

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

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:05 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 Interim Town Administrator Willi, Interim Town Attorney Kiar, and Town Clerk Reinfeld recording the meeting.

3. OPEN PUBLIC MEETING

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

Tom Truex, 4740 SW 72 Avenue, addressed recent negative publicity for park spending inequities, a failure to observe Martin Luther King Day, and racial remarks made by a Town official. He felt that an effort needed to be made to change the perception that Davie did not treat all residents and all races equitably. Mr. Truex suggested a statement of policy on how to deal with staff disciplinary issues and town spending and recommended a Martin Luther King Day celebration.

Jack Seiler, candidate for State House of Representative in District 92, offered his support in municipal issues and assistance to the Town.

Terry Santini, 4001 SW 108 Terrace, indicated that she was addressing the residents and media rather than Council as she disapproved of Council's spending and taxing, lack of accountability to residents, and its recent decision to fire two qualified Town administrators. She criticized Council's alliance with police and fire unions and their treatment of Town officials. Ms. Santini indicated that Mr. Willi was Mayor Venis's hired "puppet" and pointed out that Mr. Kiar had no municipal law experience. She suggested that residents call or write Council and the media in this regard.

Jay Stahl, 5801 Surrey Circle West, described the participation in the Pine Island Community Center celebration on July 4th and praised Special Projects Coordinator Bonnie Stafiej. He recommended that she be given her own department and thanked her and the Town for what he felt was a great party.

Rose Anderson, 4950 SW 111 Terrace, referred to the June 7th Council meeting and addressed Council regarding the property the arena and grounds were located on. She requested a legal opinion on a contract that was signed giving Ron Bergeron advertising rights and control over public owned property. Ms. Anderson asked for an explanation of how this became part of a resolution that did not require a public hearing. Ms. Anderson told Council that taxpayers would prefer that the entrances to the arena read "Davie Rodeo Arena" and stated that they would need written assurance that this would not be changed at some later date.

Cindy Osborne, 4311 SW 63 Avenue, referred to disparaging remarks made by Councilmembers and Town committee members to the press concerning the "old Davie was racist, rednecked and members of the Ku Klux Klan." She resented the comments and indicated that there was nothing further from the truth. Ms. Osborne described her association half a century ago with the old families of Davie indicating that even then, they were an ethnically diverse group, close knit and hard working. She stated that a public apology was needed from those who made the untrue remarks. Ms. Osborne seconded Ms. Anderson's request and asked Council if the contract that was offered to Mr. Bergeron was

**TOWN COUNCIL MINUTES
JULY 5, 2000**

offered to any other business person, and why this purchase was not made known to the public. She pointed out that there were no public hearings and questioned the right of Council to "give away" taxpayers property rights without their consent.

Councilmember Paul stated that she had discussed this issue with Mr. Bergeron who indicated that any decision should lie with Council. She indicated that she had also consulted with Mr. Kiar, who had reviewed the contract and agreed with Councilmember Cox that the agreement gave Mr. Bergeron the right to the rodeo ground name.

Mr. Kiar stated that the agreement specifically provided that the Boys and Girls Club of Davie had requested that Mr. Bergeron donate the sum of \$150,000 to the Town for the purchase of the property. The Town proposed this agreement to Mr. Bergeron in appreciation for this monetary donation and the agreement provided that the arena and property would be known, advertised and promoted as the Bergeron Rodeo Grounds of Davie, Florida. Mr. Kiar indicated that the agreement was a binding contract.

Councilmember Paul spoke about the history and development of the arena and made the point that part of the contract provided for exclusive use of the property for the arena. She felt that the clause saving this property was an important part of the contract. Councilmember Paul further reported her plan for a plaque remembering the families that began the arena and included some history of the arena.

Scott McCloskey, 2102 Nova Village Drive, disapproved of some current and former Councilmembers who chose to ignore or not address serious issues; however, the present Council had decided the serious issues would be addressed. He referred to recent issues in the Fire Department and Building Division, as well as the failure of former Town Attorney and Town Administrator to notify Council of a potentially serious legal conflict. Mr. McCloskey stated that appointed Town officials were in violation of law and praised Council for its courage to address concerns of the residents.

Gloria Casale, Risk Management Technician, advised that she had been an employee for 15 years and her co-workers were distressed at the developments that had transpired concerning Town Clerk Reinfeld. She indicated that she found the accusations hard to believe and added that she had never witnessed Town Clerk Reinfeld doing anything unethical. Ms. Casale praised Town Clerk Reinfeld for her hard work, dedication and loyalty to the Town. She believed an investigation would bring the truth to light and sincerely hoped that the rumor on Town Clerk Reinfeld's termination was only talk, that the matter would be reviewed and the accusations proved false.

Freda Gellerstein, Personnel Coordinator, advised that as a supervisor, Town Clerk Reinfeld was the most ethical, straight forward and honest woman she knew. She indicated that she was distressed at the newspaper articles regarding Town Clerk Reinfeld's "lapse of judgment" and the possibility of her termination. Ms. Gellerstein stated that Town Clerk Reinfeld was someone she could trust, respect, looked up to and knew that she would not do anything that was unethical. She asked if anyone could tell her that no one had a lapse of judgment and questioned if this was grounds for termination. Ms. Gellerstein added that morale was at an all time low and at the last Council meeting, it was indicated that "if you don't like it here, go someplace else." She indicated that she wanted to continue her career with the Town and added that she did not want to attack or insult Council and hoped that Council respected the Town's employees.

Janet Gale, Office Assistant, referenced the newspaper article and found the accusations against Town Clerk Reinfeld difficult to believe. She said that the accusations did not ring

**TOWN COUNCIL MINUTES
JULY 5, 2000**

true to Town Clerk Reinfeld's character, dedication, and work ethic. Ms. Gale stated that a number of Councilmembers had worked with Town Clerk Reinfeld, had trusted her knowledge and had depended on her ability to guide them through campaigns and Council procedures. She indicated that Town Clerk Reinfeld's professional ethics could not be compromised and added that it was her mandate that staff remain unbiased and to treat all candidates equally with respect. Ms. Gale asked that Council thoroughly investigate any accusations against Town Clerk Reinfeld before taking any action.

Steve Parra, Imagination Farms, commented about the paved recreational path bordering the Imagination Farms development. He expressed concern in regard to the liability, ownership and maintenance of the canal bank opposite the development. At the time of purchase, residents were told that the path would be an equestrian trail, not paved asphalt. Mr. Parra spoke on behalf of other residents who understood their purchase to be an enhanced location with privacy to the rear. Indicating that this path was used by members of other communities which violated their privacy, Mr. Parra proposed the development of a berm between the canal bank and the path. He further stated that a document which was given to the Town when the developer signed over the easement known as the Vacation of Canal Maintenance Easement was unavailable. It was the concern of residents that the Town might indemnify Imagination Farms, who would like to establish whether or not they have a liability in this area. Mayor Venis suggested that Assistant Town Administrator Robert Rawls meet with Mr. Parra in an effort to answer these issues.

Delia Alonso, 2670 South Flamingo Road, commended Council for its courage to do what was right and what was best for the Town. She indicated that due to the changes in Council, residents finally feel support and listened to. Ms. Alonso stated that intrigue, gossip and disruption are indication of disempowerment, concocted and spread by those guilty of misuse of power, in competency, bigotry and hatred. She encouraged Council to continue correct the wrongs and move forward to make the Town the best run city and the best place to live in the County.

Raul Bosque, 14801 SW 31 Court, discussed the revolution that was taking away the reins of power from developers and multi-million dollar corporation and restoring the reins in the hands of the residents and the elected officials. He stated for too long, the residents have watched helplessly as the Town's firefighters have had to endure the racism and sexism which characterized the "Davie of old." Mr. Bosque added that for too long, the residents have watched helplessly as the Town was run by "cronyism" and last vestiges of the politics of the old South." He thanked Mayor Venis, Vice-Mayor Weiner, and Councilmembers Paul and Clark for the things that were changing in the Town. He advised that Council had taken a lot of unfair criticism from those who profited from the old system and had been falsely and unfairly accused of pandering to unions and special interests. Mr. Bosque advised that he and his neighbors applauded the work of Council.

Julie Aitken, 3801 Flamingo Road, added her approval of the actions of the majority of Council stating that its efforts had dismantled backroom deals. She expressed concern of the replacement of Tamika Simmons, a Sun-Sentinel reporter, who in the past had accurately covered Council meetings. Ms. Aitken cited the example of the recent decision on behalf of firefighters and Mr. Middaugh's recent termination stating that the coverage given this incident by the news reporter was couched in propaganda and inaccurate reporting.

Jason Curtis, 3801 Flamingo Road, addressed Council regarding special interest groups and described this category as anyone in a political position or those of a group who could

**TOWN COUNCIL MINUTES
JULY 5, 2000**

influence someone in a political position. He enumerated several special interest groups and encouraged all to recognize their own special interests and be tolerant of others. Mr. Curtis cautioned Council to recognize where its support originated. He supported the decision to replace Mr. Rawls with Mr. Willi and asked Mr. Willi how approachable he would be by the residents, staff and Council. Mr. Curtis also asked Mr. Willi if his job had been threatened by Mr. Middaugh. He suggested that Council visit the idea of promotion from within at the time it decided on a Town Administrator. Mr. Curtis also suggested that Council take the "Interim" out of Mr. Willi's title and indicated that he agreed with Council's decision regarding the previous Town Administrator.

Kerry Waldee, 13450 SW 40 Street, spoke in support of those Councilmembers who had supported the residents. She added that she was pleased to be a recent resident.

Ruth Dryer, 11555 SW 21 Court, reminded Council that hurricane season was upon us and there was a need for drainage improvements. She questioned whether or not Hiatus Road would become a four lane roadway. Mr. Rawls responded that there was no proposal to change Hiatus Road from a two lane roadway. He indicated that there was a plat related to making a specific two-lane section of road wider with a safer shoulder, but it would remain a two-lane road.

Vice-Mayor Weiner asked Ms. Dryer about lab results on recent water tests from her lake. Ms. Dryer indicated that there were two tests and a treatment which resulted in her water still falling below recommended levels.

Ted Hixon, 13490 SW 7 Place, reminded Council of the last words to the Pledge of Allegiance, "and justice for all." He asked that Council keep that objective of justice for all including residents and businesses, not just officials. Mr. Hixon praised Council for its work.

Sheila Preston, Clerk Typist, stated that changes needed to be made in District 1 that would provide activities for teenagers. She indicated that the employees were wondering what would happen next and indicated that she had never seen Town Clerk Reinfeld do anything unethical. Ms. Preston stated that the Town needed to return to focusing on the residents and indicated that she had seen "a lot of fighting" amongst Council and "a lot of fighting" amongst the firefighters. She added that she was tired of seeing Town Clerk Reinfeld persecuted in the press and everyone already had preformed decisions on what happened. Ms. Preston stated that Town Clerk's Office was doing the best it could and indicated that the Office was inundated with work. She said that the Office did its best to provide everything that the residents or Council requested. Ms. Preston added that the employees went above and beyond the call of duty to make certain that everyone's confidentiality was protected.

Dana Goodell, 13081 SW 40 Street, described an encounter with Councilmember Paul and her prompt response to her concerns regarding Imagination Farms. Ms. Goodell praised Council as a whole.

Mark Chatlos, Driver Engineer, spoke of the recent turmoil in the Fire Department assuring residents and Council that the performance of the firefighters jobs would not suffer as a result. He reported that the concerns were great and would continue to be expressed by those in the Department, and whenever possible, directly to Administration. Mr. Chatlos spoke well of Council, although he was disappointed at not receiving return phone calls from Councilmember Cox. He stated that he had spoken to Council individually regarding problems when he lived in the Town and to receive some response but "it fell on the deaf ears of this Administration." Mr. Chatlos said that it was time to make the changes that

**TOWN COUNCIL MINUTES
JULY 5, 2000**

Council was making, not just for the employees but for the citizens. He applauded the employees who supported Town Clerk Reinfeld but employees were discussing issues which they were unfamiliar with. Mr. Chatlos stated that it was time to make the changes and applauded Mr. Willi for what he had done. He indicated that he knew that Mr. Willi would do the best he could.

Relit Weiss, 13281 SW 42 Street, was concerned about what was happening in the community and gave his support to Council as a whole.

Ellen Christopher, 3666 West Valley Green Drive, asked that for those who thought the majority of Council was corrupt, they should report this to the State Attorney's Office if they had proof. If there was proof, start a recall petition to have Council removed; however, don't "babble" once a month at Council meetings or hide behind an anonymous e-mail address. Ms. Christopher stated that the Town employees should concern themselves with doing their jobs, rather than whether or not to support certain Councilmembers. She said that the only reason an employee would be fired was if they did not do their job or violated Town Code or State Statute.

Tammy George, 12900 SW 17 Place, addressed Council on behalf of the firefighters and described recent equipment failures on vehicles overdue for preventive maintenance stating that one had not been in adequate operation since 1999. She indicated that she had copies both of repair orders and correspondence regarding equipment that had gone unanswered, pleading for accountability for this routine maintenance. Ms. George described several incidents of equipment failure which could have resulted in serious and dangerous results and called attention to the safety report enumerating the needs. She added her support of present Council.

Bill Edmondson, 4311 SW 93 Avenue, addressed Vice-Mayor Weiner and Councilmember Clark in regard to their poor treatment of residents at public meetings. He cautioned Mr. Willi about his future with Council and willingness to stand up to them. Mr. Edmondson questioned how long it took to "get a final" on a roof as he had been waiting nine months. He stated that the Building Division must like Mr. Willi as he had given them a \$6,000 raise, a \$3,000 bonus for doing their job and a department vehicle.

Dan Frost, 4100 SW 54 Avenue, applauded Council for its work, diligence and tenacity. He offered Mr. Willi his prayers and made reference to the plans for the Building Division. Mr. Frost commented that this was a wise choice and added that this vision needed to be carried out to the other departments. He stated that employees became frustrated with work overload and the focus should not be just on the Building Division. Mr. Frost reported that recent physical improvements to the Town indicated a need for maintenance and asked Council to evaluate and make plans for all departments.

Lisa Edmondson, 4311 SW 93 Avenue, stated that what Council was doing was wrong and indicated that the residents were worn out from trying to pull in the reins on an "out of control Council." She said that those fighting the takeover had no political connections or were not with developers, business interests or unions, but simply wished to have competent people leading the Town properly. Ms. Edmondson accused Council of permanently damaging the lives and careers of those who opposed them and surrounding themselves with their supporters. She stated that advisory board members were being replaced by people who only agreed with the current politics and the residents needed to think what was being gained and by whom. Ms. Edmondson discussed the bar complaint that was dismissed against Vice-Mayor Weiner.

**TOWN COUNCIL MINUTES
JULY 5, 2000**

Allen Dance, 13012 SW 40 Street, thought it was refreshing to see people exchanging thoughts and ideas. He said that it was nice to have the responsiveness of Council and applauded Council's right to vote with the conviction of their hearts. Mr. Dance offered Council his support and thought it was doing a superb job in representing his interests as a resident.

Mark Kendall, 3200 SW 148 Avenue, stated that he was pleased to be living in a Town where his concerns were heard and expressed his thanks to Council.

Sandy Switzer expressed her disapproval of Council citing examples of misuse of Town money spent on what she referred to as "political whims of Town Administration." She stated that the termination of previous Town Administrator Bob Flatley was a dishonorable way of dealing with people. Ms. Switzer enumerated costs associated with locating previous Town Administrator Bob Middaugh and reminded all that when paying for a professional, one received professional management techniques. Mr. Middaugh's subsequent termination, in Ms. Switzer's opinion, was a waste of taxpayers' money and she criticized Council for being irresponsible in this decision. She further indicated that Council's plan in hiring Mr. Middaugh was to also control him.

Bruce Novak, 4262 SW 78 Drive, stated that medical records were private and there should be zero tolerance for breaching medical records without qualified authorization. He indicated that the turmoil with the Fire Department began with the last election and spoke to the issue of weapons on Town property calling for zero tolerance. Mr. Novak recommended that only qualified people be hired to positions, not just those who were expected to fill in.

Joy Yoder, 12610 SW 13 Manor, spoke regarding her position on advisory boards and stated that she was never asked to vote in a specific way in respect to any issue.

Michael Davenport, 14041 SW 22 Place, stated that he was saddened by the recent news and "how the events have been shaping up" in the Town over the past few months. He expressed his concern for how taxpayer money was used in the hiring and termination of Mr. Middaugh, which he estimated to be approximately \$250,000. Mr. Davenport stated that potential candidates for administrator should be asked if they had a mind of their own and if the answer was yes, that person should not be hired. He reported that the issues under discussion just two years ago reflected genuine concerns about real issues in the community rather than personnel matters, personal issues and political issues which Council was now concerned about. Mr. Davenport stated that Council had ceased to represent all people.

George Wexler, Firefighter, supported Council and he assumed that Council had overwhelming support from the residents.

Mike Bender, 14800 SW 31 Court, expressed his support of Council's action to terminate Mr. Middaugh and congratulated Mr. Willi on his appointment. Mr. Bender encouraged residents by reminding them that it was they who would dictate policy and direction of the Town. He spoke to charges that this Council was being maneuvered by the firefighter's union stating that these accusations were false and that the efforts of special interest groups, no matter which ones, were part of the process of government. Mr. Bender made reference to Councilmember Cox's attempt to delay an ordinance from going to the voters and predicted that the next election would prove that residents did make the final decision. He commended the four Councilmembers who gave a voice to residents and agreed with them in efforts to protect the unique and rural integrity of the Town.

Bruce McGee, 14181 SW 15 Court, described the Town government of two years ago and indicated that the present Council was moving the Town in the right direction. He

**TOWN COUNCIL MINUTES
JULY 5, 2000**

spoke on behalf of firefighters and recent accusations that they had been influencing this Council. Mr. McGee said that as firefighters approached residents explaining some of the needs of the Town, the response was favorable and appropriate and a natural result of the process of democracy.

4. PRESENTATIONS

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

Sharon Pierce-Kent, Parks and Recreation Director, advised that upcoming events included: tackle football and cheerleading registration (ages 6 to 15); flag football and cheerleading registration (ages 4 to 7); adults and seniors birthday bash (August 25th); and Davie Players theater group (Tuesday evenings).

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Tail of Life, a wildlife environmental awareness program (July 8th - 9th); and the Five Star Rodeo (July 21st - 22nd). She thanked several departments for their involvement in the July 4th celebration.

Mayor Venis announced that item 10.7 needed to be tabled to July 19, 2000.

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

Mayor Venis announced that item 10.8 had been withdrawn at the June 21, 2000 meeting.

Mayor Venis referred to remarks made earlier concerning Mr. Kiar and Mr. Willi. He asked that Mr. Kiar provide information about his background and that Mr. Willi explain his experience.

Mr. Kiar advised that he had been practicing law for 27 years, had graduated from St. John's Law School in 1973, and practiced in the States of New York and Florida. He reported that he was a former Special Assistant U.S. Attorney and Counsel to the United States Small Business Administration, former adjunct professor at Nova University Business School of Law, and had received the highest possible rating in the Martin-Hubbell directory of attorneys. Mr. Kiar indicated that he had a great deal of trial experience and a variety of litigation experience including agrarian issues. He had represented Park City residents and won against the City of Sunrise and he mentioned that he was also a divorce attorney. Mr. Kiar agreed to do his best and represent the Town accordingly.

Mr. Willi reported that he grew up in this area and had received a general contractor's certification in 1987. He referred to his experience as a developer in the Jupiter area, and also as a project supervisor and explained that he developed commercial properties. In 1991, Mr. Willi joined municipal government in the capacity of Building Official for the Town of Atlantis in Palm Beach County where he was in charge of the Building Department. That was followed by his position as Building Inspector for the City of Pembroke Pines and later as Building Official for the City of Hallandale, where he eventually became Acting Director of the department. Mr. Willi advised that he took the position of Interim Town Administrator in Davie assuming a pay and benefits reduction, wanting the challenge the position offered. He indicated that he held an Associates of Science Degree in Business Administration and Management from Palm Beach Community College and was certified through the Council of

**TOWN COUNCIL MINUTES
JULY 5, 2000**

American Building Officials. Mr. Willi stated that he was also a member of Southern Building Code Congress International Professional Development. He reported that he had a great deal of experience dealing with residents and was pleased to have the challenge of dealing now with Town employees and the functions of the Town itself.

**5. MAYOR/COUNCILMEMBERS COMMENTS
MAYOR VENIS**

JULY 4TH FESTIVITIES. Mayor Venis thanked all involved in this event, indicating that he had received much feedback on how much this day was enjoyed by residents.

CONGRATULATIONS. Mayor Venis sent his anniversary wishes to Mr. and Mrs. Kiar and happy birthday wishes to Councilmember Clark.

MEETING UPDATES. Mayor Venis advised that he had met with the master group of Nova Drive comprising of about 12 different homeowner associations and 741 homeowners. They were finalizing details of the new plan for the proposed development with developers and residents which would soon come before Council. The residents of Nova Village were interested in the original site plan on the Home Depot and Mayor Venis asked Planning and Zoning Manager Jeff Katims to make the plan available for the next meeting.

Mayor Venis advised that Mr. Rawls was asked about the Waverly Hundred situation and had been requested to provide a list of open items compiled from several meetings with homeowner groups that need to be worked on. Mayor Venis also advised of many requests for speed humps.

Mayor Venis mentioned the cable franchise and was advised by Mr. Rawls that BellSouth had completed their construction and it was not known if they would provide underground access or move forward with a transmission program. Mr. Rawls indicated that all complaints had been responded to, except those specifically concerning BellSouth restoration promises. Mayor Venis asked about those homes with cables still not buried. Mr. Rawls indicated that cable television/computer service was part of an unregulated industry and the plan was to convert residents' telephone system onto this new light guide cable and stated that they would formulate residents' concerns in a letter to BellSouth and report back. Mr. Rawls further stated that the provider that was doing the telephone service could not do the cable connection, but this should not delay completion of the work. He added that Mr. Kiar would need to become involved in this as well.

BUILDING PLANS. Mayor Venis spoke about the plan of Home Depot to refurbish one of the buildings in Potter Park and advised that he had met with Chief of Police John George in this regard. Councilmember Clark was looking at grant monies for this project and he had also been working on this project. Mayor Venis requested something be presented to Council regarding the gymnasium and not to spend money on a building that would be torn down in the near future. He thought that the Potter Park project and the gymnasium could be accomplished quickly and asked that proposals be forthcoming

COUNCILMEMBER CLARK

OPEN MEETING COMMENTS. Councilmember Clark thanked Ms. George for her comments regarding her husband's job as a firefighter and how the issues were about people and their safety.

SILVER OAKS MEETING. Councilmember Clark stated that she would not be at the next Silver Oaks meeting as she would be attending a budget meeting.

**TOWN COUNCIL MINUTES
JULY 5, 2000**

APOLOGIES. Councilmember Clark apologized to Mr. Kiar and Mr. Willi for the derogatory comments made about them and encouraged them to consider the source.

JULY 4TH. Councilmember Clark congratulated Ms. Stafiej for her efforts on the celebration.

NEWSPAPER ERROR. Councilmember Clark commented on the reference made in a news article, stating that the report of audience applause after Mr. Middaugh was terminated was in error. Councilmember Clark indicated that she did call the editor of the paper and a correction was printed.

CONTACTS FROM RESIDENTS. Councilmember Clark stated that she had been contacted by a number of individuals concerning her only being voted in only by the firefighters. She said that the individual wanted to remind her that they were not firefighters but were part of the 60% who had voted for her.

CLARIFICATION. Councilmember Clark clarified that she did not attack residents and never had. She indicated that she defended herself and before she was elected, someone attacked her family, which could have resulted from him losing his job. Councilmember Clark stated that she felt everyone deserved to be respected and applauded staff members who spoke in favor of Town Clerk Reinfeld.

PARK MAINTENANCE. Councilmember Clark advised of the situation where growth was waist high and stated that the contract needed to be reviewed as the property was not being cut once a month. She suggested that another bid be entertained or "utilities" people be asked to take it over.

MINORITY INTERESTS. Councilmember Clark spoke personally about her family's experiences in the past and encouraged everyone to be tolerant. She agreed with Mr. Truex's idea to create a celebration for Martin Luther King Day.

COUNCILMEMBER COX

JULY 4TH. Councilmember Cox expressed her appreciation for those who designed and carried out this event.

RECENTDISAGREEMENTS. Councilmember Cox spoke about the recent turmoil and stated that this had been successful in bringing an interest in politics to residents which she hoped would continue. She encouraged everyone to be tolerant of one another's views and to maintain a decorum of civility as these views were given. Councilmember Cox addressed Imagination Farms and offered to come and speak to them so they could get to know her better. She spoke about the Town issues in general and thanked all for coming out to give their views.

E-MAILMESSAGE. Councilmember Cox advised that a message was sent to all of Council by Councilmember Clark and Mr. Kiar had asked Councilmember Cox to delete the message. Councilmember Cox did not feel that the message should be deleted and it would be available to anyone who wanted to see it. Mr. Kiar indicated that this message, which was meant for Capital Projects Manager Cheryl Dolan was inadvertently sent to Council and that was why he had asked that the message not be read. He advised that as a matter of caution, the e-mail server was completely closed until after tonight's meeting. Councilmember Clark thanked Mr. Kiar and reported that it was only a note indicating that something was missing on the agenda.

**TOWN COUNCIL MINUTES
JULY 5, 2000**

VICE-MAYOR WEINER

CONGRATULATIONS. Vice-Mayor Weiner offered his congratulations to several Davie schools as it was reported in the paper that a couple of the schools received an “A” grade from the State. He specifically mentioned Principal Iscovitz for Indian Ridge Middle School, Principals Chuckman, Morris, Coley, and Kaufmann at Fox Trail, Flamingo Elementary, Nova Blanche Forman, and Hawkes Bluff. Vice-Mayor Weiner also congratulated his daughter for her acceptance as a violinist into the Symphonic Youth Orchestra of Florida.

LIBRARY. Vice-Mayor Weiner asked if the library and Young at Art facility could be added to the next meetings agenda.

MEDIA. Vice-Mayor Weiner referred to the extensive press coverage over the last few weeks in regard to the Town and indicated that they were remiss in not mentioning a comment made by him. “I truly admire Councilmember Cox’s passion to speak her mind and to express her viewpoint. We may disagree, but I truly admire her conviction to speak her mind,” was the accurate quote.

CITY OF SUNRISE. Vice-Mayor Weiner spoke regarding the surcharge and asked whether the Town should build its own water system for the other half of town. He further suggested a feasibility study as to what this would entail and that the proposal for a study be added to the agenda for discussion for the next meeting.

COUNCILMEMBER PAUL

CONGRATULATIONS. Councilmember Paul applauded Doug Iscovitz on being the Florida Principal of the Year and mentioned that he would be competing for the National Principal of the Year title. She also added her praise of Davie schools and included Davie Elementary, as an “A” school. Councilmember Paul mentioned the July 4th picnic and thanked Parks and Recreation, Fire, Police, Public Works, the Child Safety Board, and the Senior Citizen Advisory Board and recommended that Special Projects be made a separate department.

TAIL OF LIFE, FESTIVAL OF HOPE. Councilmember Paul encouraged all to attend this event on July 8th and 9th which featured endangered species as well as a Native American presentation.

KIDSVOTING. Councilmember Paul advised that Ms. Stafiej would bring this project into each school, teaching kids about the voting process.

ORANGE DRIVE. Councilmember Paul talked about the possible agreement with the Town to transfer portions of Orange Drive from the County to the Town’s jurisdiction.

LEAVE TIME. Councilmember Paul expressed a concern with so many employees being on vacation at the same time. It was her understanding that leave time would be granted only if adequate coverage was available for each department. Councilmember Paul advised that many other municipalities did not have commission meetings during July or August which gave staff an opportunity for vacations. She proposed the idea of having one additional meeting each month for policy items only, which would alleviate the current calendar juggling for special meetings.

PROPERTY VALUE. Councilmember Paul spoke of recent news coverage that stated that property values in the Town were rising. She indicated that she was looking forward to the first budget workshop to see how this translated to revenue for the Town.

ZERO TOLERANCE ISSUE. Councilmember Paul proposed that Mr. Willi look into a plan for all employees to take part in some sort of diversity training and further recommended that regulations and policies become more stringent with action taken when a violation

**TOWN COUNCIL MINUTES
JULY 5, 2000**

occurred. She indicated that the first priority should be to serve the public and, although improvement could always be made in the "customer friendly" area, she had heard many favorable comments about the Building Division. Councilmember Paul thanked Cheryl Ellett, Candice Ordway and Maria Blackiston who worked in the Town Administrator's Office and praised their professionalism in dealing with the public. She also thanked Sheila Preston for her work with scheduling and Marcie Nolan from Planning and Zoning.

6. TOWN ADMINISTRATOR'S COMMENTS

BUILDING INSPECTOR PAY SCALES/STAFFING LEVELS. Mr. Willi reported that he had met with Human Resources and the union to discuss proposed salary increases and advised that funding for these expenditures came directly from building permit revenue. He indicated that the results of a salary survey with the County showed that the Town fell far below the average and he was recommending an increase of approximately \$6,000 in base pay as well as an incentive pay of \$3,600. Mr. Willi stated that he was also recommending that building inspectors be allowed to drive their Town issued cars to and from work. He indicated that this increase would place the Town fourth from the top of the salary scale in the County. Mr. Willi reported that advertisement for inspectors at this new rate began recently and indicated that the Building Division had received many responses.

Mayor Venis asked if the County was aware of the recent improvements. Mr. Willi indicated that the County had been monitoring the activities of the Building Division and was concerned with the amount of rollover inspections that were having to be performed. He reported that inspections were often performed within 72 hours, but the South Florida Building Code required them to be done in 24 hours.

FIRE DEPARTMENT INVESTIGATION. Mr. Willi reported that after reading the reports and finding them to be thorough and complete, he had released Deputy Fire Chief Leonard DePaola from employment effective June 30th. He stated that he planned to meet with Fire Chief Michael Donati to discuss his future role with the Town. These discussions would be provided in a report at the next Council meeting and Mr. Willi indicated that he would ask for direction at that time.

DEPARTMENT NEEDS ANALYSIS. Mr. Willi stated that this needs analysis was requested by Mr. Middaugh and would outline what each department would ideally need to operate. Mr. Willi indicated that it was his plan to incorporate many of these ideas into this year's budget workshop.

CUSTOMERSERVICE. Mr. Willi felt that what was most important for citizens and users of Town services to be consistently offered was good service and he would like to see more customer service training. He advised that his office was always open and he was available during normal business hours to discuss concerns.

INTERIMPOSITION. Mr. Willi recommended that his employment contract be added to the next agenda as more pressing matters needed immediate attention.

7. TOWN ATTORNEY'S COMMENTS

DISMISSAL. Mr. Kiar advised that the Town had received a voluntary dismissal dismissing the Town as a defendant in the Transamerican Land Corporation case.

BROADWAY JOE'S. Mr. Kiar stated that a temporary injunction remained in effect prohibiting Broadway Joe from selling ice cream in the Town. He advised that Mr. Orandello had increased his prior proposal from \$11,000 to \$20,000 indicating that he would need to

**TOWN COUNCIL MINUTES
JULY 5, 2000**

refinance his home to come up with the proceeds. Mr. Kiar stated that if Broadway Joe's trucks were seen on the street, he was in violation of the temporary injunction.

CUMMINGS CASE. Mr. Kiar thanked Mr. Rawls for his help in producing documents that were requested.

DISCOUNT AUTO PARTS. Mr. Kiar stated that Council had approved a resolution regarding litigation of the Code Enforcement lien from \$21,000 to \$5,225 which had been paid.

SILVER OAKS. Mr. Kiar informed Council that he had been asked by Councilmember Clark to review the annexation agreement with regard to the installation of street lighting. He advised that the agreement provided for lighting along existing roadways if requested by the owners of Silver Oaks, however, the cost, responsibility and maintenance would be born by the Town.

CITY OF SUNRISE. Mr. Kiar reported that Ivan Reich and Dan Rosenbaum, the Town's special counsel, had provided an extensive analysis of the Town's right to pursue an eminent domain proceeding against the City of Sunrise regarding the water system. Mr. Kiar advised that an Executive Session would not be held as these sessions were only for pending litigation. He asked Mr. Willi to arrange one-on-one meetings with Mr. Rosenbaum and/or Mr. Reisch so that they could review their opinion with each Councilmember.

BLASTING. Mr. Kiar advised that Senate Bill 772 appeared to remove the ability of local governments to regulate blasting. He stated that he had contacted Miramar City Commissioner Marjorie Conlin who had advised that this did not pertain to new home construction, but only to new development in the mining industry.

8. CONSENT AGENDA

Minutes

- 8.1 May 10, 2000 - Workshop Meeting
- 8.2 June 12, 2000 - Special Executive Session
- 8.3 June 12, 2000 - Special Meeting

Home Occupational Licenses

- 8.4 Glass Masonry Concepts, Inc., 11924 SW 44 Street
- 8.5 Stalnaker Contracting, Inc., 3100 SW 137 Terrace

Resolutions

- 8.6 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING**
R-2000-156 **THE BIDS FOR SUPPLY AND INSTALLATION OF VARIOUS TREES AND**
SHRUBS. (Elan Lawn Service, Southeast Cattle Co., Inc. and Siga, Inc.)

- 8.7 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING**
R-2000-157 **THE BID FOR TWO (2) HURRICANE RESCUE PUMPER, CITY OF**
TALLAHASSEE BID NO. 2166-95-R01-1GG. (Emergency One, Inc.; \$611,150)

- 8.8 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING**
R-2000-158 **THE BIDS FOR HEAVY EQUIPMENT RENTAL. (lowest bidder for each item)**

**TOWN COUNCIL MINUTES
JULY 5, 2000**

- 8.9
R-2000-159 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR TRANSCRIPTION SERVICES FOR BOARD MEETINGS. (Cyberwrite, Inc.; \$20,000)**
- 8.10
R-2000-160 **WAIVING BIDDING - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING FORMAL BIDDING AND ACCEPTING THE BID FOR ONE TYPE 1-RESCUE UNIT (2000 FORD F-350) FROM WHEELED COACH INDUSTRIES, INC. (\$81,778)**
- 8.11
R-2000-161 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND THE CHIEF OF POLICE TO ENTER INTO THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT OPERATION "NO FEAR" MULTI-AGENCY VOLUNTARY COOPERATION MUTUAL AID AGREEMENT.**
- 8.12
R-2000-162 **PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "UNIVERSITY PARK AT DAVIE PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 6-1-00, 5400 South University Drive)**
- 8.13
R-2000-163 **DESIGN/BUILD SERVICES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE HASKELL COMPANY TO PROVIDE DESIGN/BUILD SERVICES FOR IMPROVEMENTS TO PINE ISLAND PARK. (\$4,110,220.90)**
- 8.14
R-2000-164 **DESIGN/BUILD SERVICES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE HASKELL COMPANY TO PROVIDE DESIGN/BUILD SERVICES FOR IMPROVEMENTS TO DRIFTWOOD ESTATES PARK. (\$199,951.11)**
- 8.15
R-2000-165 **SETTLEMENT AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT IN THE CASE STYLED IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA, CASE NUMBER 93-12985(02), RALPH SESSA, ET AL, V. TOWN OF DAVIE, FLORIDA, A MUNICIPAL CORPORATION, ETC. INVOLVING A SPECIAL ASSESSMENT AND PERMITTING THE PARTIES TO PROCEED TO A BINDING IMPARTIAL HEARING TO DETERMINE WHETHER THE SUBJECT PROPERTIES SPECIALLY BENEFITED FROM THE SPECIAL ASSESSMENT AND PROVIDING AN EFFECTIVE DATE.**

**TOWN COUNCIL MINUTES
JULY 5, 2000**

Site Plans

- 8.16** SP 4-5-00, The Gardens at Stirling, SW 61 Avenue approximately 220 feet north of Stirling Road (RM-10) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval based on the planning report and that the petitioner change the front entry to a hip roof with two columns and that planting material in front be switched from Hibiscus to Nora Grants
- 8.17** SP 5-2-00, New Town Commerce Center, 4071 SW 47 Avenue (M-3) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval based on the planning report items 6, 8, 9 and 11 and that the balance of the comments will be addressed with staff to work out an agreement with staff, and if it cannot be worked out, the petitioner will come back to this Committee

Site Plan Modification

- 8.18** SP 3-1-00, Nextel Site #FL-1659D, 5501 South University Drive (B-2) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the specifications and requirements of staff [as indicated in the planning report]

Councilmember Cox asked that item 8.10 be removed from the Consent Agenda. Vice-Mayor Weiner asked that items 8.13 and 8.15 be removed. Councilmember Paul asked that item 8.7 be removed and asked that item 8.18 be heard after item 10.6. Councilmember Clark asked that item 8.14 be removed.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to approve the Consent Agenda without items 8.7, 8.10, 8.13, 8.14, 8.15 and 8.18. In a voice vote, all voted in favor. (Motion carried 5-0)

8.7 Councilmember Paul commented that this purchase was long overdue. Dan Frost questioned the total cost and indicated that he was a member of the apparatus committee in the Fire Department. He indicated that the total cost was \$299,818 for each unit which totaled \$599,636. Mayor Venis stated that it appeared that additional items were added to the units. Mr. Frost said that the proposed bid was an old bid as the committee had tried to keep the cost of each unit under \$300,000. Leonard DePaola indicated that the proposed bid was placed on the agenda, however, changes had been made after that.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to approve with the revision in the resolution to reflect in Section 1, the sum of \$299,818 as opposed to \$305,575 for a total expenditure of \$599,636. In a voice vote, all voted in favor. (Motion carried 5-0)

Mr. Willi suggested that the motion be not to exceed \$611,150 and explained that the resolution would have to be rewritten for Council to approve the purchase at a different amount.

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

**TOWN COUNCIL MINUTES
JULY 5, 2000**

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, that the total expenditure not exceed \$611,150 utilizing the information set forth in the June 23, 2000 price sheet. In a voice vote, all voted in favor. (Motion carried 5-0)

8.10 Councilmember Cox objected to this purchase not going out for bid. Mayor Venis asked EMS Coordinator Jose Rivero if this could go out for bid. Mr. Rivero advised that doing so would take them over the time line, as it took 60-90 days to build once approved and that it was at a 5.65% increase from the last one purchased. Mayor Venis indicated that the goal was to standardize the fleet and Mr. Rivero advised that the deadline was October 1, 2000 due to taking over Station 91. Vice-Mayor Weiner advised that the plan was to phase in a single tier system by October 1st and this purchase would bring the Fire Department to four front line units and two back-up units. He referred to the maintenance schedule and asked Mr. Rivero if the added equipment would provide enough back-up coverage. Mr. Rivero indicated that there were times when there were no spare units and added that units went in once a month for maintenance. Mayor Venis asked how many units would be needed with Mr. Rivero advising that a four to three ratio was needed.

Councilmember Cox expressed her concern that the original two units purchased were never put out to bid and it should be the goal to save the taxpayers money. Mayor Venis advised that when the original units were purchased, it was the lowest pricing available and asked Mr. Willi what the finances were if an additional unit was added. Mr. Willi was not sure what would be available as this request was not a budgeted item.

Mayor Venis suggested that the motion be contingent upon looking into the financing for the second unit. Vice-Mayor Weiner indicated that he would prefer to look at purchasing one unit and then have Budget and Finance Director Christopher Wallace look at the finances with a report at the July 19th meeting for the purchase of a second unit.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to approve preferring to look at purchasing one unit and then have Mr. Wallace look at the finances with a report at the July 19th meeting for the purchase of a second unit. In a voice vote, with Councilmember Cox dissenting, all voted in favor. (Motion carried 4-1)

8.13 Vice-Mayor Weiner spoke about the recent construction in Pembroke Pines by the Haskell Company. He noted that an item on the May 17th agenda had directed staff to negotiate a contract but had approved based on an estimate of \$3,600,000 and the Town was looking at a price of \$4,110,220.90. It was Vice-Mayor Weiner's feeling that this reflected a large sum from a bond issue and asked if there was a way to reduce this contract further by putting out portions of it for bid through the Town.

Mr. Rawls indicated that there had been four proposals for the design/build concept and Haskell was the lowest at about \$5.1 million. He referred to the in-house budget of approximately \$7 million which was now two years old. Mr. Rawls stated that cost increases had made it difficult to deliver all elements in the bond issue, resulting in using in-house resources, but the entire bond program could be delivered within the \$7.7 million budget. He advised that specific programs were not deleted although a \$1 million savings needed to be achieved and referred to a list of 13 revisions. Mr. Rawls said that the in-house resources, site changes and the relationship shared with vendors would facilitate this savings. A site change included the change from a recent plan to fill a drainage ditch to widening it and making it an entrance attraction to the park, thereby allowing for the use of that earth which

**TOWN COUNCIL MINUTES
JULY 5, 2000**

realized a savings of nearly \$500,000. Additionally, Mr. Rawls, reported that the Town would handle many of the purchases, realizing the sales tax savings. He described two grants which required submitting some elements of the project that were not part of the original bond document, but qualified the Town to receive the grants. As an example, Mr. Rawls indicated that the elements included a water play feature and equestrian trail.

Vice-Mayor Weiner asked about the cost for sports lighting. Mr. Rawls indicated that the price was adjusted at a savings of \$22,000 and added that any physical equipment purchased would offer a sales tax savings by being purchased by the Town.

Councilmember Clark expressed a concern in the original total of these expenditures that was to equal \$3,497,400 and there was now a \$500,000 difference in total. She indicated that there was still a number of items that were not included in the price. Councilmember Clark added that there were additional amenities she was aware of that exceeded \$19,000 and asked if a grant could be applied for. Mr. Rawls stated that the master site plan did not include some of the minor elements which were not in the narrative as it was not broken down line by line. Councilmember Clark stated that she had a list which was quite extensive. One of her concerns was that the original plan would be an extensive task to complete and now other elements had been added. Mr. Rawls agreed that it would be a challenge and it was not staff's desire to add unnecessarily to the plan. The items not specifically identified in the original program were brought out tonight and he stated that he would take that back to the State, asking them to consider maintaining the grant in consideration of the overall program.

Vice-Mayor Weiner questioned if the equestrian items could be funded from the open space bond with Mr. Rawls responding in the affirmative. Mr. Rawls added that this would be an appropriate funding source. Councilmember Clark asked about a developer's impact fund used for equestrian trails. Mr. Rawls indicated that the funds were not earmarked for equestrian trails but for all open space activities. He stated that Council could direct staff to fund this through the Open Space Program.

Councilmember Clark asked for clarification on the "unassigned bond closing costs = \$91,000." Mr. Rawls explained that the allocation for closing costs for the original \$12,000,000 bond exceeded what was expected so the realized savings could be applied to the park. Councilmember Clark asked about the FRDAP grant award. Mr. Rawls described two grants totaling \$160,000 and stated that \$102,000 had been allocated for the water play area and modular restrooms. These grants were not tied to the bond but were resources that came available every year and were applied to this need. Mr. Rawls advised that the water play area was a specific request when the grant was applied for and the original cost was estimated at \$30,000, however, the distance to a restroom resulted in the requirement of adding a modular restroom to the cost of the play area.

Councilmember Clark expressed concern that the figures on the present list would increase or not be accurate as actual costs. Mr. Rawls indicated that staff was very close to identifying the final costs and stated that the only significant outstanding cost not listed as of this date was the cost of the multi-purpose building which was an estimated \$2.3 million with enhancements. He stated that this project would go out to bid within the next few days and advised that the additional items that were areas of her concern could be revisited with the same contractor at a later date. Councilmember Clark stated that she saw several other items not indicated and Mr. Rawls addressed each of these indicating that the work was under contract, or would be a Town bid price except for the major building he referred to.

**TOWN COUNCIL MINUTES
JULY 5, 2000**

Councilmember Clark summarized her original comments by indicating that the Town was \$512,820 over what was originally planned. Mr. Rawls stated that the program scope of each item had changed and he was confident that the project would be able to be delivered, with the only unsure item being the multi-purpose building. Mr. Rawls felt that a bid would come in at the \$2.2 million budget and variables had been built into the bid. He assured that if the bid came in at \$2.2 million, the end result of the project would be \$150,000 left in contingency.

Councilmember Clark recommended that the Town not go forward with the additional \$19,000 in item costs, but delay them at this time as they were not part of the original costs.

Councilmember Cox asked if the FRDAP grant included equestrian trails and questioned that money would not be lost if some of the elements were eliminated. Ms. Pierce-Kent stated that it was possible to lose the entire grant on that basis. Vice-Mayor Weiner asked if using open space funding for the equestrian trail would jeopardize the grant. Ms. Pierce-Kent indicated that it did not matter where the matching funds came from.

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to approve subject to looking into funding the equestrian trail component from the open space bond issue and impact fees and directing staff, where possible, to identify any additional capital items that the Town could purchase to save money on the contract and negotiate further changes with Haskell to reduce the amount of the contract, to reflect the additional items that could be purchased. 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)

8.14 Councilmember Clark asked if the money allocated would still be used for Driftwood Park. Mr. Rawls responded in the affirmative and stated that the Town made a separate \$100,000 match toward this grant. He added that improvements had been made to this park through three different projects.

Vice-Mayor Weiner commented that he wanted to be careful that the Town not give priority to the Haskell Company.

Councilmember Clark asked how often these grants could be applied for. Ms. Pierce-Kent answered that the FRDAP grant came out once a year and indicated that the Town currently had three outstanding FRDAP grants which would preclude the Town from applying until one of projects had been completed. The 61st Avenue park would be funded by a grant with matching Town funds and Mr. Rawls commented that the Town had submitted a package for this to a total of more than the \$61,000 and bids would be forthcoming.

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

8.15 Vice-Mayor Weiner asked Mr. Kiar if he saw a need to go over anything to consider a settlement agreement of the lawsuit. Mr. Kiar advised that this resolution was a portion of a lawsuit which pertained to a special assessment that the Town had imposed in 1991 for improvements to 47th and intended improvements to Oaks and Burris Roads, indicating that some of the intended improvements were never made. He explained that property owners had filed a class action lawsuit against the Town claiming that they did not

**TOWN COUNCIL MINUTES
JULY 5, 2000**

specifically benefit from this assessment. Mr. Kiar indicated that there were approximately a dozen or so still open at this time. He indicated that Mr. Powers went to binding arbitration on a number of other parcels and this should have been included so that was the purpose of the resolution. Mr. Kiar advised that it would be the Town's responsibility to demonstrate that the property benefited from the assessment and from the road improvements.

Vice-Mayor Weiner asked if the special assessment would continue to be a legal issue. Mr. Kiar responded that it was his plan to investigate whether this was a financial benefit to the Town to deal with one litigant after another. The Town was sued and liens existed on other properties and Mr. Kiar stated that he would meet with Mr. Wallace to discover what was outstanding and entertain the possibility that these should be written off instead.

Larry Danielle questioned how he would find out which parcels were still in this process and Mr. Kiar indicated that he thought some of Mr. Danielle's parcels were still open. Mr. Kiar stated that if Mr. Danielle wanted to enter into a settlement and start making payment on the others, the Town would meet with him.

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

9. PUBLIC COMMENTS

Ordinance - First Reading (Public Hearing to be held July 19, 2000)

9.1 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING AN ACCESS EASEMENT WITHIN THE "HACIENDA RIVERFRONT PLAT"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 5-1-00, 3703 State Road 84)

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: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - yes; Councilmember Paul - yes. (Motion carried 5-0)

10. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

**TOWN COUNCIL MINUTES
JULY 5, 2000**

Ordinance - First Reading (Second Public Hearing to be held July 19, 2000)

10.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, PROVIDING FINDINGS; PROVIDING FOR AMENDMENT OF SUBSECTION 5-6(A) OF THE CODE OF ORDINANCES BY EXCLUDING FARMS AND AGRICULTURAL USES FROM THE PROVISIONS OF THE SOUTH FLORIDA BUILDING CODE REGARDING NON-MOBILE STRUCTURES; PROVIDING FOR AMENDMENT OF SUBSECTION 8-16(A) OF THE CODE OF ORDINANCES BY EXEMPTING NON-RESIDENTIAL FARM BUILDINGS AND STRUCTURES FROM BUILDING PERMIT REQUIREMENTS; PROVIDING FOR AMENDMENT OF SUBSECTION 12-32(A) OF THE CODE OF ORDINANCES BY REPLACING THE TABLE OF GENERAL USES FOR RESIDENTIAL DISTRICTS AND BY PROVIDING FOR A DEFINITION OF AGRICULTURAL USES; PROVIDING FOR AMENDMENT OF SUBSECTION 12-33(T) BY ADDING SUB-SUBSECTION (1) THERETO EXEMPTING FARMS FROM NUISANCE ACTIONS AND CLAIMS IN CERTAIN CIRCUMSTANCES; PROVIDING FOR AMENDMENT OF SUBSECTION 12-238(C) BY ADDING SUB-SUBSECTION (13) THERETO EXEMPTING THE ERECTION, USE OR MAINTENANCE OF SIGNS ON A FARM IN CERTAIN CIRCUMSTANCES FROM BUILDING PERMIT REQUIREMENTS; PROVIDING FOR AMENDMENT OF SUBSECTION 12-243(D) BY EXEMPTING THE ERECTION, USE OR MAINTENANCE OF SIGNS ON A FARM IN CERTAIN CIRCUMSTANCES FROM DETAILED SIGN REGULATIONS; PROVIDING FOR AMENDMENT OF SECTION 12-503 BY ADDING SUBSECTION (6) THERETO TO EXCLUDE FARMS AND AGRICULTURAL USES FROM THE DEFINITION OF DEVELOPMENT THROUGHOUT THE CODE OF ORDINANCES; PROVIDING FOR A REPEALER; 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.

Arthur Hurley, 4601 SW 128 Avenue, indicated that the chart showed "p" like permitted and an asterisk and questioning if the Town was adding a star or deleting it. Mr. Katims clarified that the asterisk had been stricken.

Jason Curtis advised that the first reading of this ordinance was at the last meeting and he was here to support it again.

Mayor Venis closed the public hearing portion of the meeting.

Councilmember Cox voiced reservations about this ordinance referring to page two, the underlined section in 8.16 "the Town recognized that nonresidential farm buildings and structures on all farms shall be exempted from building permits, etc." She recommended that the word nonresidential be added in front of structures to make it clear that a structure on a farm exempt from the permits were nonresidential in nature and the structure pertain to the farm. Councilmember Cox also referred to page four, which said "no farm operation, which has been in operation for a year, which was not a nuisance at the time of its established date of operation shall be a public or private nuisance if the farm conforms to generally accepted agricultural management practices." She stated that the part that defined nuisances that the State felt was important, had been left out of the ordinance. Councilmember Cox

**TOWN COUNCIL MINUTES
JULY 5, 2000**

recommended that the entire part of the State Statute be placed in the ordinance - the following conditions constitute evidence of a nuisance "the presence of untreated or improperly treated human waste, garbage, dead animals, dangerous waste materials or gases, which are harmful to human or animal life." Councilmember Cox pointed out that Imagination Farms was a farm and the dead cows were dragged to a fenced area, although screened from the public, were left on the ground. It was her concern that these animals be disposed of properly. She also spoke about the presence of improperly built or maintained septic tanks, water closets or privies advising that it was not appropriate for someone to build these facilities on a property line. Councilmember Cox referred to the presence of unsanitary places where animals were slaughtered, indicating that these could give rise to diseases which were harmful to human or animal life. It was her intention that this would protect residences adjacent to farms, and if the State ordinance was to be adopted, the nuisance element should also be adopted.

Vice-Mayor Weiner questioned why there were two first readings of the ordinance. Town Clerk Reinfeld responded that the first reading of the ordinance was not advertised for a public hearing.

Vice-Mayor Weiner stated that Councilmember Cox's points were valid and asked Mr. Kiar if these changes would be considered substantial. Mr. Kiar thought that Council could proceed.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to approve subject to making the revisions suggested by Councilmember Cox which would include nuisances as defined in the Right to Farm Act and inserting the word "non-residential" both in front of "building" and "structure." 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)

Ordinances - Second and Final Reading

10.2 **AMENDING OCCUPATIONAL LICENSE RATE SCHEDULE - AN**
2000-26 **ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN'S OCCUPATIONAL LICENSE RATE SCHEDULE IN ACCORDANCE WITH CHAPTER 205.0535(4) OF THE FLORIDA STATE STATUTES BY INCREASING THE RATE OF EACH CLASSIFICATION BY FIVE PERCENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title.

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

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, 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)

**TOWN COUNCIL MINUTES
JULY 5, 2000**

10.3 **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2000-27 **VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR SW 46 AVENUE**
 ADJACENT TO THE "IDF", "WEST DIXIE FARMS", JOHN C. SESSA", AND
 THE "NEWMAN'S SURVEY" PLATS; PROVIDING FOR SEVERABILITY;
 AND PROVIDING FOR AN EFFECTIVE DATE. (VA 2-1-00, Danielle/U-Pull-
 It, McKenzie Tank Lines, Inc., Adler Development, Inc., Manchac's Paving,
 4000 SW 47 Avenue)

Town Clerk Reinfeld read the ordinance by title.

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

Councilmember Paul made a motion, seconded by Councilmember Clark, 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

10.4 **VARIANCE - V 5-2-00, Summerlake Apartment, Inc., 5941 Summerlake Drive**
 (RM-16) (1 - to reduce the required perimeter landscape buffer along the
 southern property line from ten feet to five feet, and 2 - to reduce the number
 of required parking space from 216 spaces to 196 spaces) (tabled from June 21,
 2000) *Planning and Zoning Division recommended approval subject to the*
 conditions outlined in the planning report; Planning and Zoning Board
 recommended approval subject to the conditions outlined in the planning
 report

Town Clerk Reinfeld swore in the witnesses for the quasi judicial hearings. Mr. Kiar explained the rules concerning the presentation of evidence for the quasi judicial hearings. Mr. Katims summarized the planning report.

Robert Lockery, representing the petitioner, stated that changes had been made to the site plan which reduced the number of parking spaces and it was the petitioner's concern that enough parking would be available to rent the facility. He advised that the petitioner had conducted a survey of six other sites done by this developer as well as nine other sites, resulting in their agreement that parking would not be a problem. Mr. Lockery indicated that with regard to the access easement, there was no objection and it was agreed that the petitioner would eliminate the fence and provide landscaping on both sides of that path.

Vice-Mayor Weiner asked about the landscaping. Mr. Lockery assured that the landscaping would be clustered in the areas that "bulge" out and would include shade trees. He indicated that the landscaping would not create a tunnel effect.

Councilmember Clark addressed whether or not the Town had requested the revised entrance. Mr. Katims responded that this would be required of any gated community. Mr. Lockery indicated that the petitioner had requested the gates and as a result, the entrance had to be reconfigured.

Mayor Venis asked if anyone wished to provide testimony in favor of or opposition to the petition. No one spoke.

**TOWN COUNCIL MINUTES
JULY 5, 2000**

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to approve subject to the Planning and Zoning Board's recommendation. 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)

Councilmember Paul and Mayor Venis individual indicated that they had spoken with Mr. Mele on this project. Councilmember Clark advised that she had also spoken to Mr. Mele and Mr. Gonzalez. Vice-Mayor Weiner advised that he had advised Mr. Mele that he would read the material.

- 10.5 **VARIANCE** - V 6-2-00, Howard, 2821 West Abiaca Circle (PRD) (to reduce the required side yard setback from 7.5 feet to 5.5 feet) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended approval subject to the homeowner's association approval being submitted as required*

Mr. Katims summarized the planning report.

David Howard, the petitioner, stated that the purpose of this request was that when the contractor installed the pool, he was told that a screened enclosure would be added and the pool should be placed so that all requirements could be met. He indicated that the reason for the screened enclosure was that a five foot fence did not keep kids out of the property. Mr. Howard advised that his property bordered a preserve that resulted in debris pouring into his pool area when the area was mowed. He added that there was an insect problem related to his close proximity to the preserve. Mr. Howard recommended that a two foot variance would be reasonable and not allow a danger to those walking around the pool.

Councilmember Cox asked if any of the neighbors objected to this with Mr. Howard responding negatively. Vice-Mayor Weiner asked if the homeowner's association approval had been submitted. Mr. Howard advised in the affirmative with Mr. Katims indicating that he had not received the approval, however, Council could make this part of the condition of the variance.

Mayor Venis asked if anyone wished to provide testimony in favor of or opposition to the petition. No one spoke.

Councilmember Cox made a motion, seconded by Vice-Mayor Weiner, to approve with the condition that the homeowner's group provided staff with a letter that the petitioner could have a screen. 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)

- 10.6 **SPECIAL PERMIT** - SE 5-2-00, Nextel Communications/Southeast Properties, 5501 South University Drive (B-2) (to construct a telecommunication tower) (tabled from June 21, 2000) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Mr. Katims summarized the planning report.

Ron Engle, representing the petitioner, advised that there was a hole in the communications system and this property would fill in that hole. Since all zoning

**TOWN COUNCIL MINUTES
JULY 5, 2000**

requirements and property owner requirements were met, the tower would be placed approximately 1,100 feet from the front property line by University Drive, with antennas placed at about 80 feet, which provided for co-location with other carriers.

Councilmember Paul asked if any consideration had been given to a camouflage pole. Mr. Engle stated that it had been considered, but this was located inside an easement which would preclude any type of structure being placed around the tower. He advised that the boxes and equipment were not mounted directly on the pole as Nextel combined services which consumed a larger space and an enclosure around that would be difficult.

Mayor Venis asked if Nextel had any towers that would look like pine trees, as other cities had. Mr. Engle stated that the consideration to place the towers so far back from the front property line was based on the need to be discreet, but the cost of towers that looked like trees were very costly.

John Wilson, also representing the petitioner, stated that by seeking an alternative such as that, would limit the possibility of co-location candidates which would be looking to build towers in this locale and the height would be limited by the specific design. He indicated that with the application being proposed, there would be three or four possible, but the proposal with a tree application would probably be limited to two.

Councilmember Paul asked if Nextel had any satellite capabilities, Mr. Engle indicated that they did not use satellites.

Vice-Mayor Weiner asked Mr. Katims how far this site was from the new facility at the JCC and David Posnack Day School. Mr. Katims estimated that it would be several hundred feet from the proposed site.

Mayor Venis asked if anyone wished to provide testimony in favor of or opposition to the petitioner. No one spoke.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, 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 - no. (Motion carried 4-1)

8.18 Mr. Katims summarized the planning report.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Weiner - yes; Councilmember Clark - yes; Councilmember Cox - out of room; Councilmember Paul - no. (Motion carried 3-1)

Item to be Tabled or Withdrawn

**10.7 PLANNING AND ZONING BOARD TABLED TO JULY 12, 2000;
COUNCIL CAN TABLE TO JULY 19, 2000**

VARIANCE - V 5-4-00, Ross-Matz Investments, 8020 SW 30 Street (B-2)

This item was tabled earlier in the meeting.

10.8 THIS ITEM WAS WITHDRAWN AT THE JUNE 21, 2000 MEETING
VARIANCE - V 5-1-00, Mellgren/Adler Oakes, Ltd., 4350 Oakes Road (M-1, County) (tabled from June 7, 2000)

This item was withdrawn at the June 21, 2000 Council meeting.

**TOWN COUNCIL MINUTES
JULY 5, 2000**

Mayor Venis closed the public hearing portion of the meeting.

11. APPOINTMENTS

11.1 Open Space Advisory Committee (exclusive appointment - Vice-Mayor Weiner; term expires July 2000)

Vice-Mayor Weiner deferred his appointment.

11.2 Open Space Advisory Committee (one exclusive appointment - Councilmember Cox and Vice-Mayor Weiner; term of August 2000 to July 2001)

Vice-Mayor Weiner deferred his appointment. Councilmember Cox appointed Joyce Steward.

11.3 Child Safety Board (two exclusive appointments - Councilmember Cox) (members shall reflect to the greatest extent possible, interest and expertise in the following areas: law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood) (term of August 2000 to July 2001)

Councilmember Cox appointed Doreen Hixon and Kathleen Bleier.

12. OLD BUSINESS

12.1 Review of Request for Proposal - Outside Legal Counsel

12.2 Class Specifications for Inside Legal Counsel and Support Staff

Vice-Mayor Weiner indicated that he was not prepared to move forward and would like to have another meeting to review the information. Councilmember Paul advised that she had been contacted and more individuals wanted to be placed on the list. Mayor Venis stated that outside legal counsel and inside legal counsel be placed on the next agenda.

13. NEW BUSINESS

13.1 Conflict of Interest, Holland and Knight

Mr. Kiar advised that he felt there was often a potential for unforeseen conflict of interest such as what happened with the City of Sunrise litigation. He recommended that the Town not sign or consent to any waivers of conflict in legal matters.

Susan Delegal, representing Holland and Knight and Community Redevelopment Agency (CRA) attorney, advised that when her law firm had represented a private client before Council, it had been brought to the attention of the Town Administrator by a letter, and there was an approval in that matter. This situation was different because the Town's CRA was a separately constituted legal entity, a body corporate and politic with the power to sue, be sued and enter into its own contracts. Ms. Delegal explained that because of that, there was no real conflict of interest under the rules governing members of the Florida Bar relating to the Town. She indicated that the only conflict would be that involving the CRA and the CRA had waived any conflict of interest last week. Ms. Delegal further stated that it was not her desire that Council or the CRA be uncomfortable with her representation and she would bow out of her representation if asked to do so.

**TOWN COUNCIL MINUTES
JULY 5, 2000**

Mr. Kiar clarified that Ms. Delegal was no longer seeking consent from the Town since she had the consent of the CRA. Ms. Delegal responded in the affirmative and advised that this was an informational matter. Mr. Kiar pointed out that there were some instances where the Town was still vested with certain authority over the CRA; for example, the power to determine an area to be a slum or blighted area, to designate such areas to be appropriate for redevelopment and to hold any public hearings required, author the issuance of revenue bonds and other responsibilities.

Vice-Mayor Weiner indicated that the CRA was the real client and Holland and Knight had come to Council as a matter of courtesy and protocol. He asked if they were withdrawing their request for consent. Ms. Delegal responded in the affirmative as the waiver was not necessary, but only a matter of courtesy.

Mr. Kiar indicated that any request for waiver or consent must be brought before Council and they had the ultimate decision, not Mr. Kiar or the Town Administrator.

Vice-Mayor Weiner stated that if Council did not take any action because this was treated as a withdrawal of the request for a waiver and a conflict arose, would Council still be able to pursue its right pursuant to such conflict if there was one. Ms. Delegal assured Council of its rights and that issues would be addressed on a case by case basis.

**13.2 License Agreement with American Communication Services of Jacksonville
(d/b/a e.spire)**

Mr. Kiar distributed a memorandum discussing a number of changes he felt were needed in the License Agreement and advised that he had added the verbiage in reference to the Town's Engineer, "in the event licensee fails to complete the work in a safe, timely and competent manner in accordance with the provisions of the permit, within seven days of Town's notice to licensee of such failure or as required by applicable law it shall be recoverable jointly in severally from the principal and surety of the bond any damages or loss suffered by the Town as a result including the full amount of any compensation, indemnification or cost of removal or abandonment of any property of the licensee or the cost of completing the work, plus a reasonable allowance for attorney's fees up to the full amount of the bond."

Jerry Knight, representing e.spire, agreed with the added language and asked for approval of the agreement.

Councilmember Cox made a motion, seconded by Vice-Mayor Weiner, to approve subject to the revisions Mr. Kiar mentioned. In a voice vote, all voted in favor. (Motion carried 5-0)

**13.3 Schedule Special Meeting for Executive Session - Town of Davie vs. City of
Sunrise, Case No. 98-018324 (14) - July 10, 2000 @ 5:00 p.m.**

In a voice vote to hold the Special Executive Session on July 10th, all voted in favor. (Motion carried 5-0)

Mayor Venis indicated that those present would be Council, Mr. Serota, Mr. Kiar, Mr. Willi, an associate from Mr. Serota's office and a court reporter. He added that the meeting was expected to last one to two hours.

**TOWN COUNCIL MINUTES
JULY 5, 2000**

14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 12:23 a.m.

APPROVED _____

Mayor/Councilmember

Town Clerk