

**TOWN COUNCIL
REGULAR MEETING
JULY 7, 1999
7:00 P.M.**

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 Bush and Councilmembers Cox, 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, requested that Councilmembers listen to the residents and not destroy the intent of the Pine Island Park. He felt it was important for the Town to deliver what the residents voted for and made reference to a meeting in which a compromise was reached with the residents to allow for the park.

With regard to the Ethics Code previously mentioned by Councilmember Paul, Mr. Truex expressed his appreciation to Councilmembers Paul, Weiner, and Cox for their positive comments. He felt it was a positive step for the Council to discuss the Ethics Code and referenced a proposed draft of an Ethics Code. Mr. Truex indicated that it was his belief that ethics would force every candidate running for elected office to go on record and agree to the ethical standards. He requested this subject be placed on an upcoming agenda.

Ellie Howard, 431 Barbari Lane, noted the lake between New Providence East and Vista Filarie continued to flood within two inches of the street. Fortunately, the water subsided prior to any inconvenience to residents. He expressed concern with regard to the settling of his house, noting the floor tiles are cracking, popping, and have a hollow sound. Mr. Howard questioned whether this was caused by the lake repeatedly flooding into the dry retention area and then receding. Mr. Rawls advised that the drainage and flood elevations were reviewed by staff and staff had found that the levels were consistent with the local requirements. Furthermore, the design of the lake shore in the area did not have a long, gradual embankment; therefore, the water appeared to be close, horizontally. It was Mr. Rawls' belief that the system was to be working as per the design.

Mayor Venis asked Mr. Rawls to work with Mr. Howard regarding the specific structural deficiencies. It was noted that this may not come under the Town's perimeter; however, suggestions and/or direction may be given. Councilmember Weiner requested to be kept apprised of the situation. Councilmember Paul stated that part of this issue was to ensure that the drains were properly cleaned. Mr. Rawls advised that the drains had been inspected and were functioning properly.

Jay Stahl, 5801 Surrey Circle West, referenced an e-mail communication to Council and recommended that Council "let sleeping dogs lie". He complimented the Town on the July 4th Party at Pine Island Park.

Arthur Joseph, 13700 SW 18 Court, stated that he was delighted to hear that Southwest Ranches was forming their own city. He expressed his belief that most of the residents did not wish to have sidewalks in the Oak Hill area as the sidewalks inhibited drainage and detracted from the natural beauty. For many years, the residents had been able to function without sidewalks.

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Mr. Joseph requested that the Town stop subsidizing the rodeo arena as he felt the Town should not contribute to "animal torture".

Mr. Joseph voiced his support for single member districts and noted that several municipalities had changed to this form of government.

Mr. Joseph expressed his frustration with regard to the recycling fees. He referenced several reimbursements that the Town received and felt the fees should be reflective of reimbursements.

Patti Reed, 9625 Sycamore Court, referenced the parks and recreation in Davie and noted the controversy at Bamford Park. She advised that the residents had expressed concern with regard to the ballfields and referenced the Parks and Recreation Advisory Board's recommendations and concessions. Ms. Reed expressed concern with some of the concessions due to the amount of monies taken away from the bond. It was her belief that the monies used to provide buffering to the surrounding neighbors would not satisfy the neighbors and that monies spent would take away from the facility.

Lisa Edmondson, 4311 SW 93 Avenue, stated that she was speaking on behalf of the 67 percent of the voters who voted to spend money for the parks and recreation. She felt the needs of the many outweighed the needs of the 16 residents who were not willing to compromise. Ms. Edmondson suggested that the special lighting and buffers should be installed to appease the residents; however, she requested Council "not sell out" the 67 percent of the voters who expected Councilmembers' promises to be maintained. It was her belief that the issue was the hopes and dreams of the children and should not be about politics or votes.

Shirley Munson, 2420 SW 88 Avenue, provided her understanding of the Greenbelt Law and noted that the Broward County Tax Assessor did not honor long-standing exemptions. She felt the loss of agricultural exemptions would ultimately result in additional development, expenditure, taxes, and less green space. Ms. Munson expressed her belief that those who were engaged in agricultural endeavors felt that the County Tax Assessor was threatening their lifestyle. She questioned whether the elected officials were committed to preserving what the Town bragged about.

Jim Bunce, Davie Professional Firefighters President, advised of several complaints, allegations, and issues over the past four years regarding Fire Chief Michael Donati and Deputy Chief Leonard DePaola. He indicated that Local 2315 had continuously reported these problems to the Town's Fire Department's administration, the Fire Department's administrative staff, and members of the Town Council in an effort to have these allegations investigated and resolved. Mr. Bunce stated that he was, as the elected President of Local 2315, to report the lack of progress in the effort to properly investigate these issues which ranged from non-performance of job, misuse of authority and position, unprofessional conduct, life and safety issues, and sexual and racial issues against the Fire Chief and Deputy Fire Chief. He felt the issues had not been properly investigated by the Fire and Town administrations.

Mr. Bunce stated that the Davie Professional Firefighters had made a unanimous vote of "no confidence" on January 18, 1999. He stated that this vote alone was a serious issue and the people show received the service would ultimately be "short changed" from this demoralizing problem. He advised that despite Councilmembers' instructions to Mr. Rawls to investigate and resolve this issue, each time he met with Mr. Rawls he "got the same rhetoric." Mr. Bunce stated that according to Mr. Rawls, extraordinary and unprecedented measures had been taken to reopen the investigation; however, he felt that the fact was that

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no investigation had actually taken place. He indicated that public records requests showed that letters from Chief Donati, Deputy Chief DePaola, and previous Town Administrator Robert Flatley only excused or condoned their own behavior. Mr. Bunce stated that no records as to the investigation existed and that no one had ever questioned any witnesses. explained with regard to the investigation, that no one had been questioned. He stated that Fire and Town administrations had been a part of the problem instead of assisting with a solution. Mr. Bunce stated that the union had provided a list of qualified individuals with experience in this type of issue had been submitted to Mr. Rawls with some individuals willing to work at no cost to the Town. He indicated that Mr. Rawls had offered names of individuals who had no experience with labor and employment law and this type of investigation. Mr. Bunce stated that at the previous Council meeting, Councilmember Weiner had made some comments and called for an investigation. He felt that this clearly illustrated that the patterns of behavior complained about were still occurring. Mr. Bunce stated that Mr. Rawls had had ten months to conduct an investigation and had not done so. He stated that Local 2315 was not aware of any "meaningful investigation" to date and can only assume that Mr. Rawls did not want these allegations investigated. Mr. Bunce stated that it was time to "heal" their department and move on, but felt it could not happen if Council did not order an investigation. He indicated that he had heard Councilmembers mention that they could not get involved or interfere, but emphasized "it was not interfering when they had to direct the Town Administrator to do his job."

Mr. Rawls indicated that out of respect to the Town he would reserve his comments to the facts of this case and explained that the information provided by Mr. Bunce did not accurately reflect the facts. He explained there were several investigations over the years and the results had been reaffirmed by past administrations. Mr. Rawls advised that he had offered to reopen the investigation with an outside individual that was mutually agreed upon by both parties as they did not have confidence in the Town's staff to review this matter. He noted that he had suggested several individuals with impeccable credentials and unquestionable integrity so as to show no bias to either side. Mr. Rawls indicated that he had offered individuals from retired judges to professional investigators who had previously performed these services for other public agencies and communities. He indicated that the union had provided names of individuals, but felt that those individuals did not have an unbroachable credibility in the sensitivity of this matter. Mr. Rawls expressed his belief that he had gone to great extent and spent most of his tenure as Town Administrator involved with Fire Department related matters and added that he felt that he had made a personal attempt to resolve their concerns. He expressed his regret that he had not been able to implement the investigation; however, he would not be forced into choosing of an investigator in which he did not feel would be accepted as providing a totally unbiased review. Mr. Rawls indicated that he had continuously offered names, in addition to offering an investigation conducted through his office. He advised that the firefighters had chosen not to accept or acknowledge these offers. Mr. Rawls noted that his office was agreeable to extending and investigating every matter which the firefighters brought forward. He insisted, however, that whatever decision was made on an investigator, that individual had to be viewed by all parties as impartial. Mr. Rawls emphasized that it was a disservice to the firefighters and the Town to choose anyone that did not meet the highest of qualifications.

Councilmember Weiner questioned the status of the investigation he directed be completed approximately three weeks ago with regards to some comments that had been

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made about himself. Mr. Rawls explained that he had been out of town for the past nine days, but indicated that prior to his departure he had met with Mr. Bunce. He indicated that he had identified the individuals who were involved in or who had knowledge of the incident. It was Mr. Rawls' intent to interview the individual who the comments were addressed to by phone; however, he felt that a personal meeting would be more appropriate. He explained that upon his return, he attempted to schedule a meeting and found that the individual was out of town until July 14th. Mr. Rawls stated that after meeting with this individual on July 14th, he would then meet with Deputy Fire Chief DePaola to determine the results of the discussion.

Councilmember Weiner stated that due to the length of time this investigation had taken, he suggested allowing incoming Town Administrator Robert Middaugh the opportunity to address the situation and to move the investigation forward. He noted that Mr. Middaugh had experience with labor relations and perhaps he could move the investigation forward. Mr. Rawls concurred and noted that this suggestion had been offered to the firefighters. Councilmember Weiner asked Chief Donati if he was agreeable to allowing Mr. Middaugh to look into the investigation. Chief Donati replied that he was agreeable to Council's wishes.

Councilmember Paul felt the issue must be resolved and agreed to wait for Mr. Middaugh to address the issue.

Michael Davenport, 14041 SW 22 Place, noted that his opinion entitled "Wake up Cooper City" was published in the Western Express. He indicated that the article would clear issues such as why the union leaders were pushing this particular vote of no confidence. In addition, he expressed his belief that the sidewalks in Oak Hill provide a safety factor for the residents. Mr. Davenport offered birthday congratulation to Mayor Venis.

Mr. Davenport stated that he was present on behalf of his neighbor who would like to thank a firefighter who assisted in her rescue and helped secure her horse after the accident.

David London, 3720 SW 61 Avenue, referenced the penny gas tax option being discussed by the Broward County Commission. He advised that the County had decided to implement the local penny gas tax option and questioned whether the Council had taken a position on the local penny tax. Mr. London suggested the possibility of involving young people who could provide an innovative way to implement a transit system. Mayor Venis advised that this item would be discussed later this evening. He indicated that in discussions with the League of Cities, the Town had been requested to send a letter to the County favoring the additional penny tax.

Mr. Webber asked that item 11.4 be heard at this time as the Town's legal counsel was currently in a trial and needed to return to the meeting.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to suspend the rules and hear item 11.4 and 15.3 out of order. In a voice vote, all voted in favor. (Motion carried 5-0)

11.4 Town Clerk Reinfeld read the resolution by title.

Mike Burke, legal counsel, provided a history of the Teen Challenge issue and explained the settlement.

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

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Jean Messler, 13300 SW 29 Street, stated that she was not speaking for or against the resolution and provided her version of the history on the Teen Challenge issue. She discussed the treatment of the Oak Hill residents and asked that an apology be given.

Arthur Joseph, 13700 SW 18 Court, stated that he disagreed with the Judge and expressed concern with regard to the traffic situation and with 16 people being housed in one residence. He commented that he agreed Teen Challenge was entitled to receive compensation from the Town due to the Town's erroneous approval of the facility.

Ellen Christopher, 3666 West Valley Green Drive, expressed her pleasure that this issue would be resolved shortly. She also provided her version of the history of the Teen Challenge issue. Ms. Christopher suggested that the Town Attorney had a yearly evaluation.

Mr. Webber responded these two individuals [Jean Messler and Ellen Christopher] had continuously attacked him and his character for the past three years. He strongly suggested that lay people who had injected themselves into the litigation, were subpoenaed in the litigation, and heard the litigation should not be interpreting whether or not the judge made the right decision in this case. It was his opinion that Teen Challenge did not belong in the category, and testified to that fact.

Mayor Venis closed the public hearing.

Mr. Burke advised it was his position that if the Town did not agree to the partial final judgment, the Town would be at risk based upon the facts and testimony provided in the trial of claims under the Fair Housing Act as well as other potential monetary damages. He summarized that the Town was being asked to decide whether or not to appeal what the Judge was going to order. Mr. Burke was of the opinion that an appeal would not be won and the Town would stand to lose more than the appeal. He suggested the adoption of the resolution.

Councilmember Weiner questioned whether the Town was at risk of incurring the fees directly. Mr. Burke responded that he had not investigated this aspect.

Councilmember Cox questioned the possibility of another group locating in a residential area. Mr. Burke felt that the Town's ordinances addressing another facility were not clear and indicated that his office had been reviewing amendments. He advised that there was a possibility that if another facility met the current Statutes and Town requirements, the facility would have to be allowed in the same zoning area regardless of the order. Mr. Burke was of the opinion that language could be drafted to prevent exposure. He felt that the Code would benefit from some clarification of the definition of Special Residential Facilities. Councilmember Weiner suggested that language be developed prior to the next Council meeting. Mr. Webber responded that staff was diligently working on this issue and advised that several meetings had been conducted; however, consideration had to be given to the Fair Housing Act which complicated the issue. He explained that most municipal codes had not been revamped to take into consideration the Fair Housing Act and he felt the staff had a very creative approach which would be brought before the Council soon.

Councilmember Cox noted in addition to dealing with the Fair Housing Act, the Florida State Statutes must be addressed to prevent this activity in a residential area. Mr. Burke agreed that the Statutes did not consider this type of facility as a business. He explained that he was suggesting clarification with respect to the number of residents and whether or not it would be in a multi- or single-family dwelling. Mr. Webber stated that the Town was not permitted to distinguish between a group and a private home and noted that limitations would also apply to a family home.

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Councilmember Paul questioned whether the zoning in progress was still in effect and whether there was a time limitation. Mr. Webber explained there was no time limitation and noted that staff had been instructed to prepare a new ordinance that would be enforceable. He further explained that the Town had been notified of individuals who were going to review and challenge the ordinance if they felt it violated the Fair Housing Act.

Councilmember Paul applauded the citizens for getting involved in this issue. She felt the Town would not be revising the Code without their diligence and expressed her concern with regard to errors made over time. She stated that she believed that the application should probably have been denied. Councilmember Paul advised that she did not agree with the Judge's decision and would like to see the decision appealed. However she understood the issues at hand, the decision of the Judge, and the testimony provided.

Councilmember Cox was of the understanding regardless of the Code interpretation, the Judge's ruling was based more on staff's actions advising that the use was permitted and allowing the application to go forward. Mr. Burke responded that it was his interpretation that the Judge was impressed with staff's actions as they were the ones who were charged with interpreting uses on a daily basis,. He stated that staff had testified that the use, subject to the distance requirements, was permitted in the Zoning District. In addition, the Judge was swayed by the fact that Teen Challenge had relied on these decisions, had spent \$200,000 to purchase the property and had obtained building permits in which to make \$75,000 in renovations to the property.

Councilmember Cox stated that she concurred with Councilmember Paul's comments to a certain degree and reiterated that the continued attacks on Mr. Webber were unnecessary and unfair. She felt that Mr. Webber was dealing with a situation in which the decision had been made and the decision by staff was the reason why the litigation was brought forward. Councilmember Cox added that it was her belief the Town should move forward and deal with the Code issues.

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

15.3 Dennis Sedley, Coach for the Davie Tigers, advised that the team had been chosen to go to a national tournament in Missouri and requested Council's assistance to allow the children to achieve this goal.

Councilmember Weiner advised that he had requested that this item be placed on the agenda. He stated that staff had met with Mr. Sedley and had prepared a proposal in which Mr. Sedley believed that the Town could assist in this matter. It was noted that team needed approximately \$9,000.

Stu Weinstein, 4730 SW 62 Way, referenced a fund raiser in which \$2,500 was raised and felt this was the perfect opportunity to assist the Team.

Councilmember Cox questioned why an individual team was targeted rather than the monies being given to the sports program and indicated that she was willing to hold a fund raiser to assist the team. She felt the real issue should be to expand the sports program to assist with tournaments.

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Councilmember Paul felt there was a difference in support teams representing the Davie sports program rather than one individual. She was of the belief this would provide an incentive to other children.

It was the consensus that staff should review the request, develop a dollar amount, and determine if monies were available. Councilmember Cox recommended that a policy be established. Mayor Venis suggested that businesses be contacted for contributions. Mr. Sedley explained that the team was working to obtain corporate sponsors.

4. PRESENTATIONS

4.1 1999 Legislation Session Summary - Senator Steven Geller

Senator Geller provided a brief overview of the bills he was involved in and the bills he felt would affect the Town. He provided Mr. Rawls with a copy of House Bill 17 which dealt with urban in-fill and emphasized that the Town's Planning staff needed to be familiar with the Bill. Senator Geller stated that the proposed building code would dramatically weaken the local South Florida Building Code and noted that the reduction in the cost of construction would be offset by the higher insurance cost.

With regards to the budget, Senator Geller advised that if the Town would apprise him in a timely fashion he would be happy to place projects into the budget. He added his office would provide assistance in going through the governmental agencies.

Mayor Venis commented that several agencies had passed resolutions against the new building code. Senator Geller responded that he was aware of the resolutions, and indicated that cities could adopt stronger codes.

Senator Geller further noted with regard to the Surcharge Issue Study, depending on the Committee in which the information was brought back to, there may be enough time to take corrective action. He advised as soon as the report was prepared, he would provide careful consideration.

4.2 Stu Weinstein, Davie Sports Day (continued from June 16, 1999)

Lisa Edmondson advised that \$2,400 had been raised at the Davie Sports Day and presented a plaque to Stu Weinstein and the Miami Dolphins for his efforts with the event.

4.3 Davie/Cooper City Chamber of Commerce

A representative was not present.

4.4 Design Options for Pine Island Park

This item was rescheduled to July 21, 1999.

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

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: Davie Tigers spaghetti dinner fund raiser (July 16th); flag football registration (until August 6th); Davie Bronco football program registration (on-going); and cheerleading registration (on-going).

Ms. Stafiej was not present.

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4.6 Reese Road Update

Mr. Rawls advised that discussions were continuing and added that paperwork had been delivered to Mr. Hunt and his attorney's. Mr. Webber indicated that he had received the final survey documents today.

5. OCCUPATIONAL LICENSE

Home Occupational License

5.1 Healthmed International Corporation, 12890 SW 34 Place (continued from June 16, 1999)

The applicant was not present.

Mayor Venis announced that item 10.2 had been withdrawn and would be scheduled at a later date. He added that a resolution was being added to the agenda as item 15.4.

6. MAYOR/COUNCILMEMBERS COMMENTS

VICE-MAYOR BUSH

JULY 4TH EVENTS. Vice-Mayor Bush stated that the Town's July 4th events were great and he congratulated staff.

WEDDING CELEBRATION. Vice-Mayor Bush stated that he and his wife, Helen, celebrated their 37th wedding anniversary.

COUNCILMEMBER COX

JULY 4TH EVENTS. Councilmember Cox agreed that staff had done a great job with the July 4th events.

ORANGE DRIVE. Councilmember Cox stated that a meeting was being held with the Department of Transportation (DOT) on July 8th regarding Orange Drive, the bridge construction, the closing of the medians along Orange Drive and the traffic patterns on Orange Drive.

GRIFFIN ROAD FLOODING. Councilmember Cox asked the status of the Griffin Road flooding problem. Mr. Rawls advised of conversations with DOT officials and their Field Consultant for the project. He noted that there seemed to be some dispute as to whether the problem was a design deficiency or a maintenance issue. A meeting had been setup on site to physically inspect each site and view a videotape provided by Mary Delborella. Mr. Rawls stated that it was his understanding that the amount of water could not be handled without aggressive maintenance and could subsequently be addressed in a short amount of time; however, if this was a design flaw, the problem would take more time to address.

COUNCILMEMBER WEINER

JULY 4TH EVENTS. Councilmember Weiner congratulated Bonnie Stafiej, the Public Works Department, and the Police and Fire Departments for the efforts on July 4, 1999. In addition, several people were a part of the dunk tank which raised money to benefit the EASE foundation.

SOFTWARE. Councilmember Weiner referenced previous discussion with regard to purchasing land to provide additional fire rescue support. He presented a copy of the Bow Research software which recorded the actual response time and suggested that the software be previewed prior to purchasing land in order to decide what the appropriate location might be.

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HELMET ORDINANCE. Councilmember Weiner provided a summary of several occurrences in which children were involved in accidents falling off a horse. After discussions at previous Council meetings, he requested that this issue be referred to the Open Space Advisory Committee. The Committee had taken no action and had referred to the Child Safety Board. Councilmember Weiner advised that a Child Safety Board member indicated that the Board was never notified of any request to take action on this issue. Councilmember Weiner stated that he would like to either bring this issue back for consideration or refer the issue to the Child Safety Board. He noted that the State required children to wear a helmet when riding a bicycle and he felt that children needed to be safe riding a horse.

BARN AND STALLS NOT MEETING CODE COMPLIANCE. Councilmember Weiner stated that he would like to reserve comments or suggestions until after Councilmember Paul had an opportunity to meet with the Agrarian Committee.

COUNCILMEMBER PAUL

HELMET ISSUE. Councilmember Paul advised that it was the consensus from the Child Safety Board and the Safety Summit to combine efforts. She noted that the Board was continuing its efforts to educate the public and she had noticed an increased number of children and adults wearing helmets.

AGRICULTURAL CLASSIFICATION. Councilmember Paul noted her appreciation for Ms. Munson's comments with regard to the agricultural classification. She felt it was important that the Town take a strong stand on the agricultural lands and classifications. Councilmember Paul noted residents' concerns with regard to several recent denials and requested the Town review. She was hopeful the Town could provide some support with regard to their agricultural classification.

CODE QUESTIONS. Councilmember Paul referenced a letter she received from Hully Gill relative to Code related questions. She requested staff resolve the issue. Mayor Venis responded the issue had been resolved.

HAPPY BIRTHDAY. Councilmember Paul led the staff and residents in singing happy birthday to Mayor Venis.

MAYOR VENIS

BIRTHDAY PRESENTS. Mayor Venis thanked his children for the birthday presents.

JULY 4TH EVENTS. Mayor Venis announced that he had dunked Councilmember Weiner two times in the dunk tank. He congratulated staff on a job well done.

INSURANCE RATING. Mayor Venis advised of a plaque he had received from the National Flood Insurance Program Community Rating System. He noted that the Town had been rated very high in the program and summarized their letter as stating the Davie residents should be experiencing reduced flood insurance premiums.

NOVA VILLAS HOMEOWNERS' ASSOCIATION. Mayor Venis referenced a meeting in which several issues had been discussed. He noted the fencing behind Home Depot was mentioned along with the outside storage activities and requested that Mr. Rawls schedule a meeting the residents concerns.

HOUSE BILL 4181. Mayor Venis noted Resolutions had been received from the cities of North Lauderdale and Lauderdale Lakes with regard to House Bill 4181. He suggested that a resolution be approved at the next meeting to be passed along to Senator Geller.

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PENNY SALES TAX. Mayor Venis indicated that Mr. Rawls was involved in the penny sales tax issue which would be discussed at the end of the meeting.

SCHOOL CROSSING GUARDS. Mayor Venis advised that he had received a letter from a Boy Scout voicing his concerns with regard to school crossing guards. This letter was referred to Mr. Rawls and Mayor Venis suggested a meeting be set up to discuss the issue.

NEW HIGH SCHOOL IN WESTON. Mayor Venis noted that he met with Weston Mayor Harry Rosen and was advised of a meeting on July 20, 1999 with the Broward County School.

7. TOWN ADMINISTRATOR'S COMMENTS

Mr. Rawls stated that this was his last meeting the Town Administrator and he had truly enjoyed working with Council and looked forward to Mr. Middaugh joining the Town. He thanked the staff and public for their support and indicated that the Town had a truly professional and highly motivated staff.

8. TOWN ATTORNEY'S COMMENTS

Mr. Webber provided an update on litigation in which the Town was involved: Bar-B Ranch; Orendello; 142nd Avenue; City of Sunrise; 175/185 funds; Coastal Harding; Statewide Towing; LDG Corporation.

9. CONSENT AGENDA

Minutes

- 9.1 May 24, 1999 - Special Meeting
- 9.2 June 2, 1999 - Regular Meeting
- 9.3 June 16, 1999 - Regular Meeting
- 9.4 June 21, 1999 - Special Executive Session

Resolutions

- R-99-220 9.5 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A BULK WATER AND SEWAGE USER AGREEMENT BETWEEN THE TOWN OF DAVIE AND FERNCREST UTILITIES TO PROVIDE BULK WATER AND SEWAGE SERVICE; AND PROVIDING AN EFFECTIVE DATE.**

- R-99-221 9.6 **ACCEPTING BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR LEASING POLICE MOTORCYCLES AND AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH FORT LAUDERDALE HARLEY-DAVIDSON, INC. (4 motorcycles; \$330/motorcycle/month; 24 month lease)**

- R-99-222 9.7 **ACCEPTING SERVICES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A PROPOSAL FOR COMPUTER PROGRAMMING SERVICES. (sole source from HTE, Inc. for Y2K utility billing compliance; \$16,320)**

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- 9.8
R-99-223 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT FROM THE SOUTH FLORIDA COMMUNITY URBAN RESOURCES PARTNERSHIP TO ESTABLISH A COMMUNITY GARDEN AT THE EASTSIDE COMMUNITY HALL PROPERTY AND MATCHING SAID GRANT WITH THE APPROPRIATION OF \$4,000 AND PROVIDING FOR AN EFFECTIVE DATE. (\$8,000 grant with 50% match)**
- 9.9
R-99-224 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE BROWARD SHERIFF'S OFFICE, CITY OF FORT LAUDERDALE, CITY OF CORAL SPRINGS, CITY OF PLANTATION, CITY OF SUNRISE AND THE TOWN OF DAVIE WITH REGARD TO THE GANG ACTIVITY PREVENTION PROGRAM STRIKE FORCE.**
- 9.10
R-99-225 **CLASS SPECIFICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REVISING THE CLASS SPECIFICATION FOR PERMIT CLERK IN THE FEDERATION OF PUBLIC EMPLOYEES, WHITE COLLAR CLASSIFICATION PLAN.**
- 9.11
R-99-226 **RATIFICATION OF PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S PURCHASE OF THREE LOTS FROM HAZEL SHAW; AND PROVIDING FOR AN EFFECTIVE DATE. (located on SW 63rd Avenue just north of SW 43rd Street; \$85,000)**
- 9.12
R-99-227 **CHANGE ORDER - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT CHANGE ORDER AND OPTIONAL ITEMS FOR ADDITIONAL ITEMS TOWARDS THE DAVIE ROAD BEAUTIFICATION PROJECT. (net increase in the amount of \$384,918.88)**
- 9.13
R-99-228 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FROM PRECISION FITNESS EQUIPMENT CORPORATION FOR THE PURCHASE OF FITNESS EQUIPMENT FOR FIRE STATION NUMBER 65. (\$12,162)**
- 9.14
R-99-229 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH ROBERT WALTERS ARCHITECTS FOR ARCHITECTURAL SERVICES - MULTIPURPOSE FACILITY AT PINE ISLAND PARK.**

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9.15 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-99-230 **AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT**
WITH THE DOG OBEDIENCE CLUB OF HOLLYWOOD, INC. FOR THE
RENTAL OF THE BERGERON RODEO GROUNDS OF DAVIE, FLORIDA.
(February 5 - 6, 2000; rental fee - \$1,000)

9.16 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-99-231 **AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT**
WITH THE DOG OBEDIENCE CLUB OF HOLLYWOOD, INC. FOR THE
RENTAL OF THE BERGERON RODEO GROUNDS OF DAVIE, FLORIDA.
(April 1 - 2, 2000; rental fee - \$1,000)

Councilmember Weiner asked that item 9.3 be removed from the Consent Agenda. Councilmember Paul asked that item 9.11 be removed.

Councilmember Weiner made a motion, seconded by Vice-Mayor Bush, to approve the Consent Agenda without items 9.3 and 9.11. In a voice vote, all voted in favor. (Motion carried 5-0)

9.3 Councilmember Weiner thanked staff for the thoroughness of the minutes. He clarified his comments regarding the budget as he felt a need to be very careful with regard to Fire Rescue relative to upcoming budget. He noted he previously mentioned the City of Fort Lauderdale was in the process of hiring a tremendous amount of cross-trained firefighter/paramedics. It was his belief the Town would be caught short handed if a process was not developed.

Councilmember Weiner added that his comments relative to the matter in which he requested Mr. Rawls to investigate, indicated that he was coming from a DARE graduation; however, he was coming from Fox Trail Elementary at a Father's Day celebration.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve item 9.3 with the aforementioned revisions. In a voice vote, all voted in favor. (Motion carried 5-0)

9.11 Councilmember Paul noted that an environmental study had not been conducted and questioned the Town's liability. Mr. Webber stated that this presented a practical and not a legal problem and advised the Community Redevelopment Agency (CRA) felt an environmental audit should be performed. It was Mr. Webber's belief that the CRA had looked at the history of the property and was familiar with the uses in the past and the CRA felt comfortable without the study. He noted that the property title would be under the CRA; however, he could not state whether the Town was ultimately responsible and felt the issue should be further reviewed. Mr. Webber stated that the CRA was an individual body; however, due to statutory requirements Council must grant approval for the CRA to obtain property.

Glenn Irwin, Redevelopment Administrator, expressed the Board's desire to move forward and indicated that the CRA, from a monetary standpoint, had decided not to proceed with the environmental study. He advised if the issue was not addressed soon, the property would go forward to tax deed sale on July 21st. Mr. Irwin felt the assessment might be able to be conducted prior to that date; however, he did not know if the assessment and closing could take place prior to July 21st. Mr. Webber stated that if the environmental assessment was

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considered a reasonable risk, in anticipation of closing, an advancement toward the purchase price could be made for payment of taxes. This would provide the opportunity for the CRA to conduct the assessment; however, the money used to pay for the taxes were at risk. Mr. Irwin was of the opinion that \$10,000 - \$12,000 would had to be expended in order to accomplish this suggestion.

Mayor Venis was of the opinion that the environmental assessment should be conducted prior to proceeding. Mr. Webber reiterated that closing must occur prior to July 21st. If it was the Town's desire to change the deal to make an additional deposit for purposes of the tax payment, the contract could be amended and the closing date could be extended so that the title would not transfer until after the study was performed. Mayor Venis noted that lenders required an environmental study to be completed prior to purchase of a commercial property.

Mr. Irwin advised that the intent of the property was to be used as a parking lot and felt that considerations were different for a parking lot; however, it did not necessarily mean to ignore the other issues being raised. He noted that Agency members Tom Gill and Cindy Osborne had indicated they were familiar with the property and that it had not been used for any other purpose other than for a nursery. However, the issues of chemicals could be a problem.

Mr. Webber suggested that a motion be passed to allow the CRA Board to move forward, contingent upon the Phase I study, and providing the CRA the option if a clear Phase I was not obtainable, it could go ahead and make a deposit on the taxes if it desired.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve item 9.11 subject to the environmental audit outcome; however, if the outcome could be obtained by the closing date of July 21, 1999, the CRA had the option to pay the taxes which would be non-refundable and close subsequent to the date once the answer from the audit was received. 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. PUBLIC COMMENTS

Ordinances - First Reading (Public Hearing to be held July 21, 1999)

10.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, DELETING FROM THE TOWN CODE SECTION 10-17 CONCERNING CREATION OF A WASTEWATER DISTRICT, SECTION 10-18 CONCERNING MANDATORY WASTEWATER CONNECTIONS AND SECTION 10-19 CONCERNING NEGOTIATION AND EXECUTION OF WASTEWATER AGREEMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Venis advised that a public hearing on item 10.1 would be held on July 21, 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 comment was closed.

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)

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10.2 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN CODE BY AMENDING SECTION 17-10 ENTITLED "USE OF STREETS", AMENDING PROVISIONS REGARDING PEDDLERS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This item was previously withdrawn and would be rescheduled.

11. PUBLIC HEARINGS

Ordinances - Second and Final Reading

99-22 11.1 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR ORANGE DRIVE ADJACENT TO THE IMAGINATION FARMS EAST PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 7-1-98, 13601 Orange Drive)

Town Clerk Reinfeld read the ordinance by title.

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

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

99-23 11.2 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-3, UTILITY DISTRICT, OF THE BROWARD COUNTY CODE TO B-2, COMMUNITY BUSINESS DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 3-3-99, 3000 SW 59 Terrace)

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 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)

99-24 11.3 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-3, PLANNED BUSINESS DISTRICT TO B-3, PLANNED BUSINESS DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 4-1-99, 450 SW 130 Avenue)

Town Clerk Reinfeld read the ordinance by title.

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

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

Resolution

11.4 **SETTLEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-99-232 **AUTHORIZING ENTRY INTO A STIPULATION FOR SETTLEMENT OF THE
CASE OF TEEN CHALLENGE OF FLORIDA, INC. VS. THE TOWN OF DAVIE;
AND PROVIDING AN EFFECTIVE DATE**

This item was approved earlier in the meeting.

Quasi Judicial Items

11.5 **REZONING - ZB 4-3-99, Town of Davie/Broward County School Board, 1220
SW 133 Avenue (from A-1 to CF) (tabled from June 16, 1999) Planning and
Zoning Division recommended approval; Planning and Zoning Board
recommended approval**

Mr. Webber advised there was no need for individuals to repeat their previous comments. Staff had provided a full background at a previous meeting and anyone who did not have the opportunity to be heard at the last meeting due to improper notice, would have the opportunity to do so at this meeting. With regard to additional information, the only individuals who should make a presentation were those who had something new to add which were not previously entered into the record.

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

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

Neal Kalis, representing Jim and Betty Foster, updated Council on several meetings with representatives from the Boys and Girls Club, Town staff and Councilmember Paul. He was of the opinion that Mr. Hughes had provided a letter of the Boys and Girls Club intentions; however, he noted he had questioned Mr. Webber as to whether or not the letter would be an enforceable situation. Mr. Kalis noted that there was language that originally permitted the Fosters to enforce; however, Mr. Hughes had indicated that the attorney had advised that the Fosters, or their successors, would not be a good party to enforce and had placed the Town as the enforcers. It was Mr. Kalis' belief that Mr. Webber had reservations with regard to this issue. It was noted that a copy of the letter was presented to Council. Mr. Kalis added that his clients were concerned with the enforceability issue and indicated the drainage issue which was an additional problem. Mr. Kalis advised that Mr. Hughes was working with the School Board with regard to the drainage issue. He noted that there had been no commitment; however, in verbal conversations there had been indications that the Town would take a leading role in resolving the problem. Mr. Kalis advised a topographical study had been performed on the property and requested that the engineer testify on this matter to the fact that it was clear that the ballfields were draining onto the Fosters property.

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Mr. Webber provided an overview of previous discussion with regard to drainage. He noted that evidence was allowed into the proceedings due to a statement made that the School Board could, without obtaining any governmental approvals, build the structure. It was advised that this was the only opportunity for the Town Council to had any control. It was Mr. Webber's understanding that the drainage plans would have to be approved by the Central Broward Drainage District. In addition, Mr. Webber advised that the development would be subject to the Town's control under the South Florida Building Code not withstanding the School Board's standards for construction and would be permitted by the Town, if it was to be built. As such, it was Mr. Webber's belief that drainage was not an appropriate consideration under the zoning request.

Councilmember Weiner referenced Section 12-307 D, Section F, and Section H and questioned whether the Town had the authority to enforce these issues. Mr. Webber replied that the Town had the authority to enforce these issues if the rezoning affected these sections. He advised the Council was not considering a building as part of the rezoning and explained that the information presented conveyed that the building would create the problem. He added that if the property was rezoned, the drainage would not be affected until something was built.

Mr. Kalis noted that while the property was zoned A-1, the School Board had developed the property without rezoning it to an active ballfield. It was that development that caused the drainage problem. He was in agreement with Mr. Webber's comments with regard to the building; however, it was his belief that the Boys and Girls Club intended to submit a site plan that included the eastern portion of the property under which the building would be built.

Mr. Kalis suggested that if the entire property was rezoned, in essence the Town was legitimizing the development that occurred without the appropriate rezoning. He felt this was improper and the School Board should not have been permitted to develop the property as an active ballfield under A-1 zoning without obtaining a rezoning. At that time, this issue might have been able to be addressed. Mr. Kalis added that the Boys and Girls Club had shared its plan and did not intend to be responsible for the problems occurring on the west end of the property. Mr. Kalis was of the opinion that the rezoning was for the entire parcel and that the effect of the run off was negatively affecting property values. In addition, the uses permitted under the CF zoning, were not compatible with the surrounding neighborhood.

Mr. Kalis suggested that the Boys and Girls Club might wish to consider tabling this item to allow for the matter to be resolved. Mr. Hughes advised that he was not able to contact his board members as to whether or not they would consider a request to table the item.

Councilmember Weiner questioned whether the Town could require the School Board to bring the ballfield back for review and to address the other issues, after which this rezoning request could come back. Mr. Webber stated that if the School Board had no authority to construct the ballfield, then the Town would be permitted to do so. He recommended delaying the rezoning action until the prior issues had been remedied.

Mayor Venis expressed his belief that the School Board did not have to come before the Town since it was their property. Mr. Webber responded that the question was whether or not the School Board had the legal right to develop the ballfield. If they did not, then the Town had a legitimate position. Councilmember Cox advised that the Comprehensive Plan

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showed that the School Board was exempt by State Statute from being required to obtain permits and approvals.

Mr. Kalis stated that it was his opinion that the State Statute exempted the School Board from obtaining Code compliance; however, the zoning requirements had to be adhered to. Once the zoning was obtained, the School Board would be exempt. He reiterated his concern that once this parcel was rezoned, the School Board would then have the legal right to had the ballfield on the property.

Mr. Katims indicated that with regard to residential districts, the Town's Code listed recreational facilities as a conditionally permitted use. The permitted use could be interpreted as recreational facility incorporated into a residential development, whether it was private or public. In the recreation and open space category, and community facility category, the term public park, commercial recreation, or something not public. Mr. Katims felt that this was an interpretation issue and could be debated. He was not aware of a prevailing staff interpretation. and noted there was no prevision defining recreational facilities.

Mr. Rawls advised that the Town and School Board had developed a partnership agreement in which ballfield activities were part of the agreement. It was his belief that the issue was whether or not the School Board had an obligation under the current regulatory environment to obtain permits from the Town and whether the zoning applied. Mr. Rawls felt it was clear that that Town's objective was that there would be no runoff from the ballfield. In addition, the runoff volume could in no way attribute to the level of standing water on their property. He suggested that that the best approach would be to amend the petition to include the dimensions of the Boys and Girls Club property and move forward on that issue. Mr. Rawls felt the other issues would not be answered in a two-week timeframe.

Mr. Kalis advised that on behalf of his clients, he would not be in favor of the amendment since it did not bring totality and resolution to this matter. Councilmember Weiner interjected that the amendment would remove any leverage that the Town would have in protecting the residents at the same time as preceding with the Boys and Girls Club project.

Mr. Kalis summarized that the resolution was not far apart; however, there did not seem to be enough time or commitment to resolve the issue quickly. He requested that this item either be tabled or to go ahead and present the evidence.

Mr. Kalis stated that he was of the opinion that his clients would be satisfied if there was a commitment made by the Town that the runoff from the ballfield would be resolved and not at his client's expense. In addition, he requested a way to enforce the letter provided by Mr. Hughes so that this issue could be put to rest. Mr. Kalis felt there was not an element of distrust; however, his clients desired to move forward and not feel compelled to monitor the issue. He noted that this was a significant impact on their property and had been very accommodating.

Mr. Webber noted that the letter would have to be treated separately from the rezoning. The letter would be a voluntary gesture on the part of the Boys and Girls Club irrespective of the rezoning. In addition, he expressed concern with regard to the enforcement issues addressed in the letter and he was particularly concerned with the fact that the Town was obligated to enforce the issue if there was no cooperation to enforce the terms of the agreement.

Councilmember Weiner questioned whether it was possible to have the Boys and Girls Club agree that the Town and/or adjacent property owner had the right to enforcement the

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letter. Mr. Webber responded that he had just received the letter. He felt there were many alternatives as to how this issue can be addressed.

Mr. Kalis suggested that if the matter was tabled, the Boys and Girls Club could possibly submit its site plan which could run concurrently with the rezoning request, and as part of the site plan approval, it would commit to some of the issues. Therefore, the issues would become part of the enforceable site plan.

Discussion ensued with regards to how the Town should proceed. Councilmember Cox noted the Town participated in a cooperative effort to build the ballfields. Councilmember Weiner expressed his reservation as to whether there was a requirement for the School Board obtain approval. Vice Mayor Bush questioned whether Council would be estopped from discussing the issue. Mr. Webber noted that he had not reviewed all the facts in this matter and was not aware that the Town had participated in the development of the ballfields. Mayor Venis expressed his belief that the Town provided approximately \$140,000 obtained through a grant.

Councilmember Cox questioned whether there were some drainage issues when the land was first acquired. It was the consensus the Town was not responsible for the standing water on the property.

Councilmember Paul felt there were two separate issues, the drainage issue and the rezoning request of which the drainage issue was not apart of this consideration. Mr. Kalis reiterated that this issue had been ongoing for many years with promises of resolution and it had not been resolved. He slightly disagreed with Mr. Rawls in the fact that he was not requesting the Town or School Board to resolve any standing water problem that was not runoff from the property. He stated that that he was requesting what was presented at the last meeting and noted his client was now experiencing dead fish in the pond, which was speculated to be a result of fertilizer runoff from the ballfields. Mr. Kalis felt it was not unreasonable for the Town to commit to stopping the runoff from the ballfields.

Mr. Hughes commented that the Boys and Girls Club was in the process of platting the property and was unsure of its impact. He expressed concern with regard to any delays. Furthermore, with regard to the enforcement issue, his concerns were with the Fosters' successors.

Mr. Webber advised that in order to hear the site plan application, the property should be properly zoned. Therefore, the rezoning application should be heard first. He advised that the drainage issue was not consistent with the rezoning request. If Council would like to hear the testimony as a peripheral issue, he cautioned that it was not appropriate to take into consideration.

Councilmember Cox felt that the Town should make a commitment to the property owner to try to resolve the drainage issue. It was her belief, since the Town was a participant in the construction of the ballfield, it was part of the Town's obligation. However, she felt the drainage issue was not a part of the rezoning application. Councilmember Cox stated that rezoning of the property should move forward. She pledged to commit to study the drainage to try to resolve the situation on a separate basis or with a global issue relative to the construction of the building.

Mr. Rawls advised that the School Board owned the property and was responsible for the development of the property along with the playground area. He added that the Town had constructed the ballfield and restroom structure and he felt that the Town had stipulated that it would make every effort to eliminate any runoff from the ballfield onto the Foster's

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property. However, this must be done within the partnership with the School Board. Mr. Rawls noted that the Town could not stipulate that it was influencing to any degree standing water problems on the Foster's property or, once completed, there would be any noticeable change to the Foster's property. He stated that the Town had attempted to separate this issue entirely from the Boys and Girls Club application recognizing that this facility would contain its own separate storm water runoff. With respect to the fields, he felt Mr. Kalis' request was reasonable and the Town had made the stipulation that it would eliminate any storm water runoff from the ballfield area onto the Foster's property.

Mr. Kalis responded that he did not want to sound unappreciative; however, this had not been done. He requested that a letter be sent stating that the runoff would be cured and indicated that in discussions, the dry retention area was to be constructed in conjunction with the Boys and Girls Club. Mr. Kalis recalled that the building drainage would be resolved by the Boys and Girls Club; however, the Foster's did not want to the drainage from the ballfield on their property.

Mr. Rawls indicated that it was reasonable timeframe to expect in conjunction with the Boys and Girls Club facility being constructed that the storm water plan would ensure all storm water from that site was contained on site and did not discharge onto the Foster's facility. He noted that it would be subject to the School Board's approval.

Mr. Hughes advised that he would commit to working on this issue. In a conversation with Kathleen Morris, she had submitted a work order to construct a berm. This order had been sent to the Director of Facilities who approved the concept; however, was not certain of the funding. In addition, it was noted that the Director was going to meet with the architect to discuss this issue along with the possible effect on the field light issue. Further, Ms. Morris had agreed to providing the funding out of her budget. Mr. Hughes advised that he felt between the Boys and Girls Club, the School Board, and the Town of Davie, the funding could be obtained.

Mr. Kalis responded that he had obtained an estimate for \$11,000 to install a berm with impeding the use of the ballfield. He felt the berm might be a practical resolution for his client; however, it might not be a physical resolution. Mr. Kalis reiterated his previous suggestion to table the issue and to have a tri-party agreement committing to stopping the runoff. In addition, there needed to be some assurances provided with regard to the representations relative to the landscaping being enforceable.

Councilmember Paul questioned whether it was permissible to make a separate motion with regard to the drainage issue, and then to vote on the merits of this issue with the understanding that there would be a second reading to follow. Mr. Webber noted that the drainage issue was separate from tonight's rezoning issue. He advised that if Council takes action tonight based on the evidence of the quasi-judicial hearing, there would be no ground to approve or deny the petition at the first or second reading of the ordinance based on the drainage issue.

Councilmember Cox expressed concern with regard to the amount of time in which the School Board would act on this issue. She felt the agreement Mr. Kalis was requesting would not be able to be obtained in a timely fashion. Councilmember Cox noted that Mr. Kalis had a public commitment by Council to do everything in its power to resolve the drainage issue. In addition, she commented she was willing to pledge that by the time the certification of occupancy was granted the drainage issue was resolved.

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Mayor Venis suggested hearing the rezoning issue and then provide a resolution with regard to the drainage issue.

Mr. Kalis suggested that the hearing be delayed until later in the meeting and Council could adopt a resolution agreeing to enter into an agreement with the Boys and Girls Club and the School Board to resolve the drainage issue from the ballpark.

Mr. Webber requested the testimony portion of the quasi-judicial hearing be closed before deliberations would commence.

Mr. Kalis requested that Council hear testimony from an appraiser with regard to the rezoning impact on the Foster's property.

James J. Gross, independent residential appraiser, was present and Mr. Kalis offered Mr. Gross' testimony as an expert witness.

Mr. Webber questioned whether Mr. Gross had been admitted in a court of law to testify as an expert. Mr. Gross responded that he had been admitted in excess of 20 times as an expert witness testimony in the practice of appraisal and practices, standard, and evaluations of residential properties. Mr. Webber excepted Mr. Gross as an expert witness.

Mr. Gross advised that he had completed a fair market appraisal on June 21, 1999 for the Foster's property and he had reviewed the copies of the Davie Town Code with respect to the A-1 and CF zoning. He stated that he was unable to quantify the effect of the rezoning to the Foster's property. Mr. Gross assured that there would be an adverse negative effect on the overall evaluation of the building and the site relative to its overall value. It was his belief; the exhibited use would be incompatible and inconsistent with the use of the Foster's residential site.

Mr. Gross explained that he could not quantify the amount without performing the essential appraisal report. However, he stated that based on other activity of similar properties where appraisals had been conducted, there was typical a 5 or 10 percent reduction in the value of the property.

Mr. Gross stated that if the Boys and Girls Club were to develop a 20,000-square-foot structure on the property, his opinion remained the same relative to the adverse effect. He advised that during an on-site visit, Ms. Foster showed him the ballfield in which she felt was interfering with her sight.

Mr. Kalis questioned whether Mr. Gross was able to provide an opinion relative to the effect of the drainage or runoff on the value of the property. Mr. Webber cautioned that the questioning appeared to be leading toward the drainage issue and not the rezoning. He requested that the witness not testify relative to the drainage concerns.

Mr. Kalis had no further witnesses to present. He summarized that the rezoning would have an adverse effect as testified by his expert witness.

Mr. Gross advised that the proposed change to a CF zoning would have an adverse affect to the existing and subsequent users of the property. In connection with the proposed rezoning, Mr. Gross was of the belief that the rezoning would have a parallelism and the property would have a significant loss of appeal and loss of value to the Foster's property.

Mr. Webber stated that the hearing was concluded.

Councilmember Weiner made a motion, seconded by Vice-Mayor Bush, to lay the item on the table. In a voice vote, the vote carried unanimously. (Motion carried 5-0)

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Councilmember Weiner made a motion to direct staff to enter into a tri-party agreement with the Boys and Girls Club, the Town, and the School Board to resolve the issue of any drainage.

Mr. Webber advised that that the School Board might not wish to be a part of the stipulation; however, he expected permission would be granted to resolve the issue.

Councilmember Cox felt the Boys and Girls Club would assist in moving this issue along with the School Board. She expressed her concern with regard to the tri-party agreement and felt it would be more of a benefit to have the School Board participate in the activity rather than be bound by a legal agreement.

Mr. Rawls read a proposed resolution.

Mr. Kalis clarified the resolution would describe the property in which the ballfields existed and the Town would undertake to effectuate a remedy for the drainage runoff onto the Foster's property. In addition, the effective date would be prior to a certificate of occupancy on the Boys and Girls Club facility. Mr. Rawls indicated the property would be described as the entire parcel.

Councilmember Weiner withdrew his previous motion.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to add the resolution composed by Mr. Rawls as item 15.5. In a voice vote, the vote was unanimous. (Motion carried 5-0)

Councilmember Paul made a motion, seconded by Councilmember Weiner, to accept item 15.5. In a roll call vote, the vote was as follows. Councilmember Paul - yes, Councilmember Cox - yes; Vice-Mayor Bush - yes; Mayor Venis - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Vice-Mayor Bush disclosed he was a member of the Board of Director of the Boys and Girls Club and did not receive compensation.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to reopen item 11.5. In a voice vote, the vote was unanimous. (Motion carried 5-0)

Councilmember Paul made a motion, seconded by Councilmember Cox, to approve item 11.5. 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)

11.6 REZONING - ZB 5-2-99, Aguirre/FLR Company, LLC, 5060 SW 82 Avenue (from A-1 to RM-5) Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval

Mr. Webber confirmed that the witnesses had been sworn in. Jeff Katims, Planner, read the planning report.

Councilmember Paul questioned whether Fox Trail Elementary would provide service to this area and suggested that the land use be included in staff's report. Mr. Katims stated that he was under the impression that the Nova Schools had open enrollment and served the entire county. He felt Fox Trail Elementary was the designated school; however, he noted that

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the schools had an acceptable level of service throughout the next five years, with the exception of one year in which the projects were barely to the level of service. In addition, there was no change to the land use was required.

Councilmember Cox reiterated her previous request to include a land use plan map as part of the backup material.

Frank Aguirre, 7320 Griffin Road, explained the rezoning.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning. 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 Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

11.7 **VARIANCE** - V 5-1-99, Sever, 6650, 6652, 6654, and 6656 SW 48 Street (RM-10) (to reduce the required east and west side setbacks from 20 feet to 7.5 feet and to reduce the required building separation from 20 feet to 15 feet) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Town Clerk Reinfeld swore in the witnesses. Mr. Katims read the planning report.

Mark Sever, the petitioner, explained the variance.

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 variance.

Tom Truex, 4740 SW 72 Avenue.

Lloyd Truex, who also provided photographs which Mr. Webber accepted.

Mr. Sever advised that no trees would be removed and pledged to install a five-foot sidewalk, lengthen the roadway to 20 or 25 feet, as per current requirements, install Spanish S tile, landscape the property above Code requirements, and install a fire hydrant. Furthermore, Mr. Sever felt his development would be a benefit to the community.

Charles Wilder, 4701 and 4703 SW 66 Terrace, and was sworn in.

Mayor Venis questioned whether the improvements would be added even if the variance were not granted. Mr. Sever responded affirmatively.

Mr. Webber stated that the hearing was concluded.

Vice-Mayor Bush made a motion, seconded by Councilmember Weiner, to approve item 11.7. In a roll call vote, the vote was as follows. Vice-Mayor Bush - yes; Mayor Venis - yes; Councilmember Weiner - yes; Councilmember Paul- no; Councilmember Cox - no. (Motion carried 3-2)

11.8 **VARIANCE** - V 5-2-99, Collins Signs Company/The Home Depot, 15885 Pointe West Drive (BP) (to increase the allowable sign area from 150 square feet to 420.33 square feet) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the restrictions noted in the planning report*

Town Clerk Reinfeld swore in the witnesses. Mr. Katims read the planning report.

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Johnnie Caprone, representing the petitioner, noted a change in one of the signs and presented an overview of the modification sign. Due to the modification, the square footage requested would be reduced to 404.33 square feet.

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 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)

11.9 VARIANCE - V 5-3-99, Allsworth/BMS of Davie, Inc., 15701 SW 41 Street (BP)
(to provide three separate signs with a total sign area of 455.2 square feet)
Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval subject to the planning report

Town Clerk Reinfeld swore in the witnesses.

Bill Laystrom, representing the petitioner, stipulated to the entry of the staff report into the record and indicated that this variance was similar to item 11.8. Mr. Katims summarized the planning report.

Mr. Laystrom concurred with the staff report and agreed to the conditions stipulated. 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 Paul, to approve subject to the report and recommendations. 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 closed the public hearing portion of the meeting.

12. SITE PLANS

12.1 SP 12-8-98, Davie Town Center, 6851 Stirling Road (B-1, B-2, and R-2)
Planning and Zoning Division recommended approved subject to the planning report;
Site Plan Committee recommended approved subject to the planning report

Scott Duckham, representing the petitioner, was present. Scott McClure, Planner, summarized the planning report.

Councilmember Cox stated that she felt an agreement had been made with regard to the intent of the petitioner and expressed concern with regard to shielding the neighbors along 70th Avenue. She noted that the neighbors were primarily concerned with being screening from traffic. Mr. McClure felt the cocoplum hedge would be maintained at an approximate height of 30 inches.

Allyn Kaye, Landscape Architect, was present. and stated that the owner would had no problem allowing the cocoplum hedge being maintained at a height of eight feet.

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Councilmember Cox made a motion, seconded by Vice-Mayor Bush, to approve subject to the planning report and the Site Plan Committee's recommendation. 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 SP 3-9-99, Eckerd at Davie, northwest corner of Shenandoah Parkway and SW 136 Avenue (B-2) *Planning and Zoning Division recommended approved subject to the planning report; Site Plan Committee recommended approved subject to the planning report items one through eight, changing number seven to move the planter against the building and column line and widening the sidewalk*

Bill Laystrom, representing the petitioner, was present. Mr. McClure read the planning report.

Mr. Laystrom provided an overview of the site and indicated that a copy of the site plan had been submitted to the surrounding residents. He stated that the only issues from the residents was the elimination of the right turn out on Shenandoah Parkway and the modification of the in-bound lane to include a 50-foot radius instead of a 30-foot radius. He requested that Council consider approval based on the reduced square footage and the right-out on Shenandoah Parkway.

Mayor Venis advised that after speaking with Eckerds' officials, the design of the right-in off Shenandoah Parkway would not break up the character of the entranceway. He added that a meeting had been held with a representative from Mr. Tighe's office and board members from Shenandoah with regard to the ingress/egress situation.

Mr. Laystrom advised that planters were used to specifically address the buildings appearance from the road. In addition, landscaping was added against the building beyond Code requirement to screen the building from the road. Mr. Laystrom referenced a potential problem with the Broward County Commission which had indicated an unwillingness to approve the changes to the site. This project had come through previously as a plat, with the proposed entranceway. It was his belief that the reduction in square footage would ultimately address the intent to reduce traffic in the Shenandoah neighborhood. If the right out were eliminated, patrons from Shenandoah would be required to loop the entire site. Mr. Laystrom indicated these were concerns of Eckerds and proposed the following alternatives: 1) sign the property as such "Shenandoah Parkway" only; 2) signage indicating the proper traffic pattern to return to 136th near the "pass-through" street; and 3) alter the site to allow for left in and left out so that cars would make a U-turn onto Shenandoah. Mr. Laystrom noted that the neighbors objected to alternative #3. In addition, he advised that County approval would be required.

Tom Tighe, representing the Shenandoah community, stated that the residents felt that one of the major influences which could negatively affect a community was traffic. He advised that the Association was requesting that Council deny this application due to the right out onto Shenandoah Parkway.

Mr. Tighe distributed maps showing a schematic of the Shenandoah community. He presented an overview of the site and noted the traffic patterns from the shopping center. In addition, he noted several options the traffic patterns would have in egressing the facility. Mr. Tighe felt that the reason for site plan review was to ensure the site plan was compatible with the neighborhood. In addition, the Code required that the undesirable affects be

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minimal on the surrounding neighborhood which was the main concern of the residents. In meetings with Mr. Laystrom, Mr. Tighe indicated that there were no concrete pledges to make any other arrangements.

Jeffrey Golovin, 14101 Oak Ridge Drive - President of the Shenandoah Association, was present. He expressed his belief that he was looking forward to the Eckerds as a neighbor; however, there were tremendous traffic concerns. Recently, there had been a development with regard to the Poinciana Park development being constructed which would add an additional 400 homes to Shenandoah in addition to the apartments and other complexes being proposed. Furthermore, there was numerous traffic along SW 136 Avenue. Mr. Golovin felt that people would like to avoid SW 136 Avenue and go to the Eckerds through Shenandoah Parkway. He noted that Council had worked hard in its attempts to assist in the increased traffic along Shenandoah Parkway and was appreciative of the recently installed speed bumps

In response, Mr. Laystrom reiterated his belief that the reduced square footage would decrease the traffic. One alternative being considered was an expanded U-turn at the first opportunity along Shenandoah Parkway. He felt that the mid-median U-turn movement rather than at the intersection, would have a separate lane, which would be between the first Shenandoah entrance and the Eckerds. Again, the modifications for the increased radius were resolved; however, the entrance issue had not been resolved. In addition, a left out onto Shenandoah Parkway was not acceptable by Staff. Furthermore, the SW 136 Avenue entrance was considered to be only a right in and right out; however, the distance requirement would not be acceptable. Mr. Laystrom offered Mr. Tinter's testimony as being the reduced square footage would decrease the amount of traffic. He assured Council even if the site was built without the improvements being discussed; the U-turns would have been addressed as part of the platting requirements.

Mr. Laystrom suggested that he meet with the residents on the site plan and recommended that this item be tabled to July 21st. Mayor Venis suggested that the meeting include Mr. Rawls, Mr. Laystrom, and representatives from Eckerds.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table to July 21, 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)

- 12.3 SP 5-11-99, Emerald Isles Estates, SW 130 Avenue, approximately 2,500 feet north of SW 26 Street (A-1) Planning and Zoning Division recommended subject to the planning report; Site Plan Committee recommended approval subject to the planning report items one through eight and that item seven, irrigation and ground cover for the 30 foot recreational easement, would be provided in increments as the houses were constructed and certificates of occupancy were issued

Gus Aguirre representing the petitioner, was present. Mr. McClure read the planning report.

Mr. Aguirre advised that all recommendations had been incorporated into the drawings provided to Council. At the time of review by the Site Plan Committee, the detail with regard to the entry gate was not available.

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Councilmember Cox made a motion, seconded by Vice-Mayor 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)

13. APPOINTMENTS

13.1 Open Space Advisory Committee (two exclusive appointments per Councilmember; term August 1999, to July 2000)

Councilmember Cox appointed Sandi Switzer and deferred her second appointment. Mayor Venis appointed George Greb and Robert Hoth. Councilmember Paul reappointed AnnaMarie Patella and Toni Webb. Councilmember Weiner and Vice-Mayor Bush deferred their appointments.

13.2 Florida League of Cities Voting Delegate - Annual Conference

Councilmember Cox made a motion, seconded by Councilmember Weiner, to nominate Vice-Mayor Bush as the voting delegate. In a voice vote, the vote was unanimous. (Motion carried 5-0)

14. OLD BUSINESS

14.1 Update Regarding Vendor Activity at Tower Shoppes (tabled from June 16, 1999)

Mr. Rawls advised that the vendor activity had grown beyond the direction given by Council. The vendors sold items related more to cars and car activities. It was the car shows coordinator belief that the vendors were necessary to support the insurance for the event. The car show coordinator was requesting that the Town to take some action to direct staff to develop provisions to authorize on-going activity.

Mr. Rawls indicated that Nova Villas had expressed some concern with regard to this activity and noted that he had had conversations with Mr. Buckles who expressed that the residents were opposed to the car show and vendor activity. However, if the Town felt that these activities were appropriate, the residents would request provisions limiting the vendor activity as discussed. Mr. Rawls explained that Mr. Buckles had left a message stating he had more information; however, he had not had the opportunity to contact Mr. Buckles.

Mr. Rawls stated that Council had provided direction; however, there was no direction to set parameters for the operation of the vendor activities. The car show was not in violation of a Town Code; however, the vendor activity would require special consideration by Council. Currently, there was an active Code Compliance Case in place and the case was in abeyance until Council provided further direction. Another suggestion would be to operate for the next several months and establish a track record.

Mayor Venis suggested monitoring for two months and reviewing the report. Councilmember Paul stated that she would like to meet with Mr. Buckles and she was of the opinion that the residents objected to the entire shopping center complex intruding and not necessarily the car show or vendors.

Councilmember Paul suggested that Council direct staff to prepare information as to allowing the vendors to operate and at the same time, allowing a two-month time frame.

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Councilmember Weiner stated that he was in favor of the car show continuing; however, he questioned how the Town would be able to regulate other similar shows throughout the Town.

It was the consensus of Council to reassess the issue in two months.

15. NEW BUSINESS

15.1 Annexations (Councilmember Paul)

Will Allen, Programs Manager, provided an overview of the backup information and advised that the County had authorized a study by DMG Associates, Inc. for the southwest area which included Sunshine Ranches and the Southwest Ranches areas. The study reviewed two alternatives: 1) annexing the existing unincorporated areas, and 2) contraction of the Town's limits to deannex Ivanhoe and include Ivanhoe, Sunshine Ranches, and the Southwest Ranches area as one city. In reviewing the legislation Mr. Allen advised that a vote was called for in March 2000, for the Southwest Ranches and Sunshine Ranches areas. He noted that Ivanhoe was not specifically addressed.

Mayor Venis noted that with regard to Ivanhoe being annexed as part of a new city, there were a lot of factors that would go with the area such as debt service and infrastructures that the Town had funded. He reiterated the importance of the facts being brought forward in order for the residents to make an educated decision.

Councilmember Cox felt that Southwest Ranches and Sunshine Ranches areas were "just want to be the Ranches" and questioned whether it was considering the Ivanhoe area.

Councilmember Paul explained the approach with regard to annexation had been one of an "easy approach" and questioned whether any presentations had been made. Councilmember Cox replied that there had been no presentations due to lack of interest and the residents had been waiting for the economic study to be completed since they want to become their own city. It was her belief that an informational letter discussing some of Council's observations might be considered.

Councilmember Paul advised of conversations with some individuals who would like to be a part of the Town; however, they were concerned with regard to the annexation momentum and questioned whether or not the Town was committed to the resident's lifestyle. Councilmember Cox summarized comments from individuals that the problem was with money and taxes. She suggested contacting the organization committee to see whether or not they would be interested in a meeting. She questioned how aggressive the Town would like to pursue this issue and she would like to see a commitment with regard to the Ivanhoe issue.

Mayor Venis suggested providing information to the committee and reviewing the response. He explained he had not seen an outcry from the Ivanhoe residents requesting to be deannexed.

Councilmember Cox advised of a letter sent to all Councilmembers from Jay Stahl. Mayor Venis indicated that he had spoken to Mr. Stahl and the meeting was on hold.

15.2 Davie Police Honor Guard Attendance/Participation at the Miss America Pageant - 79th Anniversary (September 13 - 19, 1999) (\$3,500 plus discretionary leave)

Mayor Venis noted this was a yearly event in which the Town provides a contribution.

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Councilmember Weiner questioned how this was different from sending children to a National Championship using taxpayers monies. Councilmember Cox felt that for the past 16 years this had been done and was subsequently inherited.

Mayor Venis felt it was an honor to participate in the pageant.

Direction was given for Mr. Rawls to add this item to the next agenda.

15.3 Request from the Davie Tigers Juvenile Baseball Team

This item was discussed earlier in the meeting.

**15.4 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE
R-99-233 MAYOR AND APPROPRIATE TOWN OFFICIALS TO EXECUTE A
CONTRACT BETWEEN MEGAN SOUTH, INC., AND THE TOWN OF DAVIE
FOR THE DRIFTWOOD AREA DRAINAGE IMPROVEMENTS, AND
PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the resolution by title.

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

Mr. Rawls advised that the County Commission was divided with regard to adding a second penny sales tax. A one-cent tax was adopted on motor fee and the second penny would have funded expanded local bus services. The County Commission had requested direction from local communities and letter was requested indicating support of a second one-cent gas tax that would be applied toward mass transit. Mr. Rawls stated that he did not have a count of other municipalities in favor of the tax; however, at the last County Commission meeting, there had been no negative responses. He was noted that a majority of the municipalities must recommend approval.

Vice-Mayor Bush explained that four of the five cities under Commissioner Lori Parrish's District recommended approval. Mayor Venis indicated that he would like to see this issue approved. Councilmember Cox expressed concern and requested more information be provided before she could provide her support. Mayor Venis asked Mr. Rawls to obtain more information from the County.

16. DISCUSSION

16.1 Single Member Districts (Councilmember Paul)

Councilmember Paul stated that she thought that single member districts needed to be discussed and asked what was the timeline was to have single member districts placed on the March 2000 ballot. Town Clerk Reinfeld advised that a ballot question would have to be provided to the Supervisor of Election's office by September 8th. She indicated that the first reading of the ordinance would have to be approved on August 18th with the second reading being approved on September 1st if the referendum was to be held in November. Town Clerk Reinfeld explained that previous costs were approximately \$22,000 for a stand alone election and if the election was to be a part of the County election, the cost was approximately \$8,000.

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Councilmember Paul understood that a petition had been circulated and questioned the status. Town Clerk Reinfeld stated that she was not aware of any citizens who registered to circulate a petition.

17. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 1:28 a.m.

APPROVED _____

Mayor/Councilmember

Town Clerk