

**TOWN COUNCIL
REGULAR MEETING
MARCH 1, 2000
7:00 P.M.**

1. PLEDGE OF ALLEGIANCE

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

2. ROLL CALL

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

Damiano Pignato, 6920 SW 56 Court, presented Council with a petition from St. Bernadette School's parents requesting that Council pass a resolution supporting a traffic control device on Stirling Road at St. Bernadette's School. He noted the following issues: residents traveling to the east must contend with the sunlight in their eyes when children are picked up and dropped off; the strip mall would generate additional traffic; and there would be a new apartment complex near the strip mall.

Mayor Venis noted several previous requests for a traffic control device and indicated that he would support the resolution. He pledged to present the resolution to the Broward County Commissioners. Mayor Venis asked that a resolution be prepared in support of the traffic control device and that it be placed on the next agenda. Councilmember Cox requested that Assistant Town Administrator Robert Rawls review the agreement for a common ingress/egress for the strip mall.

Arthur Joseph, 13700 SW 18 Court, indicated that he was in opposition to the 142 Avenue canal lawsuit and added that the taxpayers were being forced to "stab their neighbors in the back". He questioned how Councilmembers could vote in favor of a lawsuit without obtaining any information regarding the cost and further questioned who would be responsible if a rider was hurt on the trail.

With regard to the Westfair event, Mr. Joseph asked how much money the Town was spending on the event. He noted that the City of Fort Lauderdale sponsored Promenade; however, no tax monies were used. Mr. Joseph expressed his belief that the Town should not be paying for this event.

An unidentified resident was present and advised that the senior citizens in the audience were present to endorse Vice-Mayor Bush's campaign.

Jean Messler, 13300 SW 29 Street, felt the Planning and Zoning Division should finish the outstanding projects prior to embarking on the master plan project. She noted several outstanding issues including the Code amendment for special residential facilities, the Griffin Road corridor, the revised bed and breakfast Code amendment and her request for interpretation pending since 1996. Ms. Messler advised that a renewed request for interpretation had been filed and questioned whether a response would be provided soon. Mr. Middaugh responded that he would reply soon and indicated that he had a 60 day period in which to do so.

Ellen Christopher, 3666 West Valley Green Drive, noted that the DMIA had sponsored a candidate's night that Vice-Mayor Bush had not attended; however, she had been advised that he had attended the Old Davie School House meeting. She acknowledged that Mayor

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Venis had sent a letter of apology and questioned whether Vice-Mayor Bush was afraid that someone would make an inquiry regarding his occupational license. Ms. Christopher noted the Code requirement regarding occupational licenses and questioned who had inspected Vice-Mayor Bush's office on State Road 84. She suggested that Mr. Middaugh begin an investigation into this matter.

Bruce Novack, 4262 SW 78 Drive, questioned Vice-Mayor Bush as to whether the Town was under the influence of lobbyist's such, as Judy Stern, which came at a price to the taxpayers. He asked how many issues Vice-Mayor Bush had voted on in his tenure in which Ms. Stern was represented and whether the taxpayers were fairly represented.

Dean Alexander, 13820 SW 16 Street, noted that he had addressed Council over two years ago regarding the 142 Avenue trail extension and provided a history. He noted that Councilmember Paul was quoted in The Miami Herald as saying this was a search for truth as to who owned the land. It was his understanding that there was never a question of ownership, as the Town's issue was with the easement, thereby giving residents the right to pass on the property. Mr. Alexander suggested that Councilmember Paul reconsider this matter and drop the lawsuit. He advised that Mr. Webber was quoted in the same article as saying the Town was suing the residents in the most technical sense of the term. It was Mr. Alexander's belief that the lawsuit was technically costing the residents thousands of dollars and the possibility that some residents would lose their rights. He referenced an informal conversation with Councilmember Cox in which she advised that the drawings were in the draft stage and he had requested that street names be added. Mr. Alexander expressed his belief that the 142nd Avenue and 14th Street Trail was a dangerous cross street and suggested that the cross over be moved to 136th Avenue and 14th Street where there was a four-way stop. He further noted the dangers regarding crossing State Road 84 and 142nd Avenue. Mr. Alexander reiterated his belief that if the two parties reviewed the alternatives in good faith, there would be another solution determined to complete the trail without suing neighbors, while ensuring the safety of the riders.

Mike Bennett, 1425 SW 87 Terrace, noted the conflict between residential and commercial zoning with respect to the 7-11 store on Pine Island Road and State Road 84. He presented Council with two videotapes detailing his concerns with regard to this issue and requested that Council consider placing a wall on the south side of Berkley from Pine Island Road to 87th Terrace for safety and noise concerns. Mayor Venis responded that a letter was being drafted to the property owner to address this matter and advised that the Town had been working on a buffer.

Joy Yoder, 12610 SW 13 Manor, expressed concern with regard to the safety of the trail system and noted an incident in which she was almost hit by a truck on one trail. It was her belief that Council was attempting to do its best for the residents and had made a tough decision regarding the trails.

Toby Perkins, 5220 SW 109 Avenue, advised that she was aware that the Town had been approached by the City of Cooper City to not approach the residents in the unincorporated area on annexation. She indicated that there were many residents in her neighborhood who would prefer to continue hearing from the Town and would like to have the Town's support in having a choice to which municipality to become annexed into by 2010.

Tom Truex, 4740 SW 72 Avenue, expressed his belief that the transportation issue for senior citizens had taken too long to address. He felt it was time to provide reasonable transportation for the senior citizens.

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Richard Conrey, 11050 SW 42 Place, stated that Council lacked common sense and trust. He expressed his belief that the trail lawsuit was ridiculous, the "holiday in schools" should not have been brought up, there should be continuity with the "mayorship" and Council, and children should not be in danger with any kind of hotel/motel. Mr. Conrey referenced approximately \$650,000 in monies spent to purchase the park and that there were now no monies to build the park. He felt no one was addressing the serious drug problem in east Davie and noted the traffic problems within the Town. It was his belief that the Town needed a full-time mayor who could determine exactly what needed to be done. Mr. Conrey felt that residents must attend Council meetings since they did not have the trust in Council.

Michael Holderfield, 1874 SW 81 Lane, noted that he had called a month ago to obtain Mayor Venis' position on the private ownership of firearms. Mayor Venis advised that he had not received the message and requested his phone number.

Geri Clark, 4141 SW 56 Avenue, thanked the DMIA for its reception and expressed her regret that Vice-Mayor Bush was not in attendance. She expressed concern with regard to the difficulties that staff had with regard to public record's requests as the system did not allow staff to effectively respond. It was her belief that there should be a "warning label" at the top of each public request form noting that there may be additional charges for research by staff and questioned what staff was being paid to do. Ms. Clark thanked Messrs. Rawls and Middaugh for their assistance with regard to the speed bumps and the parks meeting.

Bill Nesson felt the quality of life and ambiance in the Town had been wonderful and thanked the Town for its efforts. He hoped that the Town stayed as pristine as it was because the Town was a "pearl".

Mildred Chester expressed her disapproval of Messrs. Truex and Conrey abilities to run for Mayor. She indicated that she had an incident with the EASE Foundation which had turned into a nightmare experience with Linda Owens and Susan Dean. Ms. Chester read a letter from Mr. Truex regarding the incident that occurred which she provided to Council. She expressed her support for Mayor Venis.

Joe Bedlum expressed concern with regard to a Wal-Mart being built on Stirling Road and University Drive. Mr. Webber noted that this item was on tonight's agenda. Mayor Venis referenced a conversation with a property owner in which he pledged to hold a meeting in the area. Direction was given for Mr. Rawls to obtain Mr. Bedlum's phone number and schedule a meeting.

Michael Davenport, 14041 SW 22 Place, expressed his belief that Mayor Venis had worked diligently for the residents and indicated that he would be supporting Mayor Venis in the election. He noted his resentment with regard to the attacks on Vice-Mayor Bush who had always voted to benefit the majority of the residents. Mr. Davenport commented that all the candidates were intelligent; however, the alternative to Mayor Venis and Vice-Mayor Bush was unthinkable. He referenced the minutes of the January 6, 1999 Council meeting regarding the term of District 3 expiring in 2000 which Councilmember Weiner had explained would provide for an east/west election each year. Mr. Davenport hoped that Councilmember Weiner would honor his commitment on this issue.

Dan Barr, 13323 SW 40 Street, acknowledged the senior citizens in the audience and referenced an article in which Ms. Clark had expressed her view regarding transportation for senior citizens. He expressed his disappointment in that Mayor Venis and Vice-Mayor Bush were not able to attend the DMIA reception to voice their opinions.

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David Brown, Budget Advisory Board Chair, explained that Census forms may be received by the next Council meeting and noted the importance of completing the forms. He indicated that the information was confidential and advised of the Board's willingness to attend different organization's meetings to discuss the Census.

4. PRESENTATIONS

4.1 Davie/Cooper City Chamber of Commerce
Arline Broleman, Executive Director, updated Council on the Chamber's efforts.

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

4.3 Upcoming Special Events - Sharon Pierce-Kent and Bonnie Stafiej
Sharon Pierce-Kent, Parks and Recreation Director, announced that upcoming events included: spring break for ages 6 to 12 (April 17th - 21st); adults and seniors ice cream social (April 1st); and adults and seniors night out (May 16th).

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: WestFair events (February 29th - March 5th); Ft. Lauderdale AKC show (March 17th - 18th); annual bullriding competition (March 25th); the open fun horse show (March 26th); and the second annual Orange Blossom/WestFair Cowboy Cow Pasture Golf Classic (April 14th)

Mayor Venis announced that items 8.2 and 10.2 had been withdrawn.

Mayor Venis announced that items 8.5, 10.5, and 10.6 needed to be tabled to March 15, 2000.

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

Mayor Venis announced that item 10.4 needed to be tabled to April 18, 2000.

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

Mayor Venis announced that items 10.7, 10.8 and 10.9 needed to be tabled to April 5, 2000.

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

Later in the meeting, Councilmember Cox made a motion, seconded by Councilmember Weiner, to reconsider item 10.9. In a voice vote, with Councilmember Paul dissenting, all voted in favor. (Motion carried 4-1)

Councilmember Weiner made a motion, seconded by Councilmember Cox, to table item 10.9 until March 15, 2000. In a voice vote, all voted in favor. (Motion carried 5-0)

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5. MAYOR/COUNCILMEMBERS COMMENTS

MAYOR VENIS

DEDICATION. Mayor Venis announced the dedication of Mort Meyers Boulevard at the JCC facilities. He asked that Mr. Middaugh schedule the dedication of Al Tyler Way as soon as possible.

STEERING COMMITTEE ON DRAINAGE ISSUES. Mayor Venis stated that progress was being made on the drainage issues. Mr. Rawls updated Council on the Committee's activities and noted that a recommendation had been made to hire Craven and Thompson. Upon approval, Craven and Thompson would be working on a study that would be completed within a 60 - 90 day time period. This study would provide a comprehensive view of what changes needed to be made relative to the drainage. Additionally, some smaller studies were underway to provide information regarding some neighborhood improvement projects. Mr. Middaugh noted that the process to hire the contractor was done through a prescreening selection.

GUARDRAIL. Mayor Venis advised of a letter written to the homeowners' association of Whispering Pines regarding the guardrail on 36th Street. He asked that Mr. Rawls look into installing the guardrail as a safety item and to advise the homeowner's association of that fact.

IVANHOE. Mayor Venis requested that Mr. Rawls schedule a meeting with the Ivanhoe residents regarding the landscaping along I-75.

DAVIE ELEMENTARY SHELTER. Mayor Venis requested this item be placed on the next agenda.

AGRICULTURE RESEARCH. Mayor Venis requested an update. Mr. Webber explained that a memorandum was prepared for the Development Services Department to review. Mayor Venis suggested that a workshop be scheduled once the legal research work had been completed and asked Town Clerk Reinfeld to schedule the meeting.

SCHOOL BOUNDARIES. Mayor Venis announced that he and Vice-Mayor Bush had attended the boundaries meeting last week at Plantation High School. He provided an overview of the Hawkes Bluff parent's concerns regarding sending the students to two different middle schools. Mayor Venis noted that the residents were successful and the students would be attending one middle school.

FIRE UNION CONTRACT. Mayor Venis requested an update with regard to the contract. Mr. Middaugh explained that there was a disagreement between the attorneys with regard to the way in which the contract would be implemented and the language to obtain that goal. Mayor Venis requested that an executive session be scheduled to discuss the contract. Mr. Middaugh indicated that there was not a lot of information that he could provide until the language was determined. Mayor Venis indicated that if a conclusion could not be obtained, Council needed to know, which was the reason for his request for an executive session.

DMIA/SURCHARGE ISSUE. Mayor Venis apologized to the DMIA for not attending its candidate's night and explained that he was in Central Florida working on the surcharge issue. He expressed his belief that there would be some legislation with regard to the surcharge issue being brought forth.

VICE-MAYOR BUSH

DEDICATION. Vice-Mayor Bush noted that he had attended the dedication of Mort Meyers Boulevard at the JCC facility on February 27th.

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SCHOOL BOUNDARIES. Vice-Mayor Bush advised that he had also attended the boundary meeting regarding the Hawkes Bluff issue.

HABITAT FOR HUMANITY DEDICATION. Vice-Mayor Bush stated that he and Councilmember Cox had attended the dedication and welcomed the Kaus and Harris families to the Town. He noted that this was the 5th house built in Potter Park and the 15th built in the Town.

CRIME STOPPERS BALL. Vice-Mayor Bush indicated that he had attended the Ball on February 26th, on behalf of the Town, in which a \$3,500 check was tendered to the organization.

15TH ANNUAL OLD DAVIE SCHOOL FOUNDATION MEETING/DINNER. Vice-Mayor Bush announced that this meeting/dinner had applauded volunteers.

COUNCILMEMBER COX

OLD DAVIE SCHOOL. Councilmember Cox announced that the title had been obtained for the additional acreage and the buildings in front would be demolished.

142ND AVENUE LAWSUIT. Councilmember Cox clarified that none of Council would like to engage in the lawsuit and explained that a desire to ride in a safe place had resurrected the issue. She explained that the trail was not necessarily a trail connector, but was also an internal trail so that residents in Oak Hill could ride on the trail. If the Town did not address this issue, it would probably be resurrected in another five or ten years. Councilmember Cox expressed her belief that she would like to have this issue resolved as she felt it would assure the residents of exactly what to expect in the future.

DEDICATION. Councilmember Cox explained that she had also attended the dedication of Mort Meyers Boulevard and expressed her belief that he was one of the reasons why the residents such as Mr. Nessman had a great place to live.

CATTLE DRIVE. Councilmember Cox provided an overview of the cattle drive which had kicked off the WestFair event. She encouraged the residents to attend next year's cattle drive and WestFair events.

COUNCILMEMBER WEINER

TRAFFIC LIGHT. Councilmember Weiner requested a resolution for a traffic light to be installed at Bergeron Park.

HELMET SAFETY. Councilmember Weiner referenced past discussions regarding the helmet safety issue and requested that this matter be placed on an upcoming agenda for discussion.

HOTEL APPLICATION. Councilmember Weiner noted a conversation with Director of Development Services Mark Kutney and suggested that Council consider a Code amendment to remove the less desirable options of the B-3 category such as hotels/motels, movie theaters, parking lots and garages and place them in a B-4 category.

THANK YOU/CONGRATULATIONS. Councilmember Weiner thanked Mr. Davenport for his kind words and congratulated the Western Express on its new format.

DRAINAGE ISSUE. Councilmember Weiner reiterated comments made by Mayor Venis and Mr. Rawls with regard to the contractor being hired and noted that the study would be completed in 60-90 days. At that time, the Town could move forward on some of the neighborhood improvements.

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SUNRISE WATER. Councilmember Weiner expressed his belief that it was time for the Town to take responsibility for water service for all its residents. He felt direction should be given to staff and to Mr. Webber or Weiss and Serota, to begin eminent domain proceedings to "take the water" so that the Town was accountable to its residents. Councilmember Weiner requested that this item be placed on the agenda for the first meeting in April.

COUNCILMEMBER PAUL

READ ACROSS AMERICA. Councilmember Paul announced that the Read Across America program would be held throughout several schools on March 2nd.

FIRE INVESTIGATION. Councilmember Paul expressed her disapproval that this investigation had taken so long to come to a close. She felt there were serious accusations accompanied by the firefighter's vote of no confidence, as well as the lack of a contract. Councilmember Paul expressed concern with regard to the morale level and indicated that the Town needed to do its best to bring the issues to a close. She asked for a timetable when the investigation would be complete and when Council would be provided with the report and recommendations. Councilmember Paul indicated that when Mr. Middaugh was interviewed, he had assured Council that this situation would be taken care of.

PURCHASE OF DEVELOPMENT RIGHTS. Councilmember Paul noted that this program was being reviewed and noted that this program might retain some of the agricultural community. She indicated that the March 2nd workshop meeting with the County Commissioners had been canceled and would be rescheduled for April or May.

OLD DAVIE SCHOOL. Councilmember Paul advised she had also attended the annual meeting of the Old Davie School on February 29th and congratulated the volunteers who were honored.

ORANGE BLOSSOM PARADE. Councilmember Paul advised that the Orange Blossom Parade would be held on March 4th and if anyone wanted to volunteer, they should contact the Davie/Cooper City Chamber of Commerce.

PANCAKE BREAKFAST. Councilmember Paul indicated that there would be two pancake breakfasts held on March 4th with one being sponsored by the Kiwanis Club and the other sponsored by the South Florida Trailriders.

REQUEST FOR INFORMATION. Councilmember Paul noted her request from August for information showing revenue from a variety of residential and commercial properties with a comparison for the cost of service for the same properties. She expressed concern with regard to the lack of a database to formulate this information and questioned whether the Town's database was strong and was a "smoke screen" to vote for certain projects. Councilmember Paul stated that it was Mr. Middaugh's responsibility to make certain that staff responded in a timely fashion and that the report was correct.

CITIZEN'S ASSEMBLY. Councilmember Paul advised that she had enjoyed the Citizen's Assembly meeting which was a great concept. She complimented Mr. Middaugh on his innovative ideas that made the people feel more involved.

DRAINAGE DISTRICT. Councilmember Paul thanked the Drainage District for its assistance in a number of projects, specifically with regard to the use of public property for private purposes.

SENIOR TRANSPORTATION. Councilmember Paul noted that she had been requesting senior bus transportation for two years and added that this had been one of her campaign issues. She stated that staff had indicated that the cost would be \$250,000 and State legislators

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had advised her that no aid was available and additional monies could not be placed in the budget, since the State would not fund on-going projects. Councilmember Paul indicated that she had had no success with requests for car dealerships to donate mini-buses because of the liability issues. She advised of several programs by other municipalities and expressed her disbelief that the Town was always the last to try to implement these projects. Councilmember Paul requested that staff review this matter and provide a report in April. She read an article which discussed transportation issues in Tamarac and provided the article to Town Clerk Reinfeld (attached hereto and made a part hereof). Councilmember Paul noted that the County was paying Tamarac almost \$20,000 for services and she felt that this would be a viable solution to the transportation problems.

Mayor Venis commented that staff had been directed to see what types of services the County could provide to the Town and questioned how long the County's program had been in place. Vice-Mayor Bush responded that the program had been in existence for eight or nine years. Mr. Middaugh commented that staff was aware of the program and the Town had participated in the program through the educational complex. He indicated that the Town was making use of the program through the extent that it was available.

Councilmember Cox noted the Youth Advisory Board's concern with the youth not being able to attend activities at the Bamford complex and had also raised the transportation issue. She felt that the route was an issue, since the issue of how the greatest number of individuals could be serviced to make this system feasible must be addressed.

Councilmember Paul advised that the intent of the program was designed around the specific needs of the residents and provided a link to the transit system.

6. TOWN ADMINISTRATOR'S COMMENTS

TRANSPORTATION. Mr. Middaugh noted that staff's efforts had focused on this issue being implemented within the next budget year cycle as he had not received direction to do anything sooner. He indicated that this issue could be accelerated if Council wanted and commented that Tamarac's system had taken three years to establish.

With regard to the transit issue, Mr. Middaugh advised that the County was requesting the Town's support to add an extra penny to the gas tax which would be devoted to transit issues. He indicated that there were specific improvements that would impact the Town, specifically new routes on Pine Island and Flamingo Roads, along with additional funds that would be earmarked for shuttle purposes. Mr. Middaugh advised that he had requested the Planning and Zoning Division to provide a map showing the population pockets, including the senior communities, with an overlay of the existing County bus routes. He suggested that Council might wish to consider broadening the discussion to include a timetable for staff.

CITIZEN ASSEMBLY MEETING. Mr. Middaugh advised that this meeting was successful and well attended and indicated that one of the topics that was derived from the meeting was a priority list of topics to be discussed at future meetings. Drainage was the first topic with other issues being redevelopment and customer service. Mr. Middaugh noted that he had held a customer service workshop with 40 staff members and indicated that additional meetings were being scheduled. He explained that he would be conducting a condensed version for Council and advisory board members.

EMS COALITION. Mr. Middaugh requested direction with regard to a meeting he attended for the EMS Coalition in which the Coalition had voted to sue the County. He provided a

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brief overview of the actions prior to the vote and expressed his belief that the Coalition's actions were important since he felt the County had overstepped their bounds in regulating the municipalities.

Councilmember Weiner expressed his desire to participate in the Coalition on the Town's behalf. Mr. Middaugh suggested that Council consider making Councilmember Weiner its delegate to represent Council. Councilmember Cox expressed her desire to retain Mr. Middaugh as the voting representative of Council as he was more representative of Council and he should be apprised of what was going on. She felt Mr. Middaugh's attendance should be mandatory. Discussion ensued with regard to the delegates appointed by other municipalities with Mr. Middaugh explaining that the delegates were mixed.

Councilmember Paul felt the Town should be "in the business 100%" and if the Town was to be conducting fire rescue, it should be doing all levels of transport.

Councilmember Weiner noted that one reason why he requested the Town to rejoin the organization was "Section 3 1/2 of the County's Code of Ordinances". He explained that the Coalition had been working on this issue for years and it had long been believed that County's granting of contracts to private ambulance companies was unconstitutional. Councilmember Weiner referenced a meeting held last month by the County in which the Commission had decided that the issue was brought up through improper procedures and it would never consider this issue. He indicated that he wanted to be involved in the organization because he wanted the Town to have the best possible fire rescue system for the residents including non-emergency transports. Councilmember Weiner noted that he supported the Coalition's efforts; however, he would have liked to have discussed this matter with the Council prior to action being taken.

Councilmember Cox questioned if Councilmember Weiner felt that the Coalition was going in the wrong direction. Councilmember Weiner responded that he agreed with what the Coalition was doing but had wanted the Coalition to come to the Town first. Councilmember Cox commented that she understood that the County was concerned that if this matter was adopted, it would violate the County's current contracts. Councilmember Weiner advised that "there was no discussion on that whatsoever" and indicated that he wanted to be at the Coalition meetings. Councilmember Weiner agreed to be the alternate in case Mr. Middaugh was not able to attend the meetings. It was Council's consensus to proceed with the Coalition.

FIRE INVESTIGATION. Regarding Councilmember Paul's comments on the investigation, Mr. Middaugh stated that the investigation was long and detailed on the allegations and noted his frustration with regard to the amount of information. He explained that he felt the last two statements would be obtained no later than next week and the report should be completed shortly thereafter. Mr. Middaugh clarified that the reports would not be in the form of a recommendation to Council because this fell under his purview and he would apprise Council of the outcome.

TAX DATABASE. Mr. Middaugh advised with regard to the tax data base information, Budget and Finance Director Christopher Wallace had prepared a report; however, it was a substantial body of work that did not exist in the Town's current database. He added that it was a large statistical analysis in which a large cross section of data must be used which would take a good deal of time to complete. Mr. Middaugh noted that this was a priority item.

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Councilmember Paul stated that Mr. Middaugh had indicated that there would be no recommendations regarding the investigation and questioned if Middaugh would be analyzing the document. Mr. Middaugh clarified that he would take action and that Council's vote was not needed. He added that he would do what was needed to be done as part of the recommendations and he would transmit this "to the world".

Once the database was generated, Councilmember Paul questioned if the software would be utilized in the future. Mr. Middaugh understood that the Town did not have the capability to use the software due to the type of analysis that was required. Mr. Middaugh indicated that there was a statistical sampling which had to occur on certain specific types of service provisions in different land use groups throughout the Town. It was his belief that this system would have to be very sophisticated, would be beyond the Town's current capabilities and would be fairly expensive to maintain. Councilmember Paul expressed her belief that this was backup information that was needed for Council to make a determination with regard to the project. She indicated that it was difficult to make a decision based on the lack of information regarding what revenues were generated versus the Town's cost. Councilmember Paul indicated that this information could have been used for several projects including the Griffin Road corridor.

7. TOWN ATTORNEY'S COMMENTS

LITIGATION. Mr. Webber provided an update on litigation in which the Town was involved: Bar-B Ranches, Orendello, Chapter 175/185 monies, Coastal Carting, LDG, MVP, Sunrise, Transamerica Land and street vendors.

7.1 Vending Ordinance Study

Mr. Webber noted a request in the backup material for the Town to hire a traffic consultant to support the proposed ordinance regarding street vendors. Councilmember Paul questioned whether this was the only firm interviewed. Mr. Webber responded affirmatively and noted that this was the only company which showed an interest in conducting this type of study.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to retain the services of Alan Burke. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Weiner questioned whether the monies were received with respect to the franchise fees for Waste Management. Mr. Webber advised that he had not sent a letter of default and was not aware whether the franchise fees had been paid. Mr. Middaugh indicated that he would review this matter.

8. CONSENT AGENDA

Minutes

- 8.1 January 19, 2000 - Regular Meeting
- 8.2 February 2, 2000 - Regular Meeting
- 8.3 February 16, 2000 - Special Executive Session

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Proclamation

8.4 United Way of Broward County Appreciation Week (March 24 - 30, 2000)

Resolutions

- 8.5 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE COLLECTION BARGAINING AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE FRATERNAL ORDER OF POLICE. (tabled from February 16, 2000) Staff requesting a tabling to March 15, 2000**
- R-2000-31 8.6 **MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT LIEN IN CASE NO. 95-411 FROM \$9,200 IN AMOUNT TO \$1,123.19; AND PROVIDING AN EFFECTIVE DATE. (Sned, Pruitt, D'Angio and Tucker on behalf of Broward Plaza Partnership, Fink and Kaufman)**
- R-2000-32 8.7 **LIEN SUBORDINATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUBORDINATING THE LIEN OF THE TOWN OF DAVIE ON PROPERTY OWNED BY JOLMY ENTERPRISES, INC. WITH RESPECT TO CERTAIN MORTGAGE INDEBTEDNESS AND PROVIDING AN EFFECTIVE DATE.**
- R-2000-33 8.8 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR HORTICULTURAL CHEMICALS. (lowest responsive and responsible bidder for each item)**
- R-2000-34 8.9 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR BUSHOG MOWING SERVICES. (EDJ Lawn Service; \$15,654.32/year)**
- R-2000-35 8.10 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR DRY CLEANING SERVICES. (Junior's Dry Cleaners; approximately \$40,000/year)**
- R-2000-36 8.11 **GRANT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A GRANT FROM THE LAND AND WATER CONSERVATION FUND PROGRAM AND THE INTENT TO UPDATE THE CAPITAL IMPROVEMENT PLAN TO INCLUDE THE APPLICABLE GRANT PROJECT LOCATED AT SW 61st AVENUE, DAVIE, FLORIDA AT THE TIME IT IS FUNDED BY THE U.S. DEPARTMENT OF INTERIOR, NATIONAL PARK SERVICE. (\$200,000; 50% match)**

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- 8.12
R-2000-37 **GRANT APPLICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE STAFF TO SUBMIT AN APPLICATION FOR GRANT FUNDING UNDER THE DAVIE CHILD PASSENGER SAFETY SEAT PROGRAM, A PROGRAM ADMINISTERED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION. (100% reimbursement)**
- 8.13
R-2000-38 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO A REVISED AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF HOLLYWOOD FOR TRAFFICWAYS BEAUTIFICATION IMPROVEMENTS TO DAVIE ROAD EXTENSION FROM UNIVERSITY DRIVE TO STIRLING ROAD AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SUCH DOCUMENT. (\$5,500 annually upon completion)**
- 8.14
R-2000-39 **REVISION TO THE NON-VEHICULAR ACCESS LINE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE NON-VEHICULAR ACCESS LINE OF THE "LAKESIDE VILLAS PLAT," AND PROVIDING AN EFFECTIVE DATE. (DG 1-4-00, 4190 SW 61 Avenue)**
- 8.15
R-2000-40 **DESIGN/BUILD - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE HASKELL COMPANY FOR DESIGN/BUILD IMPROVEMENTS TO WATERFORD PARK. (\$99,995.50)**
- 8.16
R-2000-41 **FIREARMS, TRAINING AND MAINTENANCE PROGRAM - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE POLICE DEPARTMENT TO IMPLEMENT A FIREARMS, TRAINING AND MAINTENANCE PROGRAM, TO BE FUNDED FROM THE LAW ENFORCEMENT TRUST FUND. (\$60,000 for firearms and accessories; \$15,000 for maintenance, tools and parts)**

Councilmember Weiner asked that item 8.1 be removed from the Consent Agenda.

Vice-Mayor Bush made a motion, seconded by Councilmember Cox, to approve the Consent Agenda without item 8.1. In a voice vote, all voted in favor. (Motion carried 5-0)

8.1 Councilmember Weiner indicated that he would be voting in favor of the minutes with the understanding that when the supplemental budget hearing was held, that consideration would be given to spend an additional \$8,000 to \$10,000 for verbatim minutes.

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

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9. PUBLIC COMMENTS

Ordinances - First Reading (Public Hearing to be held March 15, 2000)

- 9.1 **WARRANTY DEED - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A WARRANTY DEED FROM BROLAND, INC., A FLORIDA CORPORATION, CONVEYING CERTAIN PROPERTY FOR USE AS A PUBLIC RIGHT-OF-WAY; 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 March 15, 2000.

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

Councilmember Cox questioned whether this was a housekeeping item. Mr. Rawls responded negatively and explained that the road existed at the time the school was built.

Councilmember Weiner questioned whether the Town was subject to the taxes for that timeframe. Mr. Rawls responded negatively.

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

- 9.2 **SPECIAL WARRANTY DEED - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A SPECIAL WARRANTY DEED FROM IVANHOE LAND INVESTMENTS, INC., CONVEYING CERTAIN PROPERTY FOR USE AS A PUBLIC RIGHT-OF-WAY; AND PROVIDING AN EFFECTIVE DATE**

Town Clerk Reinfeld read the ordinance by title. Mayor Venis advised that a public hearing would be held on March 15, 2000.

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

10. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

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Ordinance - Second and Final Reading

2000-9 10.1 **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL ESTATE DISTRICT (COUNTY), A-5, AGRICULTURAL-EXCAVATION DISTRICT (COUNTY), M-3, GENERAL INDUSTRIAL DISTRICT (HACIENDA VILLAGE), AND M-4, LIMITED HEAVY INDUSTRIAL DISTRICT (COUNTY), TO TS, PLANNED TRUCK STOP DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-1-99, Davie Truck Stop, 4751 SW 30 Street)**

Town Clerk Reinfeld read the ordinance by title.

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

Dick Kingsworth, 3055 Burris Road, advised that he was the owner of Twin Lakes Travel Park and that his attorney had voiced his opposition to this matter. He felt the rezoning was not in the best interest of his park and his immediate neighbors. Mr. Kingsworth indicated that the master site plan was developed with little regard to his travel park and expressed concern and disagreement with the project. He expressed his opposition to the 464 trucks that would be parked between the truck stop and his trailer park and that the ac/dc plugs had never existed and would not be an alternative to keeping the truck engines running. With regard to the noise abatement and noise pollution, the issues had not been addressed to his satisfaction. Mr. Kingsworth commented that the truck stop needed 20-foot barriers, one between the truck stop and the travel park and one along Burris Road. It was his belief that bad elements would come into the area and expressed concern with regard to the possibilities of an explosion and chemical spillage. He reiterated his opposition to this matter and that he would be represented by counsel on this matter.

Councilmember Paul indicated that it was her understanding from the last meeting that Mr. Kingsworth was working with the applicant. She questioned the height of the wall. Mr. Kingsworth responded that he would like to coexist. However, at the Planning and Zoning Board meeting, he was shown a copy of the site plan and had determined that he was no longer agreeable to coexist. He noted that he was not in opposition to the truck stop; however, he would like to see the trucks on the I-595 side of the property.

Mr. Kutney stated that the deed restrictions referred to some of the berming requirements. He explained that the issue before Council was the rezoning and not a site plan review. Mr. Kutney indicated that in a meeting with Mr. Kingsworth's representative, he had advised that staff would work with both parties to develop an agreeable solution. He noted that the site plan issues would also be addressed by the County with a compatibility review.

Councilmember Cox questioned whether the 20-foot buffer would be required if the rezoning request was granted since there were no Code requirements. Mr. Kutney expressed his belief that through the negotiations for compatibility of the site plan, this could be addressed at the time of site plan and it would also be addressed by the County. Councilmember Cox felt it was the Town's responsibility to address some of the compatibility issues. She questioned the Town's liability if the rezoning were to move forward, could the Town require the 20-foot wall and the movement of the parking on another part of the property. Mr. Kutney expressed his concern that if the Town were to address these issues as part of the rezoning review, it would be difficult to review and it was his opinion that he could not guarantee coexistence. However, the way the district was drafted, the normal Code

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requirements did not adequately address adjacent property owner's concerns and that it was the responsibility of the applicant to prove that the requirements had been met. If staff had any question or concern when the plan was submitted, Mr. Kutney expressed his belief that staff had the ability to ensure that the applicant was meeting the requirements.

Mayor Venis asked Mr. Kutney to work with both parties and to notify them of the site plan process.

Councilmember Cox questioned whether the site plan submitted was conceptual. Mr. Kutney advised that the site plan was conceptual to show that the basic requirements had been met. He noted that the hotel matter was tabled due to staff expressing concern that the hotel might not meet all of Code requirements.

Mayor Venis closed the public hearing portion of the meeting.

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

Quasi Judicial Hearings

10.2 **REZONING** - ZB 11-2-99, Hotel/Inn, 10220 State Road 84 (from A-1 to B-3) (tabled from February 16, 2000) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the stipulation of the list with those items scratched through being restricted*

This item was withdrawn earlier in the meeting.

10.3 **VARIANCE** - V 1-1-00, Zimmerman/Falls Executive Centre, LLC & Roho-Flamingo Ltd., 12401 Orange Drive (B-3) (to reduce the minimum required lot area from 43,560 square feet to 36,616 square feet; to reduce the minimum required lot depth from 250 feet to 190 feet; and to reduce the minimum required building separation from 30 feet to 26.41 feet in two locations and 26.79 feet in two separate locations) (tabled from February 16, 2000) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended approval subject to the side separation dealing only with the separation between buildings two and three, three and four, seven and eight, and eight and nine, respectively and the petitioner withdrawing those requests dealing with lot depth and lot area*

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 Administrative Services Department and read the planning report.

Howard Zimmerman, representing the petitioner, explained that this was a unique project and noted that the original site plan showed a 30-foot separation between buildings; however, at the last minute, staff had made an interpretation which resulted in the building being moved, which he disagreed with. By definition of the Section 12-503, the setback requirements were measured from the property line and staff had made a determination that the two building's setbacks should be measured from the roadway and not the property line. As a result, the buildings had to be moved and the spaces between the buildings were diminished. If this matter was presented early enough, another design could have been

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developed. Mr. Zimmerman noted his hardship of moving the buildings due to the size of the lake being approved by the South Florida Water Management District and the possible loss of parking spaces. He explained that the project was being built in a B-3 district; however, in a B-2 District, the same project would require a 10 foot setback between the buildings. In a B-1 District, the setback requirement would be 8 feet and in an office designation, the setback would be 20 feet.

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

Mr. Webber stated that the hearing was concluded.

Mayor Venis questioned the interpretation that staff had made regarding the setback requirement and whether the same standard was used for each applicant. Mr. Kutney read Section 12-503 in its entirety and explained that it was staff's interpretation that the setback should be measured from the interior roadway. Mr. Kutney responded affirmatively that the same standard was used for each applicant.

Councilmember Cox expressed her belief that this variance would be in harmony with the intent and purpose of the Code and would not be injurious to the neighborhood. She felt the variance was internal. Councilmember Weiner referenced Subsection C in that the variance would be in harmony with the general purpose and intent of the Code. He felt the applicant had attempted to comply with the Code.

Councilmember Cox made a motion, seconded by Councilmember Weiner, to approve subject to the Planning and Zoning Board's recommendations with the caveat to staff that she did not disagree with the interpretation. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - yes; Councilmember Cox - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Items to be Tabled

**10.4 LOCAL PLANNING AGENCY TABLED TO APRIL 12, 2000:
COUNCIL CAN TABLE TO APRIL 18, 2000**

LA 00-1A, Wal*Mart/Wolf and Wolf Trusts, et al, located at the northeast corner of Stirling Road and University Drive (from Commerce Office to Commercial)

This item was tabled earlier in the meeting.

**10.5 PLANNING AND ZONING BOARD TABLED TO MARCH 8, 2000:
COUNCIL CAN TABLE TO MARCH 15, 2000**

REZONING - ZB 1-1-00, Synalovski Gutierrez Architects, Inc./Morris, Jaffe at 595, Inc., EDJ Enterprises, Inc., and Edjeslan Enterprises, Inc., 10220 State Road 84 (from A-1 to B-3)

This item was tabled earlier in the meeting.

**10.6 PLANNING AND ZONING BOARD TABLED TO MARCH 8, 2000:
COUNCIL CAN TABLE TO MARCH 15, 2000**

REZONING - ZB 1-2-00, Value Dining, 4184 to 4190 South University Drive (from B-3 to B-2) (tabled from February 16, 2000)

This item was tabled earlier in the meeting.

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**10.7 PLANNING AND ZONING BOARD TABLED TO MARCH 22, 2000;
COUNCIL CAN TABLE TO APRIL 5, 2000**

REZONING - ZB 1-3-00, Zimmerman/Griffin Orange North, Inc., 14501 Orange Drive (from A-1 to B-3)

This item was tabled earlier in the meeting.

**10.8 PLANNING AND ZONING BOARD TABLED TO MARCH 22, 2000;
COUNCIL CAN TABLE TO APRIL 5, 2000**

REZONING - ZB 1-4-00, Zimmerman/Seventy-Five East, Inc., 14901 Orange Drive (from A-1 to B-3)

This item was tabled earlier in the meeting.

**10.9 PLANNING AND ZONING BOARD TABLED TO MARCH 8, 2000;
COUNCIL CAN TABLE TO MARCH 15, 2000**

SPECIAL PERMIT - SE 12-1-99, Davie Truck Stop, 4751 SW 30 Street (M-4) (tabled from February 2, 2000)

This item was tabled earlier in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

11. APPOINTMENTS

11.1 Citizen Assembly - Non-Homeowner Representatives (two exclusive appointments - Mayor Venis; one exclusive appointment - Vice-Mayor Bush)

Vice-Mayor Bush deferred his appointment. Mayor Venis appointed Alan Dans and Arthur Joseph.

11.2 Youth Advisory Board (three exclusive appointments per Councilmember) (terms expire March 2001)

Councilmember Cox appointed Jason Chamberlain and Dale Edmondson and deferred her third appointment.

Vice-Mayor Bush and Councilmember Weiner deferred their appointments.

Mayor Venis appointed Matt Barry and Daniel Ian and deferred his third appointment.

Councilmember Paul appointed James Wade and deferred her other appointments.

12. OLD BUSINESS

12.1 Smoke Detector Program (Mayor Venis)

Mayor Venis presented an overview of the program and indicated that the program was to have been expanded to include several mobile home communities.

Fire Chief Michael Donati advised that as of March 1st, he had been able to secure 158 smoke detectors through donations and had obtained a contact through the County to obtain information to secure address numbers. He indicated that Police Officer Tiffany Richards had suggested starting the program in mobile home parks on the east side and had advised of approximately 30 homes in need of smoke detectors and 39 homes in need of addresses. Chief

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Donati suggested that the program be implemented the middle of March or beginning of April and indicated that Council might wish to consider some funding for smoke detectors. He noted that First Alert had offered a discounted price of \$6 per smoke detector.

Mayor Venis questioned whether Lowe's had been contacted with Chief Donati responding negatively. He noted that he had contacted Home Depot and would be contacting Lowe's and a second Home Depot in the western portion of Town.

12.2 Joint Powers Agreement

Mr. Middaugh explained that the Joint Powers Agreement (JPA) would expire October 1st and the six month cancellation notice provision would be at the end of March. He noted that the JPA would cease to exist due to annexation or the incorporation of a city. Mr. Middaugh advised that he had met with County staff on what its interests would be and indicated there was a discussion with the County on the prospect that it would contract with the Town for Pine Island Ridge. He advised that the County had indicated that it would respond to this prospect if the Town provided a written proposal. Mr. Middaugh indicated that as an alternative, the County had proposed to share services at Pine Island Ridge in exchange for services in the northeastern portion of Davie with the station in the Broadview Park area that may be relocated further south. His response to the County on this proposal was that the Town was more interested in the contract revenue which would probably be the proposal made. Mr. Middaugh stated that he had also advised the County that the Town was in discussions with Pembroke Pines regarding how the Town could effectively serve the Ranches area. He indicated that it was the consensus to choose a partner and move forward.

Mr. Middaugh requested direction on sending a formal proposal to the County for services at Pine Island Ridge. This would provide service through Station 91 and would receive the County's Fire/EMS revenues from this area which equated to approximately \$900,000. He encouraged anyone who was displaced or affected by the County's transition, to apply to the Town.

Mr. Middaugh expressed his belief that the future was best aligned with Pembroke Pines, as opposed to the County, which Chief Donati, the Fire Department's management staff and the fire union concurred with. He felt that the County would not react favorably to a month-to-month extension of the JPA beyond October. Mr. Middaugh noted as of October 1st, if there was an incorporation vote by the Ranches, they would become an official municipality at that time and responsible for their services.

Mr. Middaugh recommended not renewing the JPA and he hoped that the County would respond in a timely fashion. He noted the potential for some uncovered costs or exposure in which there was no contract revenue to fill. The best-case scenario was if the Town ended up with a contract in the Ranches for some portion of the Town's expense out of Station 91 and the revenue from Pine Island Ridge which would cover the operating expenses for full staffing of 21 personnel. Failing one of the scenarios, the Town may wish to commit to the minimum of 12 personnel and work towards 21. The worst-case scenario would be that the Town did not obtain service to either area. Mr. Middaugh noted that there were ongoing discussions with Pembroke Pines regarding the communication issues and to have technical solutions to the adjustment.

Mayor Venis expressed his belief that the County would not want to provide fire service to Pine Island Ridge since it would lose money to do so. Mr. Middaugh agreed.

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Councilmember Cox stated that she was under the impression that the options would have been provided in writing. In discussing the issues with some residents of the Ranches, it seemed that the residents were leaning towards volunteers. It was her belief that if the area was incorporated, they have considered what their options were. Mr. Middaugh advised that the projected cost for the annexation severely understated the real cost for fire/EMS service in the area.

Councilmember Weiner questioned the definition in which Mr. Middaugh was referring to for volunteer services in the Ranches area. Mr. Middaugh assumed that the fire suppression would be volunteer and EMS services would be contracted.

Arthur Joseph felt that the Town had grown and the Town was short sided when the County had taken over the fire station on Flamingo Road as it had not planned for staffing for the new fire station on Nob Hill Road. It was his belief that the monies should be coming from the citizens and the Town should be able to staff the fire station regardless of Pine Island Ridge or the Ranches annexation. Mr. Joseph noted that the Police Department staff had grown and crime had decreased. He questioned whether the two-bay station, which originally was a three-bay station, was a lack of planning and added that much of the aging equipment needed to be replaced which should be factored into the cost. Mr. Joseph expressed his belief that he would like to see the Town's firefighters providing the basic services.

Councilmember Cox took issue with regard to Mr. Joseph's analogy. Originally, when the EMS contract with the County was dissolved and the Town hired AMR, the Town had always planned to phase in staff. As a result of the most recent election, the plan was accelerated and as a result of staff not being trained, the County was brought in. Councilmember Cox stated that it was not because the Town was not planning, it was because the election changed the orientation of Council to accelerate the plan.

Councilmember Cox expressed her belief that the County staff had provided good service and certain Councilmembers were promoting the JPA. She suggested extending the JPA for six months with the idea that at this time next year, the Ranches issue would be resolved and the Town should have a better idea of the intent for Pine Island Ridge. Councilmember Cox felt that all options should be considered at that time and with all costs being provided. She noted that the long-term result was for the Town to take over all of the services.

Mayor Venis advised that the original intent of the JPA was to incorporate the Town, Cooper City, and Weston into one unit to provide services, theoretically at a lower rate, which never happened. He indicated that he did not feel that an agreement needed to be renewed so that the County would handle a certain area of the Town. Mayor Venis noted that the Town was currently advertising for firefighter/paramedics and felt the revenue from Pine Island Ridge would offset the expenses incurred.

Mr. Middaugh was of the belief that the Town could not renew the JPA as it currently was and indicated that the change in the Ranches would fundamentally change the agreement. He advised that a new agreement could be entered between the Town and the County in which there would be a co-server for the Ranches area. Mr. Middaugh noted the differences of the relationship and that they would be a long-term relationship.

Councilmember Cox indicated that she understood that the JPA was renewable for another six months. Mr. Middaugh clarified that there six months remained on the agreement with Councilmember Weiner adding that the agreement was renewable in one year terms. Councilmember Cox stated that she would like to know what the County was

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going to do. Mayor Venis stated that if the JPA was canceled, the County would not be located at Station 91 and could not service the Ranches area. Mr. Middaugh advised that the County could service out of the Weston station.

Councilmember Weiner made a motion to terminate the JPA, that Council direct staff to talk with Pembroke Pines about making a proposal for the Ranches when and if they incorporate on March 14th, that the Town also talk with the County about entering into a contract to service Pine Island Ridge and that the Town make plans to hire 12 employees and if the Town gets any of these other service areas, that the Town look at phasing in towards the 21 at that time.

Councilmember Cox questioned the timeframe. Councilmember Weiner advised that the agreement had to be renewed by the end of March and if the agreement was not renewed, it would be phased out at the end of September. Councilmember Cox questioned when the additional personnel would be hired.

Councilmember Weiner clarified his motion to direct staff to meet with Pembroke Pines and formulate a proposal to the Ranches area if they incorporated and to generate a proposal to submit to the County and have staff review it. If some of these areas were obtained, staff would look at hiring 21 individual and noted the amount of individuals hired would depend on the area serviced.

Mr. Joseph noted that in the bond information for the new police and fire stations, reference was made to a fire station along the 136th Avenue and 14th Street area. He questioned the timeframe for that station. Councilmember Weiner responded that this information was not factored in and was not part of the motion. He commented that there might be a need for a professional to suggest how the entire system should be designed in the future to service new residents.

Vice-Mayor Bush expressed his interest in seeing the response from the County and the results of the election. Councilmember Cox stated that if the County was non-responsive, the Town should move forward and hire the additional personnel. If the County had an offer, she expressed her desire to consider it. Mayor Venis felt it was a philosophical position and questioned if the Town wanted to have the County providing part of the service or should the Town provide all services. He acknowledged that the County had provided good service and expressed his belief that the Town move forward and provide the services internally.

Councilmember Paul expressed her belief that the County had been non-responsive as attempts had been made and it was a temporary measure. She indicated that the Town needed to move forward.

Councilmember Paul seconded the motion.

Councilmember Cox disagreed with Mayor Venis' analysis and advised that philosophically, she had always agreed that the Town should provide the service; however, she disagreed with the timing and the acceleration of the original plan. She questioned whether the County would make a decision before the next meeting. Mr. Middaugh explained that County Administrator Roger Desjarlais had indicated that he would provide an answer as soon as possible. He indicated that the worst case would be no response to the proposal. Councilmember Cox suggested making a proposal to the County to take over Pine Island Ridge and if the answer was no, the JPA could be terminated at the next meeting and the Town could move forward. If Council took action now, there would not be any options. Councilmember Weiner felt the JPA issue was separate from Pine Island Ridge. It was his belief that the JPA would provide staff the direction to submit a proposal to try and obtain the

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service area for Pine Island Ridge. Councilmember Weiner felt the question was if the Town would generate revenue from Pine Island Ridge as a client, with the hope that they would be future residents. Councilmember Cox questioned if the Town were to provide service, would the Town obtain revenues. Mayor Venis clarified that the transport revenues would be given to the Town. Councilmember Cox indicated that there was no tax base to support the Town providing the service. Councilmember Weiner responded that this was a way to show Pine Island Ridge that the Town was committed to the area if they wanted to be annexed.

Councilmember Cox reiterated that she would like to see Mr. Middaugh prepare a proposal and would like to wait for this reason.

In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Bush - no; Councilmember Cox - no; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 3-2)

13. NEW BUSINESS

13.1 Motion to Approve a Zoning in Progress Relative to Master Plan Development

Mr. Kutney advised that Code Section 12-34(AA) allowed a master planning process in eight districts which mainly occurred in the B-3 District. He stated that there were a number of issues with regard to the site plans submitted not providing enough information and based upon the processing procedure, staff felt there was a major problem with the information provided to Council. Mr. Kutney explained that staff had reviewed a number of ordinances relative to the master planning process and was trying to develop a process to prioritize projects. He requested that Council approve a zoning in progress while staff developed these procedures so that staff would review additional applications adequately.

Councilmember Weiner made a motion, seconded by Councilmember Cox, to approve staff's request to initiate a planning and zoning in progress as reflected in the memorandum dated February 17, 2000. Councilmember Cox clarified that any five acre non-residential property or any ten acre residential property would be subject to the planning and zoning in progress. Mr. Kutney responded affirmatively.

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

14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 10:45 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk