

**TOWN COUNCIL
REGULAR MEETING
SEPTEMBER 6, 2000**

1. PLEDGE OF ALLEGIANCE

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

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Weiner and Councilmembers Clark, Cox and Paul. Also present were Interim Town Administrator Willi, Town Attorney Kiar, and Acting Town Clerk McDaniel recording the meeting.

3. OPEN PUBLIC MEETING

Ellen Christopher, 3666 West Valley Green Drive, advised that she had been appointed to the Open Space Advisory Committee, stating that the duties of the Committee were to make recommendations to the Town. She felt that the Committee should be abolished as several employees were required for the meetings and recommendations had not been made to Council in some time. Ms. Christopher stated that the Committee had overstepped its duties by contacting the Department of Transportation (DOT), Broward County, the County Commissioners and developers. She recommended combining this Committee with the Parks and Recreation Advisory Board.

Bruce Novak, 4262 SW 78 Drive, expressed concern about \$250,000 in backpay to personnel who had been terminated by the Town. He spoke about the recent drainage concerns and recommended that people be evacuated by school buses that resulted in flooded areas. Mr. Novak asked about water control and Mayor Venis stated that he had written the South Florida Water Management asking it to keep on top of lowering water levels during a storm. Mr. Novak offered his support of extra money being allocated for the Fire Department's needs.

Rose Anderson, 4950 SW 111 Terrace, stated that the conditional gift agreement signed with Ron Bergeron was still a concern for many residents. The residents wanted to sign a petition asking that Mr. Bergeron share the billing, but revert the name to "Davie Rodeo Arena," or that the \$150,000 be returned to Mr. Bergeron and the agreement be nullified. Ms. Anderson recommended that advertisements be sold to businesses to cover this cost, as well as future maintenance costs.

Cindy Osborne, 4311 SW 63 Avenue, stated that residents had done their own legal inquiry and learned that this was not a contract but a conditional gift agreement which could be broken by refunding the \$150,000. She asked that the name "Davie Rodeo Arena" be reinstated at the site and be placed at all gateways to Davie, stating that the arena was separate from the grounds. Councilmember Paul stated that Mr. Bergeron had indicated that he would let Council decide the results of this request. Ms. Osborne stated that another petition would be forthcoming and residents would ask their attorney to draft a letter to Mr. Kiar.

Joe Orandello, 14660 SW 17 Court, stated that after four years, he was asking that Council try and settle a Code violation at his home. He stated that he had been under compliance since 1996, and was the former owner of Broadway Joe's Ice Cream, which was sold in 1998. Due to Code liens, his license had been revoked and he had sent signed affidavits to the Town regarding his intention to settle his debts with the Town and relocate. Mr. Orandello reported that he had been unable to talk with Council and he did not want to speak with the Town Attorney. Mr. Kiar distributed a staff report from Code Compliance Supervisor Daniel Stallone setting forth the factors which indicated several Code violations

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and noncompliance hearings resulting in a judgment of \$98,000, including attorney's fees. He read from the report, stating that the peddler's license was revoked in 1997, restricting him or his employees from selling ice cream in the Town, although residents had complained that the company still did so. Mr. Kiar expressed concern that 84 Vending, a company owned by Mr. Orandello, supplied the products and licenses. He suggested deposing Mr. Orandello regarding leases for the existing trucks and how they came about as well as the provisions of the leases. Mr. Kiar indicated that Mr. Orandello had reiterated his offer of \$20,000 and reported that when asked if he would agree to never sell ice cream in Davie, Mr. Orandello had answered in the negative.

Councilmember Paul asked Mr. Orandello if he owned 84 Vending. Mr. Orandello responded in the negative and stated that he ran the operation and drove a distributing truck for the owner but had no interest in the trucks, as he did not own them. He added that he would like to apply for his own occupational license but would like to meet with Council to settle the financial matter. Mr. Orandello stated that the trucks did not operate in Davie and he would never send them into the Town. Mr. Kiar stated that Mr. Stallone had investigated and none of the drivers of Broadway Joe's were licensed to sell in Davie.

Vice-Mayor Weiner addressed Mr. Orandello stating that instead of taking Mr. Orandello's many calls, Council had referred the matter to Mr. Kiar so that it could be resolved and then Council would vote on whatever came forward. He added that Council meeting with Mr. Orandello would violate the Sunshine Law. Vice-Mayor Weiner stated that Mr. Orandello, when he stated that he would not send the trucks into Davie, implied that he had authority over where the trucks went. Mr. Orandello clarified that he had asked the drivers not to operate in Davie, but he had no authority to order them to operate anywhere. He described an incident where a police officer stopped a truck and added that he would ask the owner to have the names removed from the trucks.

Toby Perkins, 5220 SW 109 Avenue, stated that her neighborhood was becoming a protective enclave. She asked about the options of annexing and stated that many of her neighbors wanted to become part of Davie. Councilmember Paul suggested setting up a meeting with Mr. Willi regarding this matter.

Jason Hurley, 3500 SW 121 Avenue, read a letter to William Markham from Arthur Hurley regarding Pasadena Estates stating that during 1997-1999 assessed property went untaxed, shifting the tax burden to the County because an agricultural classification was granted to land being developed for homes. He enumerated the various tax assessments of adjacent and nearby properties indicating a wide range of requirements. The letter stated that folio numbers had not been assigned to Pasadena lots and cited a failure for these parcels to be assessed equitably and separately and added that funds for a growing town were needed. Mr. Hurley asked for zoning changes and stated that previous requests to Mr. Markham had been ignored, asking that the Town become involved on this issue.

Kenneth Wiggins, 6181 SW 51 Court, spoke on the recent robberies of horse equipment from many of the local ranches. He stated that there had been seven or eight robberies in the last three months and he had found that no inquiries had been made to local feed stores or pawnshops as to where the saddles and equipment were going. Mr. Wiggins added that he was losing clients as a result and asked if Council could further the investigations that were being made. Councilmember Cox stated that she had asked Police Chief John George to look into this issue, stating that her barn had also been burglarized. Chief George stated that he had reviewed four reports and these were crimes of opportunity in an unsecured area, being

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carried out at night, which was difficult to police. He stated that Detective Drum was assigned to this and Chief George offered to meet with Mr. Wiggins. Councilmember Cox stated that it was important to make the equestrian community aware of what was happening and asked that if anyone had any description or other information, they should call the Police Department or her office.

Christine Hickle, a border at Frontier Village, stated that she, her family and friends were proud to be part of a horse town and added to Mr. Wiggins' comments, stating that it was frustrating to cope with the robberies. She also stated that she was unable to keep her equipment on site and added that she had to take it home each night.

Steve Pote, 7371 North 37 Street, displayed a map and described the places where blockades had been put up which restricted the areas where the equestrian community could ride. He spoke about a guardrail that would be constructed on Griffin Road and explained the difficulty in getting a horse over a guardrail. Mr. Pote asked for a three foot opening in the barricade making the bridge over the canal on Griffin Road accessible to horses. Mr. Willi stated that he would look into it. Councilmember Cox stated that she would ask Public Works/Capital Projects Manager Bruce Bernard to add this request to others for DOT. Mr. Pote stated that an open gate in an appropriate location needed to be part of Lange Park as well.

Joy Yoder, 12610 SW 13 Manor, stated that she had Sunrise water and recently had to have her water filter replaced at a cost of \$900. She was told that she needed to have the gate valve to the main replaced as well because of the accumulation of sediment. Ms. Yoder advised that she had conducted a poll and found that most people would not be opposed to paying extra taxes for better water, because their health was more important and they had already spent extra money on filters and bottled water.

Ms. Yoder stated she was on the Open Space Advisory Committee and agreed that it had done a lot of good over the years but felt that the Committee did not need to be abolished. She asked for input from Budget and Finance Director Christopher Wallace on what money was available to purchase open space property rather than waiting on the County.

4. PRESENTATIONS

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

Sharon Pierce-Kent, Parks and Recreation Director, announced that upcoming events included: YMCA after school program (Pine Island Community Center and Shenandoah Activity Room), Young at Art Children's Museum hands-on art and photography classes (two eight-week sessions); and fall preschool program registration (Ivanhoe Community Center and Shenandoah Activity Room).

Mayor Venis announced that items 8.7, 10.3 and 10.4 had been requested to be tabled to September 20, 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)

Mayor Venis advised that items 8.21, 8.22 and 9.1 had been withdrawn.

Mayor Venis advised that item 10.2 needed to be tabled to November 18, 2000.

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

5. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR VENIS

RETURN FROM SUMMER. Mayor Venis hoped that everyone had a great summer.

TRAFFIC FLOW. Mayor Venis reported that since children were back in school, the previous issues regarding traffic flow for the areas of Nob Hill Road, Indian Ridge Middle, Nob Hill Elementary and Western High and 136th Avenue had come up again. He asked if a crossing light could be installed when a crossing guard was not in place.

SHUTTLE SYSTEM. Mayor Venis stated that the shuttle system would now include Federated Gardens.

REESE ROAD. Mayor Venis stated that Council was at the Reese Road ribbon cutting ceremony and he thanked all those that made that possible.

BUDGET HEARING. Mayor Venis reported that a budget hearing would be held on September 11th and in excess of \$1 million had been cut from the proposed budget. Mr. Willi stated that the Town was \$700,000 from a zero increase which included a \$300,000 increase in the Town's insurance costs. Mayor Venis pointed out that the proposed budget included all the department's wish lists and he was confident that the budget could be cut to result in a no tax increase.

SENIORACTIVITIES. Mayor Venis stated that there was such a large demand for the use of the Pine Island Center, the seniors were losing space for their activities. He recommended setting aside a certain amount of space for seniors that could not be leased.

ACTING POSITIONS. Mayor Venis asked Mr. Willi for a timeline on when the acting positions would be advertised and filled.

CONGRATULATIONS. Mayor Venis offered congratulations to winners of the elections held on September 5th.

COUNCILMEMBER CLARK

EASTSIDENEIGHBORHOODHOUSING. Councilmember Clark stated that a neighborhood meeting would be held on September 26th to discuss the Town's housing opportunities. She advised that this meeting would make the residents aware of the different funding opportunities available to them.

NEIGHBORHOOD CLEANUP DAY. Councilmember Clark stated that a trash bash party would be held on September 30th to provide older residents help in cleaning up their property. She indicated that the party was supported by Home Depot and Publix and Wings of Gold would donate food. Councilmember Clark advised that children would get community service hours for helping.

MOBILE HEALTH UNIT. Councilmember Clark stated that there were several targeted areas in East Davie that were a concern for health care as they had a large population of children. Through a nurse at the Ehlinger Apartment Health Fair, she had been able to set up appointments for the mobile health center to be at Davie Elementary on the second Tuesday of each month from 2:00 to 6:00 p.m. to supply free health care. Councilmember Clark stated that it had been her goal to bring a positive influence to the Town whenever possible.

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COUNCILMEMBER COX

REESE ROAD OPENING. Councilmember Cox stated that she was pleased that the opening was able to be accomplished as it had been a long time project for the Everglades Mobile Home Park. She wanted to thank previous Assistant Town Administrator Robert Rawls who had worked on the project. She stated that Mr. Rawls had visited the property owner while he was on vacation and accomplished the difficult property swaps involved.

BROWARD COUNTY GREENWAYS "SHERRET". Councilmember Cox stated that she had attended the technical advisory committee meeting where a sherret was planned for September 18th to discuss the countywide greenways and trailways plan for the connection of all equestrian, bike and pedestrian trails.

OPEN SPACE ADVISORY COMMITTEE. Councilmember Cox felt that it was unfortunate that Ms. Christopher had attended just one Committee meeting to decide it was a superfluous committee. Councilmember Cox felt that it was appropriate for a Committee member to meet with a developer to discuss a trail that they would personally use. She added that the Committee worked well together and were single-minded about preservation of land supporting pedestrian and equestrian interest in the Town. She reminded everyone that the County looked to the Town to determine the success of the trails in general and how they were implemented and used in the Town. Councilmember Cox added that the Committee took time to meet with the County about opening the Flamingo Road ESL site and she felt the Committee was instrumental in getting this site opened, adding that additional funding may come from the bond issue in November. She felt that writing a letter to a County Commissioner thanking her for her involvement was not inappropriate. Councilmember Cox appreciated the help and the interest that this Committee provided and stated that she did not feel that dissolving this Committee was in the Town's best interest.

GRIFFIN ROAD CANAL BANK. Councilmember Cox stated that there was a problem with DOT and South Florida Water Management (SFWM) regarding planting trees along the canal bank. She reported that SFWM would not allow DOT to plant the trees as it had failed to get a permit to do so and she recommended that Council meet with DOT and SFWM to come to an agreement regarding this matter. Councilmember Cox recommended a waiver to plant east of 61st Avenue along Orange Drive and to get planning approved for the west side from the Orange Drive trail to Flamingo Road. Development Services Director Mark Kutney reported that a joint effort would be needed and he would move on this request on behalf of Council. Vice-Mayor Weiner stated that the Joint Economic Development Steering Committee urged Council to stand fast and require DOT to maintain its commitment on this issue.

VICE-MAYOR WEINER

STAFFING. Vice-Mayor Weiner was hopeful that information would be forthcoming regarding replacements of those employees in acting positions.

BELLSOUTH CABLE. Vice-Mayor Weiner stated that those residents watching on Comcast needed to know that BellSouth was actively soliciting residents to switch to their cable and high speed internet. He advised that he had reviewed the franchise agreement and found that BellSouth would be required to carry Council meetings but not for another 12 months.

WATER SYSTEM. Vice-Mayor Weiner suggested that the Town look into having engineers and attorneys consult on the issue of bringing Davie its own water system for the entire Town.

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REESE ROAD. Vice-Mayor Weiner offered congratulations that the new road opening had been accomplished.

CODE ENFORCEMENT. Vice-Mayor Weiner advised that he had attended a recent Special Master meeting and asked if Council could look at revising procedures so that continuances were at a minimum. He stated that he opposed continuations, as the problem in the meantime was not being dealt with and asked that a continuance not be granted until the resident or business owner that had made the request was given a chance to voice their concerns.

COUNCILMEMBER PAUL

PINE ISLAND SPLASH. Councilmember Paul stated that the Labor Day event was great and thanked Special Projects Coordinator Bonnie Stafiej and her staff.

SOROPTIMIST GOLF TOURNAMENT. Councilmember Paul reported that the tournament was a big success and she enjoyed being involved.

LARGE ANIMAL HURRICANE PREPARATION PLAN. Councilmember Paul stated that Ms. Stafiej had distributed this plan prepared by the Oakhill Area Crime Watch and thanked Hilda Testa for her involvement, as she was the main contact.

KIWANIS. Councilmember Paul reported that the Kiwanis installation dinner would be held on September 28th.

SAFETY SUMMIT. Councilmember Paul stated that the second annual Safety Summit would be held on September 23rd at Indian Ridge Middle School to promote child safety and would include several programs for parents and children.

CITRUS TREES. Councilmember Paul expressed concern about the expense of the removal of citrus trees because of canker and felt that an effort should be made toward a cure.

HANDICAPPED SPACES. Councilmember Paul advised that she had met with the management of the Shenandoah Shopping Plaza regarding handicapped spaces as well as parking and unloading vehicles along the fire lanes.

CITIZEN MOUNTED PATROL. Councilmember Paul stated that she was looking forward to establishing this unit. Chief George stated that the policy was approved and had been sent to Councilmember Paul. Councilmember Paul asked that a presentation be made at the next meeting.

6. TOWN ADMINISTRATOR'S COMMENTS

BUDGET. Mr. Willi explained that a copy of the proposed budget should be given to Council on Friday and advised that staff was close to the final numbers.

REESE ROAD. Mr. Willi reported that though the Reese Road realignment was complete, the second part of the agreement which renamed the road to Everglades Lakes Drive needed to be addressed.

STAFFING. Mr. Willi stated that he had impaneled an interview committee to review the job description for Fire Chief, which he felt would take extensive updating. He added that the goal for a start date for this position was January 1, 2001. Job descriptions for the following positions would also be reviewed: Town Clerk, Human Resources Director, Fire Marshal, Town Engineer and Assistant Town Administrator. Mr. Willi stated that the Town Clerk and Human Resources Director would be filled in December, the Fire Marshal and Town Engineer would be in place by October 1st and the Assistant Town Administrator would begin the first week of October.

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FIRE SERVICES. Mr. Willi reported that a draft contract for the revision of fire services to Southwest Ranches was being reviewed which would be on the Council agenda for the first meeting of October. He advised that a meeting with Southwest Ranches would take place on September 7th.

Mr. Willi stated that the County had asked if the Town had an interest in assuming fire services for Pine Island Ridge. He added that a meeting would be held next week on this matter.

CONDOLENCES. Mr. Willi offered condolences to Ms. Stafiej on the passing of her father.

FENCINGCOMPETITION. Mr. Willi congratulated Dean Alexander who had placed 15th in the world in the fencing competition.

ASSISTANT TOWN ADMINISTRATOR. Mr. Willi advised that he was ready to name the person he was seeking for this position and reviewed the person's credentials, explaining that his strengths were in finance and water utility skills. Mr. Willi introduced Kenneth Cohen, stating that he had worked with Mr. Cohen in the past and felt that his skills would be a great asset to the Town. Mr. Willi asked that Mr. Cohen's contract be placed on the September 11th agenda.

Councilmember Paul stated that she had been called for jury duty on September 11th and may not be able to make the Council meeting. She asked if her comments could, in her absence, be added to that meeting. Mr. Kiar advised that they could.

Councilmember Cox objected to this appointment, explaining that she found it distressing that an Interim Town Administrator had taken action to fire senior employees and who was now hiring senior people without advertising the position.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to move that Mr. Cohen's contract be added to the agenda for September 11, 2000. In a voice vote, all voted in favor with Councilmember Cox dissenting. (Motion carried 4-1)

7. TOWN ATTORNEY'S COMMENTS

SUNRISELITIGATION. Mr. Kiar reported that the representatives from both cities had met and a preliminary request for documents was made with another meeting scheduled.

MVP PROPERTIES. Mr. Kiar stated that briefs regarding privatization of roads, which were prepared by previous Town Attorney Mr. Webber, had been requested.

142ND AVENUE. Mr. Kiar stated that the Town was served with a number of interrogatories, which were completed by the expert witness and filed. Councilmember Clark asked for the date when this issue began and a report on how much money this matter had cost the Town. Mr. Kiar did not have these figures but would advise Council at the next meeting, adding that the trial was set for January 5, 2001.

DEPARTMENT OF COMMUNITY AFFAIRS. Mr. Kiar advised that this matter was settled on the eve of trial and a meeting had been set to finalize the settlement agreement.

DOT AGREEMENT FOR PARK SITE. Mr. Kiar stated that he spoken with Mr. Leonard from DOT who promised to deliver a revised agreement which would include the requested revisions.

ORANDELLO. Mr. Kiar advised Council that Mr. Stallone had indicated that the violations had not been complied with and reported in his statement that over \$30,000 in legal fees had accrued. Mr. Kiar indicated that Council may want Mr. Stallone to appear at the next meeting to answer questions and asked for Council's direction after information was gathered. Council had no objections.

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Councilmember Paul remembered that it was thought that the original mitigation amount would be close to \$40,000. Councilmember Cox stated that the Town normally tried to cover its costs in mitigation and then impose a portion of the fine. She recommended that Mr. Kiar, Mr. Willi and Mr. Stallone come up with a figure to bring Council as a recommendation. Councilmember Cox indicated that she would like to see this matter settled.

Mayor Venis asked that the major discrepancy of whether or not Mr. Orandello was in compliance be addressed. Councilmember Cox asked that the leasing of the trucks and whether or not this was covered under the temporary injunction also be addressed. Mr. Kiar stated that he had serious concerns regarding the injunctions as there were witnesses to show that they were being violated. He added that the validity of leases and licensing of the vendors were also concerns. Vice-Mayor Weiner suggested that Mr. Kiar schedule Mr. Orandello and the records custodian for 84 Vending for deposition which would require them to produce official records including ownership and licensing agreements.

Councilmember Paul asked for a report and opinion on the property assessment issue brought up by Mr. Hurley. It was decided that Mr. Hurley would provide specific information to Mr. Kiar for investigation.

Mayor Venis advised that item 12.2 would be taken out of order.

12.2 George Hanbury, Executive Vice President for Administration at Nova Southeastern University (NSU), stated that the proposal was to offer a shared parking area with Gloria Dei Lutheran Church and improvement of their grounds. He explained the programs offered at NSU highlighting early childhood development through the Mommy and Me program and training for autistic children through Baudhium Oral School. Mr. Hanbury advised that NSU planned to build a permanent facility for both of these programs on a piece of property owned by Winston Academy. The purchase of the property and the plan for routed traffic and parking would be contingent upon the Code requirements, an agreement that would be established with Gloria Dei and upon the Town's approval. Mr. Hanbury stated that more surface parking would be needed for the size of facility planned for the Family Center and Baudhium Oral School. He explained that what was proposed was shared parking with Gloria Dei, which would be to Gloria Dei's advantage as NSU would be using the parking at different times than Gloria Dei.

John Santulli, Associate Vice President for Facilities Management, displayed plans for the facility and explained the parking requirements and the proposed plan for the shared parking space. He described the proposed improvements to the property regarding the recreational grounds and drainage for the Gloria Dei property. Mr. Santulli added that NSU would work with staff on the site plan.

Mr. Hanbury summarized that this plan would satisfy the Town's Code and would facilitate the development of the property while promoting neighborliness with the church. He added that a closing had been scheduled, but was subject to Council's approval and stated that the proposal would be dependent on site plan review. Mr. Hanbury indicated that construction was anticipated to be a year in the making and NSU would like to proceed immediately with the recreational ball field and the parking area.

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Mr. Kutney advised that staff recommended approval and added that Council's decision should be based upon whether or not the proposal by Nova met the intent of Section 12.202 which staff felt that it did.

Vice-Mayor Weiner spoke to the impact of future development and referred to the large tract, asking what the plans were for this land. Mr. Hanbury reported that at some point, the church might build some type of assisted living facility for this area. He indicated that nothing had been done with the lack of drainage on this property and the church had stated that they would need to come to the Town to address this issue. Mr. Hanbury indicated that adding 48 parking spaces would accommodate additional church development of the property.

Councilmember Clark stated that she spoke to Mr. Hanbury on the phone regarding this issue. Councilmember Cox advised that she also had spoken to Mr. Hanbury as well as Mr. Reistma. Councilmember Paul indicated that she had spoken with Mr. Reistma.

Councilmember Cox felt that the plan provided some potential relief for residents on 76th Avenue which would be beneficial.

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

Councilmember Paul thanked the Homeowner's Association from Vista Filare for the article on the Safety Summit that was published in their recent newsletter.

8. CONSENT AGENDA

Minutes

- 8.1 May 31, 2000 - Joint Meeting
- 8.2 June 21, 2000 - Regular Meeting

Proclamation

- 8.3 Constitution Week (September 17 - 23, 2000)

Occupational Licenses (Home)

- 8.4 Extreme Photography by Christopher, 13740 SW 20 Street
- 8.5 There Is No Place Like Home, 13925 Carlton Drive

Occupational License (Solicitor)

- 8.6 Pets & Animals in Distress, 1941 NE 51 Street, Fort Lauderdale (tabled from August 16, 2000)

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Resolutions

8.7 STAFF REQUESTING A TABLING TO SEPTEMBER 20, 2000

LEASE AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION FOR A PARK SITE LOCATED ADJACENT TO THE FLORIDA TURNPIKE APPROXIMATELY 1300 FEET NORTH OF STIRLING ROAD AND PROVIDING AN EFFECTIVE DATE. (tabled from August 16, 2000)

8.8
R-2000-203 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BIDS FOR LAWN MAINTENANCE FOR TOWN HALL AND VARIOUS ROADWAY CORRIDORS. (Keep It Cut, Inc. and U.S. Lawn of South Broward; \$177,866)**

8.9
R-2000-204 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR SUPPLY AND INSTALLATION OF TREES FOR THE STREET TREE PROGRAM. (Elan Lawn Service, Inc.; \$22,500)**

8.10 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR CONSTRUCTION OF THE MULTIPURPOSE FACILITY AT PINE ISLAND PARK. (Sessoms Construction Company, Inc.; \$2,322,777)**

8.11
R-2000-205 **LAW ENFORCEMENT TRUST FUND - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE FROM THE LAW ENFORCEMENT TRUST FUND AND APPROVAL FOR TWO REPRESENTATIVES TO ATTEND THE NATIONAL ASSOCIATION OF TRIADS, INC. 2000 ANNUAL CONFERENCE. (not to exceed \$1,500)**

8.12
R-2000-206 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A PROPOSED AGREEMENT WITH BROWARD COUNTY FOR PUBLIC TRANSPORTATION SERVICES FOR USE OF FOUR COUNTY BUSES WITH TWO BUSES TO PROVIDE AN EXPRESS SHUTTLE BETWEEN THE FORT LAUDERDALE TRI-RAIL STATION AND THE SOUTH FLORIDA EDUCATIONAL COMPLEX CAMPUSES AND DOWNTOWN DAVIE AND TWO BUSES TO PROVIDE AN EASTERN DAVIE TRANSIT ROUTE; AND PROVIDING FOR AN EFFECTIVE DATE.**

8.13
R-2000-207 **REVISED AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A REVISED AGREEMENT WITH THE SOUTH FLORIDA EDUCATIONAL COMPLEX (SFEC) FOR OPERATION AND FUNDING OF AN EXPRESS SHUTTLE BETWEEN THE SOUTH FLORIDA EDUCATIONAL COMPLEX CAMPUSES, THE FORT LAUDERDALE TRI-RAIL STATION AND DOWNTOWN DAVIE; AND PROVIDING FOR AN EFFECTIVE DATE.**

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- 8.14
R-2000-208 **TRAFFICWAYS PLAN REMOVAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADVISING THE BROWARD COUNTY PLANNING COUNCIL THAT THE TOWN IS WILLING TO ASSUME OWNERSHIP, MAINTENANCE AND LIABILITY RESPONSIBILITIES FROM BROWARD COUNTY FOR ORANGE DRIVE WEST OF STATE ROAD 7 TO THE INTERSECTION WITH DAVIE ROAD IF SAME IS REMOVED FROM THE BROWARD COUNTY TRAFFICWAYS PLAN, PROVIDING FOR AN EFFECTIVE DATE.**
- 8.15
R-2000-209 **PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE NON-VEHICULAR ACCESS LINE OF THE "LAKESIDE VILLAS APARTMENTS PLAT," AND PROVIDING AN EFFECTIVE DATE. (DG 7-1-00, 4190 SW 61 Avenue)**
- 8.16
R-2000-210 **SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A BOUNDARY PLAT TITLED, "LONG LAKE ESTATES II PLAT", AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 12-3-99, 3201 Hiatus Road, 3304 Hiatus Road and 3501 Nob Hill Road) *Planning and Zoning Division approval subject to the planning report ; Planning and Zoning Board recommended approval subject to the planning report***
- 8.17
R-2000-211 **SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBDIVISION PLAT TITLED, "HICKS ESTATES PLAT", AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 3-1-00, 3600 SW 136 Avenue) *Planning and Zoning Division approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report***
- 8.18
R-2000-212 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, CITY OF WESTON, BROWARD COUNTY, AND GENE R. BURGESS, HOWARD E. BURGESS AND TIMOTHY M. RYAN PROVIDING FOR REMEDIAL MEASURES TO SATISFY ROAD CONCURRENCY REQUIREMENTS RELATED TO THE POINTE WEST CENTER NORTH PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 8-1-00, 3550 Weston Road)**

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- 8.19 R-2000-213 GRANT FUNDS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR THIRTEENTH YEAR RECYCLING GRANT FUNDS FROM BROWARD COUNTY. (\$12,234)**
- 8.20 R-2000-214 ENGAGEMENT LETTER - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR TO EXECUTE AN ENGAGEMENT LETTER WITH MONROE D. KIAR TO PERFORM THE DUTIES OF THE TOWN ATTORNEY.**
- 8.21 CREATING CLASS SPECIFICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CREATING THE CLASS SPECIFICATION FOR FIRE MARSHAL, IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN.**
- 8.22 CREATING CLASS SPECIFICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CREATING THE CLASS SPECIFICATION FOR THE POSITION OF SENIOR FIRE INSPECTOR IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN.**

Site Plan

- 8.23 SP 5-3-00, Dry Concepts, 4190 University Drive (B-3) Planning and Zoning Division approval subject to the planning report; Site Plan Committee approved subject to staff's recommendations changing number six to include that in place of the eight foot concrete wall, a green chain-link fence would be placed along the east and south property lines and that it would be covered with an eight foot hedge comprised of Wax Myrtle, ten foot on center, and the existing landscape detail of canopy trees can be adjusted to be 40 foot on center**

Site Plan Modification

- 8.24 SP 8-2-00, The Round Up @ Ridge Plaza, 9020 State Road 84 (B-3) Planning and Zoning Division approval; Site Plan Committee recommended approval**

Mayor Venis asked that item 8.23 be removed from the Consent Agenda. Vice-Mayor Weiner asked that items 8.10 and 8.18 be removed. Councilmember Cox asked that item 8.20 be removed. Councilmember Paul asked that items 8.6, 8.16, and 8.17 be removed. Councilmember Clark asked that item 8.12 be removed.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to approve the Consent Agenda without items 8.6, 8.10, 8.12, 8.16, 8.17, 8.18, 8.20 and 8.23. In a voice vote, all voted in favor. (Motion carried 5-0)

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

8.10 Mayor Venis asked Procurement Manager Herb Hyman for an update.

Mr. Hyman stated that this resolution was for a \$3.2 million facility. It was found that the flooring planned for the gymnasium did not comply with the Fire Code and would have to be changed [Addendum #4]. Mr. Hyman stated that unit pricing was asked for by the

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architect for the flooring because this would have to be changed after the bid was approved, but the bid itself asked for a base amount for the building in its entirety. He advised that six bids were received with Sessoms Construction being the low bidder. Mr. Hyman reported that Mr. Sessoms had indicated that his interpretation of Addendum #4 was that the specifications did not include the cost of the flooring and his bid would stand for the entire building, not including the gymnasium floor. Mr. Hyman stated that Mr. Sessoms wanted the Town to award the bid to his firm and issue him a change order which would allow him to change the bid which the Town could not do. Mr. Hyman stated that Addendum #4 was clear to include the flooring. Mr. Willi indicated that the other five bidders properly bid the project.

Vice-Mayor Weiner expressed a concern that if a bid was changed, the contractor would not lose money but would find a way of cutting other costs to include whatever needs to be included. He was opposed to granting the request and recommended that it be given to the next lowest bidder.

Mayor Venis asked if the \$3.2 million included the flooring. Mr. Hyman stated that according to Mr. Sessoms, this amount would not include the floor.

Councilmember Cox pointed out that there was \$190,000 difference between the low bidder and the next bidder and the cost of a floor was about \$40,000. Her concern was that this would go to arbitration. Mr. Hyman stated that the possibility of a protest existed no matter what was decided. If an award challenge was allowed by Sessoms, then the issue would be open to protest by the other bidders, and the Town would lose. He added that if Council chose to rebid the project, Mr. Sessoms would object but his case would be weak. Mr. Hyman recommended rejecting all bids and indicated that Sessoms had become a non-responsive bidder and the second lowest bidder was over the Town's budget amount. He suggested that if the Town did make a claim against the bid bond, Sessoms may take legal action.

Fletcher Sessoms, President of Sessoms Construction, spoke to Council stating that Sessoms did not get all the facts on the bid. He stated that they interpreted the addendum to say that the owner was going to purchase the flooring direct, along with other items planned to be purchased. Mr. Sessoms recommended that the Town award Sessoms the contract and purchase the flooring direct. He did not request a change order and did not recommend a bid bond. Mr. Sessoms stated that he never said Sessoms would protest if all the bids were thrown out.

Mayor Venis pointed out that if \$46,000 would be removed from each bid submitted, Sessoms would still be the lowest.

Mr. Kiar advised Council that the Town could rebid the project, or allow Mr. Sessoms to withdraw his bid and accept another bid from the lowest bidder. The Town could not allow Sessoms to amend his bid and added that there were five other bidders who understood the bid correctly. Mr. Kiar cited a case to support the laws that would be in force. He advised that Mr. Sessoms either abided by the bid and include the flooring or he withdrew his bid leaving the Town to rebid the project or accept the next lowest bidder.

Vice-Mayor Weiner asked if the Town accepted the bid and allowed reformation, how it would affect future bids. Mr. Kiar read the court's finding in the case mentioned stating that this would "encourage careless, slipshod bidding" and "the bidder was bound by his error". He felt allowing this bid would jeopardize all future competitive bidding.

Councilmember Cox felt that allowing the \$40,000 was reforming the bid and was not appropriate and a dangerous course for the Town to take. She asked Mr. Kiar if the Town

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could go to an arbitrator to decide whether or not the bid included the floor and both parties accept the decision. She indicated that she would not like to see this matter delayed any further. Mr. Kiar advised that the Town could not do this without opening up a challenge by the other bidders.

Councilmember Clark asked how much time was involved in the process if this project would be put back out to bid. Mr. Hyman stated that there would be an additional 60 days, adding that opening this up to challengers would put the project at a halt and the bid process would need to be resolved before this could be put back out to bid.

Vice-Mayor Weiner agreed that this needed to move forward and he would like to see Sessoms get this bid as the lowest bidder, but added that the competitive bidding issue was important to uphold. He asked how long the Town had to review whether or not to make a claim against the bid bond. Mr. Hyman stated that the process was if Council decided to award a project to a bidder for his bid price, the bidder had seven days to execute a contract for that price. At the end of that time, the owner had a claim against the bid bond as liquidated damages. Mr. Hyman recommended that all bids be rejected and put out for rebid.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to reject all bids and resubmit the project to bid. In a voice, vote all voted in favor. (Motion carried 5-0)

8.12 Will Allen, Programs Manager, introduced Irv Meni who was the Contract and Grant Administrator for Broward County Transit. Mr. Allen explained that this resolution was for four county buses, two of which would be used for the Express Shuttle for the SFEC and two would provide an eastern Davie transit route. He stated that this was based on the penny gas tax which would be in effect January 2001 and which would fund the buses and their operation. Mr. Allen stated that the Town would receive an additional dollar amount as part of the tax, which could be used for the buses. He stated that the County had put together a competitive process to obtain transit systems in all the County communities and he explained the routes proposed through eastern Davie.

Councilmember Clark asked if there would be stops along Pine Island Road other than the park. Mr. Allen stated that there would not be other stops but, as this was a neighborhood bus, residents could flag it down to stop.

Councilmember Cox asked if stops would be marked and if there would be flexibility in changing these. Mr. Allen responded in the affirmative.

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

8.16 Councilmember Paul advised that each plat showed a 50 foot landscape buffer, a 20 foot canal maintenance easement, a 48 foot canal easement and a 15-inch canal maintenance easement which she hoped was an error. Bob Legg, representing the petitioner, indicated that it was. Councilmember Paul asked that this be corrected on all documents. She spoke about the 20 foot recreational trail easement indicating that the best example of a trail was the ESL site on 36th Court. Councilmember Paul described the recreational paved path, trail and bermed area with landscaping and asked if this 20 foot canal maintenance easement was the trail, if this would require a drainage district permit. Mr. Legg responded that there was a permit.

Councilmember Paul asked how much landscaping would be required in this 50 foot easement. Mr. Legg referred to a rendering or diagram and provided an explanation.

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Councilmember Cox asked how this cross section compared with the one in front of Long Lake. Mr. Legg indicated that it was very similar.

Councilmember Paul pointed out that the recreational and canal maintenance easement were one in the same right next to the canal and stated that this must be left open since it was the trail.

Councilmember Cox asked if there would be a shrub barrier between the horse and bike trail. Mr. Legg stated that this would be left as grass. Councilmember Cox indicated that it would be better with shrubs. Mr. Legg advised that this would require additional approval.

Councilmember Paul stated that nothing for the recreational trail easement was being provided except for grass. Mr. Legg stated that Central Broward Drainage District (CBDD) would allow the recreational trail but would need vehicular access on the 20 feet so no major planting would be done in this area. He indicated that landscaping would occur at 50 feet between the road and the canal.

Councilmember Cox asked if Mr. Legg could speak with CBDD to do its maintenance from the other side of the canal, rather than both sides. Mr. Legg indicated that the plan was to keep the equipment out of the lots and they were maintaining from both sides.

Councilmember Paul said that the separation between the bike and horse paths was important to residents. Kevin Ratterie, also representing the petitioner, stated that the requirement for the 50 foot berm could be accommodated if the slope was changed, which would allow the sidewalk to shift into the berm and free up room for a hedge. Acting Town Engineer John Doherty recommended that for maintenance purposes a 3:1 slope should not be exceeded to accommodate lawn mowers. Councilmember Paul asked how this would impact the previous attempts to maintain Hiatus Road. Mr. Legg indicated that the only widening would occur where the turn lanes would be and at the entrances. Councilmember Paul asked if the canal would have to be moved. Mr. Legg agreed that the canal would have to be moved about 50 feet to the west.

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to approve subject to planning report plus making the adjustment in the change in slope to allow for the bike path to provide for shrubbery. In a voice vote, all voted in favor. (Motion carried 5-0)

8.17 Councilmember Paul asked about the 20 foot recreational canal maintenance easement, about Parcels A and B, and the open areas. Gus Khavenan, representing the petitioner, stated that approval had been received from the CBDD and there was no objection to overlapping the recreational paths on the easements. He stated that Parcel A would be open space use for the neighborhood park and community activities and Parcel B would be used to build a bus shelter for the kids to use during the rain. Mr. Khavenan added that this area along the path will be left natural, but lower limbs would be cut to allow horses to pass. He advised that there was a portion to the south that would connect this parcel to Imagination Farms.

Councilmember Cox clarified that the bike path was on the west side of the canal. Mr. Khavenan agreed and indicated that the east side of the canal would be a horse trail and not paved. He added that the main entrance would be from 136th Avenue and the main bridge would remain and be used for the horse trail.

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

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8.18 Vice-Mayor Weiner asked if this was a business park as this was still being classified as agricultural, which meant lost revenue. He asked the Town to look into this.

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

8.20 Councilmember Cox did not see a need for discussion.

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to deny. In a roll call vote, the vote was as follows: Mayor Venis - no; Vice-Mayor Weiner - no; Councilmember Clark - no; Councilmember Cox - yes; Councilmember Paul - no. (Motion failed 1-4)

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to approve. In a voice vote, all voted in favor with Councilmember Cox dissenting. (Motion carried 4-1)

8.23 Mayor Venis noticed on the site plan that this property abutted a residential community and his concern was that the boundary needed to be a cement wall. Mr. Kutney stated that staff did not feel this would be a problem. The Code gave the Site Plan Committee discretion to make an alternate recommendation, but Council did not have to accept that recommendation.

Councilmember Cox advised that this was originally going to be a car dealership and at that time, the residents wanted a cement wall. Councilmember Paul expressed concern that the wall would be placed on the property line and suggested moving it enough to plant landscaping. Mayor Venis commented that Council had the discretion to determine what the wall would look like. Councilmember Cox suggested that the residents indicated what structure they wanted.

Mayor Venis recommended that this be approved with the wall and let the owner go to the community for input. He added that it was not a mandatory requirement and Council could approve to make it a condition if the community wanted a chain link fence.

Michael Jatoft, the petitioner, indicated that this had been going on since May and the wall would be a hardship because it was a great expense. At the onset, he was advised that there would not be any due diligence period and now they were \$198,000 over budget. Mr. Jatoft stated that there was nothing objectionable on his property to require a wall. He explained that right now, 120 feet of greenery and trees existed between his property and a horse farm making it a distance of about 200+ feet to the house. Mr. Jatoft added that part of the site plan was an accommodation for additional trees all the way around. He offered that the green chain link would be more harmonious with that environment.

Councilmember Paul commented that the foliage on the berm was increased to account for eight feet of hedge as well as canopy trees. She added that this was not an issue brought up by the Committee.

Councilmember Cox clarified that what was being discussed was a wall on the east side of the property and not the south side. Mr. Jatoft indicated that Guardian Pools was on the south side with no barrier between Guardian Pools and the houses. In that area were trucks, equipment and a water retention area. Councilmember Cox stated that a wall may not legally be required on the south if the land use was commercial, but only on the east side of the property which abutted residential.

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Don Jensen, project engineer, advised that what needed to be considered was engineering as far as water management. He indicated that if a wall along the east property line could cause flooding on the residential side, as the natural flow of water would be impeded. Mr. Willi stated that the transfer of water from one property to another was against the law. Mr. Jensen stated that SFWM required natural flows between properties and drainage ditches would allow for free flow of water.

Mayor Venis stated that the previous site plan included a masonry wall for a noise barrier. Mr. Jensen responded "that there won't be any of that."

Vice-Mayor Weiner asked Mr. Kutney if this could be approved for just the south side and table the issue for the east side subject to residents. Mr. Kutney recommended not postponing the decision and advised that staff's concern was for future situations in which vegetation may not be there. He added that the Code addressed the residential aspects of a barrier.

Mayor Venis asked if the site plan was approved and the residents decided they wanted the fence, could staff do this as a modification. Mr. Kutney responded in the affirmative.

Councilmember Cox made a motion to approve the site plan pursuant to the Code with the wall and the petitioner seek to solicit relaxation of the wall requirement from the adjacent property owners and the adjacent residents.

Councilmember Cox questioned if the wall to the south was required. Mr. Kutney stated that this was treated as A-1 zoning, which was residential. He advised that he did not think the language specifically indicated a land use verses zoning as it was more generic.

Mr. Jatoft referred Council to photos which showed the trees on the property and where Guardian Pools abutted. Vice-Mayor Weiner asked if the decision on whether or not the petitioner needed to talk to Guardian Pools could be referred to staff. Council indicated that there was no objection.

Councilmember Paul asked that the motion include that if the petitioner had to provide the wall instead of a fence, the additional landscaping requirements should be relaxed. Councilmember Cox amended her motion to accommodate this request. Mayor Venis clarified that this would also be at the discretion of staff. Vice-Mayor asked that staff report back to Council on the outcome.

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

9. SITE PLAN

9.1 WITHDRAWN BY THE PETITIONER

SP 4-2-00, Armadillo Square, southeast corner of SW 64 Avenue and Griffin Road (Griffin Road Corridor) (tabled from August 2, 2000) *Planning and Zoning Division recommended denial; Site Plan Committee's motion was to deny (tied 2 to 2)*

This item was withdrawn.

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10. PUBLIC HEARINGS

Ordinance - Second and Final Reading

- 2000-31 10.1 **AMENDING AGREEMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NUMBER 99-12 WHICH WAS AN ORDINANCE AUTHORIZING THE EXECUTION AND IMPLEMENTATION OF A ROAD TRANSFER AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE TOWN OF DAVIE CONCERNING REESE ROAD; PROVIDING FOR A CONVEYANCE BY THE DEPARTMENT OF TRANSPORTATION AND ACCEPTANCE BY THE TOWN OF DAVIE OF CERTAIN LANDS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Acting Town Clerk McDaniel 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 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)

Items to be tabled

- 10.2 **PLANNING AND ZONING BOARD TABLED TO OCTOBER 11, 2000; COUNCIL CAN TABLE TO OCTOBER 18, 2000**

VACATION/ABANDONMENT - VA 6-1-00, Town of Davie, a portion of NW 33 Street, between Davie Road Extension and NW 75 Avenue, extending from Davie Road Extension approximately 310 feet west (tabled from August 16, 2000)

This item was tabled earlier in the meeting.

- 10.3 **PLANNING AND ZONING BOARD TABLED TO SEPTEMBER 13, 2000; COUNCIL CAN TABLE TO SEPTEMBER 20, 2000**

VARIANCE - V 5-4-00, Ross-Matz Investments, 8020 SW 30 Street (B-2) (tabled from August 16, 2000)

This item was tabled earlier in the meeting.

- 10.4 **PETITIONER REQUESTING A TABLING TO SEPTEMBER 20, 2000**

VARIANCE - V 7-1-00, Rodriguez, 5220 Davie Road (RO) (tabled from August 16, 2000) *Planning and Zoning Division denial; Planning and Zoning Board recommended approval of all five variances on the condition that the petitioner go back to staff and try to work out a way to reduce the amount of variances, if possible*

This item was tabled earlier in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

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11. APPOINTMENTS

11.1 Parks and Recreation Advisory Board (one exclusive appointment - Vice-Mayor Weiner) (term expires August 2001) (members shall have a concern with or an interest in the park facilities and recreational needs of the Town's residents)

Vice-Mayor Weiner appointed Pat Pecorino.

11.2 Davie Water Advisory Board (one exclusive appointment - Councilmember Clark; term expires December 2000)

Councilmember Clark deferred her appointment to the next meeting.

11.3 Education, Research and Training Authority (appointment needs to be a citizen of the Town and should have an interest in promoting the education complex) (term October 2000 to September 2001)

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

12. NEW BUSINESS

12.1 Sunrise Water Attorney Representation

Mr. Willi stated that he would like the firm of Becker and Poliakoff to extend their involvement to include being a part of any and all proceedings. Mr. Kiar stated that the bills would be due and payable within 30 days instead of the 20 requested. He indicated that Mr. Wallace's concerns were in the area of charges for faxes, phone calls and computer research time, as he felt that these were normal duties and expenses incurred during a case and should not be a Town expense. Mr. Kiar read the billing paragraph which included the change.

Ivan Reich, representing Becker and Poliakoff, agreed with the plan to include the firm in all aspects, stating that the information needed for the purchase of the system itself was the same as what would be needed in eminent domain. He agreed with the 30 day billing, no mark-up on fax charges, and indicated that permission to conduct computer research would be requested through Mr. Kiar. Mr. Reich felt that it was premature to establish a budget and recommended that the goal should be to discover as much information as possible early on, which would be expensive to pursue later if this did go to litigation. He added that a budget could not be proposed at this point.

Vice-Mayor Weiner asked if the computer research referred to on-line time with charges per minute or CD Rom. Mr. Reich indicated that this would be on-line time and stated that bills to clients had gone down using specific search methods. Vice-Mayor Weiner asked for an itemized bill for on-line time used.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to approve with the revisions suggested by Mr. Wallace, and to the extent that they were accepted and modified by Mr. Reich, in addition to providing itemized breakdown of research costs. In a voice vote, all voted in favor. (Motion carried 5-0)

12.2 Nova Southeastern University - Off-Site Parking for the Baudhiun Oral School and Family Center

This item was discussed earlier in the meeting.

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12.3 Vacation Leave Extension

Mr. Willi stated that due to the number of staff changes, a few individuals were running out time to use their accrued vacation by the end of the fiscal year. He asked for permission from Council to approve, on a case-by-case basis, the individuals to retain their accumulated vacation to be used after the October 1st deadline. Mr. Willi indicated that there were four employees who were affected.

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

Councilmember Cox expressed concern of the appearance of the Tower Shoppes renovation with the addition of the Old Navy Store, stating that all types of architectural features were being mixed in this center. She asked Mr. Kutney to look at whether or not a Code could be established to keep a business from doing something totally different in the midst of it when a center with a uniform architectural style was built and approved by the Town. Mayor Venis suggested this be added to the next agenda.

13. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 11:00 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk