAL PLANNING AGENCY TABLED TO FEBRUARY 10, 1999; STAFF REQUESTING A TABLING TO FEBRUARY 17, 1999**

LAND USE PLAN AMENDMENT - LABC 99-3A, Caesar/list of property owners on file in Town Clerk's Office, north side of Stirling Road, east side of SW 82nd Avenue, south side of Griffin Road and west side of University Drive (from Residential (3 du/ac), Residential (5 du/ac) and Community Facility to Residential (10 du/ac)) (tabled from January 20, 1999)

This item was tabled earlier in the meeting.

**11.11 PLANNING AND ZONING BOARD TABLED TO FEBRUARY 10, 1999; STAFF REQUESTING A TABLING TO MARCH 3, 1999**

REZONING - ZB 3-1-98, Bugbee, 4710 SW 72 Avenue (from B-1 and R-3 to B-2) (tabled from November 18, 1998)

This item was tabled earlier in the meeting.

**11.12 PLANNING AND ZONING BOARD TABLED TO FEBRUARY 10, 1999; STAFF REQUESTING A TABLING TO MARCH 3, 1999**

VARIANCE - V 3-2-98, Bugbee, 4710 SW 72 Avenue (tabled from November 18, 1998)

This item was tabled earlier in the meeting.

**11.13 PLANNING AND ZONING BOARD TABLED TO FEBRUARY 24, 1999; STAFF REQUESTING A TABLING TO MARCH 17, 1999**

REZONING - ZB 9-1-98, REG-A Corporation, southeast corner of Griffin Road and SW 78 Avenue (from B-1 to B-2)

This item was tabled earlier in the meeting.

**11.14 WITHDRAWN BY PETITIONER**

REZONING - ZB 10-2-98, Associated Engineers of South Florida, Inc./ADT Automotive, Inc., 5353 State Road

7 (from B-3 to C-1) (tabled from December 1, 1998)

This item was tabled earlier in the meeting.

#### 11.15 WITHDRAWN BY PETITIONER

VARIANCE - V 10-5-98, Tsanos/Cumberland Farms, Inc., 12500 State Road 84 (B2, County) (to reduce the required parking from 55 to 20 spaces)

This item was tabled earlier in the meeting.

#### 11.16 WITHDRAWN BY PETITIONER

VARIANCE - V 10-6-98, Miller Legg & Associates/B.G. Pine Island Corp., 8501 Orange Drive (B-2) (to reduce the required separation from 250 to 0 feet to the north and 250 feet to 100 feet to the east) (tabled from January 6, 1999)

This item was tabled earlier in the meeting.

### 12. SITE PLANS

12.1 SP 11-2-98, Home Depot/Pointe West Commerce Center, northwest corner of Griffin Road and Weston Road (BP) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report recommendations "A" through "L"; with "A" being changed to S Tile of orange color replacing the metal roofing; with item "C" being subject to Engineering's approval of the modifications; and with the roll-up door colors being changed from orange to beige*

Dennis Mele, representing the petitioner, was present. Ms. Easterling read the planning report.

Mr. Mele explained the request with Vice-Mayor Cox explaining the bridle path.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve subject to the resolution of the trail issue and a revisitation by the Site Plan Committee of its approval. 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)

12.2 SP 11-3-98, Sun Trust Bank - Martin Square Branch, 4400 Weston Road (BP) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report*

An unidentified man, representing the petitioner was present. Ms. Easterling read the planning report.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve subject to the Site Plan Committee approving the revised recommendations from the Planning and Zoning Division. 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)

### 13. APPOINTMENTS

13.1 Education Research and Training Authority

Councilmember Paul recommended Kathy Morris, Flamingo Elementary School principal, as her background and her involvement in the community would make her an excellent choice. Councilmember Weiner mentioned that the Town Clerk's Office had resumes on file for individuals interested in being appointed to committees and asked if anyone had shown an interest in this Authority. Town Clerk Reinfeld responded that no one had indicated an interest.

Councilmember Bush stated that he was a little concerned about this board as he had been told that the Authority had not met since April. He questioned Mr. Webber as to whether it was still a legal entity. Mr. Webber indicated that it had been created by an act of the legislature and the legislative act was still in existence so the committee was still in existence although quite inactive. Mayor Venis stated that he had spoken to Representative Stafford on this issue and Representative Stafford wanted this Authority to get up and running. Councilmember Bush suggested that the Authority hold a meeting before the Council made an appointment.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to table the appointment until the March 17, 1999, keeping in mind Councilmember Paul's nomination of Kathy Morris. 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)

### 13.2 Davie Water Advisory Board

Vice-Mayor Cox appointed Dan Lavrich. Councilmember Bush appointed Patricia Filipak. Mayor Venis deferred his appointments at the next meeting.

## 14. OLD BUSINESS

There was no old business.

## 15. NEW BUSINESS

### 15.1 Youth Advisory Board

Vice-Mayor Cox stated that she had wanted to create a Board but there had been some reluctance to create another board because of the costs involved. She indicated that after speaking with parents and educators, she was of the impression that the students would be more interested if it were a standing board.

Vice-Mayor Cox advised that she had asked Mr. Webber to draft a resolution to create a regular board which would be subject to the Sunshine Law and to all the constraints of a standing board in an effort to promote education about how government works. She distributed copies of the resolution, commenting that there were still some issues to be worked out. Vice-Mayor Cox stated that she wanted to get a good cross-section from all the schools that Davie children go to. She advised that Hawkes Bluff Elementary School and Fox Trail would be added to the list and added that the Board would consist of fifth grade and higher. Because it appeared that the committee would be so large, Vice-Mayor Cox suggested that perhaps do sub-committees or possibly grade level committees could be created.

Mayor Venis suggested that Council review the resolution for discussion at the next meeting.

Councilmember Paul stated that she thought it was a great idea and suggested that it could be set up as two committees, one as an elementary and the other as middle and high schools. She suggested that the board be experimental for one year and after that let it go beyond the park facilities, which was the initial point of interest. Councilmember Paul went on to state that she felt that this was an excellent way to get the students of Davie involved in their community. She agreed with Vice-Mayor Cox that making the board regular board subject to all the rules and regulations was a good idea.

Councilmember Bush brought up the idea of entering into some type of public/private partnership with the educational community which would avoid creating a standing committee. Councilmember Weiner agreed with Councilmember Bush in that if someone else created the committee, there would be nothing preventing the Board from submitting a recommendation to Council.

Councilmember Paul suggested that each school implement a committee in their own student government organizations and then have each of those committees send one representative to the advisory board. She also commented that there would be more representation from elementary schools because there were more elementary schools and that would have to be accounted for in some way. Vice-Mayor Cox said her only reservation of doing it that way was that you lose the actual educational part of participating within the structure, such as the education about Sunshine Law issues, the financial disclosure, and what could and could not be done. Councilmember Paul responded that they would still get that facet of the system, it would just decrease the number of members. She also mentioned that it would be each representative's responsibility to go back to their school and report on what had happened at the meeting, thereby educating the rest of the committee at the school. Councilmember Weiner added that there was no reason they could not voluntarily comply with the Sunshine Law and the disclosure laws. Mayor Venis remarked that with children on the board, he felt that they would provide a lot of good input. He suggested that down-scaling the board would be a little more effective and a little more efficient than it could be operating as a standing Town board even though it would not be one.

## 15. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 10:55 p.m.



