

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 1, 1999**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:01 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis 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.

Mayor Venis announced that Vice-Mayor Bush was attending the National League of Cities meeting.

Councilmember Cox made a motion, seconded by Councilmember Paul, to excuse Vice-Mayor Bush. In a voice vote, with Vice-Mayor Bush being absent, all voted in favor. (Motion carried 4-0)

3. OPEN PUBLIC MEETING

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

Kevyn Markowitz, Volunteer Coordinator for Young At Art Children's Museum, advised that the Museum was trying to organize an adult volunteer program to work with the children and their families.

Monroe Kiar advised that he had a serious fire in his house a few weeks ago and thanked Council and Mr. Webber for their kind thoughts. He also thanked the Town's firefighters, police officers, and paramedics for their assistance and added that the Town had some of the most professional and outstanding employees. Mr. Kiar indicated that he had requested that a copy of a letter sent to Mayor Venis be placed in the employee's personnel file.

Dorothy Tillinghast, 3665 West Valley Green Drive, discussed the need for transportation and asked why the residents could not have a shuttle.

Tom Truex commented with regard to the lack of long-term planning for the Town and stated that crisis management was bad government which described the current planning process for the Town. It was his belief that the problem was not with staff, but that the Town should consider better support and benefits to reduce turnover. Mr. Truex added that if additional personnel was needed, it was important to provide them.

Jay Stahl, 5801 Surrey Circle West, was present on behalf of the Hawkes Bluff Homeowners' Association and referenced problems with the entrance on Dykes Road. He indicated that he had sent several e-mails and the last e-mail was sent to Assistant Town Engineer John Dougherty on November 28, 1999 which referenced the construction problems. Mr. Stahl noted that grass was replanted, sprinkler systems were fixed, and trees were replaced as of today. He thanked the Town staff, Assistant Town Administrator Bob Rawls, and Mr. Dougherty for their efforts. Mr. Stahl explained that the only remaining issue was the road repavement and the construction crews were assessing the roads today.

Robert Hoth, 1361 Whitestone Way, thanked staff and Council for their efforts in correcting the problem behind his house. BellSouth had repaired his grass on Sunday and had replaced the grass on Monday.

Jean Messler, 13300 SW 29th Street, indicated that that she had read the agenda report on the bed and breakfast issue and it appeared that Council had authorized staff to proceed with the Code amendment to incorporate bed and breakfast accommodations in the Town.

**TOWN COUNCIL MINUTES
DECEMBER 1, 1999**

She questioned whether staff was aware of a problem with Broward County and indicated that the problem seemed to be with a particular bed and breakfast. Ms. Messler inquired as to why staff was in a hurry to rush this proposal through the process and questioned why a second notice was placed in the paper if problems needed to be addressed. Staff was requesting a motion to table this item to January 5, 2000 with the second reading on January 19, 2000 and she felt that this was due to staff disagreeing with the County's interpretation of the commercial flexibility rule. Ms. Messler commented that the references made in the agenda report of the Planning and Zoning Board's discussion of the proposed amendment on October 27, 1999 was contrary to what she heard on the tape as Mr. Greb was adamantly opposed to a bed and breakfast in the R-1 residential district. She felt that the Town could handle a bed and breakfast, but not in a residential area and questioned why businesses would be placed in residential areas.

Ellen Christopher, 3666 West Valley Green Drive, referenced a newspaper article in which Mr. Middaugh was quoted as saying, "people want to feel that they had a voice in how their communities are run and managed". On September 1, 1999, he requested Council visit the issue of outside counsel relative to the processing of a Zoning Code amendment so that Mr. Webber would not be the focus of the amendment. Ms. Christopher noted that Mr. Middaugh thought an outside attorney would lend some credibility to the reasons why the Town had to amend the Code and plan in the first place. She referenced Mr. Middaugh's comments regarding his belief that this would not be paying double fees and that Mr. Middaugh should have researched the issue as she felt that the Town had paid enough. Ms. Christopher was upset with the fact that the Town had been paying the Town Attorney's Office for these amendments since 1996 and the Code and plan had not been amended. She felt that there was no one who was actually aware of how much was being paid to the Town Attorney. Ms. Christopher commented that she becomes suspicious when her questions were not answered and noted that this was not a personal attack, but a request for information and answers. Based upon her information and understanding, the Town Attorney's Office had billed the Town for the same research over and over since June 1996. The Town Attorney's Office reviewed the first attempt to amend the Code and plan and after a workshop meeting when the Code and plan amendments were found to be poorly written and not acceptable, these amendments were discarded. Someone from staff had consulted an outside attorney; however, nobody seemed to know who this person was, or what they had to say. Ms. Christopher felt that this person might have indicated that the Code and plan may not have needed to be amended. She indicated that the amendments were written, reviewed, and approved by the Town Attorney's office. Ms. Christopher explained that after the items were tabled and advertised, these amendments were again discarded and no one was able to provide any reason as to why they were discarded. From March through August 1999, the Town Attorney's Office had billed the Town over \$7,000 to review the Federal Fair Housing Act and other related meetings and telephone calls for a plan amendment. She questioned why the Town Attorney was not evaluated yearly and suggested that an audit of the Town Attorney's bills for the last few years would put an end to any of her speculations.

Mr. Webber questioned if Ms. Christopher was suggesting that the Town was billed more than it should have been for the legal services being performed by his office. Ms. Christopher replied that this was based on what she "was reading" and indicated that she was not saying it for true because she did not know. Mr. Webber questioned if Ms. Christopher was aware that all his bills were examined by every department director that had asked for

**TOWN COUNCIL MINUTES
DECEMBER 1, 1999**

work to be completed and prior to any bills being paid, the bill must be approved by the department director. Ms. Christopher indicated that she was aware of that information. Mr. Webber further questioned if Ms. Christopher was aware that the Town's Finance Director repeatedly reviewed the cost that the Town paid for legal fees compared to other municipalities and on a regular basis, a determination was made whether the Town was receiving legal services at a reasonable rate. Councilmember Weiner interjected that this was not a deposition and requested that this issue be addressed at another time.

Jim Priest, 1801 SW 117 Avenue, requested that the sprinkler pipe be repaired and thanked Councilmember Weiner for his concern regarding the flooding in his area. Mayor Venis asked that Mr. Rawls have the Public Works Department fix the problem.

Pauline Priest, 1801 SW 117 Avenue, also thanked Councilmember Weiner for his attendance at a meeting regarding the flooding in the area and noted that the elderly transportation problem needed to be addressed. Furthermore, she requested that the Town address the flooding problem in their area.

Dean Alexander, 13820 SW 16 Street, thanked Council for unanimously supporting his proposal for a Senior Citizen Advisory Committee. He felt that the Town had not fully utilized the wisdom, talents, and skills of the senior citizen population. Mr. Alexander commented that some individuals or groups in the Town seem to misunderstand the term "public servant" and felt that this did not mean that Council would jump at every command. It meant that Council served at the will of the general public and he found that Council would consider a well-prepared proposal that served the good of the Town. If there was an attack on Council, it would probably react unfavorably as any other individual would. He felt that the positions deserved respect and noted that he had been treated with the utmost respect by every member of Council. Mr. Alexander added that whenever he had called an elected official to discuss a problem, his calls were returned and his comments were listened to.

Kuwaan Felton, 4278 SW 56 Avenue, indicated that several of the residents were offended by the remarks made at the last Council meeting and read the remarks made by Councilmember Cox into the record. He noted that the Town's billboard did not provide any information regarding Town meetings. Mr. Felton commented that the residents were a part of Davie and the community and acknowledged that the Town had tried to improve the facilities. He requested that the Town provide assistance and resources to the area so that the community was not separated. Mr. Felton suggested that Councilmember Cox address individuals as people and not as "those people".

Geraldine Clark, 4141 SW 56 Avenue, read a portion of an article from the Sun Sentinel regarding improvements in the Potter Park area and advised that she had been reviewing the evidence of the improvements that the residents "were so unappreciative of". She indicated that she would be comparing the evidence to the improvements of other Town parks and would share the information. Ms. Clark stated that she was confident that her findings would not be evidence of the "nurturing" that residents were told they were afraid of losing.

Ms. Clark indicated that at first, she was in support of the park, however, now she was not because of the land and the money that was to be spent. She questioned 1) how the industrial zoned proposed park property would affect the development of the land for affordable housing; 2) what happened to the value of the land if industrial zoned land could not be developed to full capacity; 3) when the affordable housing project was to begin; and 4) why the Town had to spend \$640,000 for the property and if this purchase was due to the impending contract by someone else.

**TOWN COUNCIL MINUTES
DECEMBER 1, 1999**

Ms. Clark felt that the Town was making a bad deal and was of the belief that if the Town had waited, the land could have been purchased for less. She acknowledged that the park would be receiving \$104,000 from the \$12 million bond and expressed concern with regard to the remaining \$2 million for new and underdeveloped park sites. Ms. Clark pledged not to watch Council waste any monies and planned to acquire more of the bond money for areas such as Potter Park and Silver Oaks which had been neglected. She felt that the monies for the bond issue were unfairly divided and requested that Council provide "the real boundaries that you are legally held to" to file the remaining \$2 million. Ms. Clark thanked Councilmember Weiner who was the only one to openly support the residents.

Richard Clark, 4141 SW 57 Avenue, also thanked Councilmember Weiner for not standing for racist attitudes and he expected the rest of Council to follow Councilmember Weiner and set a good example. He stated that he had been disrespected and felt that it was uncalled for. Mr. Clark further noted that he had done a lot for the Town and that the racist attitude should not be tolerated.

Jeanette Davis, 4260 SW 56 Avenue, advised that Potter Park had received block grant monies to "redo" the park and noted that a lot of promises had been made for the block grant monies that had not been given. She indicated that there was a building that could have been used; however, it had been gutted and boarded up and the residents were told that the Town was "redoing" the building, however, there had been no action. Ms. Davis commented that Potter Park was getting \$104,000 for a park that had never been completed. She explained that at the community meeting held a few weeks ago, she was told that the playground equipment was in storage and questioned why additional playground equipment was being purchased. Ms. Davis indicated that Councilmember Cox had informed her that if the residents decided not to accept the money, then Council "would sit on the money". She felt that this was nothing new and suggested that when residents were sincere in their efforts to explain their position, Council should listen.

Isaiah Clark requested assistance in the area and not for segregation of the area. He felt that if Councilmember Cox wanted to govern an all white community then she would need to leave the United States. He commented that the community had done the improvements, not the Town and he was hurt that Mayor Venis had not stood up for the community. He thanked Councilmember Weiner for standing up for the black community. Mayor Venis noted that the newspaper reporter never called him with Mr. Clark indicating that the Mayor had not stopped the statements at the Council meeting.

Haywood Nichols, Executive Vice President of the Broward County Branch of the NAACP, noted that the NAACP was observing the unfair activities of the Town and the Town's officials. He had decided to see that fairness existed in Davie and he felt that the citizens who continued to vote for the caliber of individuals who led this Town should be ashamed of themselves. Mr. Nichols expressed his belief that the Council treated the citizens and staff as if they did not exist and pledged not to allow this to continue without citizens physically showing and verbally stating their dislike for what Council was doing. He felt that it was a shame that a new park was being built rather than renovating the old park.

Michael Davenport, 14041 SW 22 Place, concurred with Mr. Alexander's previous comments regarding Council and Mr. Webber. He stated that "not everybody jumps and tries to put other people on review and investigation" because they do not get an answer that they want. Mr. Davenport noted that he had known Councilmember Cox for many years and had never heard or felt any prejudice from her. If she had said anything, he felt that she did not

**TOWN COUNCIL MINUTES
DECEMBER 1, 1999**

mean it to be intentional. He commended Council for their work.

Mayor Venis announced that item 10.4 would be discussed at this time.

10.4 Town Clerk Reinfeld read the ordinance by title.

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

Tom Truex, 4740 SW 72 Avenue, advised that he was neither for nor against the ordinance. He felt that generally, Council did not do enough to assist its older or lower income residents and applauded its efforts to assist low-income senior citizens. Mr. Truex expressed his belief that the ordinance would hurt other senior citizens and younger residents with limited financial means and noted that this ordinance was a tax shift and not a tax reduction. He commented that the ordinance was based on household incomes of less than \$20,000 as defined by IRS rules and noted that the net worth was not addressed. Mr. Truex further noted that any senior citizen who was renting would not benefit from the exemption; however, the landlord would pass on the tax shift and increase the rent. He referenced a study of the Town's demographics dated July 1999 which indicated that 1.76% of Davie households were over the age of 65 and below poverty level. However, almost 6% of the residents were under age 65 and below poverty level. Mr. Truex felt that the ordinance was a lost opportunity to assist senior citizens and indicated that the monies used for the tax shift could be used to assist the senior citizens. He hoped that this political move would not prohibit Council from doing more to help people of all ages in Davie.

Dean Alexander, 13820 SW 16 Street, was in favor of the ordinance. He felt that there were enough safeguards in the legislation that would protect from abuses.

Mayor Venis closed the public hearing.

Councilmember Weiner advised that he was in favor of the ordinance and expressed his belief that the Town should consider raising taxes if there was a need to provide services to its citizens. If the ordinance was going to negatively impact the Town so that services would be affected, he felt that this needed to be addressed in the supplemental budget as well as next year's budget.

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

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: Charlie Daniels concert (December 3rd); Lighting of the Green (December 12th); and Jingle Bell Parade (December 12th).

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: A Passport to Africa show (December 11th); holiday shopping trip for adults and

**TOWN COUNCIL MINUTES
DECEMBER 1, 1999**

seniors (December 10th); adult and seniors holiday potluck party (December 17th); children's winter camp (registration beginning December 1st); youth baseball and girls softball program (registrations beginning December 6th).

Mayor Venis announced that item 10.1 had been withdrawn by staff and rescheduled to December 15, 1999.

Mayor Venis announced that item 10.3 needed to be tabled to December 15, 1999.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to table until December 15, 1999. In a voice vote, with Vice-Mayor Bush being absent, all voted in favor. (Motion carried 4-0)

Mayor Venis announced that the first reading of item 10.5 needed to be tabled to January 5, 2000 and the second reading needed to be tabled to January 19, 2000.

Councilmember Cox made a motion, seconded by Councilmember Paul, to table until January 5, 2000. In a voice vote, with Vice-Mayor Bush being absent and Councilmember Weiner dissenting, all voted in favor. (Motion carried 3-1)

5. MAYOR/COUNCILMEMBERS COMMENTS

MAYOR VENIS

HAPPY HANUKKAH. Mayor Venis wished everyone a happy Hanukkah.

FLOODING ISSUE. Mayor Venis referenced a meeting in which several flooding issues had been addressed. He pledged to work on additional solutions to the flooding problems and felt that a lot of progress had been made since the hurricane. Mayor Venis noted that he had attended a meeting with several officials to develop a game plan to resolve this issue. From this meeting, a coalition had been formed to review the entire district in order to resolve the drainage issues. An interlocal agreement was being formed and a study was being conducted by a special engineering company and the Town's share for this study was approximately \$12,50. He thanked Broward County Commissioner Lori Parrish, Mike Crowley, Central Broward Drainage District Commissioner Wayne Arnold and the Central Broward Drainage District for their efforts.

TRAFFIC SIGNALS. Mayor Venis announced that the traffic signal on 14th Street and Shotgun Road was operational. He noted that the requests for signals that were previously denied were continually resubmitted to the County.

TURKEY TROT. Mayor Venis thanked Davie Elementary for inviting him to participate in the Turkey Trot.

DAVIE ALE HOUSE. Mayor Venis acknowledged those who participated in providing Thanksgiving dinners for those who were less fortunate.

VICE-MAYOR BUSH

Vice-Mayor was not present.

COUNCILMEMBER COX

CONGRATULATIONS. Councilmember Cox congratulated Osborne's Hardware on its 50th Anniversary Celebration.

**TOWN COUNCIL MINUTES
DECEMBER 1, 1999**

JINGLE BELL RIDE. Councilmember Cox reiterated that the Jingle Bell Ride would be on December 12th along the canal bank.

EQUINE EVACUATION SITE. Councilmember Cox noted that the first meeting for the new evacuation site at the landfill had been held.

BRIDGE COMMITMENT. Councilmember Cox advised of a commitment from the Department of Transportation for the design of the bridge west of Pine Island to be similar to the downtown bridge.

HAPPY HANUKKAH. Councilmember Cox wished everyone a happy Hanukkah.

POTTER PARK. Councilmember Cox apologized to the residents in the Potter Park area for being offended by the newspaper article and noted that the article had also offended her. She reiterated her opinion that one should not believe everything that was printed in the Sun-Sentinel because of the way issues were reported.

COUNCILMEMBER WEINER

CONGRATULATIONS. Councilmember Weiner congratulated his wife, Dr. Wendy Weiner, who had completed her dissertation at Florida International University in Education.

HAPPY HOLIDAYS. Councilmember Weiner wished everyone a happy Hanukkah and a happy holiday.

SOCCER GAME. Councilmember Weiner noted that his daughters would be having their first soccer game this weekend.

CONGRATULATIONS. Councilmember Weiner congratulated Cindy Osborne and Osborne's Hardware for their 50th Anniversary.

DAVIE ALE HOUSE. Councilmember Weiner thanked everyone for their efforts in providing a warm environment for a Thanksgiving meal.

TRASH RECEPTACLE PROGRAM. Councilmember Weiner noted a pilot program in which larger receptacles were tested which appeared to be an overwhelming success. He requested that Waste Management be contacted to determine if this program could be provided throughout the Town.

TELEPHONE FRANCHISE. Councilmember Weiner requested an update for the next meeting.

DRAINAGE. Councilmember Weiner reiterated that this was a serious issue and noted that there were a lot of areas that flooded when it rained. He encouraged the residents to stay involved.

HORSE HELMET LAW. Councilmember Weiner noted that approximately one year ago, a child had died in an accident in which she was not wearing a horse helmet in Plantation Acres. He indicated that he deferred this matter to the Child Safety Board and requested that an ordinance be brought to the next meeting adopting a horse helmet law.

LAWSUIT. Councilmember Weiner requested that a list of hearings involving pending litigation be submitted to the Town Clerk's Office. This would allow residents to keep apprised of the status of lawsuits.

COUNCILMEMBER PAUL

TRASH RECEPTACLE PROGRAM. Councilmember Paul commented that this program might work with homes on smaller acres, however, the program needed to be sensitive to the needs of the larger properties such as those in Oak Hill.

**TOWN COUNCIL MINUTES
DECEMBER 1, 1999**

MONTHLY MEETINGS. Councilmember Paul expressed her pleasure with the new monthly meetings that Mr. Middaugh had initiated.

POTTER PARK. Councilmember Paul reiterated her previous suggestion to review whether block grant monies could be used for the gymnasium and questioned whether any block grant monies could be used for the acquisition of land for the new park. She pledged to review the proposed path at the new housing development and to ensure that there would be a link between the two parks.

THANKS. Councilmember Paul thanked the Police and Fire Departments and Davie Ale House's general manager, Mr. Sherman, for the Thanksgiving meals.

STUDY 26TH AND 136 STREET. Councilmember Paul requested an update.

DONATION. Councilmember Paul acknowledged Victoria Villa's gift of a turkey which she had donated to the EASE Foundation and indicated that she was sure it was given to a happy household.

TOYS IN THE SUN RUN. Councilmember Paul noted that the Toys in the Sun Run would be held on December 5th, in which toys would be collected to benefit the James Junior Fund.

ETHICS ORDINANCE. Councilmember Paul advised that the Lauderhill Commission had passed an ethics ordinance and congratulated Lauderhill on being the first city to pass such an ordinance. Councilmember Paul was sorry that the Town missed the chance of not being the first municipality to pass such an ordinance.

HAPPY HANUKKAH. Councilmember Paul wished everyone a happy Hanukkah.

6. TOWN ADMINISTRATOR'S COMMENTS

BELLSOUTH CABLE. Mr. Middaugh noted that numerous residents were effected by the cable franchise construction in the Town. He advised that that he had stopped BellSouth from doing new construction work in the community until the Town could ensure that the work being done was high quality, the residents were not inconvenienced and that property was not damaged. Mr. Middaugh stated that a contractor/inspector would be added to staff to inspect the work.

Mr. Middaugh indicated that with regard to the franchise agreement, BellSouth was taking the position that it did not have to have a franchise agreement which was contrary to the Town's belief. He referenced a copy of proposed legislation to be presented to Senator Geller and if there were no objections from Council, he would proceed. No objections were noted.

Councilmember Weiner questioned whether there would be no problem with Mr. Middaugh incorporating comments from the individual Council briefings. Mr. Webber indicated that there would not be a problem with this request.

POLICE PENSION. Mr. Middaugh advised that he and Mr. Webber had spoken with the Police Pension Board's attorney who had advised that steps had been taken to address the technical issues which should allow State monies to be obtained. Mr. Middaugh noted that the Board had not taken action on the earnings assumption rate.

MEDICAL INSURANCE. Mr. Middaugh distributed information regarding the Town's medical insurance. He explained that staff was working on rebidding the medical insurance.

CONDOLENCES. Mr. Middaugh announced the untimely death of Don Crotty who worked in the Public Works Department. He extended his condolences to the family.

**TOWN COUNCIL MINUTES
DECEMBER 1, 1999**

7. 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, Coastal Carting, Sunrise, Statewide Towing, LDG, Rowar's and Cummings.

Regarding the Sunrise litigation, Councilmember Weiner questioned if there was any timeframe that had been set for the judge to rule in this matter with Mr. Webber responding in the negative. Councilmember Weiner expressed his pleasure that the liability issue had been addressed, at least on the Town's part.

8. CONSENT AGENDA

Home Occupational Licenses

- 8.1 Bornman's Carpentry, Inc., 4950 SW 70 Avenue
- 8.2 Plastic Process Engineering Corp., 10291 SW 40 Street
- 8.3 Thunder Pressure Cleaning, Inc., 1621 SW 117 Avenue

Resolutions

- R-99-356 8.4 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING RESOLUTION R-96-228, WHICH AUTHORIZED THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE BROWARD COUNTY SCHOOL BOARD WHICH PROVIDED FOR A COOPERATIVE JOINT EFFORT OF SHARED RESOURCES.**
- R-99-357 8.5 **DESIGN/BUILD SERVICES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF THE DOUG AMOS CONSTRUCTION, INC. TO PROVIDE DESIGN/BUILD SERVICES FOR IMPROVEMENTS TO THE PARK AT WAVERLY AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE A CONTRACT FOR SUCH SERVICES.**
- 8.6 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH PRO-TELE SYSTEMS, INC. TO PROVIDE COIN OPERATED TELEPHONES IN LOCATIONS DESIGNATED BY THE TOWN. (Town to receive a 20% commission on net revenues/per phone)**
- R-99-358 8.7 **EXPENDITURE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF \$5,250.00 FROM THE LAW ENFORCEMENT TRUST FUND TOWARDS THE PURCHASE OF A NEW CANINE FOR THE DAVIE POLICE DEPARTMENT. (Orchard Knoll Kennels, Inc.)**
- R-99-359 8.8 **PLAT AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE ACCESS OPENINGS OF THE "ICE PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 11-1-99, 12451 Orange Drive)**

**TOWN COUNCIL MINUTES
DECEMBER 1, 1999**

8.9 R-99-360 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR WATER METERS, CITY OF PEMBROKE PINES BID #PSUT 99-03. (Sunstate Meter & Supply, Inc.; \$30,000)

8.10 R-99-361 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR WASTEWATER SLUDGE HAULING. (H & H Liquid Sludge Disposal, Inc.; \$9.72/cubic yard (dry) and \$33.00/1,000 gallons (liquid))

8.11 R-99-362 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR SUPPLY AND INSTALLATION OF VARIOUS TREES AND SHRUBS. (lowest bid to primary supplier and next lowest bid to secondary supplier)

8.12 R-99-363 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR SIX BICYCLES AND RELATED EQUIPMENT FROM EASY RIDER TO BE FUNDED FROM THE LAW ENFORCEMENT TRUST FUND. (\$6,915)

Councilmember Paul asked that item 8.8 be removed from the Consent Agenda. Mayor Venis asked that item 8.6 to be removed. Councilmember Weiner requested that item 8.7 to be removed from the Consent Agenda.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve the Consent Agenda without items 8.6, 8.7 and 8.8. In a voice vote, with Vice-Mayor Bush being absent, all voted in favor. (Motion carried 4-0)

8.6 Mayor Venis commented that there were companies which would provide one flat fee for telephone services and suggested that staff review other companies for an upfront fee. Budget and Finance Director Christopher Wallace noted that staff had had several problems obtaining companies that would provide this service and asked Mayor Venis to provide the names of any companies that he may be aware of.

Councilmember Weiner asked that the Town have the opportunity to renegotiate the contract if it were assigned to another company.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to table to December 15, 1999. In a voice vote, with Vice-Mayor Bush being absent, all voted in favor. (Motion carried 4-0)

8.7 Councilmember Weiner felt that items that were being paid for by the Law Enforcement Trust Fund should be placed in the budget.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a voice vote, with Vice-Mayor Bush being absent, all voted in favor. (Motion carried 4-0)

8.8 Councilmember Paul questioned if Council was approving an 80-foot opening on Orange Drive. Development Services Director Mark Kutney explained that the previous opening was 60 feet and had been left off the plat when recorded. He noted that conceptual approval had been granted by Broward County and the Florida Department of Transportation.

**TOWN COUNCIL MINUTES
DECEMBER 1, 1999**

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve. In a voice vote, with Vice-Mayor Bush being absent, all voted in favor. (Motion carried 4-0)

9. PUBLIC COMMENTS

Ordinances - First Reading (Public Hearing to be held December 15, 1999)

9.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 4-67 OF ARTICLE IV OF THE TOWN CODE, ENTITLED "OWNER'S DUTY WHEN DOG BITES A HUMAN OR IS BITTEN BY ANOTHER ANIMAL"; 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 Cox questioned how a dog was disposed of if the owner did not retrieve the dog and pay the fines and what the timeframe was for which the dog would be held. She felt that this information should be addressed in the ordinance. Mr. Webber indicated that the ordinance did not address the disposition of the dog and felt that the dog would be sent to the pound. He explained that these changes could be incorporated into the ordinance without being a substantial change.

Councilmember Cox made a motion, seconded by Councilmember Weiner, to approve with the additional language incorporated into the ordinance regarding how long the Town was obligated to hold a dog prior to disposal. 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)

9.2 COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY REPEALING THE TRAFFIC CIRCULATION ELEMENT AND ADOPTING A TRANSPORTATION ELEMENT IN ITS PLACE AS REQUIRED BY FLORIDA LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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 comments were closed.

Councilmember Paul questioned whether all previous concerns had been addressed. Mr. Kutney noted that an Objection, Recommendations and Comment Report was presented listing the objections from the Department of Community Affairs (DCA). The consultant was addressing those objections; however, the Town must go through the process to either deny or adopt the plan.

Councilmember Weiner questioned how the consultant was proposing to address objection five. Mr. Kutney explained that there had been some relaxation as to DCA's opinions and indicated that there were several directions or options that were being taken.

Councilmember Cox made a motion, seconded by Councilmember Weiner, to approve the plan amendment and addressing the comments from DCA. 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)

**TOWN COUNCIL MINUTES
DECEMBER 1, 1999**

10. PUBLIC HEARINGS

Ordinance - First Reading (Second Public Hearing to be held December 15, 1999)

10.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, ARTICLE III, BY ADDING SECTIONS 12-32 .300 THROUGH 12-32.399 TO CREATE THE GRIFFIN CORRIDOR DISTRICT WHICH PROVIDES FOR DISTRICT INTENT, PERMITTED, RESTRICTED, PROHIBITED AND ACCESSORY USES, AND DEVELOPMENT STANDARDS; AMENDING SECTION 12-503 TO PROVIDE DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

Ordinances - Second and Final Reading

99-42 10.2 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, ARTICLE III BY ADDING "PLANNED TRUCK STOP (TS) DISTRICT," SECTIONS 12-32.200 THROUGH 12-32.208 WHICH PROVIDES FOR DISTRICT INTENT, PERMITTED, RESTRICTED, PROHIBITED AND ACCESSORY USES AND DEVELOPMENT STANDARDS; AMENDING SECTION 12-503 TO PROVIDE DEFINITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title.

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

An unidentified man advised that modifications had been made at the last Council meeting, however, not all modifications were incorporated into the ordinance. He stated that the postal and governmental services provision had not been included as a permitted use.

The man requested that rental of trucks be added to the section relating to the sale of vehicles and the last word in Section 2 should read vehicles rather than equipment. He stated that the under Sales/Wholesale, the prohibition did not include the sale of tires, batteries and vehicle parts but does include the bulk storage and sale of petroleum products. The man indicated that he was not sure how a service station could be operated without bulk storage.

The man stated that the intent during the last discussion was to provide food with the lounge with a prohibition of a freestanding lounge outside and restaurant inside. It was noted that the language did not clearly indicate the specific uses regarding a lounge. He suggested adding the wording "a lounge in a restaurant or a lounge in a hotel/motel serviced by a kitchen or restaurant".

The man advised that postal and governmental services would be similar to a mailbox service including UPS, Federal Express, stamps and/or a substation for the postal service. Councilmember Weiner clarified that governmental services would be limited to mail/package related services. The applicant concurred.

Relative to the wholesale issue, Mr. Kutney commented that it was not staff's intention to limit that use to that extent. He advised that Mr. Rawls had suggested the wording "bulk storage of petroleum to be sold on site" as opposed to dispensing off-site.

**TOWN COUNCIL MINUTES
DECEMBER 1, 1999**

Councilmember Cox suggested that consideration be given to all petroleum products being stored underground. The applicant advised that this type of facility provided services for 2,000,000 gallons per month, residual storage for three days, and enough storage for an emergency situation or natural disaster. Another man indicated that this property had been filled and had a substantial amount of concrete and it would be difficult to provide for below surface tankage. He added that he did not think more than 250,000 gallons in storage which would provide approximately three days of storage under most conditions.

Councilmember Weiner expressed concern with regard to the potential fire hazard because of large tanks being above ground and questioned the preparation for suppression of flammable explosions. The applicant felt that the government safeguards ensured that the tanks would be safe.

Mr. Kutney indicated that rental of trucks and vehicles was generally viewed as a customary accessory to the sales use and staff did not have a problem with this matters. He explained that a restaurant such as Applebee's or Fridays in which there was a lounge would be permitted. He acknowledged the applicant's concern regarding the lounge being associated with the hotel. Mr. Kutney stated that Council had agreed to the Planning and Zoning Board's recommendation to make hotel/motel or similar lodging be required to have a special permit which was incorporated. He added that language was modified to indicate that a lounge should be associated with a restaurant or kitchen in a hotel or motel. Mr. Kutney advised that staff would not have a problem if the kitchen was across the court from the lounge but this was Council's decision. Mr. Middaugh suggested that the lounge issue be addressed by the special permit application. The language on page 3 regarding the lounge could be left and delete the reference to hotels and motels after the word kitchen. Councilmember Weiner suggested adding wording that the restaurant or kitchen be on-site.

Councilmember Paul suggested that the second sentence be changed to place a limitation that the district only be near interstate roadways or the Florida Turnpike System. Regarding the establishment of this district, she wanted to delete "necessary for the public interest" as she felt that a truck stop was not necessary for the public interest. Councilmember Paul expressed concern with regard to the variances that might be enacted. Mr. Kutney explained that the criteria described in parts a and b would be the most susceptible to a variance. He explained that a varianced use was not appropriate.

Councilmember Weiner questioned whether there could be a situation in which Council would have no choice but to grant the variance due to the inability to use the property. Mr. Webber responded that there was always that possibility.

Councilmember Cox questioned the zoning for the park near the property. Mr. Kutney noted that the zoning categories were limited to the Town and this park was a County park. The park was approximately 1,500 feet from the proposed site.

Councilmember Weiner questioned if it was possible to accomplish "this" by deed restrictions. Mr. Webber indicated that a deed restriction would only apply to someone coming before the Town.

Mayor Venis formally closed the public hearing.

Councilmember Paul made a motion to approve based on all the stated amendments and the change to intent and purpose and the addition on locational standards. Councilmember Weiner requested that the wording "for such access" be inserted in Subsection 5. Councilmember Paul advised that she would accept this amendment. Councilmember Weiner seconded the motion.

**TOWN COUNCIL MINUTES
DECEMBER 1, 1999**

Mr. Kutney asked for a clarification on treating the storage of petroleum. Mayor Venis indicated that the petitioner had indicated that he would do as many underground facilities as possible but there was a lot of concrete. Councilmember Paul added that the terminology "on-site" was to be added to the sale of petroleum. The man indicated that the language should be that it does not prohibit bulk storage but does prohibit the bulk sale of petroleum products.

Mr. Webber recommended that the verbiage be reviewed as this was the second reading of the ordinance. Councilmember Paul withdrew her motion.

Discussion ensued with regard to the clarification of each point Council had agreed to:

12-32.200 - Changed to read, This district intended to be located only along interstate roadways or the Florida Turnpike System. The establishment of this district was to promote and aid travel....

12-32.201(9) - Changed to read, Sales of trucks, vehicles and rentals subject to a limitation.....

12-32-.203(2) - Add item K, postal sales and parcel shipping.

Discussion ensued on changing item I to read, Lounge associated with a restaurant or kitchen located on-site. Mr. Middaugh summarized that the intent was to prohibit free-standing lounges. Therefore, a lounge in a restaurant was permitted and the lounge in the hotel was part of the special permit process. In the special permit application that could be submitted parallel with the site plan application, the terms and conditions for liquor operations would be addressed. The applicant expressed his desire to have the intent written into the ordinance.

Councilmember Weiner explained that one of the problems was the fact that some prospective entities would be scared away when they were unsure of the parameters. The applicant suggested specifying a lounge in a hotel/motel serviced by a kitchen or restaurant on site.

It was the consensus to proceed with the wording "lounge associated with a restaurant or kitchen on-site."

12-32.204 - Wording changed so that the prohibition did not include the sale of tires, batteries, vehicle parts and bulk storage of petroleum products.

Council agreed regarding the language proposed for variances and locational standards.

Section 2 - changing the last word from equipment to vehicles.

12-32.208 add the wording for such access to the first sentence.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to pass the ordinance based on all the amendments that were agreed upon with Mr. Kutney. 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)

A recess was taken at 7:58 p.m. and the meeting reconvened at 8:03 p.m.

**TOWN COUNCIL MINUTES
DECEMBER 1, 1999**

- 10.3 **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO BP, BUSINESS PARK 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 8-1-99, Leigh Robinson Kerr & Associates/Ryan, 3450 SW 36 Street)**

This item was tabled earlier in the meeting.

- 99-42 10.4 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE MUNICIPAL CODE OF ORDINANCES CHAPTER 23 TAXATION, BY CREATING ARTICLE V, EXEMPTIONS TO PROVIDE FOR AN ADDITIONAL HOMESTEAD EXEMPTION FROM AD VALOREM TAXES LEVIED BY THE TOWN OF DAVIE FOR PERSONS 65 AND OLDER PURSUANT TO THE PROVISIONS OF SECTION 196.075 FLORIDA STATUTES; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

This item was approved earlier in the meeting.

Item to be tabled

- 10.5 **1) STAFF REQUESTING A TABLING OF THE ORDINANCE - FIRST READING TO JANUARY 5, 2000**

2) STAFF REQUESTING A TABLING OF THE ORDINANCE - SECOND READING TO JANUARY 19, 2000

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 November 17, 1999)

This item was tabled earlier in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

**TOWN COUNCIL MINUTES
DECEMBER 1, 1999**

11. SITE PLANS

- 11.1 SP 9-3-99, Nova Southeastern Computer Science Information Facility, 6100 Griffin Road (B-2) Planning and Zoning Division recommended approved subject to the planning report; Site Plan Committee recommended approved subject to staff recommendations 1 through 5

John Santulli and Tom Laubenthal, representing the petitioner, were present. Mr. Kutney summarized 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)

- 11.2 SP 11-2-99, Family Tribute Center, 2895 Davie Road (M-4, County) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approved subject to staff recommendations 1 and 2

Michele Mellgren, representing the petitioner, was present. Mr. Kutney summarized 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)

12. APPOINTMENTS

- 12.1 Budget Advisory Committee (one exclusive appointment - Vice-Mayor Bush and Councilmember Cox) (insofar as possible, members shall have experience in financial related occupations or similar skills; term of January to December 2000)

Councilmember Cox deferred her appointment.

- 12.2 Davie Water Advisory Board (two exclusive appointments - Mayor Venis and Councilmembers Paul and Bush; one exclusive appointment - Councilmember Cox) (insofar as possible, one member of the Board shall be a licensed engineer; term of January to December 2000)

Mayor Venis appointed Tom Green and James Aucamp, Sr. Councilmember Paul appointed Larry Davis and deferred her seconded appointment. Councilmember Cox appointed Dean Alexander and Daniel Lavrich.

13. NEW BUSINESS

- 13.1 Vote to Endorse Davie Dolphin Days

Mr. Middaugh indicated that this was a special event in which the Town had previously supported. In a voice vote, with Vice-Mayor Bush being absent, all voted in favor.

Councilmember Paul requested Council's endorsement to do mailings for the March 26, 2000 horse show in which she was the honorary chair.

**TOWN COUNCIL MINUTES
DECEMBER 1, 1999**

Councilmember Weiner reiterated his previous request to have a budget established for these types of programs. Mr. Middaugh noted that this concept was being explored and had not been perfected.

In a voice vote, with Vice-Mayor Bush being absent, all voted in favor.

14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 10:03 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk