

**TOWN COUNCIL
REGULAR MEETING
APRIL 5, 2000**

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, Vice-Mayor Weiner and Councilmembers Clark, Cox and Paul. 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.

Monroe Kiar thanked Council for the speed humps on SW 130th and SW 136th Avenues on SW 8th Street. He noted that the speed limit was lowered to 25 miles per hour and that the speed humps would assist in slowing traffic.

Ellen Christopher, 3666 West Valley Green Drive, indicated that she had received a copy of a memorandum from the Town Attorney's office regarding the Federal Fair Housing Act. She advised that she was shocked and angry when she read the memorandum, which cited a Supreme Court decision from 1995, City of Edmond versus Oxford House. Ms. Christopher stated that the Town Attorney did not recommend that the Town utilize Florida Statute 419.001 because it was inconsistent with the Act and questioned when the Town Attorney's Office came to that conclusion. Ms. Christopher explained that in 1996, Suzanne McLean had researched federal law regarding zoning of group homes and felt that if the Town Attorney's Office knew about the City of Edmond versus Oxford House in June 1996, there should be a new Town Attorney whose decisions and opinions were based on the best interest of the Town. If the Town Attorney's decisions and opinions could in some way effect the amount of money billed the Town defending that decision, there should be a change. If the Town Attorney's office did not know about the Supreme Court decision until recently, there should be a new Town Attorney.

Dorothy Tillinghast, 3665 West Valley Green Drive, was present and allotted her time to Ms. Christopher.

Ms. Christopher indicated that she lived in Isla Merita and noted the need for a shuttle bus for residents in this area to connect to the Broward County Transit system. Her neighbor, Ms. Tillinghast, had been requesting a shuttle bus since 1994 and that Mayor Venis had repeatedly asked staff to review this matter. Until this issue was addressed in the campaign, there had never been any meaningful discussion. Ms. Christopher commended Mr. Middaugh for advising her of the status, as, she had not heard from anyone. She felt action, not discussion, would obtain a shuttle bus. Ms. Christopher expressed her encouragement in that \$45,000 was approved at the last meeting to complete the Old Davie School project from contingency funds. She suggested that the Town should be able to take the monies from the contingency funds and authorize one shuttle bus. Ms. Christopher noted that the City of Tamarac was leasing a 22-seat bus from the County for \$1 per year, along with \$20,000 a year for the City to "hook-up" with the County's system. It was her belief that a shuttle bus could service Pine Island Road from Nova Drive to Griffin Road including Pine Island Park, for the senior activities offered. Ms. Christopher advised that there were no east/west routes on Griffin Road and felt this issue should not wait until the next budget cycle.

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Mike Bennett, 1425 SW 87 Terrace, indicated that he had previously appeared before Council regarding the 7-Eleven issue on Pine Island Road and read a letter into the record. He noted that several calls had been made to have the canal cleaned up, signs erected on State Road 84 by Florida Department of Transportation due to the truck traffic, and the general area cleaned up. Mr. Bennett felt that without any enforcement of the signs, they were useless and essentially, the area became a truck stop. In speaking with staff, he was advised of five Code-related issues; however, they only cited two issues. He indicated that at the time Code Enforcement became involved, the night deliveries ceased. Mr. Bennett cited several examples of how patrons created disturbances in the area and requested that a barrier wall installed. Direction was given for Mr. Rawls to meet with Mr. Bennett.

Bruce Novack, 4260 SW 78 Drive, congratulated Mayor Venis, Councilmember Clark, and Vice-Mayor Weiner on their elections. He further congratulated Councilmember Clark for her interest in the Potter Park area and felt it could be an enhancement to the Town.

Robert Hoth, 1361 Whitestone Way, expressed his belief that staff should be hired to assist Council in completing their jobs. He suggested that the Town conduct its own census, perhaps in the Davie Update, to see what services might be needed. Mr. Hoth expressed his belief that the bus issue was not only for seniors, but also for youths.

Dean Alexander, 13820 SW 16 Street, referenced the American Airlines crash in Columbia approximately three years ago and noted that at the time of the crash, the employees were having a heated contract dispute with American Airlines. Instead of focusing their attention on landing the aircraft, the cockpit crew was distracted by outside concerns. It was his belief that the police officers, firefighters, and paramedics should be focused on their jobs instead of facing concerns regarding joint power agreements, contract impasse, votes of no-confidence, or investigations of the leadership of another department with whom they had to coordinate and work. Mr. Alexander felt that the leadership of the Fire Department was "under a dark cloud". He explained that as long as these issues were not resolved, those who were charged with protecting the welfare and safety of the Town could not properly discharge their responsibilities, along with being fair to all parties. Mr. Alexander commented that if the charges had no validity, than it should be swiftly determined or otherwise dealt with accordingly. He noted that the credibility of those who brought the charges were in doubt until a determination of fact has been made. Mr. Alexander indicated that it was unfair to those officers in the Police Department who had been charged with investigating their colleagues in the Fire Department. He noted that those officers would ultimately have to answer to the Town and the impact of their decision would affect their relationship with staff, the Town Administrator, Council, the firefighters, the firefighter's administration, and the public. Mr. Alexander felt that independent investigators would have been able to conduct the same investigation without having to deal with possible internal pressures and when finished, would not have had to worry about possible future ramifications. He reiterated his belief that this matter should be brought to a swift conclusion.

Jean Messler, 13300 SW 29 Street, indicated that she had received a response to her July 1, 1996 request for interpretation. She noted that the Town Code required a response to requests within 60 days and that it took almost four years to receive a response to her request. Ms. Messler thanked Mr. Middaugh for directing someone to respond to her request but felt it was unfortunate that Development Services Director Mark Kutney had responded instead of Mr. Webber. She questioned whether a group of 16 unrelated persons

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could reside in a single family residential area, whether they were a group home, life care facility, or residential care facility; however, that question has never been answered. Ms. Messler explained that Mr. Kutney had felt it was a typographical error and that the transcriber inserted the word "residential" in between the words life and care. She remarked that Town staff and the Town Attorney were "not on the same page". According to a memorandum to staff from Mr. Webber dated December 18, 1998 regarding amending the Code, Mr. Webber suggested that staff remove the definitions of life care facility and residential care facility since the Town was deleting the category life, residential care facility. Ms. Messler questioned why Mr. Webber would direct staff to remove both definitions when they were suggesting that life residential care facility only meant life care facility. Additionally, during one of the executive sessions regarding Teen Challenge, Acting Town Administrator Robert Rawls advised that Teen Challenge should never had been approved in an R-1 category with 16 people. Ms. Messler felt it was unfortunate that Mr. Rawls did not generate any paperwork so that Ms. Mellgren's testimony would not have made such an impression to the judge. She noted that the attorney for the Town advised that life, residential care facility meant life care facility and residential care facility, both of which were not permitted in the R-1 district. Ms. Messler questioned whether Mr. Webber could advise whether a group of 16 unrelated individuals could locate in the Town in a single-family residential area and whether they were a group home, life care facility or a residential care facility.

Arthur Joseph, 13700 SW 18 Court, congratulated Mayor Venis, Vice-Mayor Weiner, and Councilmember Clark on their election results. He expressed his displeasure in the comments that had reappeared from Councilmember Cox, Terry Santini, and Lisa Edmondson. Mr. Joseph noted that the comments referred to the union, the union taking over the Town, and that the union was only self-serving. It was his belief that the firefighters would not let the union come between them and the service provided to the residents. Additionally, Mr. Joseph advised of several areas in which they were instrumental, but not beneficial to the Town, including privatized ambulance service, billboards along I-595, 110 units on the Ridge and no-bidding garbage contract. He expressed his belief that the anti-union message was made without any supporting factual information.

Vice-Mayor Weiner advised Mr. Joseph that he owed Councilmember Cox an apology since she was not in favor of the no-bidding garbage contract.

Scott McCluskey, 2102 Nova Village Drive, offered his congratulations to Councilmember Clark and Mayor Venis on their election/reelection to office. He felt it was nice to have a Council who would be willing to give a fair audience to all speakers. He commented that Vice-Mayor Weiner was elected two years ago and Ms. Santini was rejected by the voters of the Town and not the special interest groups; however, some of the voters might be firefighters in the Town.

Hilda Testa, 13940 SW 24 Street, felt that the 142nd Trail was a beneficial idea since Oak Hill was surrounded by a development that was not equestrian friendly. She commented that SW 14th Street was an example of how this area was being used by other communities as a pass-through and creating a dangerous situation for all who lived in the area. It was her belief that the issue was whether the area was a legal road right-of-way. Ms. Testa requested that comments from residents who had previously attended meetings be considered and that this issue be decided soon.

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Tom Truex, 4740 SW 72nd Avenue, was pleased that the Town was considering the shuttle bus issue. However, he felt voting for the gas tax would essentially allow for other monies to be wasted by the County and objected to this matter being placed on the consent agenda. Mr. Truex noted that this was a tax increase and a regressive tax and it was his belief that this tax was being levied against those who could least afford to pay for the tax. Additionally, he commented that the scholarship or sponsorship issue was being revitalized. Mr. Truex asked that Council consider interviewing those requesting the monies, see whether the requests matched against other requests, or create a scholarship fund which could be distributed evenly.

4. PRESENTATIONS

4.1 American Cancer Society

Sylvia McGinsky distributed photographs and pamphlets regarding Relay for Life and provided an explanation of the event which would be held at the Nova Community School. Activities would be provided for participants and children and requested support from the community and Council. Ms. McGinsky thanked Mayor Venis and Special Projects Coordinator Bonnie Stafiej for their assistance.

4.2 Davie Girls Soccer Team

The Davie Girls Soccer Team and coaches were introduced. The presented a trophy to the Town.

4.3 Lynn Montena - Broward County Schools Public Transportation/Bus Driver of the Year

Mayor Venis presented a Certificate of Achievement to Ms. Montena in honor of her achievement of Public Transportation Employee of the Year.

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

Sharon Pierce-Kent, Parks and Recreation Director, announced that upcoming events included: spring break (April 17th - 21st) and adults and seniors night (May 16th)

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: the Orange Blossom/Westfair Cowboy Cow Pasture Golf Classic (April 14th); the annual spring egg hunt and Child Safety Day (April 22nd); the Second Annual Family Bike Rally and Family Festival (May 13th); and the Take A Kid Fishing Tournament (June 3rd).

Mayor Venis introduced Jim Bunce and Gloria and Ted Stern, along with their son, Danny and noted that April 10th to April 17th was Firefighter Appreciation Week. Mr. Bunce announced that the annual Muscular Dystrophy Boot Drive would be done in April and thanked the Town for its support. Town Clerk Reinfeld read the proclamation.

Mayor Venis announced that item 10.5 needed to be tabled to June 7, 2000.

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

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Mayor Venis announced that item 10.6 and 10.7 needed to be tabled to April 18, 2000.

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

(NOTE: On June 7, 2000, Council requested the following verbatim minutes be incorporated in the minutes.)

Mayor Venis: Mr. Middaugh, we have Items 10.2 and 10.3. Mr. Zimmerman requested these items be tabled 'til the next regular meeting, but we want to put it off a little further, I understand.

Mr. Middaugh: That's correct your Honor. We would like to ask that you table this to May 17th, and also add as a condition of this tabling that the applicant undertake a comprehensive traffic analysis which would not only go into the normal trip generation, ah, typical kinds of traffic analysis, but would also focus with a very importantly on improvements which would be anticipated in and around the subject area, specifically to incorporate the entire piece which is kind of at odds, or, at discussion, the commercial piece to the south that is under this application, as well as, the piece to the north that's been discussed as either corporate park for homes, or some other combination of things so that you can start to look at, ah, and have facts available to to deal with, er, I think is this very important area that our citizens have certainly reacted to appropriately, and, ah, you just need some more information we think in order to better get your arms around it.

Mayor Venis: Uh-huh.

Mr. Middaugh: So we would like to ask that that be added as a condition.

Mayor Venis: Okay, I tell you what I would like to see when, um, and this gives even more time, ah, until the next regular meeting, is that, uh, you know that I've been meeting with the residents out in the community this past weekend, uh, we'd like to see, um, exactly when he comes in, what the entire plan's gonna look like, and not piece meal of, ah, you know sixty acres here and then he may come, there may be a petition for another fifty acres, exactly, you know, what it's gonna look like. Okay, the roadways, uh, I know the the large areas in for platting now in the County. Has that come of platting, has that come out of the county do we know ?

Vice-Mayor Weiner: Nope, not yet

Mayor Venis: Not yet

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- Mr. Middaugh: Don't believe so.
- Mayor Venis: So we can have some sort of idea exactly what
- Mr. Middaugh: That's precisely our intention your Honor.
- Mayor Venis: Yeah.
- Mr. Middaugh: To have that laid out for you.
- Mayor Venis: Yeah the entire area's gonna look like
- Vice-Mayor Weiner: Mr. Middaugh, if after the applicant, does these items that your referring to, is this something that should go back to our P & Z Board for further discussion or should come right to Council?
- Mr. Middaugh: Uh, that's an interesting question, uh, Mark I don't know if you know if the P & Z has an opinion but, uh, it certainly wouldn't hurt and there will be new information which they may have an opinion on, it can share with you. So, I certainly wouldn't object to it and I don't think they would either.
- Vice-Mayor Weiner: Might give us a chance to have public input on the issue before it comes to Council meeting.
- Mayor Venis: Okay.
- Mr. Middaugh: That's fine with us, we'll be happy to refer it there if you'd like.
- Councilmember Paul: Also, is it possible, uh, I know we discussed this at my briefing on Monday, to have the signs reposted with the appropriate date so that the people that are passing the area, and the neighbors, uh, know exactly when the meetings will occur.
- Mr. Middaugh: Yes.
- Mr. Middaugh: Yes, we'll plan to specifically address this site, and more broadly, take up how we might address that for other sites in the future. You raise a very good question and, uh, we know it's very appropriate in this instance, so we'll take care of that.
- Councilmember Paul: Okay, and also.
- Councilmember Clark: Mister

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Councilmember Paul: Oh, I'm sorry, one other thing, um, I'm still waiting for the report, uh, that I had asked Chris Wallace for last August, and I know the information -- that report might be very helpful in looking at this particular, ah, piece, and some others that are coming up. I know there are some people from, uh, students from Nova Southeastern, that are working on that. Now, is it possible, uh, involved in this too, to find out if that report might be available prior to to that time?

Mr. Middaugh: Uh, I'm certain if it is, I will provide to you; but, I will check at least on the status, and find out where it is

Councilmember Paul: Uh-huh.

Mr. Middaugh: and if it's something that's useful . . .

Councilmember Paul: Because that report will be very helpful in, uh, reviewing some of these, uh, rezonings that are coming up.

Councilmember Clark: Um, I just have a quick question, um, when did we know we were tabling this, cuz I didn't, was I to get a notice?

Mr. Middaugh: Just today. Mr. Zimmerman, um, faxed in a request. Actually, this morning I forwarded it to all the Council, um, when I got it. So, it was on e-mail, um, and unfortunately, it very short notice for us too.

Councilmember Clark: Yeah, I'm just -- 'cause I know that there quite a few residents that came out because it was on the agenda, and were just not hearing.

Mr. Middaugh: I was able to forward it to at least one of them, Mr. Bosque, who I believe is -- I saw Raul here somewhere, uh, there they are -- Hi Raul, uh, that 's so we got it to you.

Mayor Venis: Okay, let me ask you, there are quite a few residents here, uh, from the area. I recognize -- I know, if you come out here, did you wanna say a few, um, say a few words for a minute since you came down here?

Man in the audience: No, I thought we'd, no, we'll wait.

Mayor Venis: Your gonna wait, okay, I thought I'd make the offer. Vice- Mayor.

Vice-Mayor Weiner: I'd like to move to table this item subject to at first with the, uh, the conditions that the Town Administrator had suggested with the regards to the applicant doing the additional studies and work, uh,

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but with it first going back to P & Z Board for their input and review as long as there is residential input on that proposal also at that time -- so May 17th is a little, um

Councilmember Paul: Yeah, it's too soon.

Vice-Mayor Weiner: Um, yeah it's very soon if we're gonna go through that process -- so my motion, although it's not clear at the moment, is to table the matter until after such time as the P & Z Board has a chance to review the applicant's new presentation.

Councilmember Paul: And, I would be very happy to second that.

Vice-Mayor Weiner: Including all the suggestions you, I'm sorry, all the suggestions Mr. Middaugh had referenced with regard to the traffic study, uh, giving us an idea -- not piece, piecemealing it, just the specific tracts of property, but all, all the parcels that the applicant's going to bring before us.

Mayor Venis: What about laying out the rest of the land that the, uh

Councilmember Paul: Laying out the

Vice-Mayor Weiner: Please feel free to add on to it, I'm sorry I didn't write down as you were stating Mr. Mayor.

Mayor Venis: You didn't write that down?

Vice-Mayor Weiner: No. (laughing from Council and audience)

Mayor Venis: Okay I think we have the uh, the uh, gist of everything here, okay.

Mr. Middaugh: Your Honor, just so we get just as close to a date certain as possible, we'll try to zero it in to the closest, ah, P & Z meeting on the 17th -- do you know when that is Mark? Uh, I think for motion purposes and notice purposes, we're gonna need that.

Mr. Kutney: It would either be the 10th or the 24th.

Mr. Middaugh: Do you want to try to pick one? (laugh)

Mr. Kutney: So, um, so I mean I, uh, I think probably based on Councilman Weiner's suggestion, probably the 24th would be the better date. Then you'd be looking at the first Town Council in June.

Vice-Mayor Weiner: June 7th.

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Town Clerk Reinfeld: June 7th.

Mr. Middaugh: June 7th, if that's okay with Council, use those dates.

Councilmember Paul: That's fine.

Mayor Venis: Sure.

Vice-Mayor Weiner: That's part of my motion.

Mayor Venis: Okay, I have a motion and a second, all those in favor, say aye.

Council: Aye, in unison

Mayor Venis: Opposed?

Mayor Venis: Okay, so we tabled that.

5. MAYOR/COUNCILMEMBERS COMMENTS

MAYOR VENIS

BAMFORD COMPLEX. Mayor Venis mentioned several phone calls with regard to the completion of the Bamford Complex and requested that monthly updates be provided. Assistant Town Administrator Robert Rawls advised that the first comprehensive status report had previously been submitted to Council. The design for the Community Center was underway and would be going out to bid this summer. Underground construction was approved by Council at the last meeting and much of the site work had been accomplished. Drainage work would soon follow with the South Florida Water Management permitting complete. The football/soccer field needed to move ahead, as there was no convenient place to park. The community building construction had an anticipated completion date of January 2001, the sports fields should be completed 30 days prior and the Complex should be fully operational in approximately nine months. Mr. Rawls noted that a comprehensive update would be provided on a quarterly basis.

RELOCATION OF WAL*MART. Mayor Venis mentioned a discussion during his attendance at the Exotic Acres Homeowner's Association meeting regarding the relocation of a Wal*Mart. He requested that Mr. Middaugh contact the key people if the item was to be tabled or postponed. Mr. Middaugh noted that the hearing was scheduled for the Planning and Zoning Board meeting of April 12th; however, in speaking with the petitioner's agent, it was learned that they would be out of town at some point. He indicated that it appeared that the meeting would be postponed to May 3rd and as soon as that was confirmed, residents would be notified.

DEVELOPMENT ISSUES. Mayor Venis reported on a discussion during the Nova Drive Homeowner's Master Umbrella Association, with regard to development issues. Mr. Middaugh indicated that the issue was scheduled for the Planning and Zoning Board on April 12th and the Council meeting on April 18th.

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HOME DEPOT BEAUTIFICATION. Mayor Venis mentioned the new Home Depot on Griffin Road near I-75 and indicated that a beautification program had been offered to the Town. Many years ago, Home Depot assisted in enclosing the Police Athletic League (PAL) building in Potter Park. Mayor Venis suggest that the PAL building be inspected to determine whether wood needed replacing or if new paint was necessary.

TELEPHONE. Mayor Venis asked that a telephone be installed at the PAL building due to the fact that the reception was not very good with the current wireless phone. He requested a hard line be installed for better reception. Mr. Middaugh advised that the phone had been installed and it was a 900-megahertz portable system.

WASTE MANAGEMENT. Mayor Venis mentioned the Waste Management contract and suggested that demand letters be automatically sent whenever they were in default. He advised that he might participate in the next meeting as he would like to discuss the community service. Mayor Venis explained that he had received numerous complaints with regard to garbage pickup, which was never a problem until USA Waste purchased the company. He requested that Mr. Middaugh give an update at the next meeting.

FIRE CONTRACT. Mayor Venis referenced the contract, which was discussed at a previous meeting. In lieu of going into an executive session, he would like to discuss the differences the Town had with the bargaining of the contract in attempt to resolve the issues. Mr. Middaugh indicated that he had communicated some of the outstanding issues to Mr. Bunce and requested an opportunity to discuss the issues. He did not believe it was appropriate to discuss the bargaining sessions during an open meeting and would like to schedule an executive session before the next meeting.

BROWARD COUNTY FILM COMMISSION. Mayor Venis indicated that Broward County had asked that the Town make an appointment to the Commission and distributed a resume from Dean Alexander. He indicated that Mr. Alexander, who had been in broadcasting, had requested to be the Town's appointee. In a voice vote, all voted in favor. (Motion carried 5-0).

CAREER DAY. Mayor Venis expressed enthusiasm with regard to visiting Hawkes Bluff Elementary on April 14th for Career Day.

CONGRATULATIONS. Mayor Venis congratulated the Jean Michael Salon on its opening and wished them well in their new venture.

COUNCILMEMBER CLARK

POLICE EXPO. Councilmember Clark mentioned the Police Expo on March 25th and noted that approximately 250 locks were distributed.

CONGRATULATIONS. Councilmember Clark congratulated firefighters Jay Wolf, Jim Ross and Adam Konick on delivering their first baby. She also congratulated the Town for its successful waterway clean up.

CPR CLASSES. Councilmember Clark mentioned a visit to the Griffin Garden Apartments on Griffin Road where approximately 30 residents had requested that a CPR class be scheduled. Fire Chief Michael Donati advised that this request would not be a problem.

SPEED HUMPS. Councilmember Clark requested that speed humps be installed on 57th Avenue and 57th Terrace.

CODE PROBLEMS. Councilmember Clark expressed concern with regard to Code problems involving two businesses located on 57th Terrace and Orange Drive.

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THANKS. Councilmember Clark thanked Mr. Webber, who had been very helpful with her questions regarding the 142nd Avenue litigation, and the residents who had called her. She indicated that she had requested any research regarding special permit issues.

CONCERNS. Councilmember Clark expressed concern regarding a large hole in a fence at the Summer Lake Apartments project and requested that the hole be fixed.

PARK SIGNAGE. Councilmember Clark mentioned the installation of a dead-end sign that a resident requested. She also referred to signage in several parks, such as "Children at Play", "Slow Down", "Park", and "Children Crossing", and noted that she would like to see the same signage in Potter Park. Councilmember Clark requested that anyone living near a park that needed signage to contact her.

CONSTRUCTION PHASE I. Councilmember Clark referred to a memorandum regarding the construction of Phase I which she believed was misleading. She wanted it clearly understood that the construction was not a priority at the workshop, however, the gymnasium was. Councilmember Clark did not believe it should be called Phase I according to the priorities, but Phase I because staff thought it was more feasible because of costs or the timeliness.

POTTER PARK MAINTENANCE. Councilmember Clark had noticed that the Town's property in Potter Park was not being maintained. She referred to the lots around the park, which were subject to Code violations for high grass, and requested that maintenance be completed before it became an embarrassment. Ms. Pierce-Kent believed that the park was to be bush-hogged once a month and indicated that she would check into the matter.

ALARM MONEY. Councilmember Clark requested that Mr. Middaugh research the position of the alarm money that was committed to the PAL with regard to how much and when it would be received. She was unclear whether the \$15,000 was a donation or part of the alarm money and whether the billboard money that was given to the Boys and Girls Club was considered a donation. Mr. Middaugh indicated that the concept was that PAL would obtain an amount equal to the alarm money permits in lieu of billboard revenues and it was determined that approximately \$15,000 per year was generated from false alarm permits. He indicated that the alarm money was considered a donation. With regard to the billboard money, Mr. Middaugh indicated that a check was received monthly for billboards, which the PAL benefited from.

COUNCILMEMBER COX

CONGRATULATIONS. Councilmember Cox congratulated the Police Department on their Police Expo.

WATERWAY CLEANUP. Councilmember Cox thanked the individuals involved and noted that approximately 700 people had participated in the waterway cleanup this year.

DEMOLITION. Councilmember Cox announced that the Old Davie School demolition was scheduled for April 18th and indicated that some type of celebration would be held in the afternoon.

CONGRATULATIONS. Councilmember Cox congratulated Councilmember Paul on her success with the horse show and indicated that the children had a fun time.

SISTERS OF SATAN. Councilmember Cox indicated that her support of AMR, in terms of privatizing the EMS service in this Town, was because there was not enough trained paramedics in the Fire Department to provide the service. An interim service was necessary so that the residents could be provided with adequate service during the training

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period. Councilmember Cox did not want to expose the residents to poorly trained staff or expose the firefighters to a situation for which they were not adequately trained. She believed it was a good decision on the part of the Town.

SPECIAL INTEREST GROUP. Councilmember Cox noted that she respected anyone who lobbied different Councilmembers for the purpose of getting things done as a special interest group. She indicated that the article in the paper was not meant to be negative.

BILLBOARDS. Councilmember Cox explained that she had voted for the installation of two of the eight billboards in Davie, one east of University Drive and the other on the west side of Town. The funds from those billboards supported the Boys and Girls Club and the PAL program. She indicated that she had not voted for the remaining billboards and added that she did not want, nor like, them.

FORESTRIDGE. Councilmember Cox referred to the accusation that the arrangement at Forest Ridge was an environmental disaster. She suggested that Mr. Joseph speak with employees at the County's Environmental Department, whom she worked very closely with to make certain that what was done would be a benefit to the Ridge and which it had turned out to be. It moved the water closer to the Ridge, which was environmentally beneficial and it provided literal area on the water to augment the wetlands and wildlife along the Ridge. Councilmember Cox added that the agreement also required that developers contribute more money to build schoolrooms in the County.

WASTE MANAGEMENT. Councilmember Cox mentioned the garbage contract and noted that she had been voting to put that contract out to bid since 1988. It was her belief that the contract was not fair.

APOLOGY. Councilmember Cox expressed her opinion that Mr. Joseph should apologize to the public for misleading them and twisting the truth.

PORNOGRAPHY. Councilmember Cox noted that the election was over and requested that the person sending pornographic e-mail to "put it to rest."

VICE-MAYOR WEINER

AQUACULTURE FACILITY. Vice-Mayor Weiner indicated that he had been requesting why so much money was being spent on the aquaculture facility. He believed it would be viable without expending a tremendous amount of money and understood that approximately \$425,000 to \$430,000 had already been spent. Vice-Mayor Weiner indicated that after reviewing the agreements, the Town could terminate the agreement with 120 days notice.

WILDLIFE SEMINAR. Vice-Mayor Weiner mentioned mail that he had received for a "CLE" seminar with regard to wildlife, habitat and the law.

ELECTIONS WORKSHOP. Vice-Mayor Weiner announced the Supervisor of Elections was holding a Candidate Workshop on May 26th at the Broward County Main Library at 9:00 a.m. for anyone interested in running for public office.

SUNRISE LITIGATION. Vice-Mayor Weiner advised that he had received a phone call regarding an article in the Sun Sentinel Plantation/Sunrise section. The headline read, "Sunrise hires lawyers who were suing the City. Firm works for Davie in lawsuit". Vice-Mayor Weiner questioned why the Town's special counsel was representing Sunrise in quasi-judicial proceedings and other matters. He had no confidence in the firm representing Davie in the surcharge litigation and in his opinion, the Town could not move forward with the litigation until new counsel was retained.

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Mr. Webber noted that there was conversation advising that Nancy Stroud had joined Weiss, Serota and about the firm representing the City of Sunrise. Several weeks ago Weiss Serota had requested consent and to his recollection, Davie had not agreed.

Vice-Mayor Weiner questioned what should be done since the Town was in the middle of litigation. It was Mr. Webber's belief that an internal separation be created to protect the Town and requested direction from Council. Vice-Mayor Weiner mentioned a memorandum on eminent domain and indicated that it was either misread or miswritten, as that law was not effective until July.

Vice-Mayor Weiner indicated that he believed it was time the Town had in-house counsel. He stated that someone was needed on staff that was accountable to the Town and residents with no question to billable hours. Vice-Mayor Weiner advised that he was not questioning Mr. Webber's motives, but he was questioning the caliber of work and representation the Town was getting. He suggested a resolution be prepared to retain in-house counsel in the future and requested Item 13.8 be placed on tonight's agenda for discussion.

Mr. Middaugh explained that the City of Sunrise had had Nancy Stroud working for them while employed by another law firm and when she switched law firms, she wanted to continue working on the same kinds of issues she had been doing with the understanding that there would be no cross-over, contamination and separate staff. Mr. Middaugh did not see a potential conflict. Mr. Webber advised that the question was whether Ms. Stroud could continue doing the same kind of planning and zoning work, which would not interfere or conflict with the work being done for the Town.

Councilmember Cox advised that Ms. Stroud's expertise was with land issues. She did not like the way the situation looked, but was interested in looking at where exactly the conflict would arise, as Ms. Stroud was working in a different office.

Vice-Mayor Weiner believed the firm was given consent from Mr. Middaugh and he was astonished that this consent was made without conferring with Council or bringing it to Council for consideration. He referred to the ethics opinions from the Florida Bar, which correctly stated that if the Town consented, it would permit that relationship. He indicated that he would never have voted to a consent.

Councilmember Cox indicated that she would be interested in hearing from Weiss, Serota with regard to this issue, as a lot of time and money had been invested. She questioned the impact of starting over if the Town were to switch to a new firm. Mayor Venis advised that the court dates would be lost and most likely, this would be one of the circumstances where the judge would go beyond the calendar and reschedule everything.

Vice-Mayor Weiner stated that he would like a refund from Weiss, Serota, as this was totally unacceptable. He did not have a problem with giving Weiss, Serota an opportunity to respond, but he did have a problem with them representing the Town in this litigation, as he no longer had any confidence. Vice-Mayor Weiner believed Judge Strickfield should be notified. He would like to make a motion that the Town's relationship with Weiss Serota be severed and that new counsel be retained.

Mr. Webber believed that Weiss, Serota should be given an opportunity to respond and questioned whether a special meeting could be scheduled. Vice-Mayor Weiner suggested that the special Council meeting be scheduled for next week so action could be taken.

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COUNCILMEMBER PAUL

CITRUS CANKER. Councilmember Paul referred to areas scheduled for removal of citrus trees because of the canker. The western part of Davie had been spared; however, there were some areas around Pine Island Ridge and the Turnpike east of University Drive. She noted that there were several press releases going out and that Bob Crawford, Commissioner of Agriculture, would be making statements about the quarantined areas. Lawn maintenance companies should be decontaminating personnel and equipment when arriving and departing homeowner's properties. Any questions should be directed to the help line, 800-850-3781.

SAFE CITY AWARD. Councilmember Paul advised that she had attended a conference for the National Safety Council of South Florida. The Town was awarded the Safe City Award based on the work of the Town's Child Safety Board and the Safety Summit's Symposium had last year. She requested a presentation be placed on the next agenda.

THANKS. Councilmember Paul thanked everyone who attended the horse show and advised that over \$7,000 had been raised. She indicated that the money would be split between the EASE Foundation and Project Stable.

AGRICULTURE. Councilmember Paul was heartened by the fact that a workshop was held to discuss agricultural issues, but was disappointed with conclusions by staff and Mr. Webber. She had tried to insist that Florida State Statutes regarding agriculture were meant to be interpreted broadly and in some cases, she felt that Mr. Webber and staff were making very narrow interpretations. If this continued, it would only lead to the demise of the agricultural community. The bottom line was that the Town wanted to protect the agricultural community from being wiped off the map. Councilmember Paul requested that ordinance revisions be moved forward if deemed necessary, along with policy statements. She stated that this must be a priority as stated in the Charter which was approved by referendum by the voters of Davie.

VIETNAM VETERANS WALL. Councilmember Paul distributed literature regarding the Vietnam Veterans Wall. The moving wall would be in the area from April 20th to April 26th at the First Seminole Baptist Church grounds.

BARK PARK. Councilmember Paul distributed brochures on Ft. Lauderdale's Bark Park. She would like to see this issue addressed at the Parks and Recreation Board, as there was still a lot of interest amongst residents in Davie. Mayor Venis advised that he was working on this as a joint venture with Weston, the Town and the City of Sunrise. Ms. Pierce-Kent advised that this issue was recently discussed and she believed they were attempting to move forward in creating a park at Markham Park. She had visited other parks throughout the State and she noted that they were very utilized.

WOMEN'S HISTORY MONTH. Councilmember Paul advised that Florida Atlantic University, in honor of Women's History Month, had a program in which it honored the unsung heroines of the year 2000. She advised that many residents were nominated for this award: Kathleen Bleier, Carol Hatton, Doreen Hixon, Laura Alford, Lori Parrish and herself. Councilmember Paul was proud to announce that five awards were given to the unsung heroines and Ms. Bleier was one of the winners.

WASTE MANAGEMENT. Councilmember Paul believed that it was time to take a stand against Waste Management and indicated that she would like to see the contract re-bid. It was recently reported that the garbage man dumped all the recyclables from 31st Court into

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the garbage truck and later, when the recycling truck came, all the bins were empty. This was a major violation of the contract and added that some residents questioned whether they could deduct the \$6 recyclable charge from their bill.

RISING FUEL COSTS. Councilmember Paul questioned how the rising fuel costs were impacting the budget.

6. TOWN ADMINISTRATOR'S COMMENTS

CUSTOMER SERVICE TRAINING. Mr. Middaugh reported that the townwide customer service training had begun. Approximately 100 employees had completed the training. He added that every employee would have completed the program by the end of the month.

TRANSIT. Mr. Middaugh advised that he had recently met with the Senior Citizen Advisory Board, at which time he requested comments and feedback regarding the kinds of transit it felt most appropriate for the senior communities. Residents were invited to attend a meeting in Margate to observe their system, which was quite impressive. Mr. Middaugh indicated that he would be meeting with Broward County Transit to begin the process of mapping out routes so that a program could be brought to Council. He mentioned that because of the Town's size, it was somewhat of a challenge to get people onto buses and move them around the town. The plan should be considered a draft, as there would be discussion with either the senior community or the community at large. Mr. Middaugh encouraged some type of public discussion to be certain they were doing what residents want.

WASTE MANAGEMENT. Mr. Middaugh reported that he would be attending a meeting with Waste Management on April 6th, at which time he would be given a check for \$262,000. He indicated that there would also be discussion regarding some of the outstanding contract issues. Mr. Middaugh stated that the contract did not provide a clause for termination; however, there was a clause about how defaults were cured and he would continue to work on enforcement so the Town was getting what it bargained for. Mr. Middaugh did not know if the franchise could be re-bid without incurring some potential litigation.

Vice-Mayor Weiner stated that letters had been sent which included statements that the Town could pursue remedies if defaults were not cured within a set period of time. He questioned when staff was going to notify Council. Mr. Middaugh explained that each time a letter was sent, proper payment was made; therefore, the default was cured.

Councilmember Paul questioned whether the lack of service, missed streets, and dumping recyclables at the dump was considered default. Mr. Middaugh advised that it could be considered default and if the issue was pushed, the Town would probably end up in court.

Councilmember Cox expressed concern that if recyclables were placed in the dump, it reduced costs and the Town's revenues. She questioned whether there was any documentation from residents who saw the incident occur. Mike Binder indicated that two weeks ago, he was in his driveway when a garbage truck came by. He saw them throw garbage in the loader, as well as recyclables from every residence on the street. An hour and a half later, the recycling truck came by and never stopped because everything was empty. He then called Councilmember Paul, as well as Mayor Venis.

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SHUTTLE. Councilmember Cox mentioned the shuttle and questioned whether Margate was the only city being studied. Mr. Middaugh advised that staff would be looking at the systems in Pembroke Pines and Tamarac, but indicated that Margate had the most extensive system.

CLARIFICATION. Vice-Mayor Weiner requested clarification on Mr. Webber's memo, which indicated that State Statute 73.015 was effective January 1, 2000 and questioned whether Mr. Webber agreed that the memo said the provision was effective as of July 1, 2000. Mr. Webber concurred.

EMINENT DOMAIN. Councilmember Paul mentioned the eminent domain issue and questioned whether this issue would be discussed later in the meeting.

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to take item 13.7 out of order. In a voice vote, all voted in favor. (Motion carried 5-0)

13.7 Vice-Mayor Weiner indicated that he had pushed the concept of slow take and advised that there were several different provisions of law in order to pursue acquiring rights. As taxpayers and voters, we had the right to have clean water. He suggested that a resolution be prepared offering the opportunity to deliberate taking water from the City of Sunrise through the slow take process which would allow an opportunity to take their water rights and any equipment or instruments necessary to provide a townwide system. With reference to wastewater, Vice-Mayor Weiner advised that the Town could not afford wastewater. In response to Councilmember Paul, he stated that if this goes forward, it was an issue in discovery for litigation. If there was a quick take, money had to be put up front in the court registry, which was available to the seller. Residents want responsibility and accountability and the only way to do that was through negotiation or taking.

Mayor Venis agreed that the Town needed to take a stand in order to control its destiny, water supply and the future growth. Councilmember Cox mentioned that a bond issue might be required.

Vice-Mayor Weiner indicated that there was nothing that stopped the Town from deciding to abandon the slow take, although, there would be potential damages for attorneys fees. With regard to the interaction of the existing lawsuit, assuming everything was going to trial in June, there would be a resolution as soon as Judge Strickfield issued a decision. If that did not go forward, it would probably change the incentive to move forward and give an incentive to negotiate the entire process. Mayor Venis advised that one of the provisions in the legislative bill was that Sunrise had to the Public Service Commission that it was entitled to charge the surcharge. There were lots of municipalities throughout the State in the same situation.

Councilmember Paul advised that the Town had a resolution assuring residents who were on wells that they could remain on wells. The cost to put the lines in with the planned expansions was approximately \$65,000,000 which was without paying any connection fees to Sunrise.

Councilmember Cox believed additional research should be done. She believed residents would support a bond for water should it be necessary.

Vice-Mayor Weiner advised that there would be a lot of analysis and studies prior to starting the slow take. There would probably be several meetings and eminent domain counsel may need to be retained. With regard to litigation, there would be a couple of

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different phases and the first challenge would be whether or not there was a public purpose. The court would review the action taken by Council and the resolution as to whether or not providing residents with their own water system rather than being at the mercy of a private or public provider was a public purpose. What could not be considered was the cost, as it was a different issue. Mr. Webber added that there were case precedents for providing residents with a unified system.

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to give the attorney direction to draft a resolution for consideration at the April 18, 2000 Council meeting for deliberation for eminent domain of Sunrise's water rights in such of the utilities, pipes, and physical plant, as are necessary to afford our residents a water system, which was currently provided by the City of Sunrise. In a voice vote, all voted in favor. (Motion carried 5-0)

13.8 Vice-Mayor Weiner commented that the Town had grown to almost 80,000 residents. He believed that an in-house attorney was needed who would be directly accountable to Council and available to staff. Although Mr. Webber and his firm did the best job possible for the Town, the Town had grown.

Councilmember Paul mentioned previous discussions whether outside counsel would be used and indicated that there were so many issues that were farmed out because of the expertise required. She suggested that perhaps a firm with experts in all areas, rather than one person, be hired.

Mayor Venis questioned whether it would be better to have in-house counsel and a Town attorney. He believed a combination of both would serve the Town well.

Vice-Mayor Weiner believed that there should be someone on staff charged with the responsibility of monitoring franchise agreements and fees. Councilmember Cox felt that franchise agreements could be monitored by the Budget and Finance Department.

Councilmember Cox did not believe that an attorney should be paid for the position of a clerk, who could be trained to understand the terms of the contract. She agreed that even if an in-house attorney was hired, a lot of other attorneys would need to be hired.

Mayor Venis believed that an in-house counsel could work on the franchise issue. He indicated that counsel could review the facts and generate letters demanding payment or whatever the case may be.

Vice-Mayor Weiner stated that the question was whether money would be saved, because when this issue was brought up previously, Mr. Webber had pointed out that his legal fee was grossly underpaid. The question was whether or not Council felt it was getting adequate representation. With regard to monitoring franchises, maybe Mr. Wallace should be held accountable. Vice-Mayor Weiner indicated that he would like to see direction given at the next meeting whether to proceed with an in-house attorney or a separate law firm.

Councilmember Cox questioned whether Council should look at the cost in terms of all costs associated with having an in-house counsel and also go out for an RFP, and then compare the two and see what might be most cost effective. Mayor Venis advised that the RFP would be for outside issues, such as water litigation, eminent domain, and labor relations.

Mr. Webber explained that his office worked as requested by staff and when a request came in, it was assigned to an attorney and the work was performed. As far as routine matters, his office provided an attorney for the Planning and Zoning Board, the Unsafe

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Structures Board and for various boards as required or requested. His office assisted in Code enforcement matters and provided an attorney to handle appeals.

Vice-Mayor Weiner advised that nothing he was suggesting would prohibit an in-house counsel or Council from referring matters periodically to Mr. Webber's firm as needed, since they were familiar with the history of the Town. Mr. Webber stated that his firm had represented the Town for a long time and the predecessors in the law firm had written the original Charter for the Town. He had always understood, and had made it clear, that he served at the pleasure of the Council and his firm had always done its very best. Mr. Webber indicated that his firm would cooperate with any change and would be happy to assist; however, his current fee of \$100 per hour was no longer reasonable. Regardless of what Council chose to do, he would seek a more reasonable rate. In response to Vice-Mayor Weiner, a ballpark figure would be in the area of \$135 per hour and some type of graduated fee depending on who was doing the work.

Councilmember Paul questioned the vision in terms of in-house counsel and whether there would be an actual job description for the individual hired. Mayor Venis indicated that a job classification could be created. One way to make sure the Town had the representation required was to hire in-house counsel and get recommendations from them as to whether certain expertise was required.

Councilmember Clark questioned if Mr. Webber would receive the bid if his proposal was the lowest. She stated that the question was when staff was reviewing a bid, was the bid reviewed on cost. Mr. Webber advised that when seeking professional counsel, the decision would be made on many factors, not just cost. Mayor Venis indicated that a list of clients would be obtained, their experience would be verified, and clients would be contacted to determine how satisfied they were with the level and quality of service.

Councilmember Paul mentioned the special meeting scheduled for April 12th and questioned whether it was possible to add this item. Mayor Venis indicated that the special meeting was regarding Weiss, Serota but it would not be a problem to add the item for clarification.

Mr. Middaugh believed that outside counsel could be found; however, it would need to be determined how conflicts would be handled. Looking for a long-term relationship on a variety of subjects would probably be more difficult. Vice-Mayor Weiner indicated that an alternative might be to have a pool of outside law firms that Council could refer issues to as long as they were on a preapproved list of outside firms. That way, if there was a conflict with an issue, there would be another firm to call.

Vice-Mayor Weiner made a motion that the Town start the search for an in-house attorney to come on board with a target date of July 1, 2000.

Councilmember Paul questioned whether the Town was looking for someone from a private practice as in-house counsel or at someone recently out of law school. She believed the first thing was to establish criteria and look more at a unified vision. Councilmember Paul indicated that she was not comfortable with the wording of the motion.

Mayor Venis felt because there were many attorneys in public law who wanted a change and who may welcome working for a municipality. He stated that more than one person would be needed, but he believed that a qualified individual should be found to "head up" an internal legal department. Mayor Venis added that at the same time, the Town should put out RFP's for outside law firms.

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Councilmember Paul stated that Council had to be sure there would be a smooth transition because there were a lot of things in motion. Vice-Mayor Weiner mentioned that matters in motion that might be a problem with a turnover of attorneys included the Sunrise surcharge litigation and 142nd Avenue. He indicated that Mr. Webber's firm may be interested in pursuing the litigation at \$135 hour. Mr. Webber indicated that his firm would be willing to assist in order to make any transition easier.

Vice-Mayor Weiner revised his motion to August 1, 2000 and clarified that his motion was to hire in-house Council with a target date of August 1st, to direct staff to submit advertisements to various trade periodicals, including the League of Cities, the Florida Bar Journal and local newspapers, to look to other cities for legal descriptions to the extent that a description for the position was needed. Vice-Mayor Weiner stated that this did not preclude Council from either retaining a pool of law firms or taking matters on a case-by-case basis. Mayor Venis indicated that this issue should be put out to bid as it was important to work parallel. Vice-Mayor Weiner responded that this was a solicitation for proposals and was not really a bid system. He indicated that a number of proposals would be solicited and whomever Council felt comfortable with would be selected, whether it was an outside firm or a few outside firms. Vice-Mayor Weiner indicated that he did not know if Council wanted to piggyback this in one motion. Mayor Venis stated that it should be one motion. Councilmember Paul added that if Vice-Mayor Weiner "piggybacked it," she would second the motion. Mayor Venis indicated that Council would review the firms for outside counsel with Vice-Mayor Weiner added that there would be a rotation pending any conflicts.

In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - no; Councilmember Paul - yes. (Motion carried 4-1)

7. TOWN ATTORNEY'S COMMENTS

7.1 Litigation Update

LITIGATION. Mr. Webber provided an update on litigation in which the Town was involved: Orendello's, 142nd Avenue, Chapter 175/185 monies, Coastal Carting, LDG, and Sunrise.

Councilmember Clark indicated that she would like to discuss 142nd Avenue under Old Business. Councilmember Paul suggested that this be placed on an upcoming agenda.

Mayor Venis announced that the next Council meeting would be held on April 18th in lieu of April 19, 2000 because of the holiday.

Councilmember Clark questioned the report, or a decision, regarding the fire investigation. Mr. Middaugh advised that he had spoken with the investigators who were in the process of drafting a report, which he should receive by next week. He did not anticipate this being on an agenda, but would attempt to provide an opportunity to speak to Council as a group or individually so they were aware of the matter.

8. CONSENT AGENDA

Minutes

8.1 February 16, 2000 (Regular Meeting)

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Proclamations

- 8.2 Town of Davie Fire Fighter Appreciation Week (April 10 - 17, 2000)
- 8.3 Family Success Center Day (April 13, 2000)

Home Occupational Licenses

- 8.4 Always Green Services, 5401 SW 58 Avenue
- 8.5 P-Bar Property Management, 6050 SW 55 Place
- 8.6 S & A Plumbing, Inc., 12040 SW 26 Court
- 8.7 Starz & Stormz, 11001 SW 25 Street
- 8.8 Troche Property Maintenance, Inc., 2101 SW 136 Avenue

Resolutions

- R-2000-58 8.9 **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 March 15, 2000)**

- R-2000-59 8.10 **CHANGE ORDER - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT CHANGE ORDER FOR THE DAVIE ROAD BEAUTIFICATION PROJECT. (Net increase of \$11,137.08)**

- R-2000-60 8.11 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A FLEX LEASE WITH ROYAL RENT A CAR, ADOPTING THE CITY OF HOLLYWOOD BID #F-3624-BD TO LEASE VEHICLES FOR THE POLICE DEPARTMENT. (Royal Rent A Car; Group II vehicles - \$6,768/year and Group V vehicles - \$6,888/year)**

- R-2000-61 8.12 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR CONSTRUCTION OF A PARKING LOT AT PINE ISLAND PARK. (United Underground Contractor Corp.; \$32,974)**

- R-2000-62 8.13 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR A JET SEWER CLEANER, METROPOLITAN DADE COUNTY BID NO. 5668-4/02-2. (Environmental Holding; \$172,785)**

- R-2000-63 8.14 **PAYMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE PAYMENT OF \$14,848 TO THE BROWARD ALLIANCE FOR ECONOMIC DEVELOPMENT ASSISTANCE.**

- R-2000-64 8.15 **WAIVER OF FEES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO WAIVE BALLFIELD PERMIT AND LIGHT FEES FOR THE PERIOD OF MARCH - DECEMBER, 2000 FOR THE DAVIE GIRLS SOFTBALL, INC. (waiver of \$6,000 fee)**

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- 8.16
R-2000-65 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH SWIMAMERICA, INC., FROM APRIL 1, 2000 TO DECEMBER 30, 2000 FOR THE SWIMAMERICA, INC. SWIM TEAM AT THE PINE ISLAND PARK POOL.**
- 8.17
R-2000-66 **SWIM LESSONS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ALLOW SWIMAMERICA, INC. TO PROVIDE FREE SWIM LESSONS FOR SWIM CENTRAL FOR BROWARD COUNTY ELEMENTARY SCHOOL CHILDREN AND THE TOWN'S SUMMER RECREATION PROGRAM AT THE PINE ISLAND POOL FROM MAY 1, 2000 TO OCTOBER 27, 2000.**
- 8.18
R-200-67 **SUMMER PROGRAM - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND APPROPRIATE STAFF TO USE THE SILVER OAKS MOBILE HOME COMMUNITY CENTER FOR THE TOWN'S EIGHT WEEK DAVIE SUMMER DAZE PROGRAM FROM JUNE 19 TO AUGUST 11, 2000.**
- 8.19
R-2000-68 **APPLICATION FOR FUNDING - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND APPROPRIATE STAFF TO SUBMIT AN APPLICATION FOR FUNDING FOR THE 2000 "DAVIE DAZE PLUS" SUMMER ACTIVITY PROGRAM ADMINISTERED BY THE BROWARD COUNTY HUMAN SERVICES DEPARTMENT, CHILDREN'S SERVICES ADMINISTRATION DIVISION IN THE AMOUNT OF \$100,000. (\$12,500 matching funds)**
- 8.20
R-2000-69 **DONATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, DIRECTING THE DONATION OF \$1800 FOR THE RENTAL OF A MODULAR BUILDING FOR THE E.A.S.E. FOUNDATION OFFICES FOR THE REMAINDER OF THE 1999/2000 FISCAL YEAR.**
- 8.21
R-2000-70 **MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 97-062 FROM \$6,500 IN AMOUNT TO \$1,001.69; AND PROVIDING AN EFFECTIVE DATE. (Damon A. and Michelle A. Carroll)**
- 8.22
R-2000-71 **RETITLING/CREATING CLASS SPECIFICATIONS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RETITLING DAY CAMP COUNSELOR TO COUNSELOR AND DAY CAMP SUPERVISOR TO PROGRAM SUPERVISOR, CREATING THE CLASS SPECIFICATIONS FOR JUNIOR COUNSELOR, COUNSELOR, ACTIVITIES LEADER AND PROGRAM SUPERVISOR TO BE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND REVISING THE NON-CLASSIFIED PAY PLAN.**

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- 8.23 R-2000-72 ROAD RELOCATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A JOINT PARTICIPATION AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE PROVIDING FOR CONSTRUCTION OF CERTAIN IMPROVEMENTS CONCERNING THE RELOCATION OF REESE ROAD; AND PROVIDING AN EFFECTIVE DATE**

Site Plan

- 8.24** SP 12-1-99, Florida Power & Light Company Addition Gulfstream Service Center, 400 Davie Road Extension (U-1) Planning and Zoning Division recommended approved subject to the planning report; Site Plan Committee recommended approved subject to items one through four

Site Plan Modifications

- 8.25** SP 3-3-00, Stirling Apt. Phase II, 7520 Stirling Road (RM-16) Planning and Zoning Division recommended approved subject to the planning report; Site Plan Committee recommended approved subject to the planning report items one and two and adding the condition that the property owner agreed to provide landscape maintenance to the property outside the retention wall and fence to the end of the property line

- 8.26** SP 3-4-00, Shenandoah Park Improvements, 14601 SW 14 Street (RS) Planning and Zoning Division recommended subject to the planning report; Site Plan Committee recommended approved subject to the planning report and the Development Review Committee's comments

Councilmember Paul requested that items 8.7 and 8.8 be removed from tonight's consent agenda. Councilmember Clark requested that items 8.18, 8.20 and 8.21 be removed.

Councilmember Cox made a motion, seconded by Vice-Mayor Weiner, to approve tonight's consent agenda without items 8.7, 8.8, 8.18, 8.20, and 8.21. In a voice vote, all voted in favor. (Motion carried 5-0)

8.7 Councilmember Paul expressed concern regarding the disclaimer and requested that staff consider making some additions. She wanted to research the Code to determine whether there were any other stipulations that should be included. Councilmember Paul expressed concern about the pool maintenance business, with regard to possible interior storage of chlorine and would like assurance that there would not be any storage of chlorine on the premises.

Councilmember Paul made a motion, seconded by Vice-Mayor Weiner, to accept only if the individuals indicated that they would not store chlorine on site. In a voice vote, all voted in favor. (Motion carried 5-0)

8.8 Councilmember Paul believed there was a pool business at this location and questioned whether the resident had a home occupational license. She also mentioned several lawn service businesses in the area and thought the resident might also be running a lawn service. Councilmember Paul indicated that she would like this item tabled until she could receive further information. Mr. Middaugh believed that two occupational

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licenses at the same place were not precluded by Code. Vice-Mayor Weiner suggested that the same condition be placed on this item, that chlorine and any other hazardous materials could not be stored on site.

Councilmember Paul made a motion, seconded by Vice-Mayor Weiner, to table to April 18, 2000. In a voice vote, all voted in favor. (Motion carried 5-0)

8.18 Councilmember Clark questioned whether the program would only be available for the Silver Oaks children and whether the programs were designated per area. It was noted that the program was open for every resident; however, the majority of participants were usually from Silver Oaks.

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

8.20 Councilmember Clark understood the location was temporary, but questioned whether the Town was doing anything to assist in securing a permanent place after 2001. Ms. Pierce-Kent noted that the modular unit would be available after 2001. She added that a sub-committee was looking into a permanent arrangement and would be meeting with the community to discuss fundraising possibilities. The modular was available to lease on a continual basis until the permanent structure was built.

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

8.21 Councilmember Clark questioned what type of construction or commercial trailers were on this site and how long it took to accrue this type of fine before mitigation. Information was not available, but it was noted that a memo would be sent in response to the Councilmember Clark's questions.

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

9. PUBLIC COMMENTS

Ordinances - First Reading (Public Hearing to be held April 18, 2000)

9.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 12, ARTICLE X OF THE TOWN CODE ENTITLED "PLANNING AND DEVELOPMENT" BY AMENDING SECTION 12-304 CONCERNING THE PROCESSING OF AMENDMENTS TO THE TOWN'S COMPREHENSIVE PLAN BY ADDING A NEW SUBSECTION TO SECTION 12-304, REQUIRING NO LESS THAN FOUR AFFIRMATIVE VOTES OF MEMBERS OF THE TOWN COUNCIL FOR APPROVAL OF LAND USE PLAN AMENDMENTS; 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.

Mike Binder supported the ordinance.

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An unidentified resident congratulated Mayor Venis for his victory in the last election, as well as Councilmember Clark and Vice-Mayor Weiner. He commented that Council had the power to begin a revolution in Davie and urged them to vote in favor of the ordinance.

Mayor Venis closed the public hearing.

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

9.2 **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF THE NORTH 2.7 ACRES OF A CERTAIN 4.5 ACRE PARCEL WITHIN THE TOWN OF DAVIE FROM B-3, PLANNED BUSINESS CENTER DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT WITH AMENDED DEED RESTRICTIONS; AND THE SOUTH 1.8 ACRES OF A CERTAIN 4.5 ACRE PARCEL FROM B-3 TO B-3 WITH AMENDED DEED RESTRICTIONS; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 1-2-00, Value Dining, 4184 to 4190 University Drive)**

Town Clerk Reinfeld read the ordinance by title.

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

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

10. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinance - Second and Final Reading

2000-12 10.1 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING CODE AMENDMENT APPLICATION ZB(TXT)02-01, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, SECTION 12-315.1, ENTITLED "EFFECTIVE DATES AND DURATION," TO DELETE THE TIME LIMITS OF A PLANNING AND ZONING IN PROGRESS; AMENDING SECTION 12-373, ENTITLED "EXPIRATION OF SITE PLAN," TO EXTEND SITE PLAN EXPIRATION DATES; AMENDING SECTION 12-308, ENTITLED "REVIEW FOR SPECIAL PERMITS," TO ESTABLISH NOTIFICATION PROCEDURES; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis questioned whether wished to speak for or against the ordinance.

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Tom Truex believed that the ordinance was a good idea for the most part. He expressed concern where the proposal sought to delete the one year total time that a planning and zoning could be in progress. As the law was written, this planning and zoning in progress could go for six months with a six month extension. The planning and zoning in progress was a temporary measure for the Town to correct existing situations. The reason he wanted to eliminate the one-year limit was because staff had too much work and it was impossible for them to address everything the Town was requesting. If the law was changed so planning and zonings in progress could go beyond a year, uncertainty and hardship would be created, and litigation would be invited. Mr. Truex hoped that the current time limit was not deleted.

Mayor Venis closed the public hearing.

Mr. Middaugh indicated that this was not a closet moratorium, as moratoriums were not permitted. This ordinance simply put the Town in the position of not having "to run out of" a zoning in progress.

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

Quasi Judicial Hearings

10.2 **REZONING - ZB 1-3-00**, Zimmerman/Griffin-Orange North., 14501 Orange Drive (from A-1 to B-3) (tabled from March 1, 2000) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the developer's agreement, the voluntary deed restrictions, and the conceptual master plan*

This item was tabled earlier in the meeting.

10.3 **REZONING - ZB 1-4-00**, Zimmerman/Seventy-Five East, Inc., 14901 Orange Drive (from A-1 to B-3) (tabled from March 1, 2000) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the developer's agreement, the voluntary deed restrictions, and the conceptual master plan*

This item was tabled earlier in the meeting.

10.4 **SPECIAL PERMIT - SE 12-1-99**, Davie Truck Stop, 4751 SW 30 Street (M-4) (to obtain a special permit to construct a hotel within the TS, Planned Truck Stop District) (tabled from March 15, 2000) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval of the amended application subject to the [Broward County's] compatibility review, the conceptual site plan, and the petitioner's voluntary stipulation that no liquor would be sold in the retain stores within the travel center & limiting the hotel to 200 rooms*

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 a few paragraphs from the planning report.

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Mayor Venis mentioned previous lengthy discussions and questioned whether the recommendation was consistent with what Council deemed appropriate at that location. Mr. Kutney indicated that the way the Code read after discussion was "a lounge associated with a restaurant or kitchen on site". The only concern he had was with the request relating to the piano bar in the hotel. There was not necessarily a problem with the patrons being guests of the hotel, but that food purchase was not required at that point; however, a buffet was available but it was not a requirement.

Mark Gordon, representing the petitioner, noted that the individual could either order something from the catering kitchen or from the buffet while the piano bar was open. Food would be prepared at the travel center and transported to the hotel kitchen via conveyor belt.

Mr. Planna, also representing the petitioner, gave an overview with regard to the site plan and discussion ensued. He indicated that there would be no sales of alcohol from the retail stores in the travel center. The only alcohol that would be sold was in the sit down area while guests were consuming food in the restaurant facility or at the piano bar. Mr. Planna stated that convenience stores were permitted to sell beer and wine. In response to Mr. Kutney, Mr. Planna clarified that the lounge was not only for patrons, but for all individuals.

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

Monroe Kiar, representing Twin Lakes Travel Park, was present. He referred to the lounge on Burris Road and mentioned that there was no place for 18-wheelers to park. It was his belief that the master site plan disregarded the welfare of the 364 families residing in Twin Lakes. He referred to the truck stop ordinance which mentioned its intent was to promote public safety. Unfortunately, it was his belief that in years to come it would be found that the truck stop did not help the public safety, but would be detrimental to the community as a whole. It would encourage prostitution, crime, drugs and a good part of the Town's police officers would be on site breaking up fights and controlling crime. The truck traffic would not encourage public safety, but would adversely affect Twin Lakes and excessively increase the vehicular traffic. Should Council approve the special permit to build the hotel, residents were requesting that certain restrictions be imposed on the part of the applicant to help mitigate some of the detrimental affects the truck stop would have on Twin Lakes.

Mr. Kiar mentioned that the bulk of the trucks would be parked on the southern side of the subject site next to his client's property. It was his understanding that when there was a special permit, Council had the right to consider all factors, especially those which adversely affected the community or vehicular traffic. His client was requesting that the hotel be built on the southern part of the site and that the trucks be parked on the northern section of the site, near the highway. Since trucks would be traveling Burris Road, the petitioner should be required to construct a 20 foot berm along Burris Road.

Kirby Cannon mentioned sound pollution and television interference caused by linear amplifiers and citizen band radios, which all truckers use. He expressed concern with regard to prostitution, drugs, transients and "lumpers", individuals who hailed trucks for work. It was his belief that the applicant was already anticipating problems since there would be a 75 foot tower housing administrative offices, surveillance cameras and security. The trailer park would have to have a 24-hour, seven day a week gate surveillance in front

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of the park once the walls were installed which would be an expense over and above what the petitioner currently had. He believed the issue of hazardous materials should be discussed further and mentioned that the Town did not have an emergency response team for hazardous materials. Mr. Cannon did not have a problem with the hotel, but with the convenience store. He mentioned that the residents of the trailer park would be neighbors and basically the protector for the truck stop.

Michael Davenport was present. Mr. Gordon objected to the speaker because he did not believe that a member of the Planning and Zoning Board could testify either "pro or against" that which had been presented to him at a previous hearing. He stated that the Boardmember then became a witness instead of a person who was to judge objectively. Mr. Webber asked Mr. Davenport if he was speaking as on behalf of the Planning and Zoning Board. Mr. Davenport responded that he would be speaking as a resident and would be providing information as an individual resident. Mr. Webber advised Mr. Davenport that he was not to express any feeling on behalf of the Planning and Zoning Board as it was a separate entity who had filed a report. He added that Mr. Davenport was also not to refer to anything that occurred at the meeting and he was to impart his evidence as a particular individual. Mr. Davenport responded in the affirmative and stated that his evidence was public and accessible to the public. Mr. Webber overruled Mr. Gordon's objection and allowed Mr. Davenport to testify within the parameters.

Mr. Davenport requested that Council pay attention to the applicant's description of how they were planning to restrict the sale of alcohol to the public. Their description was that individuals did not have to purchase food, as it was available in the lounge. As far as the convenience store, Mr. Davenport mentioned that this was not part of the application at this time; however, it was his belief that the store would make it very convenient for alcoholic beverages to be purchased. Should this be approved, public safety would be at risk. Mr. Davenport questioned whether the applicant would consider switching the parking of cars and trucks.

Mr. Gordon referenced the staff report under the staff analysis, page 5, and read, "all surrounding properties were land use plan designated either industrial or transportation consistent and compatible with the proposed hotel to be assimilated into a truck stop. The existing Twin Lakes Trailer Park, located approximately 600 feet to the south of the proposed hotel, exists under a use variance approved by Broward County prior to annexation and was considered a legal nonconforming use on industrial zoned land, which use would have to cease if damaged or destroyed pursuant to Broward County Section 39-72." Mr. Gordon noted that the petitioner intended to comply with any and all Codes, ordinances, Statutes, or other federal mandates required for the operation of a truck stop. The petitioner also intended to comply with all nuisance laws and the hazardous material compliance regulations which were enacted anything else required by the County, the Town or the State of Florida. Even though the trailer park was a nonconforming use, the residents had the right to a peaceful enjoyment of their property and that would be taken into account; however, the petitioner had the right to develop the property in accordance with the law and with the ordinance that had been promulgated by the Town. Mr. Gordon advised that the petitioner had tried to comply with the ordinance which provided that there had to be a restaurant or kitchen associated with the lounge on site. It was believed in the long run that residents from the trailer park would probably come over for a drink and food, as it was close and convenient. He noted that the petitioner did not want the truck stop to be like a

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concentration camp with guard posts and guard dogs with a 20-foot high wall if it was unnecessary for noise abatement. Mr. Gordon advised that the petitioner was prepared to install whatever size wall the study indicated.

As far as truckers and alcohol, it was Mr. Gordon's belief that the drivers would not do anything to jeopardize their CDL license, which they needed to earn a living. With regard to hazardous materials, explosives 1, 2 and 3 were not permitted within 300 feet of a public building or building that may be occupied; therefore, they may be precluded from entering the truck stop by their own regulations.

Mr. Webber stated that the hearing was concluded.

In response to Vice-Mayor Weiner, Mr. Webber indicated that the application was solely for a permit for the hotel and not the convenience store.

Councilmember Paul did not agree with the comment made that beer and wine would be sold as it had a lower alcohol content. Even though the applicant would obey the law and did everything to comply, that did not mean they could control what visitors and truckers would do. She questioned the old road from the turnpike entrance on the property and whether it was possible to reopen the road to utilize as an entrance. It was noted that that was an option; however, it would have to be determined by the State. It was also mentioned that State Road 7 could be used instead of Burris Road. Councilmember Paul advised that she would like to look into this matter further.

Bill Meyers, the petitioner, indicated that over \$40,000,000 was recently spent to change the ramps off the turnpike. It would be impossible to put traffic on a road going nowhere and vehicles could not be intermixed. He liked Councilmember Paul's idea, but advised that it would not work. In response to Councilmember Cox, Mr. Meyers did not believe the problem with television reception existed. He clarified that a sound study was currently being done and they were prepared to install a wall according to the study.

Councilmember Paul noted that mixing a truck stop with the sale of liquor was not something that should be encouraged. She indicated that she had a problem with the piano bar.

Councilmember Paul made a motion to accept the permit without any liquor being served at the hotel. The motion died due the lack of a second.

Councilmember Paul stated that the Site Plan Committee did not have the power to require the wall as long as the applicant met the requirements of the Code. It was noted that the site plan would probably be more detailed than usual, as it would be used as an enforcement mechanism. The Committee could probably make suggestions as long as the suggestions were not out of bounds and unreasonable or if the petitioner was willing to agree. Councilmember Paul questioned whether the plan would include moving the truck and car parking so there would be less impact on the south side. Mayor Venis explained when the site plan came before Council, changes were made and usually they were able to make a compromise for the community, the Town and the petitioner.

Mr. Kiar indicated that there might be some conditions or requirements that the County may also add, which would need to be taken into account when delivering the site plan. Councilmember Paul suggested alternate plans be available.

Disclosures were made by Vice-Mayor Weiner, Councilmembers Cox, Paul and Clark who indicated that they had spoken with Mr. Kiar prior to this meeting and that everything discussed was mentioned during tonight's meeting.

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Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to approve solely with regard to the hotel, as it was applied for by special permit, consistent with the staff recommendations and the Planning and Zoning Board recommendations. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - no. (Motion carried 4-1)

Items to be tabled

10.5 STAFF REQUESTING A TABLING TO APRIL 18, 2000

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT AND CF, COMMUNITY FACILITIES DISTRICT, TO R-5, LOW MEDIUM DENSITY DWELLING DISTRICT, AND A-1, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-1-99, Alpha Baptist Church, Inc., 5230 Pine Island Road) (tabled from March 15, 2000)

This item was tabled earlier in the meeting.

10.6 PLANNING AND ZONING BOARD TABLED TO APRIL 12, 2000; COUNCIL CAN TABLE TO APRIL 18, 2000

REZONING - ZB 12-2-99, Laystrom/95 WHSE, Inc., 7085 Nova Drive (from M-1, Old Code and R-4A to RM-16) (tabled from March 15, 2000)

This item was tabled earlier in the meeting.

10.7 PLANNING AND ZONING BOARD TABLED TO APRIL 12, 2000; COUNCIL CAN TABLE TO APRIL 18, 2000

REZONING - ZB 1-1-00, Synalovski Gutierrez Architects, Inc./Morris, Jaffe at 595, Inc., EDJ Enterprises, Inc., and Edjeslan Enterprises, Inc., 10200 State Road 84 (from A-1 to B-3) (tabled from March 15, 2000)

This item was tabled earlier in the meeting.

11. APPOINTMENTS

11.1 Citizen Assembly - Non-Homeowner Representatives (one exclusive appointment - Councilmember Clark)

Councilmember Clark appointed Betty Jefferson.

11.2 Youth Advisory Board (three exclusive appointments - Councilmembers Clark and Weiner; two exclusive appointments - Councilmember Paul; one exclusive appointment - Mayor Venis and Councilmember Cox) (terms expire March 2001)

Councilmember Clark appointed Shante Donald, Tiffany Lebbage and Jenifer Hawkins. Vice-Mayor Weiner appointed Kay Lisowski, Codie Mulhall, and Marisa

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Weissman. Councilmember Paul appointed Megan Freemeyer and Christopher Ball. Councilmember Cox appointed Ellen Truex. Mayor Venis deferred his appointment to the next meeting.

- 11.3 Community Redevelopment Agency (four appointments - one exclusive appointment each by Councilmembers Clark and Cox; two non-exclusive appointments) (members shall either reside or engage in business within the jurisdiction of the Town) (terms expire April 2004)

Councilmember Clark appointed Irene Felton. Councilmember Cox appointed Lowell Goode.

Vice-Mayor Weiner appointed Wayne Arnold contingent upon him being automatically removed from the Site Plan Committee. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Cox nominated Joan Kovac. Councilmember Clark nominated Tom Gill. In a voice vote on Ms. Kovac, all voted in favor with Councilmember Clark dissenting. (Motion carried 4-1)

Vice-Mayor Weiner appointed James Marcellino to the Site Plan Committee.

- 11.4 Unsafe Structures Board (non-exclusive appointments; appointment of Plumbing Contractor, Engineer, Realtor, and General Building Contractor) (terms expire 2003)

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to reappoint all of the members. In a voice vote, all voted in favor. (Motion carried 5-0)

- 11.5 Joint Economic Development Steering Committee (non-exclusive appointment of one Councilmember for remainder of term which expires August 2000)

Vice-Mayor Weiner volunteered. In a voice vote, all voted in favor. (Motion carried 5-0)

12. OLD BUSINESS

- 12.1 Helmet Ordinance (Vice-Mayor Weiner)
Council tabled this item to April 18th.

13. NEW BUSINESS

- 13.1 Proposed R-1E District

Debbie Orshefsky and Kevin Rattery, representing GL Homes, were present. Ms. Orshefsky advised that she had been working with staff to develop a text amendment for the zoning Code with regard to development by the name of Long Lake. There were a variety of lot sizes and a great deal of different levels of design; however, the current zoning regulations created more of a grid pattern development than the type of community GL Home prided itself on.

Councilmember Paul indicated that there was an E-1 category at one point. It was not enjoyed by a lot of people and was taken off the books. Currently there was a land use map

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that showed areas for one acre. She believed that the old E-1 district had been established with a minimum lot size of 20,000 square feet. The property under contract went west of Hiatus Road and residents were very committed to maintaining the one-acre net dry land use. Councilmember Paul stated that in her opinion, a creative developer could create beautiful homes on that land. She indicated that she would be opposed to changing the Code and requested that staff not to move forward.

Ms. Orshefsky advised that she would need full staff review of the proposed regulations and assuming that Council determined that the regulations would be a good addition to the Town's Code, she would then come through with a rezoning petition for the subject property. During that process, they would be working with the surrounding community and addressing any concerns. This proposal incorporated a master development plan as a threshold submission and approval at the time the property was zoned to the R-1E. In this case, the master development plan would show all of the recreational areas, access points, lake configurations, roadway configurations and internal circulation. It would show virtually everything except lot lines. The concern was that the success of a development was that there were some lots that were 23,000 square feet and some that were 40,000 square feet. The flexibility provided through the design opportunity of the proposal would allow that same quality to be developed in the Town.

Councilmember Cox indicated that she was not real enthusiastic about this, especially for the size of the parcels; however, she would be willing to have some discussion.

Councilmember Clark questioned the density and Ms. Orshefsky assured that the density did not increase, however, it did change where the homes were located. Ms. Orshefsky explained the density of this property was one unit per acre under the land use plan and it would continue to be one unit per acre.

Planning and Zoning Manager Jeff Katims indicated that he was not involved in site plans planned under the E District; however, the principal reason the district was appealed was because it was felt that the new developments did not live up to the intent of the E District, which was to cluster homes and provide large expansive open space that would benefit the Town.

Councilmember Cox advised that originally, the visioning behind the E District was to take a piece of property and cluster the homes onto a smaller portion of property and then to keep open space for all the public to have public access. When the ordinance was written, it was written poorly, which allowed open space to be water, which was not the original intent. Because of the flaws, the E District was not delivering what was originally envisioned.

Mayor Venis advised that the plans were nice; however, he suggested that Ms. Orshefsky speak with the surrounding communities to see how they felt. He questioned how many other sites in the Town this would affect. Ms. Orshefsky advised that it was very difficult to separate a set of regulations from a proposed development when the regulations came from a developer who wanted to develop under them. She believed they could flush these issues through the public hearing process.

Vice-Mayor Weiner disclosed that he had met with Ms. Orshefsky and Mr. Font prior to this meeting. He expressed concern with regard to the minimum acreage, as well as where this project could be located. He did not believe they would run into as much resistance in certain areas of the Town, but putting it toward Nob Hill Road probably would not encounter as much objection as to the western portion of Hiatus Road.

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Discussion ensued with regard to acreage and square footage.

Councilmember Clark questioned whether it would be wise to determine how the public felt prior to having staff commit to research.

Mayor Venis questioned when the applicant was going to meet with the adjacent communities, whether it was going to be simultaneously when presenting this to the Planning and Zoning Board. Ms. Orshefsky advised that they were hoping this matter would go before the Planning and Zoning Board on April 12th or 26th, which gave more than sufficient time to meet with the community. It was believed that it was best to be done through the formalities of a text amendment in the Code,.

Mr. Middaugh mentioned that one of the things that was unique was there was really no process in the Code for privately initiated text amendments. If Council wished staff to proceed as proposed, direction was needed to regard this as if it were a rezoning. The other option was to have it become a Town initiated project.

Councilmember Paul believed this should go before the public and staff instead of going right to Planning and Zoning in such a short amount of time. Ms. Orshefsky advised that staff needed direction from Council because there was no private initiation. Mayor Venis suggested that the applicant meet with residents prior to the April 26th meeting.

Mr. Kutney advised that if this was treated as a rezoning, GL Homes and Ms. Orshefsky retained control and it was their amendment as it went through the process. If staff was directed to make it a Town amendment, then staff proposed the amendment. He advised that there was no advertising relating to the Planning and Zoning Board because text amendments were taken to the Board for review and then to Council. From a work standpoint, if staff took over the amendment, they did the bulk of the work because they were handling the amendment. If it was handled as a rezoning, the applicant would propose it all and staff was more in a review capacity.

Mayor Venis questioned what the deadlines were in terms of the contract and if there was a deadline where they could lose this property. He was not interested in moving this forward for marketing reasons, but he wanted to move it forward as long as the Town would get a good project. Ms. Orshefsky advised that they had enormous contractual obligations which she explained. To the extent that they could process this as a rezoning application, they would commit to Council to create some opportunity to meet. Ms. Orshefsky believed that they had to go by August in order to keep the project and property under the contract. She would have to check with the real estate counsel as to the specifics and would bring that information back before Council.

Mayor Venis indicated that he would like Mr. Kutney and Mr. Middaugh to attend all the meetings.

Councilmember Paul noted that Council worked for the residents and needed to think about them first. She believed the Town should take ownership and that it should proceed as part of the work program.

Councilmember Cox mentioned that if the Town adopted this as its own and pushed it forward, she felt it would be perceived throughout the community as something Council wanted to do which she did not believe was how it should be perceived. If the issue was proposed by the developer, it was something the developer wanted to do and she would like for the developer to do everything.

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Vice-Mayor Weiner advised that the developer was going to come forward with the proposal and staff was going to review it. There would be workshops and meetings with the public, then bring it before the Planning and Zoning Board. Mr. Kutney and Mr. Middaugh would be at all the meetings and would regard this as a rezoning request

13.2 Mrs. Davie Sponsor - Mrs. Florida America Pageant (Mayor Venis)
This item was deferred to the April 18, 2000 meeting.

13.3 Miss Davie Sponsor - Miss Teen Florida USA Pageant (Mayor Venis)
This item was deferred to the April 18, 2000 meeting.

13.4 Agenda Report Format to Combine Merits and First Reading of Ordinances
This item was deferred to the April 18, 2000 meeting.

13.5 Development Services Department Work Program
Councilmember Paul requested that copies of the program be distributed prior to reviewing this issue.

13.6 Davie Elementary School (Mayor Venis)
This item was deferred to the April 18, 2000 meeting.

13.7 Eminent Domain regarding Sunrise Water (Vice-Mayor Weiner)
This item was discussed earlier in the meeting.

14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 2:05 a.m.

APPROVED _____

Mayor/Councilmember

Town Clerk