

**TOWN COUNCIL
REGULAR MEETING
APRIL 21, 1999**

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

3. PRESENTATIONS.

3.1 National Fair Housing Month

Shirley Taylor-Prekalt, Housing and Community Development Coordinator, described Fair Housing Month and why it was being celebrated. She introduced Linda Kelly Kearson, representing the U.S. Department of Housing and Urban Development, and Bill Thompson, Executive Director of HOPE, INC. Mayor Venis presented proclamations to Ms. Kelly Kearson and Mr. Thompson.

3.2 Siena Koncsol, Spelling "B" Winner

Councilmember Paul introduced Siena Koncsol from Indian Ridge Middle School winner of the Herald Spelling "B" and announced she was on her way to Washington, D.C. to participate in the National Spelling "B". She presented Ms. Koncsol with a Certificate of Recognition.

3.3 Girls Jaguar Soccer team of Indian Ridge Middle School

Mayor Venis presented the team with a Certificate of Recognition for their outstanding success in winning the 1999 District Soccer Championship.

3.4 BAHAI'S of Davie

Helen Bush, representing the BAHAI'S of Davie, presented Council with a booklet called "Two Wings of a Bird - The Equality of Men and Women", issued by the National Spiritual Assembly of the BAHAI'S of the United States. It urged people everywhere to promote true equality of the sexes on the grounds that inequality itself retards the progress of civilization.

3.5 First Annual Orange Blossom Cowboy Golf Tournament

Councilmember Cox indicated that the golf tournament was held in February and presented checks for \$1,504.05 each to the Davie School Foundation and to the EASE Foundation. She expressed thanks to the merchants and the people who participated in the event. Linda Owen, representing the EASE Foundation, and Mary Delborella, representing the Davie School Foundation, provided updates with regard to the activities of their organizations.

3.6 David Notman, Engineering Inspector - Five years.
Mayor Venis presented Mr. Notman with a service award.

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3.7 Service Award – Dwight Parrett, Field Customer Service – Five years
Mayor Venis presented Mr. Parrett with a service award.

3.8 Town of Davie/Memorial Hospital Health Education Partnership
This item was to be rescheduled.

3.9 Community Redevelopment Agency
Neal Kalis, Community Redevelopment Agency, Chair, updated Council on the Agency's efforts.

3.10 Comcast Construction Update

Cindy Stoddard announced that next week, Comcast would officially begin the rebuilding and construction of the new cable system, which meant the existing cable of 400 MHz would be taken to a minimum of 750 MHz. She explained that construction would begin on Nova Drive along side the old cable. Ms. Stoddard indicated that construction was expected to be relatively seamless and different areas would be activated as construction progressed.

Ms. Stoddard noted that as part of the communications efforts, Comcast would be going to various communities and providing them with door hangers. Newsletters would be distributed. She added that Comcast had also ordered a dedicated line which would be programmed on a daily basis with information on the rebuild.

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

Sharon Pierce-Kent announced that the Lange Park playground equipment had been installed and was ready for use. She indicated that the equipment was purchased with the parks bond monies and was the first project to be completed.

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: registration for the indoor youth basketball program (ages 7 through 16); summer programs at various sites; an eight-week Pine Island Adventure Camp; a summer teen program at Indian Ridge Middle School; and a youth sports fund-raising day (May 22, 1999).

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Family Bike Rally and Festival (May 8, 1999); Concert in the Park (May 16, 1999); Boy Scouts Memorial Day events (May 25, 1999); and the July 4th Craft Show.

3.12 Reese Road Update

Mr. Rawls advised that Mr. Webber had obtained a signed document from the State that clearly established the State's and Town's interest in the property. He indicated he had meetings scheduled for next week with the two parties who would be exchanging rights-of-way and was hopeful that a transfer document would be available by the next meeting. With regard to building the roadway, Mr. Rawls further indicated funds had been received from the State and staff was looking to receive monies from Broward County for its share of that project. He noted that the Town had advanced the project and bids were due on May 25, 1999. Mayor Venis requested that Mr. Rawls send a comprehensive letter to Everglades Mobile Home Community providing an update on this issue.

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3.13 Semi-Annual Financial Report

Budget and Finance Director Christopher Wallace presented a overview of the Town's finances for the six months ending March 31, 1999. He advised overall, revenues were slightly ahead of projections and expenditures were below what had been anticipated. It was anticipated to finish the year as budgeted. Mr. Wallace advised for the next several months, development would be strong and the Town's growth was proceeding well ahead of the Comprehensive Plan forecast.

Mr. Wallace indicated that the glitch bill had been stalled in committee and noted that there did not seem to be objection to the bill; however, it appeared the Legislature was focusing on other issues. He stated that if the glitch bill did not come through, the Town would not receive approximately \$400,000 in revenue that was expected. He indicated that the pension items were contingent items, most of which should be resolved shortly; however, since they were still outstanding, they needed to be watched.

Mr. Wallace advised that the change in the State pension laws would cost the Town some money. He indicated that there was some concern with overtime and the appropriate departments would be dealing with this issue. Since the EMS activity had been accelerated and it was taken over sooner than expected, it was anticipated that the operating supplies for medicine and materials would exceed the budget but that should be offset by the additional transport revenue and personnel savings. The budget would be adjusted to accommodate the additional expenses.

Mr. Wallace stated that court time in the Police Department had been greatly reduced because of the administrative changes that had been implemented. Development Services was over budget in activities regarding personnel and inspections; however, the revenue would more than exceed the personnel costs. With regard to the \$500,000 in pension funds, Mr. Wallace indicated that these funds were essentially expected to be gone. He indicated that there were changes in assumptions. and the deficiency payment would be subject to the settlement. Mr. Wallace said that if there was money that should have been paid, it would be required to be caught up.

4. OCCUPATIONAL LICENSES

Home Occupational Licenses

4.1 Awesome Sports, 11301 SW 16 Street

Lynn Shaw, the applicant, was present. She confirmed this request was for phone and mail use only.

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

4.2 Bull Dog Computers, Inc. 4301 SW 102 Avenue

The applicant was not present. (This item was tabled to May 5, 1999 later in the meeting.)

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4.3 Grab A Snack, 13990 SW 24 Street

Mauricio Steinmann, the applicant, was present. He confirmed this request was for phone and mail use only. Mr. Steinmann verified there would be no storage of vending machines on his property.

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

Mayor Venis announced that items 8.4 and 8.28 were requested to be tabled until May 19, 1999.

Vice-Mayor Bush made a motion, seconded by Councilmember Cox, to table until May 19, 1999. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis advised that items 8.24 and 10.4 were withdrawn by staff.

Mayor Venis announced that items 10.3 and 10.5 were requested to be tabled until May 5, 1999.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to table until May 5, 1999. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis advised that item 14.6 would be added to the end of the agenda.

5. MAYOR/COUNCILMEMBER COMMENTS

VICE-MAYOR BUSH

Vice-Mayor Bush had no comments.

COUNCILMEMBER COX

DOWNTOWN AREA. Councilmember Cox congratulated the CRA and the downtown development people for their efforts in getting the changes underway. She acknowledged Shirley Taylor-Prekalt who, together with the CRA, had brought a new focus to the east areas. Councilmember Cox expressed her thanks to Ms. Taylor-Prekalt for bringing another dimension to the activity.

BIKE RALLY. Councilmember Cox encouraged everyone to participate in the event.

DEPARTMENT OF TRANSPORTATION (DOT). Councilmember Cox expressed concern with regard to the issue of the bridge at 90th Avenue and activities occurring on Orange Drive. She advised that DOT was planning to six-lane Griffin Road to 90th Avenue, and eventually to 100th Avenue in Cooper City. Councilmember Cox questioned how to deal with the commercial development on Griffin Road and expressed concern for DOT's plans to block Orange Drive at Nob Hill Road and at Pine Island Road. In addition, she advised that DOT planned to build crossover bridges at Pine Island Road and Nob Hill Road. Councilmember Cox indicated that this would eliminate the ability for the residents to take

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a scenic drive along Orange Drive and the canal or to participate in bike or horseback riding, walking or jogging without crossing four or five bridges with four to six lanes of traffic at each. She expressed her personal opposition to the plan and advised she and Mr. Rawls had met with DOT to request that they reconsider. Councilmember Cox felt their pleadings would go unheeded without more people from the Town voicing their objections. She suggested that Council ask officials in Cooper City to meet and discuss a plan. Councilmember Cox questioned the need for the bridges and advised that it would be in the best interests of the Town to request a joint meeting. She requested feedback from the community on this issue.

COUNCILMEMBER WEINER

ORANGE DRIVE. Councilmember Weiner concurred with Councilmember Cox's comments regarding Orange Drive.

MARK KUTNEY. Councilmember Weiner thanked Development Services Director Mark Kutney for the excellent job he did at his first meeting of the Davie Merchants Industrial Association.

MUNICIPAL ELECTION DATE CHANGE. Councilmember Weiner advised that he had the privilege of appearing at Cooper City's Commission meeting and indicated that Cooper City was interested in supporting the resolution recently adopted with regard to changing the municipal election dates. He further advised the resolution would be brought forward to the League of Cities for their support.

CRA. Councilmember Weiner stated that there was an item on the agenda regarding CRA's. He was hopeful that this item would be worked on by the County and its Administrator and that they would work with the cities.

RESCUE SYSTEM. Councilmember Weiner indicated that he was looking forward to the opening of the new station on Nob Hill Road and thanked the County for volunteering to come forward. He indicated that he was looking forward to resolving some minor issues with regard to implementation and the sharing of stations, as well as some suggestions and requirements made by the Town's Medical Director, Dr. Joe Nelson.

SOUTHERN SANITATION. Councilmember Weiner referenced a six-year garbage contract awarded approximately 1 year ago. Shortly thereafter, the Town embarked on a pilot program with Southern Sanitation and a survey had been conducted. Councilmember Weiner stated that 200 responses had been received indicating those residents were overwhelmingly in favor of the program for new garbage receptacles. He advised he was looking forward to meeting with Southern Sanitation to explore the possibilities, the costs and the savings that could be achieved by implementing that program.

JIM SMITH. Councilmember Weiner thanked everyone who attended the "celebration of Jim Smith's life."

COUNCILMEMBER PAUL

SECRETARY'S DAY. Councilmember Paul extended best wishes and appreciation to all the secretaries and noted that they should be honored every day for their hard work.

ORANGE DRIVE. Councilmember Paul concurred with the comments made by Councilmember Cox and congratulated Lisa Edmondson on the letter she sent to Cooper City Mayor Fardelman. She also thanked Mr. Kutney who met last week with the Agrerian Committee.

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IMAGINATIONS FARMS PROPERTY. Councilmember Paul indicated that a workshop would be held on April 22nd to discuss what would be done with the remainder of the Imagination Farms property. She stressed the importance of this meeting and urged as many residents as possible to attend the meeting.

SOUTHERN SANITATION. Councilmember Paul indicated that there were not as many positive responses to the survey from the residents in the western areas. She indicated that in reviewing this issue, it must be considered whether the project would be equally acceptable in all areas of the Town.

Councilmember Paul discussed her previous comments regarding an overcharge on the garbage bill and noted that Southern Sanitation had found an inadvertent billing error. She stated that Southern Sanitation had indicated that a reduction of 24¢ would be received in the next quarterly billing, however, it was not. Councilmember Paul indicated that she was reassured by staff and Southern Sanitation that the reduction would be forthcoming; however, she expressed a desire to have that assurance in writing from Southern Sanitation.

FORUM ON WATER NEEDS. Councilmember Paul announced a program which would be held in the Community Room on June 3, 1999 at 7:00 p.m. by the Nature Conservancy. The forum would discuss water needs for the future. She emphasized the importance of this issue and suggested that perhaps members of the Davie Water Advisory Board might be interested in attending.

MAYOR HARRY VENIS

WATER SURCHARGE ISSUE. Mayor Venis stated that Senator Howard Forman was sponsoring a bill to conduct a study on the surcharge issue. He noted he had met with all the State's Representatives as well as the Chair of the Public Service Commission and indicated that a commitment was made that the study would be conducted. Mayor Venis advised that he would be returning to Tallahassee in May to meet with Commissioner Garcia regarding the study. Mayor Venis thanked all the residents who participated in the petition drive, advising that the petitions had made a tremendous impact. He noted that the Town's Senator or State Representatives were supportive of the Public Service Commission preparing the study.

PLAT ISSUE. Mayor Venis stated that at the Broward County Commission meeting, a plat issue arose regarding water hook-up on a development off Flamingo Road. He requested that a follow-up with Commissioner Lori Parrish be conducted since there was a one-week time period to respond to the County's concerns on that plat. He requested that the Town's policy regarding plats and road construction be placed on the next Council agenda.

BUS TRANSIT SYSTEM. Mayor Venis advised that a meeting of the Metropolitan Planning Organization would be held in May in the Town to discuss the bus transit system. It was his feeling this could be hosted at Robbins Lodge and the dates would be forthcoming. Mayor Venis further noted that the Town would have its seat on the Organization in June.

GREEN ARROW. Mayor Venis requested that research be conducted on the feasibility of installing a green arrow on Flamingo Road by the Kapok Tree. Several calls had been received from residents regarding the difficulty in making that turn during heavy traffic.

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SHERIDAN STREET. Mayor Venis stated that a letter was received from Sheridan Glen Homeowners' Association regarding maintenance which was to be done by DOT at the northeast corner of Sheridan Street and I-75. He advised that work had not been completed and requested action be taken with regard to this matter.

FLORIDABOBCATS. Mayor Venis announced that the Town had received tickets for the Bobcats football game and had been given to the Davie Police Athletic League for distribution.

MULCH IN THE PLAYGROUND. Mayor Venis received a complaint from a youngster regarding mulch in the playground and indicated that the youngster preferred sand. He requested that a letter be written explaining the policy.

6. TOWN ADMINISTRATOR'S COMMENTS

GENERATIONS OF TASTE. Mr. Rawls announced that a fundraiser would be held by the Historical Society at the Old Davie School on April 23rd. He advised that the Generations of Taste would provide an opportunity to share and partake samplings from the Historical Society's New Generations of Home Cooking, a newly published cookbook. Mr. Rawls indicated that copies of the cookbook would be available.

MOTHER'S DAY. Mr. Rawls advised that an old-fashioned Mother's Day Tea would be held at the Old Davie School on May 9th and urged everyone to participate and wished them great success.

UPDATE ON DEVELOPMENT. Mr. Rawls indicated that development continued in the Town, both in the residential and the business sectors which generally brought some concern for a timely processing of the various items necessary to complete construction. He indicated that previously, it had taken as long as 9 weeks for rezoning petitions and 12 weeks for a site plan which was a significant burden on a developer. After reviewing the processing intervals, Mr. Rawls indicated that the time intervals for site plan processing would be reduced to 7 weeks and 2 weeks would be taken off the zoning processing. He congratulated Mr. Kutney for his efforts in this undertaking and added that schedules would be in place in two weeks reflecting the new time frames.

7. TOWN ATTORNEY'S COMMENTS

LITIGATION. Mr. Webber provided an update on litigation in which the Town was involved: Bar-B-Ranch, Orendello, 142 Avenue, City of Sunrise, and 175/185 funds.

8. CONSENT AGENDA

Minutes

8.1 March 16, 1999 - Regular Meeting

8.2 March 24, 1999 - Special Meeting

Parade Permit

8.3 Town of Davie Family Bike Rally (May 8, 1999; 9:30 a.m. to 12:30 p.m.)

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Items 8.4 to 8.8 - Roadway Assessment Equalization Resolutions (47th Avenue Roadway Assessment Improvements Confirmed as Completed on March 6, 1991)

- 8.4 **DENYING WAIVER OF INTEREST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, DENYING REQUEST FOR WAIVER OF ACCRUED INTEREST OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN ON PARCELS 33, 34 AND 94; AND AUTHORIZING MONTHLY PAYMENT OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIENS ON PARCELS 33, 34 AND 94; AND PROVIDING AN EFFECTIVE DATE. (Maria Danielle and Maria Danielle, Trustee)**
- R-99-125 8.5 **DENYING WAIVER OF INTEREST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, DENYING WAIVER OF ACCRUED INTEREST; AUTHORIZING MONTHLY PAYMENTS OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN ON PARCEL 19; AND PROVIDING AN EFFECTIVE DATE. (Michael Danielle)**
- R-99-126 8.6 **WAIVER OF ACCRUED INTEREST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING WAIVER OF ACCRUED INTEREST; AUTHORIZING MONTHLY PAYMENTS OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN ON PARCEL 20; AND PROVIDING AN EFFECTIVE DATE. (Michael Danielle)**
- R-99-127 8.7 **ASSESSMENT PAYMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING MONTHLY PAYMENTS OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIENS UPON PARCELS 30, 31 AND 35A; DETERMINING ACREAGE FIGURE FOR PARCEL 31 NOT CONTAINED IN FLORIDA POWER & LIGHT TRANSMISSION EASEMENT AND ADJUSTING ACREAGE OF PARCEL 35A; AND PROVIDING AN EFFECTIVE DATE. (Larry Danielle)**
- R-99-128 8.8 **ASSESSMENT PAYMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING MONTHLY PAYMENTS OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN UPON PARCEL 35A; AND PROVIDING AN EFFECTIVE DATE. (Joseph Danielle)**
- R-99-129 8.9 **CHILD CARE/SUMMER PROGRAMS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE REVISED COPY OF THE AGREEMENT BETWEEN THE SCHOOL BOARD OF BROWARD COUNTY AND ACCEPTING AN ADDENDUM TO THE AGREEMENT BETWEEN THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, WHICH WAS A GOVERNING BODY OF THE SCHOOL DISTRICT OF BROWARD COUNTY, FLORIDA, AND THE TOWN OF DAVIE, A NON-PROFIT PROVIDER FOR BEFORE AND AFTER SCHOOL CHILD CARE AND/OR ON-SITE SUMMER RECREATION PROGRAMS.**

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- 8.10
R-99-130 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH HOWARD FOSTER FOR THE RENTAL OF THE BERGERON RODEO GROUNDS. (Custom Car, Truck, Bicycle and Stereo Show - August 8, 1999; rental fee - \$1,000)**
- 8.11
R-99-131 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN BOYS AND GIRLS CLUB OF BROWARD COUNTY AND THE TOWN OF DAVIE AND WAIVER OF FEES. (Annual Ranch Roam - May 15, 1999; waiver of fee)**
- 8.12
R-99-132 **GRANT APPLICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE STAFF TO SUBMIT AN APPLICATION FOR GRANT FUNDING FOR TROOPS TO COPS 99 PROGRAM UNDER THE U.S. DEPARTMENT OF JUSTICE. (\$40,425.32)**
- 8.13
R-99-133 **AMENDING FEE SCHEDULE/CHARGES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE FEE SCHEDULE AND CHARGES FOR SPECIAL SERVICES FOR THE POLICE DEPARTMENT.**
- 8.14
R-99-134 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BIDS FOR PARK EQUIPMENT AND THE INSTALLATION OF THE SAME PURSUANT TO THE BID ATTACHMENT "A" FOR THE SW 73RD AVENUE RECREATIONAL TRAIL FUNDED BY THE NATIONAL RECREATION TRAILS FUND PROGRAM GRANT. (Pete Jefferies and Associates - not to exceed \$8,100)**
- 8.15
R-99-135 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR I-595/SW 136 AVE. LANDSCAPE PROJECT. (R.F. O'Brien Landscaping, Inc. - \$113,232)**
- 8.16
R-99-136 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR JANITORIAL SERVICES FOR THE TOWN HALL COMPLEX AND AUXILIARY BUILDINGS. (Lee's Cleaning Service - \$55,140)**
- 8.17
R-99-137 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE PROPOSAL FOR SPORTS PHOTOGRAPHY SERVICES. (Doug's Photography & Video)**
- 8.18
R-99-138 **PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING FUNDS FROM THE LAW ENFORCEMENT TRUST FUND TO PURCHASE SUPPLIES FOR THE DRUG ABUSE RESISTANCE EDUCATION PROGRAM OF THE POLICE DEPARTMENT. (Tees Plus/R and T Specialities, Inc. - \$7,297.93)**

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- 8.19 **BID EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-99-138 **EXTENDING THE BID FOR A FIREWORKS DISPLAY. (Zambelli
Internationale - \$10,000/year; July 4, 1999)**
- 8.20 **BID EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-99-139 **EXTENDING THE BID FOR TRANSCRIPTION SERVICES. (Martin B.
Warren, Inc. and Transcription & Data Services)**
- 8.21 **BID EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-99-140 **EXTENDING THE BID FOR CONCESSIONAIRE SERVICES AT THE DAVIE
ARENA. (Boston Concessions Group, Inc.)**
- 8.22 **SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE,**
R-99-141 **FLORIDA, APPROVING THE TAIL END FARMS 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
10-3-98, Tail End Farms, located on the north side of Orange Drive
approximately 1/4 mile west of Nob Hill Road) *Planning and Zoning
Division recommended approval subject to the planning report; Planning
and Zoning Board recommended approval subject to the planning report***
- 8.23 **YOUTH ADVISORY COMMITTEE - A RESOLUTION OF THE TOWN OF**
R-99-143 **DAVIE, FLORIDA, CREATING A YOUTH ADVISORY COMMITTEE;
PROVIDING FOR COMPOSITION AND DUTIES OF THE COMMITTEE;
PROVIDING FOR THE TERM OF THE COMMITTEE; PROVIDING FOR
TERMS OF OFFICE; AND PROVIDING AN EFFECTIVE DATE.**
- 8.24 **PROPOSAL/WAIVING FORMAL BIDDING - A RESOLUTION OF THE**
**TOWN OF DAVIE, FLORIDA, ACCEPTING THE PROPOSAL FOR
VEGETATIVE DEBRIS DISPOSAL TO A LICENSED DISPOSAL SITE AND
WAIVING FORMAL BIDDING AND PROVIDING AN EFFECTIVE DATE.
(Waste Magic, Inc. - not to exceed \$70,400)**
- 8.25 **RETITLING/DELETING CLASS SPECIFICATIONS - A RESOLUTION OF**
R-99-144 **THE TOWN OF DAVIE, FLORIDA, RETITLING THE CLASS
SPECIFICATION FOR THE POSITION OF CODE COMPLIANCE
SUPERVISOR TO CODE COMPLIANCE OFFICIAL AND DELETING THE
CLASS SPECIFICATION OF DEVELOPMENT SERVICES DEPUTY
DIRECTOR IN THE NON-REPRESENTED CLASSIFICATION PLAN.**
- 8.26 **REIMBURSEMENT - A RESOLUTION OF THE TOWN OF DAVIE,**
R-99-145 **FLORIDA, AUTHORIZING PAYMENT TO THE FAMILY OF JIM W. SMITH,
FORMER DEVELOPMENT SERVICES DEPUTY DIRECTOR OF THE TOWN
FOR REIMBURSEMENT OF EDUCATIONAL EXPENSES; AND PROVIDING
AN EFFECTIVE DATE.**

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8.27 **CONSULTING SERVICES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND DAVID K. SIGERSON, JR. OF ERICKS CONSULTANTS, INC. FOR REPRESENTING THE TOWN OF DAVIE FOR LEGISLATIVE AND GOVERNMENTAL CONSULTING SERVICES FOR FISCAL YEAR 1999.**
R-99-146

Items to be tabled

8.28 STAFF REQUESTING A TABLING TO MAY 19, 1999

DENYING WAIVER OF INTEREST - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, DENYING WAIVER OF ACCRUED INTEREST OF THE SPECIAL ROAD AND DRAINAGE ASSESSMENT LIEN UPON PARCEL 3; AND PROVIDING AN EFFECTIVE DATE. (Charles Lee Manchac) (tabled from March 16, 1999)

Councilmember Paul asked that item 8.15 be removed from the Consent Agenda.

Councilmember Cox made a motion, seconded by Vice-Mayor Bush, to approve the Consent Agenda with Item 8.15 [items 8.4 and 8.28 were tabled earlier in the meeting and item 8.24 was withdrawn]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.15 Councilmember Paul questioned the design specifications, materials, time frame, and maintenance of the project. Mr. Rawls responded that there was a design document with detailed specification as to the material, quality of the material, and installation techniques. He advised there would be maintenance associated with the construction period; however, the Town would maintain it after that time. Mr. Rawls recommended the project and indicated that he could forward the design plans to Councilmember Paul. He added that all the construction projects include performance bonds.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to approve item 8.15. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9. PUBLIC COMMENTS

Report

9.1 Robbins Lodge

Ms. Pierce-Kent briefly reviewed the stipulations outlined in the Operating Guidelines for Robbins Lodge as adopted in October 1998. She indicated that staff had kept a record of all incoming inquiries for Robbins Lodge during the previous six months to determine the number of cancellations and inquiries regarding the alcohol policy. Currently there had been eight cancellations due to beer and wine restrictions. Thus far, 22 events were held at the lodge which included 18 Town workshops and Open Space Advisory Committee meetings. The remainder of the calendar year would include 27 events.

Mayor Venis asked if anyone wished to speak on this item.

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Leonard Sands, 11651 SW 25 Court, spoke in opposition to allowing alcohol at Robbins Lodge.

James Morris, 3361 SW 116 Avenue, spoke in opposition to allowing alcohol at Robbins Lodge.

Sandra Switzer, 13510 SW 29 Street, recommended that alcohol be allowed on a trial basis and if it was determined that it did not work, the policy can be changed.

John Pisula, 2933 SW 136 Avenue, concurred with Ms. Switzer with regard to a trial period.

Terry Santini, 4001 SW 108 Terrace, spoke in favor of allowing alcohol at Robbins Lodge.

Lisa Edmondson, 4311 SW 93 Avenue, spoke in favor of allowing alcohol at Robbins Lodge.

Fred Cox, 5690 SW 70 Avenue, spoke in favor of allowing alcohol at Robbins Lodge.

Dr. Daniel Heston, 11610 SW 37 Street, spoke in opposition to allowing alcohol at Robbins Lodge.

Dianne Schultz, 3100 SW 117 Avenue, spoke in opposition to allowing alcohol at Robbins Lodge.

Shirley Munson, 2420 SW 88 Avenue, spoke in favor of allowing alcohol at Robbins Lodge.

Dan Barr, 11550 SW 37 Street, spoke in opposition to allowing alcohol at Robbins Lodge.

Larry Murphy, 3600 SW 117 Avenue, spoke in opposition to allowing alcohol at Robbins Lodge.

Mayor Venis closed the public portion of the discussion.

Vice-Mayor Bush stated that Hiatus Road had been on the County's trafficways plan several years ago and noted that because the road was so dangerous, the Town took on a good deal of liability when it took the road off the plan. He advised that he had a problem when, on one hand, there was a desire to save the road, retain the rural character and ignore the liability, and on the other hand, there was concern regarding safety for something else. He felt the decision made at that time created more of a liability than this could ever create.

Councilmember Cox concurred with the comments made by Mrs. Munson and felt, in all fairness, the Town should allow alcohol on a trial basis. She noted that alcohol would not be allowed outside the Lodge, in any of the picnic pavilions or on the lawn but would allow beer and wine inside the building. Councilmember Cox felt that it would not be creating an unsafe situation by placing restrictions.

Councilmember Paul noted that both sides had compelling arguments and agreed with many people who felt it was a passive park. She questioned how much advertising was done to rent the facility and whether the number of events in a given weekend would be limited. Councilmember Paul was fearful that restrictions would be placed on people using the park because they might interfere with an event taking place at the lodge. It was her feeling that if this were to be allowed on a trial basis for six months, she would like to be able to look at the document, review it with staff and be sure certain safeguards were built in. She said that these safeguards would allow a means of monitoring, a means of canceling or negating the decision if problems occur, and a method of outlining the limits.

Councilmember Weiner felt that the Town needed to market the property. He noted that if a mistake was made with regard to Hiatus Road, he did not wish to compound it by

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further adding hazards to the road. Councilmember Weiner indicated that there were commercial establishments to provide catering which were allowed and regulated, and were not part of a residential community. It was his opinion that if the Town had a policy not to allow alcohol in public parks, the policy included Robbins Lodge.

Councilmember Cox differed with her colleagues with regard to the marketing aspect of this property. She noted that the Robbins Lodge was an important part of the Open Space program and she had no inclination or desire to market the property. Councilmember Cox advised that she wanted a facility for the residents; however, she did not feel the need to have the property rented to everyone in the County. It was her opinion that allowing the consumption of beer and wine for six months would be fine and she did not feel the Town had to promote it at all. Councilmember Cox clarified that if someone rented the Lodge, they did not rent the entire park and emphasized it was a community facility to be used and enjoyed by all the residents. In fairness, she felt they should allow the use of alcohol on a trial basis for six months. If it presents problems or if they deem it inappropriate, the Town could return to a no alcohol policy.

Mayor Venis indicated that six months ago, he was not in favor of allowing alcohol and his position had not changed. He stated that the current fee structure was put in place to cover the Town's costs and added that if the facility was not rented, there was no cost to the Town. Mayor Venis stated that he would be opposed to a six month trial period to alcohol consumption at the lodge.

Councilmember Cox made a motion, seconded by Vice-Mayor Bush, to allow beer and alcohol within the house at Robbins Lodge with the presence of an off-duty police officer for the duration of the function and that it be allowed only on the inside of the house. In a roll call vote, the vote was as follows: Mayor Venis - no; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - no; Councilmember Weiner - no. (Motion failed 3-2)

Ordinances - First Reading (Public Hearing to be held May 5, 1999)

9.2 **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 April 7, 1999)**

Town Clerk Reinfeld read the ordinance by title.

Redevelopment Administrator Glenn Irwin advised that the proposed ordinance was effective only in the Western Theme District. He stated that one of the goals of the Community Redevelopment Agency was to create a pedestrian-friendly downtown, and the proposed ordinance provided for that goal. The proposed ordinance was divided into three items: 1) establishing the build-to line; 2) requiring covered boardwalks on both sides of the buildings on Orange Drive and Griffin Road at the Davie Road intersection; and 3) requiring a minimum front wall height in the Western Theme District. He briefly explained each of the aforementioned items.

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Mr. Irwin indicated one issue was how to handle the setbacks on the Griffin Road corridor. He explained that the Griffin Road options included three options east of Davie Road and two options west of Davie Road. Option 1 allowed the traditional build-to line. Option 2 allowed for a buffer yard up to 30 feet and the covered boardwalk would be required to abut the buffer year. Option 3 allowed the use of parking in drive lanes and was only available on the south side of Griffin Road. Mr. Irwin noted that there were two properties most affected by Option 3 and both property owners preferred to retain Option 3.

Mr. Irwin displayed a sample of the proposed concept and the landscaping on Davie Road and explained those concepts. He also displayed a map outlining the difficulties and obstacles. Mr. Irwin advised that although most of the emphasis had been placed on Davie Road, the streetscape project would provide landscaping along Davie Road but that may not necessarily be the case along Griffin Road.

Mayor Venis indicated Council had not adopted the Griffin Road corridor study and if this ordinance was approved, it could be in conflict with the corridor study. Mr. Irwin indicated this could be incorporated into the corridor study; however, it may not be cleanly accomplished.

Councilmember Cox advised that at the neighborhood meeting, it was still uncertain as to what would be accomplished on Griffin Road. She noted that the downtown Western Theme was in conflict with almost every Building Code in Town. The fundamental question was whether the Town wished to consider that side of Griffin Road as part of the Western Theme District or part of the Griffin Road study. Although she had made suggestions on how to change the ordinance, she was inclined to leave it as it is.

Councilwoman Paul questioned possible glitches in the ordinance and expressed concern for the present business owners who needed to get on with their businesses. She advised that her concern was with the conflict with the Griffin Road overlay and added that she had a problem with the extension of the Western Theme along Griffin Road south of Davie. She felt the Town should concentrate the Western Theme from the bridge to slightly beyond 39th Street. She emphasized they need to do something to allow the businesses to move ahead. Discussion ensued with regard to the need for variances for the existing businesses as well as green space and a tree buffer along the Griffin Road corridor.

Mr. Irwin advised that the zoning in progress ended in June; however, a request could be made to Council grant the additional time extension allowed under the Code. He noted there were at least two or three workshops that the residents would need.

Councilmember Weiner questioned whether there were any property owners still in negotiations or litigation with DOT that would be subject to the ordinance, if acted upon tonight. He questioned whether the Town would be liable for whichever options were chosen. Mr. Irwin indicated the status of the negotiations was not known. He advised the Town would not be liable but it might have some effect on the negotiations with regard to the taking.

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

Michelle Mellgren, representing the owner of the Armadillo Square Shopping Center, noted that the proposed ordinance was the result of numerous meetings between the CRA and the property owners. She indicated that the ordinance seemed to address the issues of properties that had already been developed along Griffin Road and advised that if Option 3 were eliminated, it would have a devastating effect on that property. Since the taking, the parking had been severely affected and there was some question as to whether

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Council would grant a variance for a 40% or 50% reduction in parking. Ms. Mellgren encouraged Council to adopt the ordinance in the form that it had been presented as it represented a consensus that was reached with the property owners and the CRA.

Sam Engel, Jr., representing the owners of the Ocean Mark Bank, emphasized that Option 3 was necessary to make the project work.

Tom Truex, 4740 SW 72 Avenue, felt the Western Theme was a good idea; however, he expressed concern with the connection to the Griffin Road corridor. The residents in the area were strongly opposed to the building being right up to the road. It was his feeling that any additional ordinances should wait until after the Griffin Road corridor study was completed. Although the CRA had been encouraging heights, Mr. Truex felt it would not be appropriate in all instances. He suggested it would be satisfactory with the aforementioned property owners to forget the ordinance completely.

Neal Kalis, property owner on Griffin Road and Chair of the CRA, shared the history of the CRA's efforts. He displayed pictures and explained the available choices. He advised the CRA wish to make the motoring public aware that they were entering a place that was different. Their concepts were ones that incorporated those visions, especially on the west side of Davie Road where there was an opportunity to integrate into that neighborhood some very interesting pedestrian features and make it more walkable allowing more pedestrian access to businesses and buildings in and around that area. He indicated the compromise reached with the two property owners most greatly affected, was acceptable to the CRA. He urged Council to pass the ordinance as recommended.

James Klaudfelder, one of the owners of the Armadillo Square property, noted most of the problems encountered over the last several months have been addressed by the CRA. However, since the zoning in progress was put into effect several months ago, he had not been able to pull a permit to correct the problems to the shopping that were created by DOT. As a result, several of the businesses have closed and he was in danger of losing his restaurant if something was not done with the parking lot. Mr. Klaudfelder urged Council to approve the ordinance which would him to make some effort to save the shopping center and retain his tenants. He noted that he was facing a real financial hardship unless this ordinance was passed tonight.

Councilmember Cox recommended adding the phrase properties east of Davie Road on Griffin Road to page 1. Additionally, on page 2, under C, below number 4, she recommended adding properties west of Griffin Road on Griffin Road.

Councilmember Cox announced she had met with Ms. Mellgren regarding the Armadillo Center and also with the residents on Griffin Road at the workshop. With the understanding that the Griffin Road Overlay District would take a little longer, she expressed sympathy for Mr. Klaudfelder's situation. She did not feel the Griffin Road study would be timely or would address their problems, therefore, she recommended moving forward with the ordinance.

Councilmember Cox made a motion, seconded by Councilmember Weiner, to accept the ordinance in its original form with the two minor revisions. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

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- 9.3 **WARRANTY DEED** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING WARRANTY DEED FROM SYLVIA HALL, LUCY BRUNO, PATRICIA FOJO AND GENEVIEVE MARSZALEK, CONVEYING CERTAIN PROPERTY FOR USE BY THE PUBLIC, PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. (Davie Road Extension between 75th and 76th Avenues)

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 Cox made a motion, seconded by Councilmember Weiner, to move the ordinance forward. Mayor Venis announced that the second and final hearing would be held on May 5, 1999. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - out of room; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

10. PUBLIC HEARINGS

Ordinances - Second and Final Reading

- 99-12 10.1 **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. (tabled from April 7, 1999)

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

- 99-13 10.2 **CORRECTIVE ORDINANCE** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 98-17 WHICH WAS AN ORDINANCE VACATING A PORTION OF 60 FOOT WIDE ROAD RIGHT-OF-WAY AND CUL-DE-SAC EASEMENT FOR HAWKE'S BLUFF AVENUE, TOGETHER WITH 12 FOOT UTILITY EASEMENT, 24 FOOT ROADWAY AND LANDSCAPE EASEMENT, AND 12 FOOT ANCHOR EASEMENT LOCATED ADJACENT TO HAWKE'S BLUFF AVENUE AND LOCATED WITHIN THE BRITANNIA PLAT; 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.

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

Items to be tabled or withdrawn

10.3 FIRST READING TABLED TO APRIL 21, 1999; SECOND AND FINAL READING TO BE TABLED TO MAY 5, 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.

This item was tabled earlier in the meeting.

10.4 WITHDRAWN BY STAFF ON FIRST READING, APRIL 7, 1999

AN ORDINANCE CHANGING THE ZONING FOR THE 20± ACRE TRACT OF LAND FROM A-3, UTILITY DISTRICT (BROWARD COUNTY CODE) TO RM-16, MEDIUM-HIGH DWELLING DISTRICT (TOWN OF DAVIE CODE).

This item was withdrawn by staff.

10.5 PLANNING AND ZONING BOARD TABLED TO APRIL 14, 1999; COUNCIL CAN TABLE TO MAY 5, 1999

VARIANCE - V 2-1-99, Duckham/The Janoura Group, Inc., 6851 Stirling Road (B-1, B-2 and R-2)

This item was tabled earlier in the meeting.

Quasi Judicial Items

10.6 VACATION/ABANDONMENT - VA 7-1-98, Pasadena at Imagination Farms, Inc., 13601 Orange Drive (to vacate a 50 foot road right-of-way along Orange Drive adjacent to the subdivision platted as "Imagination Farms East") (tabled from February 17, 1999) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report and the petitioner's voluntary agreement to allow a 10 foot wide bridle path adjacent to the pole line*

Mr. Webber explained the rules concerning the presentation of evidence. Town Clerk Reinfeld swore in the witnesses.

Planning and Zoning Manager Gayle Easterling advised that the applicant had requested that this item be tabled to May 15, 1999.

Councilmember Weiner made a motion, seconded by Vice-Mayor Bush, to table this matter until May 15, 1999. In a roll call vote, the vote was as follows: Mayor Venis - out of

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room; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

- 10.7 **REZONING** - ZB 1-2-99, Michele Mellgren & Associates, Inc./Forman, 3000 SW 59 Terrace (from from A-3, County to RM-16) (tabled from March 16, 1999) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

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 summarized the report and noted there was no opposition.

Michele Mellgren, representing the petitioner, displayed graphics and outlined the request. She concurred with the staff recommendations.

Councilmember Cox referenced the mix of the apartments and assumptions regarding student generation rate, and questioned whether there was assurance from the applicant that the mix was reflective of what would actually appear there. Ms. Mellgren indicated that the mix was an estimate at this point and advised that there was no final design of the site. Councilmember Cox requested clarification with regard to the trip generation for the traffic. Ms. Mellgren indicated that traffic was a concern and explained how the level of service rating was obtained. She further explained her client would have to pay the traffic impact fees. Ms. Mellgren noted that the property could not be platted until it was rezoned and at the platting stage, all those issues would be addressed by the County. She advised that she did not anticipate any problems with the traffic generation at the County level.

Councilmember Cox questioned whether the petitioner would be interested in contributing some property for basketball courts or other recreational activities for the density that surrounds him. Ms. Mellgren indicated she would inquire regarding the possibility of the land contribution.

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

Tom Truex, 4740 SW 72 Avenue, advised that he was not opposed to the request; however, he expressed concern regarding the student generation and the fact that this was not considered as a criteria in a rezoning. He expressed further concern regarding the traffic and questioned why the negative tax revenue was not addressed by staff. Mr. Truex noted on the agenda, there was no mention of a voluntary deed restriction; however, the staff report references a voluntary deed restriction in 1996.

Mr. Webber stated that the hearing was concluded.

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

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- 10.8 **REZONING** - ZB 2-1-99, Cohen/Shear & Zacco, 7080 State Road 84 (from CC to B-3) (tabled from April 7, 1999) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval of the voluntarily amended application in accordance with the deed restrictions set forth in the March 4, 1999 letter submitted by the petitioner and the conceptual plan noted in the planning report.*

Town Clerk Reinfeld swore in the witnesses. Mr. Webber questioned if anyone was opposed to the petition with no one responding. Ms. Easterling summarized the planning report.

Al Cohen, representing the petitioner, advised that the the rezoning request was strictly to increase the retail portion of the structure that was to be built. It was his belief that this would be compatible with the surrounding area and the other buildings.

In response to Councilmember Cox, Mr. Cohen indicated the plan to be a retail warehouse multi-tenant operation with retail in the front and warehouse in the back.

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

- 10.9 **SPECIAL PERMIT** - SE 1-1-99, Digital Comm Link, Inc./Furia, 10450 State Road 84 (CC) (to increase the diameter of a satellite dish in the "CC" District from 12 feet to 59 feet, pursuant to Town Code, Section 12-34(G)(2)) (tabled from April 7, 1999) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended denial*

Town Clerk Reinfeld swore in the witnesses. Mr. Webber questioned if anyone was opposed to the petition with no one responding. Ms. Easterling presented a brief history of the property. She noted that Council's prior direction was to work out a plan as to what improvements would be done. Ms. Easterling indicated staff had worked with Mr. Furia on what improvements would be required of him if this was approved.

Mr. Furia displayed the landscaping plan for development of the property. Ms. Easterling displayed the graphics and explained the requirements. She suggested that if Council chose to approve the request, the comments should be incorporated and a timeframe placed on when the improvements would be completed. Ms. Easterling noted that the site plan was approved in 1995 and there had been no site improvements done to date. In response to Councilmember Cox, Ms. Easterling felt that a reasonable timeframe would be 60 days from the final inspection of the dish. Mr. Furia indicated that timeframe was acceptable and noted the petitioner have already begun the process along the corridor by the canal.

Councilmember Weiner indicated this item had been tabled a number of times and advised that he had a problems with this request. He expressed concern with regard to the increase in the size of the dish from 20 feet to 59 feet in three years. Councilmember Weiner noted the close proximity to residential neighborhoods and schools. He felt that approval of this request would be conducive to other requests and advised he was opposed to the special permit. Councilmember Weiner indicated that there were other places for something like this and perhaps it should have been addressed several years ago.

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Mr. Furia explained that the company being developed was a heavy capital intensive industry that was clean and quiet and did not feel the antenna would disrupt either the residential area or the school.

Councilmember Weiner emphasized that staff recommended denial of the request because the use might create incompatibility with adjacent and nearby uses. Ms. Easterling explained that the pine trees were disfavored by the County and if they were removed, the dishes would be very visible from the trailer park. She added that the dishes were also clearly visible from the south. Ms. Easterling advised that Mr. Furia had purchased the property to the south with the intention of moving the dishes into that area. She felt there were not many trees that would screen a dish 80 feet in height. Ms. Easterling further noted that in making her recommendation, she took into account the completed site plan. She advised that the landscaping had been enhanced by adding some trees; however, they would not be able to screen the top.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to deny the special permit. In a roll call vote, the vote was as follows: Councilmember Paul - yes; Councilmember Cox - no; Vice-Mayor Bush - yes; Mayor Venis - yes; Councilmember Weiner - yes. (Motion carried 4-1)

11. SITE PLANS

11.1 SP 3-12-99, Amerada Hess Corp., northeast corner of Davie Road at Nova Drive (M-4, County) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended to re-approve previously approved application*

Peter Calusi, representing the petitioner, noted that the site plan was previously approved; however, the site plan expired. Ms. Easterling presented an overview of the request.

Councilmember 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 Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

12. APPOINTMENTS

12.1 Unsafe Structures Board (2 non-exclusive appointments - one registered architect and one electrical contractor; appointees to be permanent residents or have principal place of business within the Town; term expires April 2002)

Councilmember Cox made a motion, seconded by Councilmember Weiner, to reappoint Sam Engle and appoint Danny Belyeu for the electrical contractor. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

12.2 Planning and Zoning Board (5 exclusive appointments with appointees to be legal residents of the Town - one appointment per Councilmember; terms expire May 2000)

Councilmember Cox reappointed Michael Davenport. Vice-Mayor Bush reappointed John Pisula. Councilmember Paul reappointed Lawrence Kuvin. Councilmember Weiner reappointed George Greb. Mayor Venis reappointed Jay Stahl.

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13. OLD BUSINESS

13.1 Street Vendors

Mr. Webber advised that the proposed ordinance was patterned after an ordinance which was recently adopted in the City of Plantation. He indicated that the ordinance retained the Town's procedure for requiring vendors to remain moving and requested direction and comments in regard to the proposed ordinance. Mr. Webber noted that the Town's previous ordinance was very general.

Councilmember Weiner expressed that his primary concern was the vendors at the intersections in the medians. He advised the vendors were operating in an area that would impede traffic safety and pose a safety danger to themselves.

Councilmember Cox questioned whether this ordinance permits hot dog vendors. Mr. Webber explained that a vendor must continue to move and could not be stationary. He noted that the required vendors to have a peddler's license.

Councilmember Cox requested that Council reconsider a vote that was taken at the April 7th meeting regarding scholarship monies. She listed several reasons for this request and felt a deliberate need to reconsider her vote.

Councilmember Cox made a motion that Council reconsider the vote. The motion died due to a lack of a second.

Councilmember Paul felt it would be difficult to rescind the funds at this time. Vice-Mayor Bush concurred with Councilmember Paul with regard to rescinding the funds. He felt some kind of policy for future purposes should be developed.

14. NEW BUSINESS

14.1 Vendors at Tower Shoppes Car Show

Councilmember Paul explained that a request to allow the "Cruise in to the Tower Shoppes" to continue was discussed at the last Council meeting. She noted that this was a family event and felt that consideration should be given to this request. Councilmember Paul referenced a letter given by the Special Masters in which an extension was granted and the complaints had been addressed. She noted that this event had become one of the largest events in the southeast and benefited the merchants at the shopping center.

Councilmember Paul advised that Code Compliance had received complaints; however, most of those were misdirected as some of the complaints were on different nights in which the event was held. She indicated that the Police Department had addressed the issue of uncontrollable teenagers and several police officers were involved in the show and frequent the event. The organizers had agreed that vendors who sold items not directly relate to the automobile event would be prohibited.

Mr. Rawls advised that meetings had been held with various groups to discuss concerns with the event. He explained that there had been no response as to the effect of the increased Code enforcement. Mayor Venis felt the Code enforcement issues needed to be reviewed and comments should be solicited from surrounding residents.

Councilmember Weiner questioned whether the vending could be permitted near University Drive rather than closer to the residential area.

Mike Leparage, representing the car show, reported that vendors were behind the restaurant and did not make a lot of noise. It was his belief, that the only complaints that were received were regarding noise which was not from the car show. He added that in

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meetings with the store owners, they did not object to the vendors since it did not compete with any products currently being sold. Mr. Leparage advised that the youths were removed from the Uptons area and relocated closer to the Pep Boys area. Recently, the complaints have been regarding their "boom boxes" and have been addressed.

Mayor Venis asked that update should be provided at the next Council meeting and further action would be addressed at that time.

Interim Chief Robert McDaniel advised that the Community Police Officer Unit was sent to address the youth issue and those officer's schedules had been adjusted. He indicated that there was one off-duty officer who was hired by the event.

Mr. Rawls advised that the car show was a use operating outside of the Code and a mechanism needed to be developed to bring them into Code compliance. The mechanism could provide an operating method which could impose conditions that regulate activity.

Mr. Leparage advised that the Tower Shoppes provided a security detail.

In response to Councilmember Paul, Mr. Leparage advised the Code Compliance Officer observed that the disc jockey could not be heard at Home Depot. Furthermore, he explained that the speakers were turned towards the north of the shopping center. Mr. Leparage requested that Council extend the 30-day temporary approval until this matter was resolved. Council directed Mr. Leparage to request an extension from the Special Master.

Interim Town Administrator Rawls questioned whether conceptual language should be developed to facilitate licensing. It was the consensus of Council to address the licensing issue after staff provided its report.

14.2 Fox Trail Elementary School Graduation Party - Waiver of Fee at Robbins Lodge

Councilman Weiner advised at the last Council meeting, he had requested whether the Town had the ability to waiver fees be reviewed. Mr. Webber advised that Robbins Lodge was similar to the rodeo arena in that there was a schedule of fees and a lease in which the Town Administrator had the ability to sign. He stated that since the fee and lease agreement had been adopted by resolution, any modifications would have to be addressed in the resolution.

Councilmember Paul noted that fees had been waived for the Boys and Girls Club with the promise to clean the facility. She felt that this would be a one time event and would not set a precedence. Councilmembers Cox and Weiner agreed.

Councilmember Weiner questioned whether there was a conflict of interest in that his daughter attended the school. Mr. Webber replied that the conflict would be too remote.

14.3 Davie Update - Mayor/Councilmember Comments

Councilmember Weiner addressed his previous comment regarding each Councilmember providing an update in the Davie Update. He felt it was more appropriate to have one voice, perhaps either the Mayor or Town Administrator or rotate Councilmember's comments. Councilmember Weiner requested that Council adopt a policy of having one message in this portion of the meeting. Councilmember Paul agreed.

Councilmember Cox felt Council's comments in this section of the meeting served a purpose and reiterated her previous comments regarding the length of the Mayor's comments. She felt that the Mayor's comments could be abbreviated thus enabling the

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Councilmembers to provide more issues or comments regarding the Town. It was her belief that Council's comments could be shorter on the second page and not politically motivated.

Councilmember Weiner noted his intention to abstain from printing any columns in the Davie Update. He requested that each Councilmember consider his recommendation and agreed with Councilmember Cox in the fact that there was too much information provided in the column. Councilmember Weiner requested a resolution be placed on the next Council agenda to reduce the comments in the Davie Update to one speaker.

Vice-Mayor Bush expressed his belief that since its implementation, Council's comments had served a legitimate purpose. He felt it provided different ideas to the public especially since the Mayor's position was now an elected position and agreed that the comments should not be of a political nature.

Mayor Venis expressed his desire that it should not be changed and indicated that he had received favorable comments with regard to residents knowing what each Councilmember was working on. He expressed his belief that the format should remain the same, the politics kept out of the paper, and should focus on the issues and projects of the Town.

14.4 Ordinance Excluding Motorized Vehicles from the Trail System

Mr. Webber stated that the proposed resolution would exclude motor vehicles from the trail system. Councilmember Weiner questioned whether a "battery-operated" bicycle system would be precluded. Councilmember Cox advised that bicycles and motorized scooters would not be permitted. However, she questioned whether the disabled scooters could legally be precluded. Mayor Venis inquired whether a person who was partially disabled who might use an apparatus similar to a golf cart would be permitted. Mr. Webber felt wording could be added to the effect to the rights protected by Federal, State, or County law. Councilmember Cox felt any type of gas-motorized vehicle was detrimental to the environment and was not permitted.

14.5 Cable Franchise Audit

Mr. Wallace referenced a memorandum which indicated that a company had not been chosen to complete the audit. However, due to budgetary reasons, the Town was inclined to use a contingent fee audit arrangement. After some discussion, it was the consensus to concur with the contingent fee arrangement.

Councilmember Cox discussed a proposed joint meeting between the Town and Cooper City. She felt it would be beneficial to discuss how these two municipalities could have an understanding of one another and that both municipalities should work together to address the DOT's plans.

Councilmember Weiner questioned Mr. Rawls as to the status of the Police Chief vacancy. Mr. Rawls advised that applicants had been interviewed and he would be making a decision sometime next week.

**TOWN COUNCIL MINUTES
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4.2 Councilmember Bush made a motion, seconded by Councilmember Weiner, to table the item until May 5, 1999. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis advised that a resolution needed to be added to the agenda as item 14.6

Councilmember Cox made a motion, seconded by Vice-Mayor Bush, to add item 14.6 to the agenda. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

**14.6 PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-99-147 AUTHORIZING A REVISION TO THE IMAGINATION FARMS EAST PLAT
AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the resolution by title.

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 Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Councilmember Cox felt a policy should be developed regarding the expenditure of funds as a result of a request during the Open Public Meeting. She expressed her belief that it was not in the best interest to take action under those circumstances. Councilmember Cox stated that there had been an unwritten understanding that Council did not take action during the Open Public Meeting. She requested that a resolution be drafted that stated that no action would be taken on any item discussed during the Open Public Meeting. Councilmember Cox stated that Council could refer the item to staff for review and action could be taken after staff's review. She asked Mr. Webber to prepare a resolution for the next Council meeting.

Vice-Mayor Bush agreed that written direction was needed. Mayor Venis questioned whether Council could verbally agree to this suggestion at tonight's meeting. Councilmember Cox responded that this had been done before and indicated that she would like to see a resolution. Councilmember Weiner concurred he would like to see something in writing and added that he also thought that if Council had a problem with an issue, the problem should be discussed at that time. No objection was noted for Mr. Webber to prepare a resolution.

15. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 12:27 a.m.

APPROVED _____

Mayor/Councilmember

Town Clerk