

**TOWN COUNCIL  
REGULAR MEETING  
AUGUST 18, 1999**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:00 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Venis, Vice-Mayor Bush and Councilmembers Cox, Paul and Weiner. Also present were Town Administrator Middaugh, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting. Vice-Mayor Bush was absent.

Councilmember Cox made a motion, seconded by Councilmember Paul, to excuse Vice-Mayor Bush. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - absent; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

**3. PRESENTATIONS**

**3.1 Davie Tigers Champions**

Mayor Venis indicated that this presentation was rescheduled to September 1, 1999.

**3.2 Rebecca Stone, Pine Island Adventure Camp Volunteer**

Bette Stark, Community Services Supervisor, introduced Rebecca Stone who was presented a Certificate of Appreciation by Mayor Venis. Ms. Stone stated that it had been very rewarding to have the opportunity to work with children and thanked the Town for giving her the chance.

**3.3 Jose Schmidt, Florida Department of Agriculture and Consumer Services**

Later in the meeting, Mr. Schmidt presented an overview of the Fresh From Florida Campaign and explained that the intent of the program was to promote Florida's agriculture. By becoming a member as an agribusiness, many benefits were offered including free point-of-purchase material, company trade events sponsored by the Department of Agriculture, incentive programs for advertising and packaging material when the logo was used, and a 3x4 steel sign with the company name. Mr. Schmidt indicated that current members from the Davie area include New River Groves, Oak Ridge Farms, and Pot-Luck Nurseries.

David Roth, from New River Groves, apprised of his experiences with the program and noted the benefits to the Town of Davie.

**3.4 Michael Brown, Police Service Aide - Five Years**

Mr. Brown was not present.

**3.5 Casey Lee, Zoning Technician II - Ten Years**

Mayor Venis presented Ms. Lee with a service award.

**3.6 Scott McInerney, Police Lieutenant - Twenty Years**

Mayor Venis presented Lieutenant McInerney with a service award.

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**3.7 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent**

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Junior Rodeo (August 21st and 22nd); Five Star Rodeo (August 24th - 25th); Labor Day Family Splash (September 6th); and Country Craft Show (September 18th - 19th).

Ms. Stark, representing Ms. Pierce-Kent, announced that upcoming events included: adult and senior birthday bash (August 24th); soccer program mail-in registration (beginning September 13th); roller hockey registration (beginning September 14th); DASH Program registration (August 30th); and fall pre-school program registration (beginning August 30th)

**3.8 Community Redevelopment Agency**

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

Mr. Kalis referenced three lots on SW 63rd Avenue that had been purchased by the CRA and noted an opportunity to purchase an adjacent fourth lot. At the time the three lots were purchased, Council had requested a Phase I environmental audit. Mr. Kalis requested direction as to whether an audit would be needed for the fourth lot which and indicated that the cost would be approximately \$14,000. He noted that the property had been appraised at \$29,000 and staff had been instructed to proceed to acquire the property. Discussion ensued with regard to the environmental study and the Town's potential liability. It was noted that the subject lot was used for the same purpose as the other three lots. Mr. Webber advised that the Town typically required a Phase I audit due to the liability and felt it was prudent to conduct the audit. He further explained that the Town would inherit the problem if a problem existed.

Mr. Kalis provided a brief explanation as to the lot's availability and the reasons why it was not previously purchased. He added that the lot had become available at a tax sale; subsequently, the owner of the property had expressed an interest in selling the lot.

Motion by acclamation to move forward with a phase I environmental study on the subject lot. In a voice vote, the vote was unanimous. (Motion carried 4-0)

**3.9 Reese Road Update**

Mr. Rawls explained that the Town had received funding from the Department of Transportation and a signal commitment from Broward County. He indicated that there was a construction agreement on tonight's agenda for approval which was the final aspect of the funding. Mr. Rawls advised that an agreement had been reached as to how the closing could occur and advised it was now an issue of money.

7.1 Town Clerk Reinfeld read a proclamation in its entirety which Mayor Venis presented to Fire Lieutenant Brian Nolte.

12.1 Community Services Director Sharon Pierce-Kent presented an overview of the proposed site plan for the Pine Island Park. She noted that the plan shifted the entire complex and rotated the 225-foot fields to the west of the complex leaving the 300-foot fields closer to the Reflections townhomes. From the edge of the 300-foot fields to the west property line of the Reflections townhomes, there would be 265 feet and the park perimeter fencing would be located behind the existing berm on the west side. The canal banks would be seeded with bahia grass if the Central Broward Drainage District was agreeable. A row of trees would be behind the western side of the berm as discussed at the last meeting on 35-foot centers. An

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additional row of trees would be added to the berm if the Drainage District was agreeable and the Town identified the funding source. Subsequently, there would be two rows of trees with areca palms between them. Ms. Pierce-Kent noted that Mr. Rubin and Mr. Freeman wanted to donate monies towards the landscaping.

Mr. Rubin expressed his appreciation that staff had found a solution which met everyone's goals. He pledged to donate \$1,000 towards the second row of trees in honor of the Davie Tiger's Championship team. Mr. Freeman also expressed his appreciation to the Town's staff for their efforts and donated \$1,500 for the trees.

Corey Johnson, Parks and Recreation Advisory Board member, indicated that the Board was in support of the renovation and program presented tonight. He felt it was a positive step to add to the recreational program.

Ms. Pierce-Kent noted that there was \$2,900 in the budget for the additional trees; therefore, the monies did not have to be identified.

Councilmember Cox suggested that the Development Services Department review the plans for the double row of trees. She expressed her concern with regard to overplanting and, therefore, the areca palms would not do well under those conditions. Mayor Venis concurred and felt that the palms should be planted at a similar distance to those planted at Sheridan Glen.

Mr. Rawls explained that discussions had occurred with regard to the plant material and their limitations. He felt the trees would be successful by staggering on either side of the berm and noted that the estimated cost of the additional rows of trees was \$2,900.

Councilmember Weiner suggested that the landscaping issues be addressed by staff in a consultation with Mr. Rubin. If there was a problem, it could be brought back through the site plan process.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve item 12.1 subject to staff working with Mr. Rubin regarding the landscape issues and if there was no resolution, the plan would be sent through the Site Plan Review Committee. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - absent; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

Mayor Venis recessed the meeting at 7:43 p.m. and reconvened the meeting at 7:48 p.m.

12.3 Damian Pignato provided a history of the request for a guardrail along SW 70th Avenue. He advised of a petition in which 63 signatures were in favor and 9 were opposed to the construction of a guardrail. Mr. Pignato felt this was a safety issue and numerous lives would be saved. He admitted that a guardrail was not aesthetically pleasing and additional signatures to the petition had been submitted to the Town Clerk.

Peter Mineo, Jr., a Calder Farms resident, supported the guardrail installation and advised of a traffic accident in which a pick-up truck went into the canal. He felt that installation of the guardrail was justified and reiterated that this was a safety issue. Mr. Mineo questioned whether the cost was prohibitive and why the monies were not expended if they had been allocated three years ago.

Dean Alexander, 13820 SW 16 Street, spoke in favor of the guardrail. He referenced two accidents involving a dump truck and horse trailer and expressed his belief that a guardrail would have prevented both accidents.

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Councilmember Cox expressed her opposition to the guardrail and mentioned that the individuals who were involved in the pick-up truck accident were drag racing. She advised that the police report had noted that if there had been a guardrail, the person in the back of the truck would have been ejected.

Councilmember Cox noted that the residents in Calder Farms and Exotic Acres had the benefit of a guardrail from their development to Stirling Road. She said that Dr. Strain and Jesse Durko had indicated their opposition to the guardrail and added that the individuals who wanted the guardrail, already had it. Councilmember Cox felt this was a beautiful, rural road, a guardrail would be very destructive to the neighborhood and the speed limit would be raised. She stated that if the guardrail was constructed, a letter needed to be sent to the residents advising of both the positive and negative ramifications and they should be provided with an opportunity to be heard. Councilmember Cox said that Dr. Strain and Mr. Durko had indicated that they felt guardrails would devalue their property. She acknowledged the possibility of people drowning in an accident; however, she was still opposed to the installation of a guardrail.

Councilmember Weiner advised that he had met with the Calder Farmers Homeowners' Association on June 8th and had provided a list of individuals in attendance to Town Clerk Reinfeld. He also provided a report from Assistant Town Administrator Robert Rawls and Assistant Chief of Police Robert McDaniel and a draft letter dated August 17, 1999 from Councilmember Cox to her neighbors. Councilmember Weiner expressed his belief that this was a safety issue rather than an aesthetic issue and further noted his philosophical disagreement with Councilmember Cox. He felt that staff could suggest a guardrail that would be aesthetically pleasing to the neighborhood. Councilmember Weiner was strongly opposed to someone being able to be thrown into the canal from a motor vehicle regardless of the situation.

Councilmember Paul commented on other rural areas of Davie that had guardrails. She advised of a situation in which she complained about a guardrail on SW 142nd Avenue and was told by staff that guardrails were a Town policy and this was a safety issue. Councilmember Paul expressed concern with regard to there being no bank along the canal and with someone hitting a guardrail versus someone going into the canal, as well as the speeding. She suggested consideration be given to a traffic calming device.

Mayor Venis explained that he had been dealing with the guardrail issue for some time and advised of a discussion with Mr. Rawls in which it was felt that the guardrails would be a benefit. He questioned whether the monies were still budgeted with Mr. Rawls indicating in the affirmative. Mayor Venis stated that he was in favor of moving forward with the completion of the guardrail.

Mr. Rawls commented with regard to the operational aspects and felt there was one basic issue as to whether the guardrail increased the probability of danger. He noted that guardrails were intended to provide a margin of safety and with regard to the aesthetic aspect, Mr. Rawls advised of some success with painting the guardrails. He described steel posts that would be used since there was basically no canal bank; however, he was not sure of the drive mechanism for the post but it would be some sort of hydraulic mechanism and that there would be some shifting of the ground. Councilmember Paul expressed concern with regard to the impact of using hydraulic equipment on older bridges.

Councilmember Weiner questioned whether there was a County ordinance requiring that speeds to be increased once a guardrail was installed. Mr. Rawls explained that in order

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for any municipality to regulate the speed of a road, a traffic engineering study must be completed. He summarized that if there was a request to change the speed, a traffic study would have to be conducted in order to increase the speed.

Councilmember Cox questioned what the Town's position would be if someone received a speeding ticket and felt that the 30-mile per hour speed limit was too slow. She further questioned how SW 70th Avenue compared to Hiatus Road on the south end. Mr. Rawls responded that the cross-sectional width of the pavement was very narrow and the limited roadside should support the 30-mile per hour speed limit. He was not sure if those conditions would be substantially changed by adding a guardrail. Mr. Rawls explained that Hiatus Road had a slight shoulder on the east side, the west side was a limited condition and would be a similar parallel. Mr. Rawls stated that it was his belief that the speed limit on the southern end was 35 miles per hour with the north end being 45 miles per hour.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to continue the guardrails along SW 70th Avenue; if funding was not available in this year's budget, it should be included in next year's budget; and staff was directed to study the speed calming issues along SW 70th Avenue. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - absent; Councilmember Cox - no; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 3-1)

Mayor Venis announced that items 9.3, 9.4, and 9.5 needed to be tabled to September 15, 1999.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to table items 9.3, 9.4, and 9.5 to September 15, 1999. In a voice vote, with Vice-Mayor Bush being sent, all voted in favor. (Motion carried 4-0)

**4. MAYOR/COUNCILMEMBERS COMMENTS  
VICE-MAYOR BUSH**

Vice-Mayor Bush was absent.

**COUNCILMEMBER COX**

**OPTIMIST CLUB.** Councilmember Cox congratulated Bruce Bernard on his new office with the Optimist Club.

**FIREWORKS SALE REQUEST.** Councilmember Cox apprised of an inquiry she had received at the Davie Merchants' and Industrial Association meeting, relative to seasonal fireworks sales for New Year's Eve since it was the millennium celebration. She expressed her belief that this could be permitted in this instance and asked if Council was agreeable. It was the consensus that there was no objection.

Mr. Webber advised that he had reviewed this issue and found that if it were to be permitted for one-time, an ordinance would have to be adopted and the Code would not need to be revised.

**COUNCILMEMBER WEINER**

**OPTIMIST CLUB.** Councilmember Weiner congratulated Bruce Bernard on his new office with the Optimist Club.

**VACATION.** Councilmember Weiner indicated that he was glad to be back from his vacation.

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**AQUACULTURE INFORMATION.** Councilmember Weiner thanked Budget and Finance Director Christopher Wallace for the information regarding to the aquaculture center.

**EMERGENCY MEDICAL SERVICE.** Councilmember Weiner advised that with regard to the billing, the collection rate was approximately 50-55% with 60-120 days for collections.

**LABOR DAY.** Councilmember Weiner reiterated that the Labor Day celebration would be held at Pine Island Park.

**ANNIVERSARY.** Councilmember Weiner extended best wishes to Tom and Jan Truex. He advised that his 11th wedding anniversary would be on August 20th.

**PUBLIC RECORD REQUEST.** Councilmember Weiner advised of a public record's request from Judy Stern dated January 20, 1999 in which there was discussion on an Attorney General's opinion as to whether or not there was an ethical conflict relative to the discussion of voting on the Joint Powers Agreement with the County. Prior to that meeting in a conversation with Mr. Webber, Councilmember Weiner was advised that he could not vote; however, he was permitted to participate in the discussion. He thanked Edna Moore for loaning him the video tape of the January 20, 1999 Council meeting. Councilmember Weiner clarified that he misspoke referring to the Attorney General's Office with regard to ethical conflicts and he now knew it should have been the State's Commission on Ethics. Councilmember Weiner asked Mr. Webber whether this misstatement was a serious offense. Mr. Webber replied negatively.

Councilmember Weiner stated that he could not produce the Attorney General's Opinion to Ms. Stern since there was none. He explained that he was referring to the Commission on Ethics and he would provide whatever was responsive to the request.

**LEGAL ADVICE LETTER.** Councilmember Weiner advised of a letter sent to Mr. Webber with copies to the Town Clerk's Office and Mr. Middaugh which was published in the Miami Herald. He made a public record's request and found that two residents had received a copy prior to Councilmember Weiner receiving a telephone call from the Miami Herald. He questioned if Mr. Middaugh had determined how this information got out to the public. Mr. Middaugh stated that he had discussed this issue with Town Clerk Reinfeld and noted that there were many opportunities for someone to see documents, whether purposefully or nonchalantly. He suggested that if a document was not to be made public, copies should not be sent to the Town.

Councilmember Weiner expressed concern with regard to letters that may or may not be public record since he did not want to see leaks in Town Hall on sensitive issues. He hoped that an employee was not going out of the way to contact the residents.

**COUNCILMEMBER PAUL**

**POW/MIA RECOGNITION.** Councilmember Paul announced the first annual Broward County National POW/MIA Recognition Day at the Bergeron Rodeo Grounds on September 18th and 19th. Representatives would be present from the Vietnam Memorial Wall of Broward County and the Vietnam Museum of Broward County.

**OAKRIDGE FARMS SIGN.** Jason Curtis presented the agribusiness sign which had been discussed earlier.

**AGRICULTURAL ISSUE.** Councilmember Paul announced a proposed rule change by the Department of Revenue in which the livestock definition would be changed for tax purposes. She expressed concern with regard to the definition being vague and felt the Department of

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Revenue's definition of livestock should mirror the definition provided in the State Statutes. Councilmember Paul advised of her attendance at a workshop meeting in Tallahassee along with a number of representatives from the area who spoke in opposition to the rule change.

Councilmember Paul requested a motion to have a resolution presented at the next Council meeting supporting any change in the definition be more in line with the State Statutes than the proposed change. Councilmember Weiner questioned whether the definition was for one specific use of the term that was in question, or was the term in question being used in any form. Councilmember Paul read the definition of livestock.

Councilmember Paul made a motion, seconded by Councilmember Cox, to draft a resolution in which the Council supports a change in the definition of livestock by the Department of Revenue to be in line with the definitions as stated that in the State Statutes. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - absent; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

Councilmember Cox questioned the economic impact of the pleasure horse industry.

Fred Siegel responded that the economic impact of the equine industry in Broward County was approximately \$190 million dollars. This would allow the County the ability to deny any agriculture classification for any equine interest. Councilmember Paul explained that there would be a domino effect whereby the horse ranches and related industries survival would be threatened.

**MAYOR VENIS**

**OPTIMIST CLUB.** Mayor Venis congratulated Bruce Bernard on his new office at the Optimist Club.

**FRANCHISE FEES.** Mayor Venis reported that the Town was due a differential payment of approximately 2% or 3% due to annexation of various properties. He indicated that he had been informed that for the first quarter, the differential franchise fee was approximately \$30,000 and Comcast was in the process of "catching-up" on the back franchise fees.

**PARK CITY.** Mayor Venis advised of several phone calls relative to the City of Sunrise using chlorine in the water system during testing. He requested that the City of Sunrise contact the Town in advance of any more testing so the residents affected could be notified.

**SMOKE DETECTOR PROGRAM.** Mayor Venis requested that a time line be provided in which the program would be implemented in the mobile home communities.

**BLOCK PARTY.** Mayor Venis advised of a Vista Filare block party that he and Councilmember Paul had attended last week. He thanked Vista Filare for the invitation, and the Canine Unit, Officer McGruff, and the Fire Department for their participation.

**NOVA DRIVE MEETING.** Mayor Venis indicated that there would be a meeting the first week of September with the master homeowners' associations along Nova Drive to discuss traffic issues.

**WESTERN HIGH SCHOOL.** Mayor Venis advised of several requests to view the portable sites for Western High School. He requested that Messrs. Middaugh and Rawls arrange a time in which the property could be viewed and possibly a letter be drafted to the School Board advising them of the concerns.

Councilmember Weiner suggested that the Youth Advisory Board investigate this issue.

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**GUARDRAIL.** Mayor Venis explained that he had written a letter to the Whispering Pines Homeowners' Association with regard to the guardrail along SW 36th Court. It was his understanding that the guardrails would be installed and it would be the responsibility of the developer to realign the canal.

**5. TOWN ADMINISTRATOR'S COMMENTS**

**PINE ISLAND PARK.** Mr. Middaugh recognized Ms. Pierce-Kent, Mr. Rawls and Cheryl Elett for their work with the development of the Pine Island Park conceptual plan.

**AMNESTY PROGRAM.** Mr. Middaugh distributed a memorandum from Mr. Wallace regarding an amnesty program for occupational license fees to assist in the enforcement for occupational licenses. He stated that staff had found that some people had violated the occupational license fee schedule and needed to have the undivided attention of staff; however, there were some people who had made an attempt to comply and had not been able to completely comply. Mr. Middaugh indicated that he would like to offer those people who had made the attempt the opportunity for amnesty so that the penalties were not as harsh.

Councilmember Weiner questioned the amount of penalties. Mr. Wallace responded that the penalty fees would total \$1,000 - \$2,000.

Councilmember Cox questioned the rationale for an occupational license being required for a mailbox location. Mr. Wallace responded that the ordinance required a business license if one was conducting business in the Town. He provided a brief overview of the requirements for an occupational license and several reasons why an occupational license was required.

Mayor Venis provided an example of a home business using a mailbox location for business correspondence rather than their home address. He noted that there were several reasons to require an occupational license including zoning and Code compliance reasons, knowledge of the officers of the company in case of complaints, and to regulate businesses.

Discussion ensued with regard to occupational licenses and the amnesty program. Mr. Wallace advised of a situation in which the business owner obtained an occupational license from the County, had a location in the City of Fort Lauderdale and was not aware he needed a license in the Town for a post office box location. He stated that the business owner objected to the penalties. Mr. Wallace noted the hardships involved with home occupational and mailbox licenses and the difficulties in enforcement.

Councilmember Weiner cited numerous issues in the news last year relative to mail fraud. He questioned whether staff or certain business owners were requesting this amnesty. Mr. Wallace commented that the complaint came from a business owner and he agreed that the situation was onerous. The business owner noted several instances where he had attempted to ensure he was in compliance. As a result, Mr. Wallace would be meeting with the County in an attempt to better coordinate efforts. With regard to the amnesty period, Mr. Wallace commented that he would like the ability to continue the amnesty.

Councilmember Weiner questioned whether the Western Express had an occupational license in every municipality to which they delivered. Mr. Wallace responded that if a business operated in the Town, and/or a sales tax was collected, they would be required to have an occupational license.

Discussion ensued with regard to the time period for amnesty. Councilmember Weiner suggested allowing a 90-120 day timeframe from the notification date. Mr. Wallace explained that this would be a one-time amnesty for each business.

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It was Council's consensus to authorize staff to waive penalties for 90 days for those individuals who had made a concerted effort to comply with the occupational license criteria. **NEW AGENDA FORMAT.** Mr. Middaugh noted that there was a report of each agenda item in an executive summary format and if Council desired additional information, to please let him know.

**LIBRARY.** Mr. Middaugh requested that the interlocal agreement for the library be placed on an agenda.

**FAMILY.** Mr. Middaugh wished his wife a happy birthday and noted that his mother-in-law was visiting.

**6. TOWN ATTORNEY'S COMMENTS**

**LITIGATION.** Mr. Webber provided an update on litigation in which the Town was involved: Bar-B Ranch; Orendello; SW 142nd Avenue; Sunrise; 175/185 pension funds; Coastal Carting; Statewide Towing; LDG/DOT; and Rowar's.

Councilmember Weiner questioned whether there was a time limit relative to bringing forth issues prior to expiration of the Police Collective Bargaining Agreement. Town Clerk Reinfeld indicated that she was not sure and Mr. Webber advised that he would review this issue.

Mayor Venis questioned the status of the street vendors. Mr. Webber advised of a model ordinance through the County in which the municipalities could choose to adopt since this was a countywide problem. He explained that the Town had been trying to address this issue with the Broward Sheriff's Office legal counsel. Mr. Middaugh advised of an ordinance in Colorado and would distribute a copy for review.

Discussion ensued with regard to the enforcement of the ordinance relative to street vendors. Mayor Venis provided a brief overview of the previous problems. Mr. Webber would be gathering information with Police Chief John George and would provide the police activity reports at that time.

**7. CONSENT AGENDA**

*Proclamation*

- 7.1 Town of Davie Fire Fighters Appreciation Week (August 30 - September 6, 1999)

*Home Occupational Licenses*

- 7.2 Gerard S. Mirabella, 11621 SW 22 Court
- 7.3 Healthmed International Corporation, 12890 SW 34 Place

*Resolutions*

- R-99-263 7.4 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR ASPHALT RECREATIONAL PATHS. (Weekley Asphalt Paving, Inc. - asphalt paths with a lime rock base; Numeric Construction, Inc. - full depth asphalt paths)**

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- 7.5  
R-99-264      **APPLICATION FOR FUNDING - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION IN THE AMOUNT OF \$250,000 FOR FUNDING OF THE COPS IN SCHOOLS FOR ADDITIONAL POLICE OFFICERS UNDER THE COMMUNITY ORIENTED POLICING PROGRAM ADMINISTERED BY THE U.S. DEPARTMENT OF JUSTICE.**
- 7.6  
R-99-265      **SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBDIVISION 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 6-1-99, Dargel Plat, 2301 SW 66 Terrace)**  
*Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval subject to the planning report*
- 7.7  
R-99-266      **CO-SPONSORING SCHOOL PROGRAM - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO CO-SPONSOR AN ALTERNATIVE TO SUSPENSION PROGRAM ENTITLED JAGUAR EDUCATIONAL TRANSITION (JET) PROGRAM FOR THE PERIOD OF AUGUST, 1999 TO JUNE, 2000**
- 7.8  
R-99-267      **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A JOINT PARTICIPATION AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE PROVIDING FOR CONSTRUCTION OF CERTAIN IMPROVEMENTS CONCERNING THE RELOCATION OF REESE ROAD; AND PROVIDING AN EFFECTIVE DATE**
- 7.9  
R-99-268      **FIFTH AMENDMENT TO INTERLOCAL AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE TOWN THE FIFTH AMENDMENT TO THE NOVEMBER 25, 1986 INTERLOCAL AGREEMENT BY AND BETWEEN BROWARD COUNTY, THE TOWN OF DAVIE AND THE OTHER MUNICIPALITIES WHO ARE PARTY TO THE AGREEMENT FOR SOLID WASTE DISPOSAL SERVICES; AND PROVIDING AN EFFECTIVE DATE.**

Councilmember Paul asked that item 7.5 be removed from the Consent Agenda.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve the Consent Agenda without item 7.5. In a voice vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - absent; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

7.5 Councilmember Paul questioned which school would benefit from this funding. Chief George responded that this resolution was for funding School Resource Officers at Western High School and noted that this funding was a match with federal funds.

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Councilmember Paul made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - absent; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

**8. PUBLIC COMMENTS**

*Ordinances - First Reading (Public Hearing to be held on September 1, 1999)*

**8.1 EASEMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY AND EASEMENTS FOR A PORTION OF NW 38th STREET, AND PROVIDING AN EFFECTIVE DATE. (VA 4-1-99, located approximately 330 feet east of NW 74 Avenue)**

Town Clerk Reinfeld read the ordinance by title. Mayor Venis advised that a public hearing would be held on September 1, 1999.

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

Councilmember Paul made a motion, seconded by Councilmember Weiner, to approve. In a voice vote, vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - absent; Councilmember Cox - out of room; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 3-0)

**8.2 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITY DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-3-99, 5801 SW 82 Avenue)**

Town Clerk Reinfeld read the ordinance by title.

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

Councilmember Paul made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - absent; Councilmember Cox - out of room; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 3-0)

**8.3 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 2, ARTICLE III OF THE TOWN CODE BY ADDING THERETO SECTION 2-43 ENTITLED "DUTIES OF COUNCILMEMBERS"; REITERATING AND CLARIFYING DUTIES PROVIDED FOR BY LAWS OF THE STATE OF FLORIDA AND THE CHARTER OF THE TOWN OF DAVIE; 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 comment was closed.

Councilmember Weiner advised of a previous discussion with Mr. Webber in reference to the overall issue of dual office holding and expressed his appreciation to Mr.

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Webber on clarifying Council's duties under the ordinance. He indicated that he believed that any attempt "to do this," should be done through the Charter. Councilmember Weiner further noted that pension boards were quasi-judicial in nature, not legislative and he felt that this ordinance was an attempt to define the authority through legislation for duties that were not legislative. He expressed concern with regard to the type of authority being provided. Pursuant to an ex-officio from the Attorney General's Office and the case law that discussed it, Councilmember Weiner felt that it was a "non-voting authority" and this was an attempt to provide voting authority which he did not believe could be done by ordinance. He stated that because of these concerns, he could not vote for an ordinance that defined or clarified duties which he did not believe Council could do by ordinance.

Mr. Webber stated that he would be happy to discuss the concerns raised by Councilmember Weiner and indicated that the ordinance could be brought back.

Councilmember Cox indicated that she was aware of councilmembers in other municipalities who were members of pension boards and this was not uncommon throughout the County. She suggested that the way in which municipalities handled these boards should be reviewed.

Mayor Venis asked Mr. Webber to review if it was "in the Charter or by ordinance." Mr. Webber stated that Councilmember Weiner was raising legal issues that were more complicated. Mayor Venis asked Mr. Webber to review if other cities had this in their Charters.

Councilmember Weiner noted that he had received a letter from the Attorney General's Office declining to proceed with regard to the quo warranto action without comment on the merits of the issues.

Councilmember Paul made a motion, seconded by Councilmember Cox, to table item 8.3 until September 15, 1999. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - absent; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - no. (Motion carried 3-1)

- 8.4 AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 87-36 OF THE TOWN OF DAVIE BY AMENDING SECTION 3 THEREOF ENTITLED "WASTE FLOW CONTROL"; CREATING AN EXCLUSION FROM FLOW CONTROL RESTRICTIONS FOR SOLID WASTE GENERATED WITHIN THE TOWN OF DAVIE WHICH IS SHOWN TO BE DESTINED FOR TRANSPORTATION TO ANY DESTINATION OUTSIDE THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title. Mayor Venis advised that a public hearing would be held on September 1, 1999.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comment 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 - absent; Councilmember Cox - yes; Councilmember Paul - out of room; Councilmember Weiner - yes. (Motion carried 3-0)

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**9. PUBLIC HEARINGS**

*Quasi Judicial Items*

- 9.1 **REZONING** - ZB 6-1-99, Synalovski Gutierrez Architects, Inc./EDJ Enterprises, 1305 SW 101 Road (from A-1 to B-3) (tabled from August 4, 1999) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the amended application [1) committing to another access (exit only) at the southeast corner of the property and 2) the proposed property will only be used as a daycare, pre-school facility]*

Mr. Webber explained the rules concerning the presentation of evidence. Town Clerk Reinfeld swore in the witnesses. Mr. Webber questioned if anyone was opposed to the petition with no one responding.

Mark Kutney, Development Services Director, advised that his qualifications were on file in the Administrative Services Department and read the planning report.

Councilmember Weiner questioned the traffic study for the area. Based upon the experience with schools in the County, he inquired whether the anticipated level of service for Indian Ridge Middle School was greater than what was anticipated. Mr. Kutney was not able to respond; however, he clarified the statement in the staff report dealt with the anticipated level of service during peak hour.

Manny Synalovski, representing the petitioner, was present and indicated that he concurred with staff's report.

Councilmember Paul expressed concern with regard to the traffic congestion in close proximity to the middle school. Mr. Synalovski responded that upon review of the existing traffic patterns, he felt that the traffic was non-concurrent with the traffic patterns of the middle school. He noted the differences in peak drop-off hours and provided an overview of the drop-off procedures. Additionally, Mr. Synalovski noted that the facility was west of Nob Hill Road on a looped road.

Discussion ensued with regard to the looped road in which the school was located. Mr. Synalovski clarified that the looped road he had referred to did not have access to the middle school.

Mr. Webber requested to reopen the quasi-judicial portion of the hearing in order to have additional information submitted into the record. He accepted documentation into the record.

Mr. Synalovski presented a conceptual map for Council's review. He advised that the proposed facility was a second generation of an existing prototype that was developed in the City of Sunrise and the facility was proposed for 300 students. The rezoning being requested allowed the property to the west to be rezoned and allowed for a Phase 2. Mr. Synalovski noted that the Sunrise facility had over 200 children in attendance with a waiting list of over 200 students.

Councilmember Paul questioned whether there was any agricultural activity on the land. Mr. Synalovski believed that this was vacant land.

Mr. Webber stated that the hearing was concluded.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve subject to the recommendations. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - absent; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

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- 9.2 **SPECIAL PERMIT - SE 3-1-99, FMC Telecommunications, Inc., 6045 SW 45 Street and 6051 SW 45 Street (B-2) (to erect 3 satellite dish antennae greater than 12 feet in diameter with diameters of 20 feet, 23.6 feet and 30.5 feet) (tabled from August 4, 1999)** *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval subject to all of the conditions and representations as set forth in the July 8, 1999 letter from Attorney Neal Kalis, representing the petitioner, and; further subject to the hedge being installed prior to installation of the satellite dish for which the special permit is sought; and, that the hedge will be maintained at a minimum of six to eight feet in height, as described in Mr. Kalis' letter; and, furthermore, the petitioner shall provide a six foot high chain link fence in association with the above referenced hedges; and, the special permit be for a term of three years. At the expiration of three years, the special permit will come back before the Planning and Zoning Board and Town Council for review and renewal with regards to the items mentioned in subparagraph II, page 2, of Mr. Kalis' letter*

Mayor Venis swore in the witnesses.

Mr. Kutney read the planning report.

Councilmember Paul questioned the rationale behind a chain-linked fence versus the masonry wall. Mr. Kutney responded that staff had proposed the wall and it was their belief that the wall would be beneficial from the standpoint of aesthetics and pedestrian traffic; however, the petitioner felt the chain-link fence would achieve the same purpose.

Neal Kalis, representing the petitioner, advised that he concurred with the Planning and Zoning Division's report with the exception of the wall issue. He noted that one of the letters received in support of the project was from Betty Roberts, former Mayor and Councilmember. She authorized Mr. Kalis to inform Council that she was in concurrence and was satisfied with the application. Additional letters of concurrence were received from Ron Tomecek and Tom Truex.

Mr. Kalis advised of a misconception when the application was first submitted and indicated that there was a feeling that this project would turn into a "satellite farm". He presented an overview of the site plan and the proposed building. Mr. Kalis advised that it would be extremely costly to erect a masonry wall while not knowing whether Council would renew the permit, the possibility of graffiti, and his belief that a ficus hedge six to eight feet in height on both sides of the chain-linked fence would provide an appropriate buffer. He noted the petitioner's good faith effort to install some of the landscape material, a four-foot ficus hedge in the front and two new oak trees, to show his good faith effort. Mr. Kalis submitted a book of photographs indicating a before and after view of the landscaping and of the entire site including the dish antennae. Mr. Kalis clarified that he had marked parcel "C" as proposed which was not part of the landscape package for the special permit application and was intended to show the location of the proposed building. He noted that variances and vacation of rights-of-way would be required to be obtained and provided an overview of the building. Mr. Webber accepted the photographs into the record. Mr. Kalis also presented a conceptual drawing of the proposed building.

Mayor Venis stated that the backup material showed a letter of opposition from Ms. Roberts. Mr. Kalis explained that the letter was written prior to meeting with Ms. Roberts. He advised that Ms. Roberts was sorry that another letter had not been written and authorized him to voice her approval of the project.

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Councilmember Weiner questioned the evaluation of the dish antennae. Mr. Kalis responded that the dish was 7.3 meters and approximately 24 feet in height. He explained that the antennae generally were tilted so that they did not stand vertical and the existing dish was approximately 20.1 or 20.2 feet in height. Mr. Kalis noted that the second dish would actually be surrounded by a building and there would be one residential building that would view the Nova Plaza.

Councilmember Paul questioned whether the building would shield the antenna and whether the revenue from the satellite would fund the building construction. Mr. Kalis felt that the satellite dishes were buffered as much as possible.

Councilmember Weiner questioned whether the applicant would be amenable to Council re-reviewing the permit if the building was not proceeding within one year. Mr. Kalis responded that it was the applicant's intent to proceed and expressed concern with regard to a building permit being issued within one year due to the vacation process.

Councilmember Cox inquired whether there would be any objection to review of the wall after the three-year timeframe. Mr. Kalis stated that any conditions in which the permit was issued could be reconsidered at the three-year timeframe for performance and Council had the right to place limitations if the performance was not as stipulated. He advised that his client had no objection to a review at that time.

Mr. Webber stated that the hearing was concluded.

Councilmember Weiner advised of a conversation with Mr. Kalis in which Mr. Kalis noted that he had an item on the agenda. Councilmember Cox advised of a brief conversation with Mr. Kalis in which he explained some of the issues brought forward to Council and some of the issues with Mrs. Roberts. Additionally, she had conducted a site visit. Councilmember Paul indicated that she had traveled Orange Drive extensively and had not noticed the satellite dishes. She commented that a permit had been rejected along State Road 84 and that the heights of the dishes did not compare. Mayor Venis indicated that he had met with Mr. Cassidy, the property owner, with regard to this issue.

Councilmember Weiner thanked Mr. Cassidy for the apparent minimal impact on the residential area.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve item 9.2 subject to the limitations stipulated to by the Petitioner and the recommendation by the Planning and Zoning Board. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - absent; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

*Items to be tabled or withdrawn*

9.3 **PLANNING AND ZONING BOARD TABLED TO AUGUST 25, 1999;  
COUNCIL CAN TABLE TO SEPTEMBER 15, 1999**

VARIANCE - V 5-4-99, Laystrom/75 & 595, Inc., 450 SW 130 Avenue (B-3)  
(tabled from July 21, 1999)

This item was tabled earlier in the meeting.

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**9.4 STAFF REQUESTING A TABLING TO SEPTEMBER 15, 1999**

VARIANCE - V 6-1-99, Synalovski Gutierrez Architects, Inc./EDJ Enterprises, 1305 SW 101 Road (A-1) (tabled from August 4, 1999)

This item was tabled earlier in the meeting.

**9.5 STAFF REQUESTING A TABLING TO OCTOBER 6, 1999**

VARIANCE - V 6-3-99, S & A of Florida, Inc. (Bennigan's Restaurant)/RHEC Assoc., Ltd., 3305 South University Drive (B-2)

This item was tabled earlier in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

**10. SITE PLANS**

10.1 SP 6-12-99, U-Store-It, 13290 State Road 84 (B-3) (tabled from August 4, 1999) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report together with the conditions of the original approval*

Bill Laystrom, representing the petitioner, was present. Mr. Kutney advised that Mr. Laystrom was waiting for an interpretation of a variance request but would like to move forward, at his own risk, with the site plan. He noted that the site plan had expired and Mr. Webber had made a vested rights interpretation; however, there was a variance request attached to the application. Mr. Kutney indicated that Mr. Webber was currently reviewing the variance request. Mr. Webber indicated that upon a brief review, he felt that a variance would be required; however, a definite opinion had not been rendered which he hoped would be issued tomorrow. He added that a variance would most likely be required for this site plan to be approved.

Mr. Kutney read the planning report.

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

10.2 SP 5-9-99, NationsRent Phase III, 6580 State Road 84 (M-4) (tabled from August 4, 1999) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report items 1 through 11, with the addition that the site plan elevations conform with the floor plan being proposed and that adjustments be made to the first floor landscape plan [A1.1 sheet of the plans] as well as the architectural plans*

Gerry McDonald, representing the petitioner, was present. Mr. Kutney read the planning report.

Councilmember Cox felt the language was unclear relative to the shrubs and ground cover being required in addition to the proposed trees. Councilmember Weiner suggested adding the wording "additional" in front of shrubs.

Councilmember Weiner noted that he and Mr. Webber had a discussion regarding a prior potential conflict of interest. He advised that a client who was a trustee on a pension

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board may have had an interest in this entity, that Councilmember Weiner's firm no longer represented that entity and that the trustee was no longer representative of that client. Councilmember Weiner stated that Mr. Webber had advised that there was no conflict as long as there was no representation at this time.

Discussion ensued with regard to the shielding requirements. Mr. McDonald explained that this facility was designed for display of heavy equipment for sale or for lease. Regardless, the zoning abutting the property was zoned M-4. He felt that there was no requirement for a wall. Mr. McDonald indicated that he had discussed this issue with Gayle Easterling; however, the outcome was not forwarded to Mr. Kutney prior to the meeting. Mr. McDonald noted that there was a buffer consisting of viburnum hedge and a grass area.

Councilmember Cox advised of a discussion regarding the school bus storage area, to the south of the subject property, that they were not required to have a concrete wall and were permitted to have the chain-link fence along with a hedge.

Mr. Kutney read portions of the Forman agreement and noted the following provision: the enclosure requirements for the above permitted storage uses shall not apply to any land area that directly abuts any part of land currently zoned M-3, M-4, or M-5 Industrial District. Based upon this provision, it was Mr. Kutney's belief that the fence was a justified request.

Councilmember Cox made a motion, seconded by Councilmember Paul, to approve item 10.2 with the Planning Report, Planning and Zoning Division recommendation with the exception of item #1, and inserting the word "additional" shrubs and ground cover on item #5. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - absent; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

- 10.3 SP 5-3-99, Dargel Warehouses/Newman Survey, 2301 SW 66 Terrace (M-3) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report items one through seven*

Woody Freeze, representing the petitioner, was present. Mr. Kutney read the planning report. Mr. Freeze noted that the plans submitted incorporated all of staff's comments.

Councilmember Cox made a motion, seconded by Councilmember Paul, to approve with the Planning and Zoning recommendations along with the Site Plan Committee recommendations. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - absent; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

- 10.4 SP 5-12-99, Ryder Trucks Facility, 5081 Oakes Road (M-4, County) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report items one through nine*

Bob Zuccaro and Debbie Mosier, representing the petitioner, were present. Mr. Kutney read the planning report.

Mr. Zuccaro explained he had no objection to staff comments and agreed to comply at time of submittal. Renderings of the site plan were displayed and Mr. Zuccaro noted that the color of the building would be gray.

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Councilmember Cox inquired as to the Code compliance issues regarding the razor wire on the top of the fence along Oakes Road. Mr. Kutney felt that the Code did not grant the authority for razor wire fencing. He noted that there were concerns including that razor wire was not used in any urban environment and that the barbed wire would achieve the same purpose. It was his belief that staff would like to continue to review this issue with the petitioner. Mr. Kutney advised that no formal resolution or position had been taken by staff and further advised the petitioner had agreed to the barbed wire fencing.

Councilmember Paul questioned why a modular would be used rather than a prefab. Ms. Mosier responded that the building was a prefabricated stucco building which would look more like a building than an old fashion trailer modular. She verified no prices would be written on the windows and would not be similar to a used car lot.

Councilmember Weiner made a motion, seconded by Mayor Venis, to approve with the applicant's stipulation relative to the fence, subject to the planning report comments 1-9 with that one deviation. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - absent; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

- 10.5 SP 6-3-99, Copylite Products Corp. Building/New Town Commerce Center, 4141 SW 47 Avenue (M-3) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report*

Juan Hansen and Steven Grisk, representing the petitioner, was present. Mr. Kutney read the planning report.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve subject to the Site Plan Committee recommendations. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - absent; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

- 10.6 SP 6-8-99, Restaurant Court @ Rolling Hills (Building 1, Buca di Beppo Restaurant - Building Footprint and Elevation), 3315 South University Drive (B-2) *Planning and Zoning Division recommended subject to the planning report; Site Plan Committee recommended approval subject to the planning report*

Manny Synalovski and Loretta Reeves, representing the petitioner, were present. Mr. Kutney read the planning report.

Mr. Kutney clarified the issue relative to the site plan was one of architectural style. It was Mr. Kutney understanding that the original master plan was sold with a Mediterranean style. Mr. Kutney explained that the 1940's style was of concern to the Site Plan Committee.

Mr. Synalovski concurred with staff comments. He noted that construction on the two-story office building was about to commence and a one-story restaurant was represented on the renderings. The variance that was requested had not been changed or modified and the only change was the architecture of the one-story building to reflect the restaurant concept being proposed. The intent of the architecture was to emulate a time in which an immigrant family arrived from Italy. He noted that the color of the building matched the roof color of the two-story office building. He presented an overview of the 1940's architecture and displayed photographs of prototypes and the interior of the buildings.

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Councilmember Cox expressed concern with regard to the architectural representation on the master plan. She noted the different architectural styles that were originally proposed to be Mediterranean.

Councilmember Weiner questioned the circumstances under which this application could be denied without exposing the Town to liability. Furthermore, he noted that the restaurant in Fort Lauderdale may not conform with the style of building from scratch. Mr. Synalovski responded that the applicant had adopted two different types of architecture. He noted that the existing building was being adopted to this character and style.

Mr. Synalovski presented renderings that were previously shown when a variance was requested and also provided an overview of the site plan. He clarified that the variance was for an equal exchange area of landscaping in order to allow additional landscaping to this building. Mr. Synalovski added that a reduction of landscaping at the property line was requested.

Ms. Reeves presented an overview of the restaurant concept and the features added to the building once the immigrants gained wealth. This was a dinner only, family style restaurant and serviced large portions. Councilmember Paul expressed her belief that the restaurant was portrayed as an upscale restaurant.

Councilmember Weiner felt that Council was trying to create a uniform style in the commercial development. He questioned whether the Mediterranean flavor could be added to the architectural style. Mr. Synalovski felt that if the Mediterranean elements were added to the building, it would detract from the intent of the concept similar to removing the arches from McDonalds. He was of the opinion that this was a unique opportunity in which an architectural style was not forced upon the architect. Mr. Synalovski suggested that there were some Mediterranean components on the buildings; however, each building was unique and different in the building materials and uses. He felt this was an opportunity to bring a successful business into the community and to allow the community to enjoy a unique opportunity.

Councilmember Cox objected to Mr. Synlavoski's representation regarding to the landscaping variance. Mr. Synalovski commented that he did not have time to "bait and switch" the project. He explained the variance he requested was as represented and it was his belief that the architectural design was not discussed at the variance request.

Councilmember Weiner commented that he objected to the style of architecture and not the landscaping issue. Mr. Synalovski responded that he appreciated Councilmember Weiner's comments and advised that it was his intent to attempt to satisfy the Council's concerns. He felt that all criteria had been met to satisfy the Town's Code.

Mayor Venis requested that Mr. Kutney present an overview of the criteria for approval of the site plan. Mr. Kutney explained that staff understood the concerns represented by Council. As indicated in the report, the architectural appearance criteria was not addressed in the Code. There were two ways in which the criteria could be addressed: (1) a formalized agreement, and 2) generalized appearance criteria in the Code. He explained the goal and objective was to carry out the theme and objective of the master plan.

Councilmember Weiner made a motion, seconded by Mayor Venis, to approve subject to staff's recommendations. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - absent; Councilmember Cox - no; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 2-2; automatically tabled to the September 1, 1999 meeting)

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- 10.7 SP 6-9-99, Restaurant Court @ Rolling Hills Commerce Center (Building 3, Bennigan's), 3305 South University Drive (B-2) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee's motion to approve subject to the planning report failed due to a tie vote*

T.J. Flynn, representing the petitioner, was present. Mr. Kutney read the planning report and clarified that staff had requested an opinion from Mr. Webber relative to Town Code Section 12.2.45. Mr. Webber indicated that this was not an issue that could be applied for in terms of a variance because of that requirement. The applicant was willing to withdraw the variance request; however, a written opinion was requested. Subsequently, the neon light issue would meet the Code requirements.

Councilmember Cox noted that the main reason for her negative vote at the Site Plan Committee meeting was due to the neon light issue. Mr. Flynn clarified that he was requesting the Town's opinion in writing and not necessarily the Town Attorney's opinion. Furthermore, he pledged to withdraw the application without a written opinion and agreed to staff's comments.

Councilmember Paul expressed concern with regard to the lack of Mediterranean architecture and the neon lights. Councilmember Cox responded that the Site Plan Committee had reviewed this application and found that the architecture was not the same as Mediterranean; however, there was an attempt to make the building more uniform to the existing parcels. She noted the similarities of the proposed building with the existing buildings in the complex. Councilmember Cox felt the difference between the previous proposal was a different color, roofline, and stucco finish. Mr. Flynn clarified that the neon lights would be pursuant to the Code.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve subject to the recommendations and stipulation by the applicant that the variance be withdrawn and the lighting would be lowed to be in conformance with the Code. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - absent; Councilmember Cox - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 3-1)

**11. APPOINTMENTS**

- 11.1 Open Space Advisory Committee (one exclusive appointment - Councilmember Weiner; term August 1999 to July 2000)  
Councilmember Weiner appointed Jean Messler.

**12. OLD BUSINESS**

- 12.1 Design Options for Pine Island Park  
This item was discussed previously in the meeting

12.2 Parks and Recreation Advisory Board Membership

Mayor Venis stated that Council had discussed increasing the Board by one member so that Margarete Olson could be appointed to the Board to represent the senior community. He asked for Council's input on increasing the Board to 11 members.

Councilmember Weiner was of the opinion that Ms. Olson would be a valuable addition to the Board; however, he was not in favor of increasing the size of the Board to 11 voting members. He expressed his interest in a non-voting additional seat.

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Councilmember Weiner indicated that he thought the Board member's terms were to expire at the end of August with Town Clerk Reinfeld indicating that four terms were set to expire. Councilmember Weiner appointed Margarete Olson. Mayor Venis appointed Lou Reed. Councilmember Cox appointed Lisa Edmondson. Councilmember Paul appointed Joyce Stewart.

Councilmember Weiner noted that he might have a potential conflict as Mr. Belyeu was a contractor who worked with "those sets of trust funds" which may provide a benefit while serving on a Board. He indicated that Mr. Webber had previously advised that an appointment could not be withdrawn from the Board.

12.3 Consideration to Provide Guardrails at SW 70th Avenue  
This item was discussed previously in the meeting.

**13. NEW BUSINESS**

**LIBRARY.** Mr. Middaugh advised that a draft interlocal agreement was sent to the County in an attempt to preserve the County's funding and the County had sent a few suggested amendments to the draft agreement. He felt that this agreement was different from what the Town was prepared to enter into. Mr. Middaugh noted that this was the agreement used for the Pembroke Pines Regional Library which was at a point of discussion relative to specific costs and allocations which the Town was not prepared to undertake at this point. He expressed his belief that the County staff's would like to see this project abandoned in lieu of proceeding with the Nova Library. Mr. Middaugh felt that this issue might need additional assistance from Council for negotiation purposes. He indicated that it would assist the process if the Town were in a position to indicate a conceptual approval to an agreement, and if Council instructed him to begin negotiating the agreement.

Mayor Venis understood the intent of the Nova Library as not being an impact on the local libraries. He noted that there was a five-mile rule for libraries and that the Nova Library had been approved afterward. He pledged to obtain information from the Library Board.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve the agreement in its conceptual form and to direct Mr. Middaugh to negotiate the agreement with the County. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - absent; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-0)

**14. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 12:13 a.m.

APPROVED \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk