

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

1. PLEDGE OF ALLEGIANCE

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

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Bush and Councilmembers Cox, Paul and Weiner. Also present were Town Administrator Middaugh, 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.

Dorothy Tillinghast, 3665 West Valley Green Drive, requested transportation on behalf of some of the residents. Mayor Venis indicated that Parks and Recreation Director Sharon Pierce-Kent was working on resolving this issue which would be addressed as part of Council's goal setting session. Mr. Middaugh noted that Broward County would be holding a hearing on proposed changes to the Transit System on November 9th.

Jean Messler, 13300 SW 29 Street, was present in opposition to item 10.9 which had been withdrawn. She referenced research conducted in which most of the bed and breakfast establishments were in historic districts, main highways, or specially designated areas. Ms. Messler was upset to learn that the ordinance included residential areas which she felt needed to be clarified. It was her belief that there were several areas that would be better suited for a bed and breakfast.

Ellen Christopher, 3666 West Valley Green Drive, noted that she had requested several public records from the Town and the Town Attorney's office. The Town Attorney's office had informed her that these records were not subject to disclosure since this information was prepared by the attorneys for the file or for their personal use. Ms. Christopher indicated that the documents were billed under Teen Challenge, clarified the documents in question and provided an overview of those documents that were billed to the Town. Ms. Christopher requested that Councilmember Weiner review the documents and obtain a determination from the Attorney General's Office whether the documents were formal or not and subject to disclosure. Councilmember Weiner advised that he would review the matter with Mr. Webber. He explained that he had previously requested the research memorandum and had been given a list of cases, which he was in the process of reviewing. Councilmember Weiner added that he would write a letter to the Attorney General and asked that Ms. Christopher call so that he could review the information with her. Councilmember Paul indicated that she understood Ms. Christopher's frustration and noted e-mails of dates and information that was received. She requested to be apprised of the situation.

Dean Alexander, 13820 SW 16 Terrace, expressed his approval of the Youth Advisory Board. He suggested that a board for senior citizens be formulated to deal with senior issues including transportation, volunteering, employment, and health matters.

Jay Stahl, 5801 Surrey Circle West, expressed his outrage at the vandalism at the Old Davie School and suggested that the Town make a donation to repair the damage. Mayor Venis advised that Davie Glass would be replacing the windows at no charge; additionally, the Town was looking for people to volunteer and donate materials to install the screening. He thanked Davie Glass for its donation.

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Robert Hoth, 1361 Whitestone Way, expressed concern with regard to the lack of inspection relative to BellSouth's operation in the Shenandoah area and felt that the Town should investigate whether the subcontractors were licensed in the County. He applauded the effort to install new trees at the intersection of SW 136 Avenue and I-595; however, the grass needed to be maintained. Mr. Hoth urged Council to consider annexing the property bound by Griffin Road, I-595, State Road 7, and I-95. He expressed his condolences to the family of the three-year-old girl who passed away today.

Mayor Venis advised of a meeting with BellSouth officials and noted that the subcontractors had changed. He suggested that the Town require that one area be restored to its previous condition prior to moving to another portion of the Town.

Councilmember Paul requested that Mr. Middaugh review the annexation issue as referenced by Mr. Hoth.

Tom Fan, 2350 SW 106 Way, expressed concern with regard to the flooding during the recent hurricane. He noted that SW 106 Way, near Hiatus Road, had a low point in which the water was three to four feet deep. Mr. Fan cited how the flooding damaged cars and how it affected the resident's lives. Mayor Venis indicated that he and Broward County Commissioner Lori Parrish had attended a meeting of the Broward County Drainage District at which the Town proposed that the District prepare a comprehensive plan, evaluate the Town's drainage, and provide recommendations to avoid future drainage problems.

Charlotte Broadhead expressed concern with regard to the drainage and believed the problem was with contained water that was flowing over the road. She indicated that a berm was needed.

Dr. Joel Hauptman, 11651 SW 22 Court, echoed the concerns regarding flooding problems and felt that the Town needed to take urgent action. He noted that Waste Management needed to be more understanding and that the debris should be removed.

Sherri Siegel, 11755 SW 21 Court, noted the serious drainage problems in Grove Estates and the high turnout from the residents at tonight's meeting.

Ruth Dryer indicated that her main concern was with the drainage problem and health related issues caused by the flooding. She added her thanks for the mosquito spraying. Mayor Venis thanked Commissioner Parrish for ordering the spraying and pledged to meet with the residents after his meeting with the Drainage District.

Councilmember Cox advised that the Town had begun picking up debris November 1st.

Eugene Lee, President - Olde Bridge Run Homeowners' Association, 11945 SW 15 Court, reiterated the concerns regarding drainage in the area. He felt the streets were not up to grade and he would like to set up a committee to address these issues.

Matthew Crook, 11460 SW 16 Street, expressed concern with regard to the drainage problems and noted that his water had tested positive for several forms of bacteria.

Bob Byrne, 11940 SW 18 Court, reiterated concerns regarding the drainage problems and requested an additional mosquito spraying.

Tom Truex, 4740 SW 72 Avenue, also reiterated concerns relating to the drainage problem and noted the effect that development had on these problems. He stated that all unincorporated areas had to be annexed or independently incorporated by 2010. Mr. Truex provided an overview of the population of Pine Island Ridge and the effect the annexation would have upon the tax base of both the Town and the City of Plantation. He indicated that he was troubled that Mayor Venis was meeting with representatives from Pine Island and

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that concessions would have to be made. Mayor Venis responded that he and Mr. Middaugh had met with them at the request of Pine Island Ridge residents. He noted that the Town was not giving away concessions and indicated his willingness to meet with any organization. Mr. Middaugh commented that a cost analysis would be done to determine the impact to the Town and it was his belief that the current analysis was not accurate. He added that he would be very conscious of the overall impact on the community and to make the residents aware.

Andrea Shay, 2190 SW 115 Street, stated her concerns regarding drainage and felt that the Town should learn how to better prepare for another emergency situation. She suggested that the Town establish a hotline for residents in this type of situation.

Bruce Novack, 4260 SW 78 Drive, referenced the dangerous traffic area in the trailer park "where the accident happened today" and he was glad that the Town's Fire Rescue was there to take care of the child. Regarding the flooding, he suggested that consideration be given to using school buses to transport people during emergencies.

Michael Davenport, 1404 SW 2 Place, echoed concerns regarding the drainage problems. He thanked those who had offered assistance during the hurricane.

A recess was called at 8:02 p.m. and the meeting reconvened at 8:04 p.m.

4. PRESENTATIONS

4.1 Davie/Cooper City Chamber of Commerce

There was no representative present from the Chamber.

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

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: AKC Gold Coast Dog Finals (November 13th - 14th); Holiday Craft Show (November 20th - 21st); Concert in the Park (November 28th); and Annual Winter Tree and Menorah Contest and Lighting of the Green (December 12th).

Ms. Pierce-Kent announced that upcoming events included: Adult Country Western Night Barbecue (November 9th); line dancing classes (Wednesdays); new community garden meeting (November 17th); and girls softball and youth baseball registration (beginning December 6th).

Mayor Venis advised that items 10.7, 10.8 and 10.9 had been withdrawn.

5. MAYOR/COUNCILMEMBERS COMMENTS

MAYOR VENIS

DAVIEGLASS. Mayor Venis thanked Davie Glass for the donation of restoration work to the Old Davie School.

BROWARD COUNTY DRAINAGE DISTRICT. Mayor Venis reiterated his previous comments with regard to an additional meeting being held to review future plans for flooding problems. He asked that Assistant Town Administrator Robert Rawls contact Mr. Crawley.

REFLECTOR PROGRAM. Mayor Venis advised of several inquiries regarding the Program after information had been published in the Davie Update.

THANK YOU. Mayor Venis thanked Commissioner Parrish and Broward County for the response for mosquito spraying.

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MEETING. Mayor Venis advised of a meeting in which the boundaries of Indian Ridge Middle School had been discussed. He indicated that the boundaries would not be changing.

CONGRATULATIONS. Mayor Venis congratulated his daughter, Kathleen, for being placed on the honor roll.

HOMESTEAD EXEMPTION. Mayor Venis noted the homestead exemption ordinance for senior citizens on tonight's agenda.

CONFERENCE. Mayor Venis indicated that he had the honor of opening the 13th International Planetarium Director's Conference held at Broward Community College.

VICE-MAYOR BUSH

CONFERENCE. Vice-Mayor Bush noted that the Professor from Mexico had brought his own seasoning for the conference.

COUNCILMEMBER COX

DRAINAGE. Councilmember Cox acknowledged the problems with drainage on the east side and felt it would behoove the Town to conduct an investigation of the entire Town. Mayor Venis advised that a comprehensive study would be completed.

OLDDAVIESCHOOL. Councilmember Cox noted that the transfer of the property had been approved by the Broward County School Board. She requested that anyone who could provide assistance in the repair of the School to contact Mary Delborella.

EQUESTRIAN CENTER. Councilmember Cox discussed the possibility of the equestrian center being located at the landfill. She referenced the problems related to the hurricane and noted that a permanent center needed to be sought.

MINUTES. Councilmember Cox requested that the revamping of minutes be placed on the agenda for the goal setting session.

COUNCILMEMBER WEINER

MINUTES. Councilmember Weiner expressed his frustration with regard to the minutes being biased. He referenced an e-mail sent to Mr. Middaugh by Lisa Edmondson who questioned Councilmember Weiner's motive and if he was trying to hide something since there was an Ethic's Commission investigation being conducted. Councilmember Weiner stated that he was not trying to hide anything but did agree with Ms. Edmondson's intent of the message. He agreed that the residents and businesses needed information and he felt the residents needed power. Councilmember Weiner suggested consideration be given to verbatim transcripts, then there would be no question as to anyone's agenda.

EMS COALITION. Councilmember Weiner advised that he and Mr. Middaugh had attended a meeting of the Coalition on October 28th. He explained that the Coalition was involved in litigation with the County which he explained. Councilmember Weiner stated that the Coalition was working on various revisions including fire rescue services and non-public safety issues. He requested that participation in the Coalition be placed on the next agenda and indicated that the cost for membership was approximately \$4,000; however, the cities that were paying dues would be repaid their shares of whatever the dues were towards litigation.

YOUTH ADVISORY BOARD. Councilmember Weiner indicated that the Board had toured several of the Town's parks last weekend which was a great opportunity to meet with the people on the Board.

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COMPETITIVE BIDDING. With regard for the need for competitive bidding, Councilmember Weiner indicated that the Town needed to be mindful that when franchises or long term contracts expired, that they be put out to bid. Because the last document relating to the Town Attorney's services was in 1985, he suggested that the Town obtain an RFP for legal services so the best services could be obtained.

DRAINAGE. Councilmember Weiner expressed his desire to meet with residents regarding the drainage problems. He noted that this was an infrastructure issue and indicated that the Town needed to ensure that the residents were adequately protected. Councilmember Weiner stated that parks and open spaces were needed but the Town did not need them at the expense of providing infrastructure.

COUNCILMEMBER PAUL

BROWARD COUNTY FAIR. Councilmember Paul reminded everyone that the Broward County Fair's Open Horse Show was being held on November 6th at the Plantation Acres Arena.

SAFETY SUMMIT SYMPOSIUM. Councilmember Paul felt that the Symposium was a success and was a great concept. She thanked the business sponsors, the school and Town staff, Council, and Dr. Till for participating in the Symposium. Councilmember Paul noted that planning would begin soon on the Second Annual Symposium.

VALUE ADJUSTMENT BOARD. Councilmember Paul commended the Board for its efforts in maintaining agriculture land in the Town.

TAKE-A-KID FISHING. Councilmember Paul questioned what happened to the Take-A-Kid Fishing event. She asked whether this event would be brought back as it was well liked.

MINUTES. Councilmember Paul expressed her opinion that she would like to see more detail in the minutes. She indicated that the minutes needed to be a fair and accurate.

THEATER GROUP. Councilmember Paul noted the need for participants for a theater group and those interested should contact Recreation Supervisor Bette Stark.

DRAINAGE. Councilmember Paul stated that a lot of residents had expressed concern with the proposed equestrian trail on the south side of SW 26 Street because of the drainage ditch being filled without using pipes. She requested a meeting with the residents on SW 26 Street and from the Sequoia section.

SURVEY. Councilmember Paul advised of a survey regarding a four-way stop at SW 136 Street and SW 26 Court conducted in July. She felt the study should be redone while school was in session.

EMS SERVICE. Councilmember Paul noted the positive returns on transport revenues from the EMS services which were higher than anticipated.

OLDDAVIESCHOOL. Councilmember Paul advised of a donation from the Soroptimists to purchase motion detectors for the School.

CONDOLENCES. Councilmember Paul expressed condolences to the family of Betty Pettis.

6. TOWN ADMINISTRATOR'S COMMENTS

GOAL SETTING SESSION. Mr. Middaugh distributed information regarding the role of staff and areas that would be discussed at the upcoming goal setting session. He noted that he would be scheduling meetings with Council to keep them apprised of issues with staff.

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STAFF REPORT. Mark Kutney, Development Services Director, presented an overview of a new staff report which was designed to address quasi-judicial type actions. He felt the report would be a quick reference and requested feedback from Councilmembers.

Councilmember Weiner requested that the impact upon the Town's tax base showing a range of uses be added to the financial impact portion of the report. Mr. Kutney advised that staff could attempt to provide this information.

7. TOWN ATTORNEY'S COMMENTS

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

STREET VENDORS. Mr. Webber indicated that an ordinance had been prepared, however, he strongly recommended that Council consider conducting a study regarding the danger of street vendor peddling near intersections. He felt there was a strong possibility that the ordinance would be challenged and if so, an expert testimony would be needed. Mr. Webber requested direction from Council.

Councilmember Weiner questioned whether Mr. Webber had received an estimate on the cost to conduct a study with Mr. Webber responding that he had not inquired as to cost. During the last discussion, it was Mr. Webber's understanding that Council preferred not to move forward with the study; however, he indicated that he would obtain an estimate and report back to Council.

Councilmember Cox questioned what type of firm would conduct this type of survey. Mr. Webber explained that the firm would have experience in testifying on these types of studies and would be able to testify as to the dangerous conditions. Councilmember Cox concurred with Mr. Webber that there would be a challenge to the ordinance.

Councilmember Weiner noted a decision made in the City of Aurora case and suggested finding out who the expert was who conducted the study since the ordinance was successfully defended.

Councilmember Paul questioned whether there was a relationship with the City of Ft. Lauderdale's recent actions to do away with panhandling. Mr. Webber advised that he had not seen this ordinance and noted the seriousness of the problem in the City of Ft. Lauderdale. He indicated that he would contact the Ft. Lauderdale's City Attorney.

8. CONSENT AGENDA

Proclamations

- 8.1 U.S.S. Leyte Gulf (CG-55) Day (November 4, 1999)
- 8.2 Community Education Day (November 16, 1999)
- 8.3 National Epilepsy Awareness Month (November 1999)
- 8.4 Native American Heritage Month (November 1999)

Home Occupational License

- 8.5 Accu-Tech Systems, Inc., 4785 SW 61 Avenue

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Resolutions

- 8.6**
R-99-335 **BOUNDARY PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A BOUNDARY 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 8-3-99, Pine Meadows Estates Plat, 2201 SW 136 Avenue) Planning and Zoning Division recommended approved subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report**
- 8.7**
R-99-336 **PLAT AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE ACCESS OPENINGS OF THE "WEST PARK-EAST PARCEL PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 9-2-99, Eckerds @ Shenandoah, 13601 Shenandoah Parkway)**
- 8.8**
R-99-337 **BID EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXTENDING THE BID FOR HEAVY EQUIPMENT RENTAL. (Weekley Asphalt Paving, Inc., Norac, Inc., and Tupler Trucking, Inc.)**
- 8.9**
R-99-338 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE SELECTION COMMITTEE'S RANKING FOR THE DRIFTWOOD PARK LIGHTING PROJECT (B99-102); AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT BETWEEN THE TOWN OF DAVIE AND FLORIDA ELECTRIC SERVICE, INC., IN THE AMOUNT OF \$163,472; AND PROVIDING AN EFFECTIVE DATE. (\$163,472)**
- 8.10**
R-99-339 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR ASPHALTIC CONCRETE SURFACE OVERLAY ON SW 136TH AVENUE. (Weekley Asphalt Paving, Inc. - \$32.90/ton)**
- 8.11**
R-99-340 **EXEMPTION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA EXEMPTING LAND OWNED BY FLAMINGO ROAD CHURCH AT THE NORTHWEST CORNER OF FLAMINGO ROAD AND STIRLING ROAD FROM ANNEXING TO DAVIE SHOULD THE "SUNSHINE RANCHES" AREA BE ANNEXED INTO THE CORPORATE LIMITS OF DAVIE; AND PROVIDING FOR AN EFFECTIVE DATE.**
- 8.12**
R-99-341 **REVISED CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE REVISED PURCHASE CONTRACT BETWEEN THE TOWN OF DAVIE AND THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, FOR PURCHASE OF THE OLD DAVIE SCHOOL SITE, BROWARD COUNTY SCHOOL SITE NO. 009.0; AND PROVIDING AN EFFECTIVE DATE.**

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8.13 R-99-342 SUPPLEMENT FUNDING - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE staff TO ACCEPT SUPPLEMENTAL FUNDING UNDER THE "COPS MORE" PROGRAM ADMINISTERED BY THE DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES. (\$311,300 grant; \$77,825 local share)

Mayor Venis asked that item 8.7 be removed from the Consent Agenda. Councilmember Paul asked that item 8.4 be removed.

Councilmember Weiner made a motion, seconded by Vice-Mayor Bush, to approve the Consent Agenda without items 8.4 and 8.7. In a voice vote, all voted in favor. (Motion carried 5-0)

8.4 Councilmember Paul indicated that she was happy that the Town was issuing this proclamation again this year.

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

8.7 Mayor Venis questioned whether the resolution incorporated all aspects that had been agreed upon. Mr. Kutney responded affirmatively and noted that it was consistent with the site plan approval.

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

9. PUBLIC COMMENTS

Ordinances - First Reading (Public Hearing to be held November 17, 1999)

9.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN, CHAPTER 2, ARTICLE VII, DIVISION 2, BY CHANGING THE DEPARTMENT'S NAME TO PARKS AND RECREATION; AMENDING ARTICLE XI, DIVISION 5, SECTION 12-340 TO REFLECT THE NAME CHANGE; AND 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 November 17, 1999.

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

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

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- 9.2 **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 FACILITIES 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 9-1-99, Sheridan Hills Baptist Church, 2400 & 2420 Pine Island Road)**

Town Clerk Reinfeld read the ordinance by title. Mayor Venis advised that a public hearing would be held on November 17, 1999.

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

Councilmember Weiner noted that he would like to see the potential tax impact as part of staff's report.

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)

10. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinance - First Reading (Second Public Hearing to be held November 17, 1999)

- 10.1 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF THE TOWN OF DAVIE, ARTICLE III BY ADDING SECTION 12-32.200 ENTITLED, "PLANNED TRUCK STOP (TS) DISTRICT", SECTIONS 12-32.200 THROUGH 12-32.208 WHICH PROVIDE FOR DISTRICT INTENT, PERMITTED, RESTRICTED, PROHIBITED AND ACCESSORY USES AND DEVELOPMENT STANDARDS; AMENDING SECTION 12-503 TO PROVIDE A DEFINITION OF "TRUCK STOP"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Venis stated that the second public hearing would be held on November 17, 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 comments were closed.

Councilmember Weiner requested to see the ordinance "shored up" with regard to prohibited uses and added that he would like to see some restrictions. He indicated that he would also like to see specific examples. Mayor Venis indicated that staff normally provided a list of restricted uses and requested something similar. Mr. Kutney noted that this was a specialized development which had numerous customary type accessory uses that were germane to truck stop uses. Councilmember Weiner requested that staff provide an illustrative list of what would be permitted in each category, what would be restricted in ".202" and what an accessory use was in ".403".

Councilmember Cox questioned the process for someone to qualify for this designation which Mr. Kutney explained.

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

Councilmember Weiner expressed concern with regard to knowing which traffic information would the Town be bound to and the possible impact of litigation. Mr. Kutney explained that the County's information would be used in conjunction with the Town's Transportation Element.

Councilmember Paul questioned what changes were being proposed to the ordinance. Mr. Kutney advised of a meeting with Messrs. Rawls, Middaugh, and Webber in which the ordinance had been reviewed and changes recommended. He further advised that due to the proposed changes, this item would have to be readvertised due to these changes. Mr. Kutney stated that there would be an opportunity to review this ordinance further.

Councilmember Paul advised that she had heard of the proposed truck stop for some time and noted the importance of being able to comprehend the ordinance without a deadline being placed on Council. She expressed concern with regard to adequate separation and noted the importance.

Mr. Middaugh explained that this ordinance emanated from an annexation agreement that the Town entered into in 1996 and this ordinance was a requirement of the agreement. Because the ordinance had to be readvertised, he explained that Council's action was not being sought tonight.

Mr. Kutney advised that a separation requirement of 2,500 feet from residentially designated or zoned properties was being proposed with a five-mile distance separation.

Councilmember Weiner noted his opposition to the terminology that this ordinance was in the best interest, health, safety and welfare of the residents. He requested that this sentence be reworded.

Mr. Kutney indicated that this ordinance was being withdrawn.

Ordinance - Second and Final Reading

10.2 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE,**
99-39 **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. (tabled from October 20, 1999)

Town Clerk Reinfeld read the ordinance by title.

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

Councilmember Paul requested more time to review this ordinance as she had a concern with the possibility that Council would be suing the Board and having a Councilmember seated on the Board. She suggested establishing a policy of not seating Councilmembers on quasi-judicial boards. Councilmember Paul felt comfortable with the wording of the ordinance; however, she wanted more time to review the ordinance.

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 - no. (Motion carried 4-1)

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Councilmember Weiner noted that he was not representing any firefighter's union, police officer's union, or pension funds.

Quasi Judicial Hearings

10.3 **REZONING** - ZB 8-1-99, Leigh Robinson Kerr & Associates/Ryan, located on the northeast corner of SW 36 Street and Weston Road (from A-1 to BP) (tabled from October 6, 1999) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval of the amended application subject to the planning report*

Mr. Webber explained the rules concerning the presentation of evidence. Town Clerk Reinfeld swore in the witnesses. Mr. Kutney advised that his qualifications were on file in the Town Clerk's Office and summarized the planning report.

Leigh Kerr, representing the petitioner, displayed a rendering of the site and presented an overview. He acknowledged that he was aware of the County's flexibility guidelines and would agree to a voluntary restriction as to those uses that were not compatible with the County's district. Mr. Kerr advised that there would be no access onto SW 36 Street.

Councilmember Paul questioned the wetland area location. Mr. Kerr explained that the triangular area to the north would be used for wetland mitigation.

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 Vice-Mayor Bush, to approve subject to the planning report specifically including the execution of the voluntary deed restriction. 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)

10.4 **VARIANCE** - V 9-4-99, Leigh Robinson Kerr & Associates, Inc./Ryan, generally located at the northeast corner of SW 36 Street and Weston Road (A) (to reduce the minimum site area from 20 acres to 3.54 acres) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Mr. Kutney summarized the planning report.

Leigh Kerr, representing the petitioner, was present.

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 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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- 10.5 **VARIANCE - V 10-3-98, Associated Engineers & Surveyors Building, 5450 Griffin Road (B-2)** (to reduce the minimum lot area to 21,094.33 square feet; to reduce the minimum lot depth to 120.36 feet; to reduce the minimum front setback to 6.66 feet; to reduce the required landscape buffer along the south property line to 7 feet; to reduce the minimum landscape buffer abutting existing public rights-of-way to 6.66 feet for the length of the existing building frontage; and to eliminate the requirement of the 6 foot high masonry wall) (tabled from October 20, 1999) *Planning and Zoning Division recommended approval to reduce the minimum lot area to 21,094.33 square feet; to reduce the minimum lot depth to 120.36 feet; to reduce the required landscape buffer along the south property line to 7 feet; and to eliminate the requirement of the 6 foot high masonry wall and also recommended denial to reduce the minimum front setback to 6.66 feet; and to reduce the minimum landscape buffer abutting existing public rights-of-way to 6.66 feet for the length of the existing building frontage; Planning and Zoning Board recommended approval of variance items as requested by the petitioner*

Town Clerk Reinfeld swore in the witnesses. Mr. Kutney summarized the planning report.

Councilmember Weiner questioned why staff was recommending denial of certain variances. Mr. Kutney noted that the petitioner had the ability to remove part of the structure within the required front yard setback and replace the square footage somewhere else on the site while meeting all required setbacks. Additionally, the landscape buffer could be remedied by relocating a portion of the building.

Gus Aguirre, representing the petitioner, disagreed with the staff's recommendation and explained the variance.

Councilmember Paul questioned what would be installed in place of the masonry wall. Mr. Aguirre explained that there was heavy landscaping between the residential lot and his property. He noted a letter from the property owner to the south which was in support of the variance request. Councilmember Paul clarified that there would be no excessive noise and that the landscaping would satisfy "that". Mr. Aguirre responded affirmatively and indicated that the business was an engineering firm which did not create a lot of noise.

Councilmember Weiner advised that 40 notices had been sent with 34 replies. He questioned whether Mr. Aguirre received any replies in addition to Council's backup with Mr. Aguirre responding negatively.

Councilmember Cox questioned whether the dumpster would be enclosed. Mr. Aguirre responded affirmatively.

Councilmember Paul asked whether there would be an addition to the rear of the building. Mr. Aguirre responded that the portion being referenced was existing and displayed pictures of the property.

Councilmember Weiner questioned whether the Town could possibly be required to acquire the property if the variance was not granted. Mr. Webber responded negatively. Mr. Kutney indicated that the Town was in the process of creating an overlay district for the Griffin Road corridor and indicated that staff had previously recommended denial of the variance due to the proposed changes.

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

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Tom Truex, 4740 SW 72 Avenue, presented excerpts from a draft report that Mr. Kutney referred to as part of the overlay district. He felt that this application was against what the Town and the residents desired when the report was approved. Mr. Truex expressed his opposition to the request.

Bob Waitkus, 4720 SW 72 Avenue, supported Mr. Truex's comments.

Sara Wunderlich, 4741 SW 72 Avenue, also agreed with Mr. Truex.

Jay Stahl, 5801 Surrey Circle West, explained his vote at the Planning and Zoning Board meeting. He acknowledged that several variances had been denied for the Griffin Road area; however, each variance had to be treated individually. Mr. Stahl noted that the Planning and Zoning Board had taken the safety issue into account and he felt it would be an extreme hardship for Mr. Aguirre as he had no place to relocate the square footage. He requested that Council approve the variances as requested.

Jane Radanof, 4747 SW 72 Avenue, agreed with Mr. Truex and advised that the request was not consistent with the Griffin Road study. She indicated that the overlay district would not work with this building being less than seven feet from the sidewalk.

Jim Anderson, 4720 SW 72 Avenue, agreed with Mr. Truex and indicated that he would hate to see this request set a precedent for the rest of the corridor.

Councilmember Weiner questioned whether it was appropriate to inquire if the petitioner had been compensated for the loss of that portion of the building due to the Town's setback requirements. Mr. Webber responded affirmatively. Councilmember Weiner asked Mr. Aguirre if he received compensation during the taking from Florida Department of Transportation's (FDOT). Mr. Aguirre explained that he had not received compensation for the cutting of the building and which had been removed from the settlement.

Jeff Katims, Planning and Zoning Manager, provided an overview of the policy recommendations made in the planning report. He noted that staff had spent an extensive amount of time determining the effect of the taking on those parcels along Griffin Road and explained the FDOT eminent domain process. Mr. Katims advised that staff supported two of the six variances due to the fact that the two variances were related to the lot depth and lot area which the applicant could not control. He indicated that the front part of the building could be located to the rear and the one parking space could be located elsewhere. Mr. Katims noted that there may not have been compensation for this relocation; however, the relocation was possible. It was staff's belief that there were no special circumstances.

Councilmember Cox commented that staff was basically suggesting that the landscape buffer along the residential street be reduced to place the truck in the rear of the parking. It was clarified that the truck would be parked along the residential street as opposed to behind the building.

Mr. Aguirre explained that the width of the building was 35 feet and he provided an overview of the proposed changes to the building. He noted the heavy landscape buffer provided to the adjacent property owners and advised that the residents were satisfied with the application.

Mr. Webber stated that the hearing was concluded.

Councilmember Cox questioned the size of the Griffin Road Corridor Study. She commented that she understood the perspective of the residents on SW 72 Avenue; however, Council should take into consideration that this was an existing business. Councilmember Cox felt there would be an opportunity for nice landscaping and to have the dumpster enclosed. She expressed concern with regard to adding additional square footage in the rear of

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the property closer to the adjacent residents. Councilmember Cox noted that she and Mr. Aguirre had discussed his intentions for developing the property. She added that she had viewed the property this afternoon and had not made her decision until tonight's meeting.

Councilmember Weiner noted that he appreciated the resident's concerns and he expressed concern with regard to the possibility of a secondary taking of land. He felt this was a result of the consequence of Mr. Aguirre settling the taking with FDOT. Councilmember Weiner indicated that he was comfortable with staff's recommendation and he could not support all the setbacks. He disagreed with Councilmember Cox regarding the fact that 35 feet was only a small part of the 2.5 mile corridor and felt that Council should vote to be consistent with the intent of the overlay district.

Vice-Mayor Bush disclosed that he had spoken with Mr. Aguirre in which he discussed what had been presented.

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

Mr. Middaugh suggested that Council consider incorporating Mr. Aguirre's information with regard to the landscaping and site elements so that he would be bound by them.

Vice-Mayor Bush made a motion, seconded by Councilmember Cox, to approve all of the variances and to incorporate Mr. Aguirre's information presented at this meeting regarding the landscaping and site elements as suggested by Mr. Middaugh. 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 - no. (Motion carried 3-2)

- 10.6 **VARIANCE** - V 9-5-99, Schools of Computers and Information Systems, 6100 Griffin Road (B-2) (to reduce the required parking spaces from 112 to 87) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Town Clerk Reinfeld swore in the witnesses. Mr. Kutney summarized the planning report.

John Santulli and Tom Laubenthal, representing the petitioner, were present. Mr. Santulli explained the activities that would be offered. Mr. Laubenthal noted the effect upon the site including the parking from the Griffin Road widening project. He referenced the drainage problems in the area and indicated that there had been a comprehensive engineering study which would hopefully make the drainage within the neighborhood better.

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

Tom Truex, 4740 SW 72 Avenue, requested that the Town ensure that if the parking ratio was changed from classroom to office, the classrooms could not be increased without additional review from the Town.

Mr. Webber stated that the hearing was concluded.

Councilmember Weiner questioned whether the applicant agreed with Mr. Truex's suggestion. Mr. Santulli advised that he did not have a problem with Mr. Truex's suggestion.

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Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve subject to staff recommendations and the applicant's agreement to come back to Council if it drastically changed the composition of the inhabitants of the building. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Items to be withdrawn

10.7 WITHDRAWN BY PETITIONER

VARIANCE - V 5-4-99, Budget Rent-A-Car, 450 SW 130 Avenue

This item was withdrawn.

10.8 WITHDRAWN BY PETITIONER

VARIANCE - V 9-3-99, Parisi, 6155 SW 55 Court

This item was withdrawn.

10.9 WITHDRAWN - TO BE RESUBMITTED AT A LATER DATE

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, SECTION 12-32 ENTITLED "TABLE OF PERMITTED USES, SUBSECTION (A) "RESIDENTIAL DISTRICTS," AND (B) "COMMERCIAL OFFICE AND BUSINESS DISTRICTS," TO PROVIDE FOR BED AND BREAKFAST ACCOMMODATIONS AS A PERMITTED, CONDITIONAL OR PROHIBITED USE; AMENDING SECTION 12-34 ENTITLED, "DETAILED USE REGULATIONS" BY CREATING NEW SUBSECTION (EE) ENTITLED, "BED AND BREAKFAST ACCOMMODATIONS," ESTABLISHING REGULATIONS GOVERNING THE APPROVAL, LOCATION, SIZE, OPERATION, ON-SITE FACILITIES, APPEARANCE, AND OTHER CHARACTERISTICS OF BED AND BREAKFAST ACCOMMODATIONS; AMENDING SECTION 503 ENTITLED, "DEFINITIONS" PROVIDING A DEFINITION OF "BED AND BREAKFAST ACCOMMODATION"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from October 20, 1999)

This item was withdrawn.

11. SITE PLANS

11.1 SP 6-13-99, Madison Lakes Townhomes, SW 82 Avenue between Griffin Road and Stirling Road (RM-5/A-1) *Planning and Zoning Division recommended approval subject to the planning; Site Plan Committee recommended approval subject to the planning report items one and two*

Mr. Kutney summarized the planning report.

Frank Aguirre, representing the petitioner, was present.

Councilmember Paul questioned the specific drainage and water retention plans. Mr. Aguirre responded that there would be a two acre lake which would provide wet retention. He added that the lake would be self-contained and would have overflow to the adjacent canal.

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Councilmember Weiner made a motion, seconded by Vice-Mayor Bush, to approve subject to items 1 and 2 of the planning report. 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)

- 11.2 SP 10-1-99, Southwood Townhomes, 4800 block of University Drive (RM-10) *Planning and Zoning Division approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report items one through three*

Mr. Kutney summarized the planning report.

Councilmember Paul questioned what the specific drainage plans were for this parcel. Gus Aguirre, representing the petitioner, explained that there were dry retention areas and trenches that were connected to the canal along SW 76 Avenue. He advised that there would be no lake on the property.

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

12. APPOINTMENTS

- 12.1 District Boundaries Review Committee (each Councilmember shall appoint two electors of the community from his/her district) (deferred from October 20, 1999)

Councilmember Cox questioned whether the Town was locked into the redistricting prior to the end of filing for the upcoming election. She expressed her concern that Council take the time to review the boundaries and felt no compulsion to have this issue completed prior to the next election. Councilmember Cox stated that she wanted to make sure that Council took the adequate amount of time and if Council waited until after filing to change the districts, it gave the residents a year to "feel out" where they wanted to be.

Councilmember Weiner noted that the Charter stated that Council "shall" which meant that Council needed to do something. He appreciated Councilmember Cox's comments with regard to a "hurry up job", however, Council had an obligation under the Charter. Councilmember Weiner stated that Council had an obligation to redistrict when there was an increase of 10% and the districts should be reviewed. Because of the election in March, he had questioned when a review needed to be done so that a change could be in place before someone decided to run for election.

Councilmember Weiner questioned whether it would be inappropriate to make a motion to require the convening of a committee and approval of an option in time so that it could be in place for the March 2000 election. Mr. Webber advised that a motion would be appropriate; however, the Charter required Council to appoint a committee upon one of four events occurring. He noted that there was no time limit as far as when the report had to be made or when Council had to take action. Mr. Webber recommended that Council abide by the Charter with the limitations in the Charter and move forward with establishing the committee. He added that it was Council's decision to make a determination what a reasonable amount of time might be for the committee to property accomplish its job.

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Councilmember Paul questioned the deadline for filing with Town Clerk Reinfeld responding January 17, 2000. Councilmember Weiner clarified that the committee's job would have to be completed prior to the opening for filing which would be the second meeting in December. He noted that the last District Boundary Review Committee took less than 20 minutes for the Committee to review the options. Additionally, Florida Atlantic University (FAU) was already reviewing the numbers for the Town and questioned how long the report would take to be generated. Town Clerk Reinfeld advised that it would take approximately five weeks, however, FAU had indicated that it could be accomplished in three weeks. She indicated that staff had requested that FAU provide a report by November 12th so that the Committee could convene on November 15th or 16th. Town Clerk Reinfeld added that this timeframe allowed for a first reading of the ordinance on December 1st.

Mayor Venis questioned whether there would be representatives from FAU attending the meetings to explain the data. Town Clerk Reinfeld responded affirmatively and noted that Scott Burton, FAU GIS Director, had pledged to attend both the Committee and Council meetings.

Councilmember Cox explained that it was not her intention to delay the issue and noted her previous experience with a lawsuit relating to redistricting. She felt that the public should have ample time to prepare to run for a particular seat.

Councilmember Weiner requested that Mr. Webber clarify the memorandum regarding appointments. Mr. Webber indicated that this Committee was not a standing committee but was a special committee and that someone who had been appointed to a standing committee could be appointed to a special committee.

Councilmember Cox appointed Tom Truex and Hully Gill. Vice-Mayor Bush appointed Fernando DiBella and Joan Ast. Mayor Venis appointed Dean Alexander and Dave Brown. Councilmember Weiner appointed Dan Barr and Ellen Christopher. Councilmember Paul appointed Debbie Apolinario and Raul Bosque.

- 12.2 Youth Advisory Board (non-exclusive appointments - 1 voting student member who is concerned with and interested in the park facilities and leisure needs of the youth citizens in the Town and must reside in the Town of Davie. The member shall be comprised of students from grades 5 through 12 with the Council considering the following criteria: a) demonstration of interest in park facilities and leisure needs of the youth citizens in the Town; b) participation in team sports programs; and c) average or above average academic performance at their school; term expires March 2000)

Vice-Mayor Bush stated that several individuals from the Potter Park area had shown an interest, however, he had not heard "one way or the other" whether they would like to be appointed. Vice-Mayor Bush and Councilmember Cox requested that this item be deferred to the next meeting. Councilmember Weiner requested that Mark Kaplan be considered when this appointment was made.

13. OLD BUSINESS

There was no old business to discuss.

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14. NEW BUSINESS

14.1 Additional Homestead Exempt for Senior Citizens (Mayor Venis)

Mr. Middaugh stated that Budget and Finance Director Christopher Wallace had prepared information regarding this issue and explained that a definitive number relative to the impact could not be determined. He indicated that there was a county-wide estimate of the financial impact being \$5 million and felt that the mobile home communities would be the most affected. Mr. Middaugh noted that there was a rule making process which was at the State level. Secondly, the Broward League and Delegation were requesting clarification as to what constituted income. The Town would have the ability to adopt up to a \$25,000 exemption in addition to the existing \$25,000 exemption which would have to be accomplished by December 2nd to be effective for next year. The impact would then be placed in the budget for the following year.

Vice-Mayor Bush felt the biggest problem the County had was trying to define income. Apparently, social security and municipal bonds were not counted as part of the income.

Councilmember Weiner referenced Section 62 of the Internal Revenue Code and advised that he had spoken with Sandy Steen of the Property Appraiser's Office to try to obtain information. He noted that this Office felt the County's estimate was conservatively high; however, the Office had no information to provide as backup and could not estimate Davie's impact.

Councilmember Paul felt this issue should be reviewed; however, she was unsure whether she would be able to vote on this issue as this exemption would be to her benefit

Councilmember Cox questioned how an individual would provide their income. Vice-Mayor Bush advised that the County wanted a clarification from the legislature. Councilmember Cox noted that she did not object to an exemption because the intent of the law was good but she did not want it to turn into something that it was not intended to be.

Mr. Middaugh questioned if there was changes to the legislation that clarified income, would Council need to embrace any subsequent changes in legislation or would it automatically be rolled into the legislation. Mr. Webber responded it would automatically roll into the legislation.

15. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 10:39 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk