

**TOWN COUNCIL
REGULAR MEETING
NOVEMBER 15, 2000**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:10 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. PRESENTATIONS

3.1 Update on Transit

Programs Administrator Will Allen advised that there was good progress on getting two buses on the road. The request for proposal deadline was November 28th and would include personnel, maintenance, a spare bus, insurance, etc. with the selection coming before Council at a December meeting. Mr. Allen advised that the next Davie Update would include a story on the transit system, a map and a time schedule. He advised that it was staff's goal to begin the transportation in January.

3.2 Citrus Canker Eradication Program - Councilmember Paul

Councilmember Paul reported that according to the new ruling, the only trees that could be cut were diseased trees and indicated that the State had been put on notice that the science was flawed and constitutional rights had been addressed. She advised that the State had agreed to place signs in the area to be cut. Councilmember Paul stated that arrangements had been made for residents with animals to be at home when the cutting took place and added that someone from the Agricultural Department would be located at Town Hall to answer questions about the location of diseased trees. Councilmember Paul advised residents to put up a sign on their properties if they had animals and to pay close attention to the ruling that was due on November 17th. She added that the process to appeal may be changed and added that residents could ask for maps, pathology reports on their trees and distances to be measured. For those residents who had lost trees, funds would be available through State and federal grants to re-canopy. Councilmember Paul referred to the Streetscape Program in place in the Town and questioned if this Program could be used to help residents get back a canopy as soon as possible.

Mr. Kiar commended Council for authorizing the Town to join the lawsuit with the City of Pompano Beach and Broward County. He thanked Councilmember Paul for her efforts and advised that most of the trees on Orange Drive could be gone depending on the Judge's ruling. He advised that the 1,900 feet rule for eradication was arbitrary and not founded.

3.3 Actors Community Theater of Davie - Councilmember Paul

Councilmember Paul spoke highly of the professionalism of the first performance held in October and honored the group with a certificate.

Theater representative Larry Willis stated that plans for the theater group got underway in December 1999 and commended the Town for its support in this endeavor. He presented the Town with a Certificate of Appreciation and recognized Recreation Leader John Cassaro for his help.

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3.4 Davie/Cooper City Chamber of Commerce

Arlene Broleman, Executive Director, advised of the upcoming events: Annual Education Day Breakfast (November 15th); Sunshine State Pro Rodeo (November 24th - 25th); and the annual Christmas Open House (December 13th).

3.5 Pine Island Park Update

Public Works/Capital Projects Manager Bruce Bernard advised that everything was currently on schedule and on budget including drainage and sewer, design build portion which was 97% complete, fields graded, poles erected and a right turn lane at the entrance to the park. He stated that February 2001 was the completion date set for the fields and amenities and the water feature design would be completed between February and June 2001.

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

Sharon Pierce-Kent, Parks and Recreation Director, announced that upcoming events included: annual Thanksgiving Day luncheon (November 20th); adults and seniors holiday tree decorating (December 15th); Sea Escape field trip for adults and seniors (January 9th); and girls softball and youth baseball registration (December 4th).

Bonnie Stafiej, Special Projects Director, advised that upcoming events included: holiday craft show (November 18th - 19th); Concert in the Park (November 19th); State Championship rodeo and barbecue (November 24th - 25th); and the 12th Annual Decorating Contest; holiday lighting (December 10th).

Mayor Venis announced that items 9.6 and 9.12 had been withdrawn.

Mayor Venis announced that items 9.8, 9.9, and 9.11 needed to be tabled to December 5, 2000.

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

Mayor Venis announced that items 9.7 and 9.10 needed to be tabled to December 20, 2000.

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

Mayor Venis announced that two items needed to be added to the agenda as items 12.2 and 12.3.

Councilmember Paul made a motion, seconded by Councilmember Cox, to add items 12.2 and 12.3. In a voice vote, all voted in favor. (Motion carried 5-0)

5. CAPITAL PROJECTS DRAFT. Mr. Willi indicated that Council had been given a draft of the capital projects budget and asked that comments be provided.

CONGRATULATIONS. Mr. Willi congratulated several police officers on their promotions to the rank of sergeant.

POSITION OF TOWN ENGINEER. Mr. Willi indicated that interviews had been conducted and a candidate selected. He added that the applicant would be available to speak with Council.

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OTHER POSITIONS. Mr. Willi stated that interviews were being conducted for the Human Resources Director and the Town Clerk. He indicated that the Fire Chief selection committee was scheduled to meet on November 20th to recommend revisions to the job description. Mr. Willi added that interviews would begin after Council approval.

ROCKY JOHNSON INVESTIGATION. Mr. Willi stated that this investigation compared to the police investigation of the Fire Department. He pointed out differences between the two investigations, indicating that due process was followed in both cases. Mr. Willi stated that action was taken as expeditiously as possible in the Rocky Johnson case and indicated that the police investigation was still underway. He advised that prior to Mr. Johnson's hiring, an FDLE background check and a physical and drug screening were completed. Mr. Willi stated that a major concern by the police investigators was the lack of supervisory oversight within the department. He advised that residents should feel free to call him if they had any questions or concerns. Mr. Kiar stated that this investigation was now with the State's Attorney Office and suggested that further discussion be limited until they complete their investigation. Mr. Willi agreed.

Mayor Venis spoke about the press coverage and specifically the accusation that he used his influence to secure a job for Mr. Johnson and indicated that Mr. Johnson originally wanted to volunteer his time to the Town. Mayor Venis advised that he walked Mr. Johnson through the process, as he had done with other residents by walking them through other licensing and permit procedures. He referred to the Sun-Sentinel stories indicating that Mr. Johnson received a cell phone, which only happened because the department was out of radios. Mayor Venis spoke to the issue of Mr. Johnson being issued a vehicle with 110,000 miles on it, a choice offered to employees in lieu of receiving .325¢ per mile when using their own vehicle. He talked about the alleged partnership with Mr. Johnson for the sports academy. Mayor Venis indicated that Mr. Johnson was on the board of directors and helped with events, but was never a partner. The media reported that Mayor Venis had not filed paperwork relating to Mr. Johnson's resignation in a timely manner, but Mayor Venis indicated that the check had cleared on November 6th. Mayor Venis felt that the media had an agenda and further stated that he was responsible only for his own actions. He added that all background checks came up clear and it was inexcusable to accuse him, Council or Mr. Willi of jeopardizing the safety of the children. Mayor Venis quoted the Miami Herald which claimed that he did the hiring and firing, stating that this was not true as department heads do the hiring and firing. He felt that Mr. Willi did the proper thing in regard to this case.

4. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR VENIS

HAPPY THANKSGIVING. Mayor Venis extended holiday wishes to the residents.

CONGRATULATIONS. Mayor Venis congratulated his daughter who was the captain of her soccer team and his son who had made the honor roll.

JCC SPORTS DAY. Mayor Venis indicated that he was the honorary chair for the JCC Sports Day on November 10th in which \$50,00 was raised.

IVANHOE COMMUNITY. Mayor Venis asked for the Ivanhoe parcel land purchase to be placed on the next agenda.

PETITION. Mayor Venis provided a petition for speed humps on 31st Avenue and asked Acting Town Engineer John Doherty to evaluate the street.

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ENVIRONMENTAL BOARD. Mayor Venis asked that this matter be placed on the next agenda.

COUNCILMEMBER CLARK

TIMELINESS OF MEETINGS. Councilmember Clark expressed concern that residents were waiting a long time for Consent Agenda items to be discussed in a meeting that ran several hours.

HAPPY HOLIDAYS. Councilmember Clark wished everyone a happy holiday.

COUNCILMEMBER COX

CONGRATULATIONS. Councilmember Cox congratulated the Actors Community Theater on their excellent recent performance.

HAPPY THANKSGIVING. Councilmember Cox wished everyone a happy holiday and hoped they would come out for the rodeo.

TURKEY TROT. Councilmember Cox advised that she had attended the annual Turkey Trot at Davie Elementary and felt it was a successful event.

EXPANSION OF I-595. Councilmember Cox reported that the Police Department and the Department of Transportation was conducting a public hearing on November 16th to discuss the expansion.

FLORIDA COMMUNITY TRUST. Councilmember Cox advised that the Florida Community Trust would be holding a meeting on November 20th at Tree Tops Park to receive public input on the new rules for the Florida Forever Act. She indicated that the Act would give \$66 million annually to applicants for the purchase of open space, parks and greenways.

DON PARRISH. Councilmember Cox offered her condolences to the Parrish family who was a partner in the 5-Star Rodeo and a Davie cowboy.

RED BANDANA RIDE-A-THON. Councilmember Cox reported on the recent fundraising event which resulted in \$11,000 being raised for the Boys and Girls Clubs and she thanked the sponsors. She indicated that over the last five years, \$35,000 had been raised.

VICE-MAYOR WEINER

HAPPY BIRTHDAY. Vice-Mayor Weiner wished his daughter a happy birthday.

INTERNATIONAL BALLET ACADEMY. Vice-Mayor Weiner advised of the upcoming performance of the Nutcracker.

NEXT PRESIDENT OF THE UNITED STATES. Vice-Mayor Weiner commented on the impact on children who were tuning into CNN to keep informed on the presidential election.

MANDATORY REPORTING TO DCF. Vice-Mayor Weiner wanted to make sure that the staff for the Town's summer camps and after school programs was aware of requirements as far as mandatory reporting which had to be done immediately.

SCHOOL BOUNDARY MEETINGS. Vice-Mayor Weiner encouraged residents to attend these meetings.

CHARTERSCHOOLS. Vice-Mayor Weiner stated that the Town needed to begin looking at alternatives to public schools, so there would be enough classroom space and the students were getting the time and attention they needed.

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SUNRISE WATER. Vice-Mayor Weiner strongly urged that his issue be moved along. He suggested that if the Town was going forward with litigation, it do so and make it contingent on a bond issue so the residents could vote on the issue.

R-1E ZONING. Vice-Mayor Weiner referred to the recent discussions regarding this ordinance and the public hearing where Council learned that not all the residents were in favor. The result was that the Nob Hill parcel was being looked at which had been rezoned to an E zoning in 1990 and these people had vested property rights. Vice-Mayor Weiner felt there was not an intent to mislead but the discussions could have been avoided.

DEMOGRAPHICS. Vice-Mayor Weiner stated that the demographics of the Town had changed over the years and Council was reflective of that. Elected officials were not afraid to air their opinions and felt it was important to respect all lifestyles, both suburban and rural. He asked for the political terrorism and the rush toward negative press to stop and called on the residents to support Council, to end the political war and to embrace diversity. Vice-Mayor Weiner implored Council to get along and set an example for the Town.

Mayor Venis agreed that he would not belittle another Councilmember or discuss petty arguments with residents. He stated that his job was to be focused and professional.

COUNCILMEMBER PAUL

COUNCIL'S ACTIONS. Councilmember Paul agreed that Council needed to model cooperation and respect for the residents of the Town.

CHARTER REVIEW BOARD REPORT. Councilmember Paul congratulated Board Chair Tom Truex and was pleased with the report that had been prepared.

IVANHOE RESIDENTS. Councilmember Paul advised that she had attended meetings where the issue of the parcel next to the Community Center was discussed. When the trees were removed on I-75, the result was more highway noise and the residents were interested in a sound barrier wall. She advised that the State planned to put up a chain link fence, which would not help. Councilmember Paul asked that Lily Aguirre, who had done a lot of research on the wall, provide a presentation at the next meeting.

SPEED HUMPS ON 31st COURT. Councilmember Paul was glad that the residents were finally getting the speed humps and felt this road may some day be closed, as there were three car dealerships planned for this area. She advised that one concern was where the test drives would take place.

LIPPIZZAN SHOW. Councilmember Paul spoke highly of the show and how this was an important fundraiser for Project Stable.

REVENUE OBTAINED FROM DIFFERENT ZONING DISTRICTS REPORT. Councilmember Paul questioned the status of a report that she had requested over a year ago. She felt that the report could be advantageous to viewing different items that had been on the agenda.

PROPERTY SOUTH OF SEQUOIA. Councilmember Paul wanted the residents to know that this area was designated for a trail and would be addressed, as well as the concern for what to do with ATVs using this property.

SUNNYLAND FARMS. Councilmember Paul stated that these residents should know that there would be no motorized vehicles from 136th Avenue to Imagination Farms.

AGRICULTURAL PROPERTIES. Councilmember Paul expressed concern about a resident on Orange Drive who had property that was agriculturally zoned and wanted to continue to board horses and a question had been raised whether a permit was needed. She expressed concern about handling issues relating to farmers and had asked for a readdress of the

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agricultural ordinance. Councilmember Paul also asked that all the charges in the Hurley case but dropped as it was time to allow Mr. Hurley to continue his business. She was interested in looking at property appraisals that had been discussed a few months ago and felt that it was important for Council to support the agricultural ordinance and not harass the farmers.

CONGRATULATIONS. Councilmember Paul applauded Gary Hardin and the constitutional right to freedom of speech and wished him success with his publication.

VERBATIM MINUTES. Councilmember Paul stated that she sometimes needed more information than what was available in the minutes and would like to readdress the issue of verbatim minutes.

DRAINAGE. Councilmember Paul advised that there was a small area in Oak Hill which had been overlooked for drainage provisions. Residents had asked that this area be considered and she presented Mr. Willi with a petition.

Mayor Venis asked Mr. Willi if the residents in the area for which he had previously given him petitions requesting speed humps could be given consideration for various street signs in an effort to slow traffic.

PROCLAMATION (Item 7.7). Councilmember Paul presented a proclamation to Dennis Rogers in appreciation for the educational programs making students aware of Native American History. She dedicated this proclamation to Tom T. Rogers, Dennis' father, who taught his son the Navajo traditions he was now passing on.

Mr. Rogers thanked Council for recognizing the Native American people and their heritage. He spoke about the Thanksgiving holiday, the importance of sharing this history and being thankful. He asked the Town to remember Native ancestors who died for the freedom that was appreciated today.

5. TOWN ADMINISTRATOR'S COMMENTS

5.1 2001-2006 Capital Projects

Comments were made earlier in the meeting.

6. TOWN ATTORNEY'S COMMENTS

HAPPY THANKSGIVING. Mr. Kiar wished the residents a happy holiday.

142 AVENUE vs. KUEGLER. Mr. Kiar stated that two more depositions were taken and the plaintiff had retained an expert, who would be deposed. He advised that the trial was scheduled for the beginning of January.

Vice-Mayor Weiner asked about the Orandello matter. Mr. Kiar thought this had been sent back to Code Compliance with action not to be taken until Mr. Orandello had appeared before the special master.

MALCA. Mr. Kiar indicated that he had spoken with Mr. Malca who had agreed to the condition of Code Compliance which was completing the front of the home by December 31st and removal of the rear structure.

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PILLAR CONSULTANTS. Mayor Venis referred to the Pillar Consultants letter recently received. Mr. Kiar indicated that he felt there was a conflict, but the decision remained with Council to set a policy regarding this matter.

Vice-Mayor Weiner referred to a similar matter regarding the representative for Nextel and asked how a special master could serve as a petitioner. He felt that many good people would be lost if they were not allowed to represent clients at times.

Attorney Tom Connick pointed out that when Mr. Kiar was first hired, a question was raised concerning a consent that was given for a law firm to represent the City of Sunrise in other matters. He felt that this would become a policy decision but the firm may not wholeheartedly represent the Town on the water issue, given their other responsibilities for Sunrise. This was similar to Pillar in that they were doing independent contracting for the Town.

Vice-Mayor Weiner asked for clarification on what the potential conflict would be, citing several situations where various Town board members represent the petitioners. Mr. Connick felt that a special master situation with the Nextel representative was more removed than the conflict in the Pillar situation. With a Code enforcement decision, the Nextel representative would be in direct conflict.

Councilmember Clark felt it would important to review each case. Vice-Mayor Weiner expressed concern that the Town was careful not to chase away good people who bring expertise to the boards. Mr. Connick felt that people serving on advisory boards represented a much more removed issue and Council would probably find that this was not a problem. He reminded Council that it set the policy, not the Town Attorney. The potential problem was when the person stopped working for the Town during the time when they need to represent the client.

Mayor Venis referred to the City of Sunrise matter and felt that a law firm representing the Town and doing planning work for the City of Sunrise was a definite conflict. In the Pillar case, he did not see a problem because there were two different clients. Mayor Venis asked that this issue be placed on the next agenda to be resolved.

Councilmember Paul referred to a memo from Mr. Kiar on the old 84 Turnpike spur and asked about the position on this. Mr. Kiar indicated that if it was the desire of Council to move ahead on this matter, he would contact Mr. Leonard who had advised that this property would be available to the Town. Mr. Willi informed Council that staff would provide a report on that property.

7. CONSENT AGENDA

Minutes

7.1 September 20, 2000 - Regular Meeting

Occupational Licenses (Seasonal Sales - Waiver of Occupational License Fees)

7.2 Nova High School Band, 10181 SW 40 Street (location: 3500 South University Drive; November 27 - December 24, 2000)

7.3 Saint David Men's Club, 3900 South University Drive (location: 3900 South University Drive; November 27 - December 23, 2000)

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Parade/Race Permits

- 7.4 Forest Ridge Holly Day Parade (December 9, 2000)
- 7.5 FLA Academy of Chiropractic, Inc. (January 14, 2001)

Proclamations

- 7.6 National Adoption Month (November)
- 7.7 Native American Heritage Month (November)

Resolutions

- R-2000-264 7.8 **SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A BOUNDARY PLAT TITLED, "SOUTH POST 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 1-2-00, 4200 SW 154 Avenue) (tabled from November 1, 2000)**

- R-2000-265 7.9 **SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A BOUNDARY 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 8-2-99, Griffin 78 Plat, 7790 Griffin Road)**

- R-2000-266 7.10 **GRANT APPLICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR TO SUBMIT AN APPLICATION FOR FUNDING FOR THE 2000/2001 STATE THOROUGHFARE BEAUTIFICATION GRANT PROGRAM IN THE AMOUNT NOT TO EXCEED \$300,000.00. (\$150,000 reimbursement from Florida Department of Transportation)**

- R-2000-267 7.11 **CONTRACT AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE JAGUAR EDUCATIONAL TRANSITION (JET) PROGRAM CONTRACT APPROVED BY RESOLUTION R-2000-187. (Article 10 - Indemnification)**

- R-2000-268 7.12 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR BULK PEBBLE QUICKLIME, CITY OF TAMARAC BID #01-02B. (Chemical Lime Company; \$92,000)**

- R-2000-269 7.13 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH DOOLEY AND MACK CONSTRUCTORS, INC. FOR CONSTRUCTION OF A MULTIPURPOSE BUILDING AT PINE ISLAND PARK. (\$2,299,170)**

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- 7.14 **BOARD DUTIES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE PARKS AND RECREATION ADVISORY BOARD TO REVIEW AND PROVIDE RECOMMENDATIONS REGARDING THE METHODS, MANNERS AND PRACTICES INVOLVED AND TO BE FOLLOWED BY THE TOWN FOR ITS FUTURE DELIVERY FOR YOUTH AND ADULT RECREATIONAL AND ATHLETIC PROGRAMMING.
- R-2000-270 7.15 **SCRIVENORS ERRORS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING RESOLUTION R-2000-256 PERTAINING TO NON-REPRESENTED AND NON-CLASSIFIED COST OF LIVING ADJUSTMENT, BY CORRECTING SCRIVENERS ERRORS.
- R-2000-271 7.16 **SUBORDINATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUBORDINATING THE LIEN OF THE TOWN OF DAVIE ON PROPERTY OWNED BY JOLMY ENTERPRISES, INC. WITH RESPECT TO CERTAIN MORTGAGE INDEBTEDNESS AND PROVIDING AN EFFECTIVE DATE.
- R-2000-272 7.17 **PAY PLAN ADJUSTMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADJUSTING THE PAY GRADE OF THE REDEVELOPMENT ADMINISTRATOR IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN.
- R-2000-273 7.18 **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "YOUNG WORLD PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 10-4-00, 3301 College Avenue)
- R-2000-274 7.19 **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING, A REVISION TO THE RESTRICTIVE NOTE OF THE "NOVA UNIVERSITY NO. 1 PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 10-5-00, 3301 College Avenue)

Site Plans

- 7.20 **SP 2-3-00, Davie Square Shopping Ctr Main Street Plat, 5645 University Drive (B-2)** *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report; subject to the extension of the mansard overhang around the front as discussed on the northeast corner to match the canopy size and dimension on the northwest corner; that the walkway columns be shown on the plans*

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- 7.21 SP 5-8-00, University Parc Residence, 7085 Nova Drive (R-4A) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval based on the planners report and the following conditions: increase the heights of the Paurotis Palms to 20 foot overall on the south elevation, bldg. 2; add five triple Alexander Palms, 14 to 16 foot clear trunk, to south elevation, bldg. 1; relocate five Dahoon Holly to the retention area of building one or any good location on the site; tree locations are to be field adjusted upon installation; and that the floor plans be made to match the rendering/elevations as presented

Site Plan Modification

- 7.22 SP 10-3-00, McDonald's/Bldg Color Change, 4701 State Road 7 (Griffin Road Corridor/State Road 7 Node) Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report

Councilmember Paul asked that items 7.8, 7.9, 7.14 and 7.21 be removed from the Consent Agenda. Vice-Mayor Weiner asked that item 7.13 be removed. Mr. Willi asked that item 7.17 be removed.

Councilmember Clark made a motion, seconded by Vice-Mayor Weiner, to approve the Consent Agenda without items 7.8, 7.9, 7.13, 7.14, 7.17, 7.21. In a voice vote, all voted in favor. (Motion carried 5-0)

7.8 Gladys DiGiralmo, representing the petitioner, advised that the request to increase the recreation trail from 20 feet to 30 feet had been granted. She presented Council with revised copies of the plat which showed that this had been done on the north and east sides and added that one area would be increased to 60 feet.

Councilmember Paul asked about the width of the body of water on the property. Howard Zimmerman indicated that it varied from 40 to 100 feet and that this was a wetlands area. He added that there were no roads backing the homes.

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

7.9 Councilmember Paul asked about the opening on SW 78th Avenue.

Neal Kalis and Dawn Sonnenborn, representing the petitioner, were present. Mr. Kalis indicated that there was a 50 foot opening and there was also an opening on 78th Avenue which was 100 feet back from the corner and probably would be an established opening. The reason for this lied with a Florida Department of Transportation's service road which would need to be accessed from certain points along the Griffin Road corridor. Mr. Kalis indicated that the location of the drive would be determined during site planning and would probably be a width of 24 feet which would be decided by the Engineering Department.

Vice-Mayor Weiner expressed that he did not have a problem with Mr. Kalis representing his client on this issue.

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

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7.13 Vice-Mayor Weiner advised that this resolution was a contract for the Pine Island multi-purpose building and congratulated staff for getting this in under budget. He advised that staff needed to keep on top of the awarded contractor to maintain the price.

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

7.14 Councilmember Paul suggested that this resolution would allow the Board to meet and develop plans for the sports program.

Vice-Mayor Weiner stated that the residents had asked to review the program and he had advised them that there was a Parks and Recreation Advisory Board that the residents could meet with. He added that this resolution would grant the Board the authority to do so, but the residents had asked that the resolution be tabled until the next meeting.

Councilmember Clark stated that the Parks and Recreation Department also wanted this item tabled until a workshop could be held. She asked if Council would be able to participate in this workshop as she would like more information. Ms. Pierce-Kent indicated that the meeting would be noticed for all Council to attend.

Councilmember Cox felt the Board should have access to the reorganization report so recommendations could be made.

Councilmember Clark stated that one issue proposed was to include members of the sports division as part of the Board. Ms. Pierce-Kent advised that parents had suggested a commission with representatives from each sport.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to table until December 20, 2000. In a voice vote, all voted in favor. (Motion carried 5-0)

7.17 Mr. Willi expressed regret at losing Mr. Allen as the Project Administrator and felt that he would be an asset to the Community Redevelopment Agency (CRA). He referred to a letter from the CRA dated November 8th and stated that Mr. Allen would retain the benefits he currently received as a Town employee. Mr. Willi indicated that confirmation was made that Mr. Allen would be given the same consideration for salary and benefit increases as well as the provision that he would not be subject to any probationary period.

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

7.21 Councilmember Paul asked about road improvements to the Nova Drive and 71st Terrace area. She suggested that a traffic-calming device be put in place at that location or possibly a circle.

Bill Laystrom, representing the petitioner, stated that the Town could investigate different ideas. He had met with the residents many times and any changes to Nova Drive were extremely sensitive. Mr. Laystrom felt that the residents were possibly looking for speed humps, but a circle would be difficult. He indicated that improvements would include a left and right out and added that his client would be in support of whatever the Town decided in that effort.

Vice-Mayor Weiner asked about the need for the second entrance. Mr. Laystrom responded that access needed to be available for the construction of the turn lanes on 71st Terrace, the Fire Department would need access into the site, and a left turn out was needed for traffic to get onto Nova Drive. Mr. Laystrom stated that Mr. Blanco would prefer not to

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have an entrance on 71st Terrace, but it was essential for the project to work and he felt that Council would eventually put a median along Nova Drive.

Norm Blanco, 2080 SW 72 Avenue and President of the Homeowners Association of Villas of Arista Park, understood the need for an emergency entrance to the complex, but felt an exit for the residents was not necessary. He indicated that the traffic from the schools, the change of shifts at the Hayberg Industrial complex, and 750 residents going to work was extensive and another 150 to 200 vehicles moving would not work.

Mr. Laystrom stated that vehicles would need a left out access or a U-turn on Nova Drive and advised that there was a limited number of vehicle trips on that road. He added that the unit count had been reduced, a wall was being put between complexes, the project was much smaller and the plan met the Town's Code.

Mayor Venis asked about the garbage dumpsters. Mr. Laystrom indicated that there were two dumpster locations within enclosures and a wall. The dumpsters could not be moved farther away because the garbage trucks would not be able to access them.

Vice-Mayor Weiner asked about the location of 71st Terrace for an entrance and exit. Mr. Laystrom clarified that the distance was to allow for a car coming off Nova Drive and the entrance was lined up with the one across the street.

Mr. Blanco recommended a traffic light at that location, adding that it was currently difficult to get out. He reported that a staggered light system had also been discussed. Vice-Mayor Weiner suggested meeting with the Town's engineer. Mr. Blanco expressed concern that only a serious accident would result in a light being installed. Mr. Laystrom stated that the County felt the residents did not want changes made to that road and the volume of cross traffic would help determine the need for the light. He advised that the petitioner would bond for 50% of the light, adding that a gap analysis could also be done.

Mayor Venis asked Mr. Laystrom if he would be willing to work with the County, Town staff, Mr. Blanco and the association on the light issue. Mr. Laystrom agreed and added that the petitioner also agreed with the Site Plan Committee's requirements, staff comments and the "critter" removal.

Discussion followed about relocating the dumpsters and Mr. Laystrom explained that this would not be possible as a provision for truck access was necessary. There was a question about the height of the wall and Mr. Laystrom indicated that Mr. Blanco would prefer an eight foot wall, which was not allowed by Code. It was decided that an eight foot wall would require a variance and Mr. Laystrom agreed to this condition as long as the site plan was approved with a six foot wall, in case the request for a variance was not approved. Mr. Willi cited an example where a two foot berm was used with a six foot wall to create an eight foot barrier. Mr. Laystrom indicated that the slope for a berm would not be possible in the space allowed.

Councilmember Clark made a motion, seconded by Vice-Mayor Weiner, to approve subject to the staff's and the Site Plan Committee's recommendations, working with the residents on the traffic light and a six foot wall and for the petitioner to apply for a two foot variance. 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)

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8. PUBLIC COMMENTS

Ordinances - First Reading (Public Hearing to be held December 5, 2000)

- 8.1 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR SW 58 AVENUE ADJACENT TO THE "LAKESIDE VILLAS APARTMENTS PLAT"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 7-2-00, southwest corner of SW 58 Avenue and SW 42 Street)**

Acting Town Clerk McDaniel read the ordinance by title. Mayor Venis advised that a public hearing would be held on December 5, 2000.

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

Councilmember Cox made a motion, seconded by 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)

- 8.2 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR OAKES ROAD ADJACENT TO THE "Y.A.F. PLAT"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 8-2-00, portion of Oakes Road)**

Acting Town Clerk McDaniel read the ordinance by title. Mayor Venis advised that a public hearing would be held on December 5, 2000.

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

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

- 8.3 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO B-3, PLANNED BUSINESS CENTER DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-1-99 -Imagination Farms Commercial, 12401 Orange Drive)**

Acting Town Clerk McDaniel read the ordinance by title. Mayor Venis advised that a public hearing would be held on December 5, 2000.

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

Councilmember Paul asked if this was the site that included an Eckerd's. Mr. Kiar stated that this was the one acre parcel that was part of Flamingo Commons that had previously been approved. An unidentified man advised that this would not be an Eckerd's. Councilmember Paul asked if Council could ask for a conceptual site plan. The man advised that the conceptual site plan was attached to the application and indicated that the building would not change but it would not necessarily be an Eckerd's.

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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 - no. (Motion carried 4-1)

9. PUBLIC HEARINGS

Ordinances - Second and Final Reading

2000-36 9.1 **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY LYING EAST OF, AND ADJACENT TO TRACT 4 OF THE "A.J. BENDLE SUBDIVISION" OF SECTION 3, TOWNSHIP 51 SOUTH, RANGE 41 EAST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 8-1-00, Florida Power & Light, a portion of Davie Road Extension, between Stirling Road and NW 38 Street)**

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.

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)

2000-37 9.2 **VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR POINTE WEST DRIVE; UTILITY EASEMENTS ADJACENT TO POINTE WEST DRIVE; TOGETHER WITH A LAKE BANK AND LAKE MAINTENANCE EASEMENTS; WITHIN THE "ICW NORTH AND SOUTH" PLATS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 8-3-00, 15700 Pointe West Drive)**

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

Quasi Judicial Item

9.3 **SPECIAL PERMIT - SE 10-1-00, Nextel Communications/Regency Square at Broward Joint Venture, 4801 SW 148 Avenue (PUD) Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval**

Mayor Venis swore in the witnesses.

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Alan Gabriel, representing the petitioner, indicated that the proposal was for a 100 foot stealth communications system which would be housed in a hollow pole and used as a flagpole. He indicated that the system would provide room for two other carriers and added that the flag would be lit at night.

Mr. Gabriel reported that the site would be located in the back of the parking area, taking ten spaces from the shopping area parking which would not impact their needs, and that the perimeter of the site would be landscaped.

Vice-Mayor Weiner asked why the pole was not moved closer to I-75. Mr. Gabriel displayed the plans, showing the coverage, which would be seamless. Vice-Mayor Weiner suggested moving the site more towards Griffin Road, or a few hundred yards west to another parcel, and away from residential as much as possible. Mr. Gabriel stated that discussion with staff included the possibility of a site closer to Griffin Road, but it was decided that the proposed location would be best. He added that the site and its use complied with the existing Code and requested that Council approve the request.

Councilmember Paul asked about the wattage for the light. Mr. Gabriel reported that these were flood lights at the base, but not intense lights.

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

Councilmember Paul asked about potential health hazards. Mr. Gabriel stated that under the Federal Communications Act of 1996, cities and governments were prohibited from determining that towers were not safe because the government had safety requirements built into the licensing procedures. He added that there was no conclusive evidence that these towers were not safe.

Satellite communication was discussed and it was determined that this would not function properly for the needs in a residential area, but would be appropriate for ships or to provide a signal out in the ocean.

Vice-Mayor Weiner asked about Nextel's provisions for charitable donations. Mr. Gabriel advised that he would take specific requests to Nextel for a response, but he could not promise on their behalf.

Councilmember Paul asked if the Town had any recourse in relation to towers in general or must they be allowed. Mr. Kiar indicated that they were allowed, but providers collocating was encouraged and Mr. Gabriel indicated that there was no other pole within a mile of this one.

Vice-Mayor Weiner asked if the pole could be at 70 feet. Mr. Gabriel replied that this was possible but Nextel could not provide for collocation with 70 feet and added that with 100 feet, there would be room for two more.

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

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Ordinance - First Reading (Second Public Hearing to be held December 5, 2000)

9.4 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, SECTION 12-208, ENTITLED "REQUIREMENTS FOR OFF-STREET PARKING," AND SECTION 12.210, ENTITLED "USE OF REQUIRED OFF-STREET PARKING BY ANOTHER BUILDING," TO REVISE THE PARKING RATIO REQUIREMENTS FOR SELECTED USES; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE. (tabled from November 1, 2000)

Acting Town Clerk McDaniel read the ordinance by title. Mayor Venis advised that a public hearing would be held on December 5, 2000.

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

Dean Alexander, 13820 SW 16 Street, reported that the Davie Merchants and Industrial Association Executive Board wanted to know what this area covered and the requirements. Development Services Director Mark Kutney advised that it was town-wide. Mr. Alexander questioned the verbiage off-street parking by another building. Mr. Kutney advised that the amendment was changing a number of the troubling park ratios that were currently in the Code. He indicated that in some cases, the current ratio was studied and relaxed the ratio where appropriate.

Tom Truex, 4740 SW 72 Avenue, stated that if the intent was to drop unneeded parking, this ordinance would help new commercial development. He spoke about green space and parking, stating that if the ordinance permitted more concentrated commercial use, it may not be appropriate to put more building on a given lot. Mr. Truex felt that some reductions were drastic and felt that this may not be in the best interest of the Town.

Mayor Venis closed the public hearing.

Vice-Mayor Weiner expressed concern regarding reductions relating to retail and restaurants and felt that in some areas, the parking may not be adequate. Development Services Director Mark Kutney felt there were a number of ratios that provided overparking in some cases. He stated that many sources were utilized to come up with a ratio such as national sources, other municipalities and the Urban Land Institute. Mr. Kutney stated that many restaurants were over parked and, in this case, the shopping center in general was looked at for the overall need.

Councilmember Cox compared the parking originally available for buildings on State Road 84 which was partially lost when the road expanded to the parking at the Tower Shops and Pier One which was never full. She felt that there was currently an overabundance of parking provisions in the Town's Code which restricted commercial development.

Mayor Venis felt that it was important to avoid having commercial development with too much parking, and when this had been the case, the Town had met with developers to change it.

Councilmember Paul referred to Signature Grand where it appeared there was a great deal of parking space available but the parking was not adequate. She felt that each establishment was different and the needs may not be predictable. Councilmember Paul asked if a clause could be added to allow for individual cases. Mr. Kutney indicated that there was a shared parking study, but an individual use study could be looked at.

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Councilmember Clark asked how this affected open space if parking was reduced. Mr. Kutney pointed out that the landscaping percentage recommended for parking areas was 10%, however, the Town's Code required 15%. An increase in landscape requirements was possible but the intended use was to park vehicles.

Vice-Mayor Weiner suggested a differential for each particular use, especially as related to an event-type facility. Mr. Kutney stated that staff had created a table indicating the various hotel needs and had decided a one-to-two ratio was needed. Comparisons were made with the cities of Sunrise, Broward and Plantation.

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to adopt the ordinance as amended by the concurrences excluding the requirement that for any decrease in parking lot requirements, there be an increase in green space, excluding concurrences for beauty salons by keeping it at five spaces. 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)

Interpretation of Council Motion

9.5 V 3-2-00, A-1 Pride, Inc./Roero, 6331 SW 41 Court (B-2)

Vice-Mayor Weiner clarified the previous motion that was made and how the minutes had reflected his comments. Mr. Kutney remembered that Councilmember Cox had asked Mr. Roero to comply with all aspects of the Western Theme guidelines. It was staff's position that it did not comply in all aspects but they felt it was the petitioner's intention to comply. Mr. Roero agreed to do so in all aspects, although his attorney was not present at that time. Mr. Kutney stated that this was before Council again so it could determine if it wanted Mr. Roero to comply with all aspects or to give him relief.

Councilmember Clark indicated that she had received several calls from the owners and had held a meeting where it was discussed that the petitioner did not realize he had agreed to comply with facing all sides of the building with a western theme. Planning and Zoning Manager Jeff Katims stated that the petitioner was in the Western Theme District but the work he was intending to do did not trigger compliance with the architecture. He pointed out that Mr. Roero was volunteering to add treatments to the front facade, although the Code did not require him to do so.

Vice-Mayor Weiner asked Mr. Kiar to look into whether this should be reconsidered, since there was no agreement. Councilmember Cox stated that she understood that Mr. Roero agreed to comply with the western theme in total. Vice-Mayor Weiner referred to the minutes and was not sure if the petitioner had agreed. Councilmember Clark felt that the minutes showed the petitioner intended to comply.

Vice-Mayor Weiner asked what Mr. Roero had done since that time. Mr. Kutney stated that the site plan had been approved but continuances had been requested on the Code enforcement issue. He advised that the petitioner was asking that the variance be granted without the condition that he must comply with the western theme in total. Vice-Mayor Weiner, Councilmember Cox and Councilmember Paul indicated that they would like the petitioner to comply. Councilmember Clark indicated that she would like to revisit the variance without having the petitioner be required to comply completely as she felt his agreement to do so was an error in judgment. Mr. Connick stated that if the petitioner misunderstood, and the misunderstanding was reasonable, then Council should reconsider. However, if the misunderstanding on the part of Mr. Roero was not reasonable, Council

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could then insist upon what was agreed to that night. Vice-Mayor Weiner reminded Council that it was not obligated to grant a variance request and if the petitioner wanted to come back, it could be reviewed.

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to reconsider the variance request at the next meeting. 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 Cox asked Mr. Kutney if staff discussed with Mr. Roero what compliance with the Western Theme would mean. Mr. Kutney was not certain.

Mayor Venis closed public hearing portion of the meeting.

Items to be tabled or withdrawn

9.6 WITHDRAWN BY STAFF

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 October 18, 2000)

This item was withdrawn earlier in the meeting.

9.7 PLANNING AND ZONING BOARD TABLED TO DECEMBER 13, 2000; COUNCIL CAN TABLE TO DECEMBER 20, 2000

VARIANCE - V 5-4-00, Lombardo/Ross-Matz Investments, 8020 SW 30 Street (B-2) (tabled from October 18, 2000)

This item was tabled earlier in the meeting.

9.8 PLANNING AND ZONING BOARD TABLED TO NOVEMBER 22, 2000; COUNCIL CAN TABLE TO DECEMBER 5, 2000

VARIANCE - V 10-1-00, Stirling Place, Inc., 6851 Stirling Road (B-1 and B-2)

This item was tabled earlier in the meeting.

9.9 PLANNING AND ZONING BOARD TABLED TO NOVEMBER 22, 2000; COUNCIL CAN TABLE TO DECEMBER 5, 2000

SPECIAL PERMIT - SE 9-2-00, Nextel Communications/Palm Peterbuilt-GMC Trucks, Inc., 2441 South State Road 7 (B-3)

This item was tabled earlier in the meeting.

9.10 PLANNING AND ZONING BOARD TABLED TO DECEMBER 13, 2000; COUNCIL CAN TABLE TO DECEMBER 20, 2000

MASTER SITE PLAN - MSP 8-1-00, Ivanhoe Planned Unit Development (PUD) (tabled from October 18, 2000)

This item was tabled earlier in the meeting.

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9.11 FIRST READING TABLED TO NOVEMBER 15, 2000; SECOND READING TO BE TABLED TO DECEMBER 5, 2000 (see item 9.4)

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, SECTION 12-208, ENTITLED "REQUIREMENTS FOR OFF-STREET PARKING," AND SECTION 12.210, ENTITLED "USE OF REQUIRED OFF-STREET PARKING BY ANOTHER BUILDING," TO REVISE THE PARKING RATIO REQUIREMENTS FOR SELECTED USES; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE. (tabled from November 1, 2000)

This item was tabled earlier in the meeting.

9.12 ITEM WITHDRAWN; ORDINANCE DENIED ON FIRST READING

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING CODE AMENDMENT APPLICATION ZB(TXT)06-01-00, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, ARTICLE III, BY ADDING SECTIONS 12-32.400 THROUGH 12-32.499 TO CREATE THE R-1E PLANNED DEVELOPMENT DISTRICT; PROVIDING FOR DISTRICT INTENT, MASTER PLANS, DISTRICT APPLICABILITY LIMITATIONS, PERMITTED AND CONDITIONAL USES, PROPERTY DEVELOPMENT REGULATIONS, AND EQUESTRIAN PROVISIONS; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

10. APPOINTMENTS

10.1 Youth Advisory Committee (exclusive appointment: Councilmember Paul; term expires March 2001)

Councilmember Paul deferred her appointment until the next meeting.

11. OLD BUSINESS

11.1 Zoning in Progress (deferred from November 1, 2000)

Councilmember Paul indicated that she and staff had discussed some aspects that she felt would improve the master plan since R-1E was "no longer in here". She felt that Council might consider going back to Nob Hill and thought some of the ideas discussed at the meeting could have been included in the backup.

Mr. Kutney listed Councilmember Paul's ideas which included land set aside for schools, impact fees for school construction, no gates, no private road prohibition, drainage lakes and wider canals. He discussed the specifics of Councilmember Paul's suggestions which included a variety of home styles, property does not necessarily have to be horse property but no deed restrictions preventing horses, retaining the current density with no clustering, permitting barns or allowance for community barns, the possibility of some curving type roadways along with traffic calming and the layout of a master plan on the map. Councilmember Paul added that she felt that streets should not be enclosed and should be

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part of the master plan project. She stated that the goal was to envision a plan, similar to what was done for the Griffin Road Corridor, for the large amount of property that was still available. Mr. Kutney clarified the roadway idea, stating that Councilmember Paul suggested a more grid iron pattern of development, not winding roadways, which she thought would provide continuity with the rest of the community.

Vice-Mayor Weiner asked Councilmember Paul if she had specific parcels of land in mind. Councilmember Paul advised that there were parcels along Davie Road and areas of the town that needed forethought. She indicated that there was a parcel from Nob Hill west that was recently under consideration and there were a few 40 and 80 acre tracts.

Councilmember Clark clarified that Councilmember Paul was trying to put more restrictions on how a parcel could be developed. Councilmember Paul indicated that she was trying to plan and added that there was a lot of property along Davie Road. She called for a vision on what would happen with this property as an area rather than seeing it developed one piece at a time without a plan.

Mayor Venis suggested that a series of workshops be held on each parcel to get input from the residents.

Vice-Mayor Weiner applauded Councilmember Paul's attempt to have a vision for the future of the Town. He indicated that with some of these properties mentioned, the land owner had rights to certain zoning and the developer planned to move forward. He asked Mr. Kutney and Mr. Kiar to determine the impact on imposing restrictions on land that was intended to be developed in accordance with existing zones.

11.2 Boys and Girls Club Facility

This item was deferred to the next meeting.

12. NEW BUSINESS

12.1 Time Certain Agenda Items

Councilmember Paul indicated that this issue had previously been discussed and she would like to readdress her idea of holding a third meeting each month to handle policy issues. With regard to long meetings, she suggested the importance of having part of the agenda as time certain and moving Councilmember Comments to the end of the meeting.

Mayor Venis felt that when meetings were lengthy, the comments were dispensed. He added that when large groups were in the audience on specific issues, those issues were taken out of order and dealt with first. Mayor Venis felt that if there was a lengthy meeting planned, comments could be heard at the end of the meeting or at the next meeting. He felt that an abnormal number of Consent Agenda items were being pulled for discussion which could be clarified with staff prior to the meeting.

Vice-Mayor Weiner felt that the three-minute threshold for Open Public Meeting should be adhered to as much as possible. He suggested that when proper decorum was not met, the speaker should be called on it.

Councilmember Cox agreed with Mayor Venis regarding the Consent Agenda items and suggested that Councilmembers address some of these under their comments.

Councilmember Clark agreed with Vice-Mayor Weiner that the Open Public Meeting was out of hand and the current rules should be enforced. She felt that to sit through

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two to three hours of public comments was not necessary and suggested having 30 minutes of the Open Public Meeting and take the rest of the comments at the end of the agenda after other business was completed. Vice-Mayor Weiner agreed that this would allow for the Town's business to be accomplished.

Councilmember Paul advised that she reviewed the Consent Agenda items with staff at great length so she was clear on the item ahead of time; however, residents sometimes asked her a question that resulted in the item being pulled for clarification. She pointed out that residents preferred to hear the specifics of what was being passed.

Vice-Mayor Weiner referred to procedures followed by the County which involved a speed memo format where questions asked by residents were posed to staff and if an answer was not received, it was followed up on.

Councilmember Clark recommended that Mayor Venis and Mr. Willi discuss how to enforce the policy.

12.2
R2000-275 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIAL TO ENTER INTO AN AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION FOR HIGHWAY LIGHTING ON GRIFFIN ROAD FROM UNIVERSITY DRIVE TO WESTERN TOWN LIMITS, WITHIN THE TOWN OF DAVIE AND BRIDGE W, OUTSIDE THE TOWN LIMITS, AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SUCH DOCUMENT.

Acting Town Clerk McDaniel read the resolution by title.

Councilmember Cox advised that negotiations with the Florida Department of Transportation and the Water Management District continued regarding the landscaping on Griffin Road. She felt a compromise was being reached regarding the canary date palms and light poles and indicated that a permit had not been obtained for the light poles. Councilmember Cox advised that a tenable position was being reached with maintenance and landscape agreements for the western area.

Vice-Mayor Weiner asked that the acronym for the utility agency be defined in the agreement. Councilmember Cox indicated that UAO was the Utility Agency Owner and it was determined that this would be clarified.

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

12.3
R-2000-276 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION ENTITLED "DISTRICT FOUR (4) HIGHWAY BEAUTIFICATION AND MAINTENANCE MEMORANDUM OF AGREEMENT DSF-MAINTENANCE" FOR TRAFFICWAYS BEAUTIFICATION IMPROVEMENTS TO GRIFFIN ROAD FROM UNIVERSITY DRIVE TO THE WESTERN TOWN LIMITS, WITHIN THE TOWN OF DAVIE AND BRIDGE W., OUTSIDE THE TOWN LIMITS, AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SUCH DOCUMENT.

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Vice-Mayor Weiner indicated that this resolution also needed to be modified similar to the previous resolution.

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

13. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 11:50 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk