

**TOWN COUNCIL  
REGULAR MEETING  
SEPTEMBER 6, 2001**

**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 Paul and Councilmembers Clark, Starkey and Truex. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

**3. OPEN PUBLIC MEETING**

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

Norm Blanco spoke about discussions with Mario Zacco and how concessions had been made.

Julia Cavaliere, 2707 Lincoln Street, stated that being homeless could happen for various reasons and explained that not everyone who was homeless was a bad person. She spoke in support of the shelter and asked Council to understand their position.

Gary Ward, 2707 Lincoln Street, explained his history and how he came to be selling papers on a street corner, a responsible improvement to the poor choices he had made after first returning to the United States. Mr. Ward pointed out that the shelter was supported by the Homeless Voice and not by the government; so without the paper, the shelter would not be in existence. He spoke well of the training program that a person went through and of the generosity of people who purchased the papers. Mr. Ward stated that a work ethic was developed in those who do this which was an important part of working back into society. Councilmember Truex asked about the training. Mr. Ward explained that timing of lights and knowledge of traffic was part of the training. He stated that there had been no serious injuries and no fatalities.

Nathan Hanks, 2707 Lincoln Street, stated that last night, the police brought in eight people from hospitals as the shelter was one of the few that had open doors.

An unidentified person spoke about the farmer ranch and explained that the homeless people had the same circle of careers as the Town's residents, including medical, legal, and computer professions. These were people who had lost trust in themselves and the program offered at the shelter was a self-esteem program.

Arthur Joseph, 13700 SW 18 Court, supported the homeless people and felt they should be allowed to collect at intersections. He spoke about the site on Flamingo Road and the rumors surrounding this. Mr. Joseph described other sites in Davie that had been approved, which seemed to not be located well, so the location of this shelter should be considered. He felt that people did not address the real ills of society and that most Americans did not help the down trodden. Mr. Joseph felt that the Vietnam vets needed better treatment.

Steven Boyd, 6201 SW 37 Street, spoke about Davie Tire and Battery and a recent meeting with those involved. He was concerned that the owner may try to open without a temporary certificate of occupancy and understood that the petitioner planned to cross his and other residents' property with trucks. Mr. Ward stated that he had observed the petitioner working on cars without a certificate of occupancy and indicated that some of this work was being done at night, including building a fence. He advised that he would like to

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see the fence welded shut so that the petitioner could not cross his property. Other problems included water from the Davie Tire and Battery downspouts that caused erosion to their property.

Julie Aitken, 3801 Flamingo Road, spoke about item 10.11 and a letter sent to Council. She stated that she spoke with Mr. Willi and Development Services Director Mark Kutney about changes to Section 12-34(B) of the Town's Code. She felt that staff did not abide by Council's wishes and its promise to her in handling this. Ms. Aitken spoke about the redefinition of "farm" and "agricultural" and how this issue had historically been circumvented with semantics. She stated that staff made efforts to get an opinion from the Attorney General without Council's knowledge. Ms. Aitken added that extensive amendments had been made to Broward County's ordinances regarding what constituted agriculture. She suggested that Council should be making the decisions, not staff.

Vice-Mayor Paul asked why this ordinance had to go before the Planning and Zoning Board and asked to see a legal opinion. She was concerned that this was something Council should have been directing. Mr. Willi offered to provide a detailed report to Council and advised that a precedent had been set. He wanted Council to have all the facts before them and that was the intent in seeking the Attorney General's opinion. Mr. Willi stated that the goal was to determine if the Town could enforce its zoning within these properties.

Councilmember Clark asked who had requested the Attorney General's opinion. Mr. Willi indicated that this was a decision made by staff and Mr. Kiar. Mr. Kiar advised that he did not believe his office was involved in this request.

Jason Curtis, 3801 Flamingo Road, spoke about the inappropriateness of Council's political initiatives based on party lines. He also spoke against the "mass produced mailer" and the phone-forwarding message sent out by an outside group with Vice-Mayor Paul's home phone number.

Vice-Mayor Paul spoke about the numerous calls she had received and stated that this automated calling machine included no identification. She stated that the residents could have called Town Hall to leave a message, but what was done was highly illegal and she may file a complaint with the Attorney General.

Peter Rodriguez, 14941 SW 31 Court, spoke about the July 3rd Town meeting and traffic concerns. He stated that there were safety issues with local roads used as feeder roads. Mr. Rodriguez was concerned about whether or not a traffic study was a priority for Mr. Willi. Mr. Rodriguez asked about a master plan for the traffic situation and felt one was needed. He felt that guidelines for requesting speed humps were good, but a process needed to be established for those wanting to submit a petition. Mr. Willi responded that there was no money in this fiscal year's budget for the traffic study, but it was placed in the budget for the next fiscal year. The result of this study, he advised, would be a master plan.

Sean Cononie, 7508 Grand Court - Hollywood, stated that the homeless shelter was a service provider for the Town. He pointed out that most everyone taken in by the shelter was from other agencies in the County. Mr. Cononie explained that the vendors were trained and he suggested that Council be careful to uphold the Constitution of the United States. He stated that tax dollars did not provide shelter for small children who were homeless, which should be of paramount concern to all. Mr. Cononie was available to answer questions about how his facility was run, adding that the rules governing curfews and other issues should be up to Council and they were willing to comply.

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Councilmember Starkey asked Mr. Cononie if he had called her office to leave a message indicating that he would drop three homeless families at her residence. Mr. Cononie responded negatively and explained that when he called, he had asked if the shelter was not available, did she want to care for these families. Councilmember Starkey warned against intimidating her, her family and Council. Vice-Mayor Paul indicated that she had also received the same message. Mr. Cononie stated that this message was addressed just to Councilmember Starkey.

Melissa Daughtery, 825 North 19 Avenue, explained that she arrived at the shelter with her children and they were well taken care of. She indicated that she was now in a traditional living program and employed at the Ft. Lauderdale airport.

LeeAnn Dane, 2707 Lincoln Street, advised that she had been a resident in the shelter for five days. She spoke about her alcoholism and the benefits of feeling safe, making friends, and selling the paper.

Maurice Gordon, 2707 Lincoln Street, spoke about the merits of the shelter. He pointed out that selling the Homeless Voice was a job and not begging for money. Mr. Gordon felt safe at the shelter and explained how their positions on the street were strategically placed for safety.

Irina Mamesh, 2707 Lincoln Street, spoke about her homeless history and advised that the people at the shelter needed the Town's support.

Shawnese Hughes, 2707 Lincoln Street, explained that for her to be on the street would be neglecting her children and spoke of the merits of the shelter.

Bobby Reagan, 2707 Lincoln Street, stated that this shelter helped put him on track with his family and felt it was important to the Town and the County in general.

Bree Swartzmiller, 2707 Lincoln Street, explained that she was thrown out of her house recently and needed a place to stay. She spoke about the protection of the shelter and advised that she had a full time job. Ms. Swartzmiller stated that taking these vendors off the street would result in more homeless people in the community.

Angie, 2707 Lincoln Street, explained her situation and how a homeless shelter offered protection for young mothers. She asked Council to preserve their shelter.

Roni Briggs, 2707 Lincoln Street, stated that she had not always been in a homeless situation. She spoke about how difficult their job with the Homeless Voice was, the merits of the people who lived there and of the shelter in general.

Ranier Potts, representing Family Central, referred to Davie's partnership with the organization. He spoke about the need for a funding match from Davie, hoping the organization would again be part of the upcoming year's budget. Councilmember Truex asked about the matching contributions and the number of Davie children served. Mr. Potts explained that many referrals were done for day care and Family Central had mental health and social services, involving a number of children.

Greg Miletello, 2707 Lincoln Street, asked Council what they would do if they became homeless. He spoke on behalf of the efforts of the people who lived at the shelter and explained they were there because they had to be. Mr. Miletello stated that the new shelter was very important to these individuals.

Celina Morlett, 1202 North Andrews Avenue, explained that she had been court ordered to one of Mr. Cononie's shelter and she was now recovering successfully from her

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drug problems. She explained that she had a full time job and shared an apartment with others, but returned to the shelter to help on her days off. Ms. Morlett explained that the shelter was important for the children, as well as their parents.

Barbara Erickson, Executive Director of Kids Voting Broward, spoke of the positive impact this program had on kids after the recent presidential election. She asked Council for \$2,500 in funding support from the Town. and pointed out the need for the education of children in voting and American history in general.

Arthur Hurley, 4601 SW 128 Avenue, spoke about the agricultural zoning in the Town's Code and offered information from the County regarding this zoning. He spoke on behalf of the shelter and its merits and had no objection to the proposed site.

George Greeg, 11875 Ridgeview Drive, respected the rights of the homeless people and their right to earn a living. He felt, however, that the proposed site for the shelter was not appropriate and would adversely affect his property value.

Karen Greeg, 11875 Ridgeview Drive, supported the Homeless Voice newspaper, but was not in support of the shelter's proposed location as she felt it was not right for the young children in the area. She indicated that the businesses where the shelter resident's could find full time employment were not located in that area.

Ruben Vicente, representing the Miami Herald, expressed concerned about the ordinance and explained that newspaper's vendors provided a service to the community. He agreed that the Miami Herald would be willing to work with Council on safety issues to come to an agreeable solution. Councilmember Truex asked if there was a training program for vendors. Mr. Vicente responded affirmatively.

Timothy Latimer, 2707 Lincoln Street, spoke about the problems with the homeless and advised that he had worked all his life, but he had lost his home and car through illness and Mr. Cononie had provided him assistance. Mr. Latimer stated that he was proud to be selling the paper.

Melissa Solomon, 13381 SW 42 Street, supported the right of the homeless to sell the paper, as it was a business; however, she was concerned about the proposed site because she felt that the homeless people would not be served well by living in this area. She felt that the shelter would not be in the best interest of the residents in the area, as well.

Wayne Murray, representative of the Miami Herald, indicated that there was a training program for vendors. He stated that they had used some of Mr. Cononie's vendors and they were very well trained and moved from the shelter out into society with jobs, cars and a place to live. Mr. Murray spoke in support of the shelter, stating that it was a transitional period for these individuals.

Sam Yee, representing the Sun-Sentinel, felt that it was an opportunity for homeless people to become productive in society. He stated that there was a training program and the newspaper's insurance company monitored their activities. Mr. Yee advised that 40% of the street sales in the County came from the Davie area and asked Council to keep the street-vending program.

John Parker, 6350 West Falcon's Lea Drive, spoke about Councilmember Clark's recent inquiries into the Davie Police Department's hiring practices which he felt had been a personal attack. He spoke in favor of the department and felt that Council needed to support the department, not criticize it. Mr. Parker spoke about the ratio of police officers to private citizens and felt that Council could help to meet the needs of the department and the Town's residents. Councilmember Clark stated that she supported public safety and

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would like to see more police officers on duty instead of promotions from within. Her questions about the department were inquiries into hiring practices for the purpose of bringing out the need for more officers on the street.

Mayor Venis closed the open public meeting.

Mayor Venis asked to add an item 13.7 as Mr. Griffin was in attendance.

Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to add item 13.7 to the agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

13.7 Mr. Griffin advised that the request was for a tent sale which he had conducted for many years.

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

**4. PRESENTATIONS**

**4.1 Upcoming Special Events - Bonnie Stafiej and Dennis Andresky**

Special Projects Director Bonnie Stafiej advised that upcoming events included: Fall Country Craft Show (September 15th - 16th); Five-Star Rodeo (September 22nd); dog show (September 29th - 30th); third annual neighborhood clean-up project at Potter Park (October 6th); and OctoberFist Wrestling Event (October 6).

Parks and Recreation Director Dennis Andresky advised that upcoming events included: registration for youth in-line hockey program (program begins October 6th); youth soccer program (begins early November); adult softball league registration; monthly potluck dinner at the Eastside Community Hall (September 14th); adult and seniors ice cream social (September 14th); preschool program at Shenandoah Park; and the grand opening and dedication of Davie Pine Island Park multipurpose building (September 8th).

Mayor Venis announced that item 10.4 needed to be tabled to September 19, 2001.

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

Mayor Venis announced that item 10.7 needed to be tabled to October 3, 2001.

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

Mayor Venis announced that items 10.8, 10.9 and 10.10 needed to be tabled to October 3, 2001.

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

Mayor Venis announced that item 10.11 needed to be tabled to September 19, 2001.

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

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Councilmember Clark made a motion, seconded Vice-Mayor Paul, to add items 13.5 and 13.6. In a voice vote, all voted in favor. (Motion carried 5-0)

**5. MAYOR/COUNCILMEMBER'S COMMENTS**

**6. TOWN ADMINISTRATOR'S COMMENTS**

**7. TOWN ATTORNEY'S COMMENTS**

Comments were deferred.

**8. CONSENT AGENDA**

*Minutes*

8.1 July 18, 2001 - Regular Meeting (tabled from August 15, 2001)

8.2 August 1, 2001 - Regular Meeting

*Home Occupational Licenses*

8.3 A-Lifestyle Limousines, Inc., 13621 SW 36 Court

8.4 Kantuta, Corp., 12040 SW 32 Street

8.5 Natural Art Landscape & Design, Inc., 5360 SW 64 Avenue

8.6 Source Mart, Inc., 14951 SW 27 Street

*Resolutions*

8.7 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2001-219 **AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE TAMARA PEACOCK COMPANY FOR ARCHITECTURAL SERVICES.**

8.8 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2001-220 **AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN BRANDYWINE HOMEOWNERS ASSOCIATION OF BROWARD COUNTY, INC. AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.**

8.9 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2001-221 **AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS WITH BROWARD COUNTY, AND G.L. HOMES ASSOCIATES II, LTD., RELATING TO THE PRESERVATION OF AN ARCHAEOLOGICAL SITE 8BD2147 WITHIN THE "LONG LAKE RANCHES" PROJECT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURE TO SAID AGREEMENTS; AND PROVIDING AN EFFECTIVE DATE. (DA 8-1-01, 3201 Hiatus Road, 3304 Hiatus Road and 3501 Nob Hill Road)**

8.10 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING**  
R-2001-222 **THE BID FOR ARENA CEILING AND ROOF REPAIR. (Best Roofing - \$65,280)**

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- 8.11  
R-2001-223     **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY THE CITY OF JACKSONVILLE, FLORIDA, BID #SC-0463-00 FOR SUPPLYING SPORTS LIGHTING AND CONCRETE LIGHT POLES. (Musco Lighting - \$118,583.94)**
- 8.12  
R-2001-224     **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY THE CITY OF MIAMI BEACH, BID NO. 77-98/99, FOR VEHICLE EMERGENCY LIGHTING EQUIPMENT AND AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUND. (Law Enforcement Supply Company, Inc. - \$33,491.46)**
- 8.13  
R-2201-225     **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY GSA FEDERAL SUPPLY CONTRACT GS-07-F-8722-D FOR A REELMASTER 3100D. (Hector Turf - \$17,886.30)**
- 8.14  
R-2001-226     **PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING FUNDS FROM THE LAW ENFORCEMENT TRUST FUND TO PURCHASE SUPPLIES FOR THE DRUG ABUSE RESISTANCE EDUCATION (D.A.R.E.) PROGRAM. (not to exceed \$15,000)**
- 8.15  
R-2001-227     **EXPENDITURE - 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. 2001 CONFERENCE. (not to exceed \$15,000)**
- 8.16  
R-2001-228     **MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN IN CASE NO. 96-525 FROM \$2,200.00 IN AMOUNT TO \$808.19; AND PROVIDING AN EFFECTIVE DATE. (Scanlan)**
- 8.17  
R-2001-229     **CLASS SPECIFICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE CLASS SPECIFICATION OF FIRE-RESCUE SERVICE AIDE AND ASSIGNING A PAY GRADE IN THE WHITE COLLAR PAY AND CLASSIFICATION PLAN.**
- 8.18  
R-2001-230     **CARETAKER - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CREATING THE POSITION OF CARETAKER FOR ROBBINS LODGE PRESERVE AND AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND CARETAKER.**
- 8.19  
R-2001-231     **HOLIDAY SCHEDULE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE HOLIDAYS TO BE OBSERVED BY THE TOWN OF DAVIE DURING FISCAL YEAR 2001-2002; AND PROVIDING AN EFFECTIVE DATE.**

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- 8.20 PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-20001-232 AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "Y.A.F.  
PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 8-1-01, 3301 State  
Road 7)**

*Vested Rights Determination*

- 8.21 Leto Estates No. 4, SW 130 Avenue and SW 25 Street (tabled from August 15,  
2001)**

*Site Plans*

- 8.22 STAFF REQUESTING A TABLING TO SEPTEMBER 19, 2001**  
SP 4-2-00, Armadillo Square, 4614 SW 64 Avenue (Griffin Road Corridor)  
(tabled from July 18, 2001) *Planning and Zoning Division recommended  
denial; Site Plan Committee recommended denial*
- 8.23 SP 8-7-00, Imagination Farms West, 4200 Shotgun Road (E) *Planning and  
Zoning Division recommended approval subject to the planning report; Site  
Plan Committee recommended approval based on the planning report; the  
Live Oak trees at the entrance way be upgraded from 10 feet to 16 feet; to show  
the Committee a landscape plan before the next Town Council meeting which  
indicates an increase of 90 caliper inches in trees flanking the main entrance  
way; additional hedges, approximately 600, placed in the north buffer; would  
like Council to see the landscape plan with the eliminated ground cover and  
the additional trees previously mentioned; would like the applicant to come  
back before the next Council meeting with the layout of the north buffer  
providing that the homeowners could agree on that plan, and if they could  
not agree, someone would make a decision and have it done before the  
Council meeting; to come back before this Committee to address Chair Evans'  
concerns on the architectural features and provide color renderings, samples  
of the roof tiles, paint color samples, entrance feature of gate [guard] house,  
and all architectural features/samples by September 4th; and provide an  
Osprey platform***
- 8.24 SP 6-1-01, St. Bonaventure Catholic Church, 1301 SW 136 Avenue (CF)  
*Planning and Zoning Division recommended approval subject to the  
planning report; Site Plan Committee recommended approval subject to the  
planning report***

Vice-Mayor Paul asked that items 8.18, 8.21, and 8.23 be removed from the Consent Agenda. Councilmember Truex asked that item 8.11, 8.12, and 8.13 be removed.

Councilmember Clark made a motion, seconded by Vice-Mayor Paul, to approve the Consent Agenda without items 8.11, 8.12, 8.13, 8.18, 8.21, and 8.23. In a voice vote, all voted in favor. (Motion carried 5-0)

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8.11 Councilmember Truex stated that he realized there was a reason that the School Board approved this vendor and he was opposed to this piggyback bid. Councilmember Starkey stated that the School Board approved the first reading of their budget that included this project.

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

Mr. Willi indicated that item 10.1 needed to be taken out of order prior to the rest of the Consent Agenda being heard.

10.1 Mr. Muniz read the ordinance by title.

Budget and Finance Director Christopher Wallace spoke about the budget, including the cuts initiated by Council to lower the operating millage rate. Mayor Venis asked about possible savings on the internal charges. Mr. Wallace stated that there were direct charges for utilities and indirect charges for facilities. Last year, there was an estimate and it was recommended that there be an increase for three consecutive years.

Assistant Town Administrator Ken Cohen spoke about the unrestricted general fund reserves of \$8.1 million and explained the funding for several recreational and senior programs. He described the increases in the fire and police budgets and explained the Police Department's efforts to reduce the crime rate.

Mayor Venis spoke about his past discussions at the budget workshop meeting regarding the \$5 million in increased revenues and a debt reduction plan. In view of the recession and the number of residents out of work, he would like to see costs and the operating millage rate reduced. Mayor Venis asked for the budget to be reviewed on a quarterly basis, which would include setting new policy on reporting.

Mr. Wallace pointed out that the Town's revenues were not increasing as quickly as the expenditures. He advised that the long-term financial plans of the Town were important to maintain as a focus. The economy was good from a budget point of view, however, a reduction of 5% in revenues would result in the loss of \$2.5 million of the existing budget. Mr. Wallace did not recommend lowering the millage rate even by a token amount as it would hurt the Town's operation and the budget in general in the future. Mr. Wallace stated that the Town's operating millage rate had remained constant for eight years and lower rates would have an impact on the expenditures.

Mayor Venis asked what it would take out of the reserves to reduce the reserve by \$500,000. Mr. Wallace stated that this would equate to \$1.5 million. Mayor Venis spoke about the budget process and recommended a status quo budget for each department, with no increases. Then each department could then submit packages covering the additional needs which would eliminate many meetings involving cuts. Mr. Wallace stated that all but about 11% of the budget represented fixed costs.

Discussion followed about lowering the millage rate by a very small margin. Mr. Wallace felt that this money would eventually have to be made up.

Vice-Mayor Paul spoke about the decrease in debt services, but was concerned that there was a zoning in progress and this would impact the Town in the future. Mr. Wallace reiterated that expenditures were not keeping up with revenues, because of personnel costs. Vice-Mayor Paul spoke about the additional programs in the parks which now needed to be

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serviced. Mr. Wallace stated that this would be up to Council to decide if taxes were more important to residents than the services. Vice-Mayor Paul felt that the services offered by the Town were unparalleled and the Town was there to service residents.

Councilmember Truex agreed with Mayor Venis that the operating millage rate needed to be cut and should be at 5.1; however, he did not agree with Mayor Venis' plan of a "status quo" budget package from each department as he did not feel this was possible, particularly in public safety. Councilmember Truex recommended deleting the Council's spending account and added that he would like to forget about working toward contingencies for lobbyists. He asked to see an increase of \$81,542 for charities and asked that additional charities be added, specifically: Hope Outreach, the Old Davie School Foundation, Women In Distress, Young At Art, Area Agency on Aging, Memorial Health Care System, Police Athletic League, the EASE Foundation, and Family Central. Mayor Venis suggested adding \$7,500 for The Starting Place. Councilmember Starkey suggested adding \$2,340 for First Call For Help.

Vice-Mayor Paul indicated that she was upset about how the budget was handled and how she was presented the budget only minutes before the Council meeting. Her concern was that she had requested this information at the first workshop and could not vote on something unless she saw how the money was being spent. Vice-Mayor Paul stated that she questioned the overtime and asked for written justification which she never received. Mr. Willi responded that he understood Council's frustration with the budget document, but pointed out that this was the same budget process used by the Town in the past. Vice-Mayor Paul stated that the budget was given to Council early last year and questions were answered. The process was flawed and did not provide information to anyone, including residents.

Councilmember Clark felt that Vice-Mayor Paul's request about the overtime issue was valid, as the increase in staff should lead to a reduction in overtime. If certain departments were grossly understaffed, this would be obvious. She stated that Council did not get the request that the Police Department was asking for 26 additional employees; however, she did see a request for 3 new employees. Councilmember Clark spoke about last year's information on the budget, organizational charts throughout the year, and pointed out that more detail was included. She added that last year, each department director spoke about his or her requests.

Councilmember Starkey felt that the budget process was the worst she had ever seen. She agreed that she would like to see the lobbyists cut and the money spent on public safety. Councilmember Starkey was very concerned that only three additional police officers could be added. This did not represent putting public safety as a priority and did not plan for the future. Councilmember Starkey agreed with the attention given to charitable organizations. She felt that the millage rate should be left as it currently was.

Mayor Venis suggested having a supplement to the budget in January once the Town had determined how much "in the black" it was. He spoke about roadblocks to a supplement in the past, but stated that the Town had been in the black each year. Mayor Venis spoke about using the reserves to balance the budget with good results and felt that a \$30,000 cut in the budget would be a positive step for the Town.

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

David Brown, Budget Advisory Committee Chair, spoke of how the Committee had helped the Town to find extra revenues. A peer review study was pursued this year with

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the intent to find ways the Town could achieve greater revenues without raising taxes or fees. He indicated that the Committee had not seen the proposed budget and would like to present Council with a list of recommendations for the budget process, including an early warning system. Vice-Mayor Paul was surprised that the Committee was not included in the budget process and would like to see them participate. Mayor Venis agreed with the idea of the Committee making recommendations for the budget process.

Kerry Waldee, Budget Advisory Committee member, stated that he and other Committee members would like to be of more assistance.

Richard Reese, 3993 SW 135 Avenue, did not agree with a reduction in the millage rate as the residents looked for stability in government. He added that the people would rather see attention to roads or public safety rather than a reduction in rates.

Steve Warren, 6201 SW 37 Street, agreed that he would rather not see a token reduction and would like to see stability in fiscal management.

Councilmember Truex suggested that a \$30,000 cut in the budget would not lead to a constant fluctuation in the rate and taxes would not need to be raised next year. It was not his intention to create a "ping pong" situation in the budget. He felt that the Town needed to tighten their belt somewhat, adding that the charitable organizations were important. Councilmember Truex spoke about the legal money needed for the Sunrise water study which felt would not be needed in the first year. Mr. Wallace stated that most of the money earmarked for the Sunrise study was not be for legal fees, but for engineers and Council's direction had been to move forward on this issue. The study could be postponed, but it should not be suspended due to lack of funds.

Councilmember Truex asked Mr. Wallace where he would come up with another \$125,000 out of this budget, if needed. Mr. Wallace stated that this would be Council's decision as it was a choice of how the total budget was divided. He advised that later in the year, Council would want to reallocate as needs arose.

Mayor Venis asked about the reduction in millage and asked what this would mean to each homeowner. Mr. Wallace stated that for a \$125,000 home, it would be \$22 per year. Mayor Venis spoke about prospects for annexation and advised that the residents in these areas were watching this decision very carefully. The millage being reduced would be a plus and other municipalities may have a record of increasing taxes. Mr. Wallace stated that annexations had allowed taxes to remain stable. The trend of increased expenses had not changed, but had been met by the increase of the tax base.

Councilmember Truex asked if Council was in favor of allocating money to the charitable contributions he mentioned. Council agreed. Vice-Mayor Paul felt that if the Town was going to make a contribution, a contribution should be made to every organization that had received a donation in the past. She was not opposed to cutting Council's expense account as long as Council was empowered to waive fees and a criteria was established so that specific needs that came along could be met.

Councilmember Truex made a motion, seconded by Mayor Venis, to approve the debt service millage rate at the amount that was suggested, to approve the operating millage rate at 5.1000, that staff be directed to add all the requests for charitable donations that were on this list, less the Urban Rivers, to eliminate the \$3,000 district spending accounts, the approval of the budget with the modifications and with the suggestion of where the Town

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makes up the \$125,000. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - no; Councilmember Clark - no; Councilmember Starkey - no; Councilmember Truex - yes. (Motion denied 3-2)

Councilmember Starkey made a motion, seconded by Councilmember Clark, that the Town maintain the operating millage to 5.1086, to amend the budget to include the charitable organizations listed in the memorandum with the exception of the Broward Urban Trails, and cut out the \$3,000 per district and the Mayor's \$3,000. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

Mayor Venis read a statement concerning the approval of this budget, indicating that the operating millage rate was 7.5% greater than the roll back rate of 4.7514 mills. The total of the property tax collections would increase by 7.5%. The next public hearing on the budget would be September 19, 2001.

8.12 Councilmember Truex explained that the backup totaled \$12,000 not \$33,000 as indicated.

Councilmember Truex made a motion, seconded by Councilmember Clark, to table the resolution until the next meeting. Police Chief John George explained that this resolution was to take forfeiture money to buy emergency equipment for the police cars. Chief George offered to provide an itemized list if needed.

In a voice vote, with Mayor Venis, Vice-Mayor Paul and Councilmember Starkey dissenting, all voted in favor. (Motion denied 3-2)

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, with Councilmembers Clark and Truex dissenting, all voted in favor. (Motion carried 3-2)

8.13 Councilmember Truex advised that he was opposed to the piggyback bid.

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

8.18 Vice-Mayor Paul stated she was glad to see the Town moving forward with this agreement but questioned the rent on the property. Mr. Willi stated that the person would be paid and there would be a payroll deduction from their salary. Vice-Mayor Paul suggested provisions be made for the person to have a horse. Mr. Willi stated that this would be a maintenance worker that would be performing tasks on the property.

Councilmember Truex asked that a criminal background check be performed on the individual. He stated that he would like the section stipulating that there be no firearms be deleted. Councilmember Truex felt this was unconstitutional and the employee should have the right to have a firearm in his/her home.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve minus the section about "no pets" and an amendment to page 3 on prohibition of firearms be removed. In a voice vote, all voted in favor. (Motion carried 5-0)

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8.21 Mr. Kutney summarized the planning report.

Vice-Mayor Paul stated that if the owner did not maintain the site plan, they had no rights. Mr. Kutney stated that having a plat approval did not result in vested rights. Mr. Kiar spoke about the legal aspects of this issue, stating consideration was made to the expenses incurred. Mr. Kutney advised that there was no site plan approval.

Dennis Mele, representing the petitioner, submitted Exhibit A indicating a list of permits granted. He stated that the Town should not have granted the permit issued in December 1998, because of an ordinance passed in 1996. Mr. Mele advised that several permits had been issued but the next step would be to file a site plan. He stated that a site plan should have been requested, which would have pointed to the fact that the lots were too small. Mr. Mele advised that case law indicated that, in light of all of the actions taken and expenses incurred, the property owner would have vested rights.

Councilmember Truex felt that the developer should have known a site plan would be required if they were acting in good faith. Mr. Mele stated that this was the developer's second project and each city had a different set of rules, which created complications.

Mr. Kiar stated that these expenditures would have been made anyway. Mr. Mele felt that these were based on nine lots and the expenses would double, as they would need to be done again.

Councilmember Truex asked if these permits had been issued in error. Mr. Kutney stated that some of the permits may have been related to the house under construction and without research, he could not provide an answer.

Vice-Mayor Paul stated that the approval of this request would result in the sale of a lot less than one acre in size. Mr. Mele advised that the landscape buffer requirement would be met. Mr. Kiar cautioned Mr. Mele that this request did not set a precedent for future clients.

Councilmember Clark made a motion, seconded by Councilmember Starkey, to approve. Mayor Venis pointed out that Mr. Mele had agreed to the conditions. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - no; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 4-1)

Mayor Venis advised that item 9.1 would be taken out of order.

9.1 Mayor Venis advised that a public hearing would be held on September 19, 2001. Town Clerk Muniz read the ordinance by title.

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

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

8.23 Vice-Mayor Paul wanted to make sure the north buffer would remain. Mayor Venis asked if the conditions previously requested were met.

Mr. Mele, representing the applicant, responded in the affirmative. He spoke about recommendations #6 and #7, stating that having two public entrances would put them both on Shotgun Road and asked that Council to delete #6 and #7.

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Mr. Kutney clarified that the petitioner would need a waiver to grant the 22 foot paved area instead of the 24 foot paved area required by Code. Mr. Mele agreed to follow that procedure.

Discussion followed about the split rail fence. Mr. Mele stated that if the fence was not on the property it would not be touched, but if it was, it would be moved to the 15 foot easement to the north.

Mayor Venis asked if anyone wished to speak on this item.

Mike Bender, 14800 SW 31 Court, had no objection to this proposal, but would prefer not to have two entrances. The trail would be heavily used, so he felt the fence treatment was important.

Kerry Waldee stated that there was no problem with one entrance and he wished his development had valley gutters.

Richard Reese felt that a second entrance on Shotgun Road would benefit whole the community.

Vice-Mayor Paul made a motion, seconded by Councilmember Truex, to approve with staff's recommendations, minus #6, #7 request a submittal for a waiver, add #14 the movement of the fence, if necessary, if it is on the property to the 15 foot easement and a replacement and also with the Site Plan Committee's recommendations which include going back to the Committee with the architectural renderings and colors, to make sure that there were 64 Oak trees along the north buffer, that the Geiger trees were extra for clustering, and with the 600 hedges. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

**9. PUBLIC COMMENTS**

*Ordinance - First Reading (Public Hearing to be held on September 19, 2001)*

9.1 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM RM-10, MEDIUM DENSITY DWELLING DISTRICT TO R-5, LOW MEDIUM DENSITY DWELLING DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 6-2-01, Harmony Village, 7575 Davie Road Extension)

This item was approved earlier in the meeting.

**10. PUBLIC HEARINGS**

Mayor Venis opened the public hearing portion of the meeting.

*Ordinance - First Reading (Second Public Hearing to be held on September 19, 2001)*

10.1 **BUDGET** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE BUDGET FOR THE TOWN OF DAVIE FOR THE FISCAL YEAR 2002.

This item was approved earlier in the meeting.

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*Ordinances - Second and Final Reading*

2001-40     **10.2     COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL, APPLICATION LA 01-2A AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO PROVIDE A COMMERCIAL LAND USE CLASSIFICATION TO A PARCEL OF LAND RECENTLY IDENTIFIED AS BEING WITHIN THE TOWN OF DAVIE BOUNDARIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Muniz 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 Paul asked why Planning and Zoning Board member Jay Stahl was opposed to this ordinance. Planning and Zoning Board member Mike Bender explained that this was because residents came out to speak against the Palladium issue.

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

13.5 Town Clerk Muniz read the resolution by title.

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

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

2001-41     **10.3     REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-1, NEIGHBORHOOD BUSINESS DISTRICT TO B-2, COMMUNITY BUSINESS DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 6-1-01, Stirling Place, Inc., 6851 Stirling Road)**

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

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*Quasi Judicial Items*

**10.4 REZONING RECONSIDERATION - ZB 4-3-01, Laystrom/Zacco, 5011 State Road 7 (from M-2 to B-2) (tabled from August 1, 2001)** *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval on June 13, 2001*

This item was tabled earlier in the meeting.

**10.5 REZONING - ZB 7-1-01, Aguirre/Stone Harbor, Inc., 3201 West State Road 84 (from M-1, Hacienda Village to M-2, Town)** *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Mayor Venis swore in the witnesses. Mr. Kutney summarized the planning report.

Margaret Croxton, Director of Marina Mile 84, spoke about the plan for the property and what precipitated the need for the request. She submitted permits, licensing, a conceptual site plan marked as Exhibit A, and photos marked as Exhibit B. Ms. Croxton explained the enhancements that would be accomplished.

Vice-Mayor Paul was concerned that the petitioner was aware of the wildlife ordinance. Ms. Croxton assured her they were.

Mayor Venis asked if anyone wished to provide testimony in favor of or opposition to the issue.

Lon Sargeant, 2021 NE 30 Street - Lighthouse Point, spoke about the merits of the rezoning and what a credit the Roscioli Marina was. He advised that the job opportunities at both Bradford Marina and Roscioli would continue to grow.

Bob Roscioli asked Council to grant this request and compared other boat manufacturers who did not have buffers.

Mayor Venis closed the public hearing.

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

**10.6 SPECIAL PERMIT - SE 6-3-01, Bouza/Sundance at Davie/University Parc, 7085 Nova Drive (a trailer to be used as a temporary information center)** *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Mayor Venis swore in the witnesses. Mr. Kutney summarized the planning report.

Mayor Venis asked an unidentified individual if they agreed with the report. The individual responded in the affirmative.

Mayor Venis asked if anyone wished to provide testimony in favor of or opposition to the issue.

Norm Blanco commended the petitioner and advised that he did not have any opposition to this request.

Councilmember Truex asked Mr. Kutney if this permit would state that it was for twelve months. Mr. Kutney advised that Council could set the time frame.

Mayor Venis closed the public hearing.

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Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to approve subject to the permit being approved for 12 months. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

- 10.7 **TEXT AMENDMENT - ZB(TXT) 4-1-01, The Big Orange Development, Ltd.** (to amend the Land Development Code Section 12-205(A)(1)(a)(1), parking stalls and aisles, to reduce the size of a standard parking space from 10 feet by 18 feet to 9 feet by 18 feet) (tabled from July 18, 2001) *Planning and Zoning Division recommended denial; Local Planning Agency recommended denial*

This item was tabled earlier in the meeting.

*Items to be tabled*

- 10.8 **PETITIONER REQUESTING A TABLING TO SEPTEMBER 19, 2001**  
REZONING - ZB 4-5-01, Miller, Legg & Associates, Inc./Moersch, Fuselli and Amsouth Bank, Trustee of the Vincent Fuselli Trust, 4450 Flamingo Road

This item was tabled earlier in the meeting.

- 10.9 **PETITIONER REQUESTING A TABLING TO SEPTEMBER 19, 2001**  
REZONING - ZB 4-6-01, Miller, Legg & Associates, Inc./Moersch, Fuselli and Amsouth Bank, Trustee of the Vincent Fuselli Trust, 4450 Flamingo Road

This item was tabled earlier in the meeting.

- 10.10 **PETITIONER REQUESTING A TABLING TO SEPTEMBER 19, 2001**  
VARIANCE - V 4-3-01, Miller, Legg & Associates, Inc./Moersch, Fuselli and Amsouth Bank, Trustee of the Vincent Fuselli Trust, 4450 Flamingo Road

This item was tabled earlier in the meeting.

- 10.11 **LOCAL PLANNING AGENCY TABLED TO SEPTEMBER 12, 2001;  
COUNCIL CAN TABLE TO SEPTEMBER 19, 2001**

TEXT AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, DELETING SECTION 12-34(B), ENTITLED "AGRICULTURE"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB(TXT) 7-1-01, Town of Davie)

This item was tabled earlier in the meeting.

**11. APPOINTMENTS**

- 11.1 Youth Advisory Board (one exclusive appointment - Mayor Venis and Councilmember Clark; terms expire April 2002)

Mayor Venis and Councilmember Clark deferred their appointments.

- 11.2 Parks and Recreation Advisory Board (one exclusive appointment - Councilmember Truex; term expires August 2002)

Councilmember Truex reappointed Marguerite Olson

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11.3 Davie Water and Environmental Advisory Board (one exclusive appointment - Councilmember Clark; term expires December 2001)  
Councilmember Clark deferred her appointment.

11.4 Open Space Advisory Committee (one exclusive appointment - Vice-Mayor Paul; term expires July 2002)  
Vice-Mayor Paul deferred her appointment.

11.5 National League of Cities - Annual Congress of Cities, December 4 - 8, 2001 (non-exclusive appointment of a Voting Delegate and a Voting Alternate)  
Councilmember Truex made a motion, seconded by Councilmember Clark, for Vice-Mayor Paul to be the Voting Delegate and Councilmember Starkey to be the Voting Alternate. In a voice vote, all voted in favor. (Motion carried 5-0)

**12. OLD BUSINESS**

**12.1 Street Vendor Ordinance - Monroe Kiar**

Mr. Kiar provided a history of the street vendor issue and the request from Council to prepare an ordinance that would remove street vendors from the Town. He explained that historically, ordinances that withstood objection were those accompanied by documentation that this was based on a public concern for the public and the vendors and the interference of the vendors to the flow of traffic. Mr. Kiar stated that he had met with Mr. Burke to help draft an ordinance and Mr. Kiar advised that the limit of the use of streets and sidewalks was scrutinized closely by the courts, as the courts' concern was to uphold freedom of speech rights for the vendor. Mr. Burke had suggested obtaining additional data to explore the public safety issue, which could be done by law enforcement. Mr. Kiar referred to an ordinance in the City of Aventura and spoke about alternatives offered in this ordinance. Mr. Kiar listed several specific intersections that could become part of the ordinance, and explained the choices of areas this could encompass.

Councilmember Starkey stated that she would like to see vendors needing permission to use the swales and sidewalks. She suggested that State Road 84 and Pine Island Road and Hiatus Road and Davie Road be included in the list of prohibitions as her concern was that the vendors would not be interacting inside the traffic flow.

Councilmember Clark mentioned that she would not support this ordinance as she felt that people depended on this for their livelihood.

Councilmember Truex indicated that he did not support the ordinance and felt that safety was not the issue. He stated that street vendors did not present a risk to themselves or others.

Mayor Venis asked about Aventura's ordinance and thought it had held up in court. Mr. Kiar indicated that it had not been challenged in court, but did show a basis of safety as the purpose. He advised that the local newspapers had asked for a copy of the ordinance and he felt there was a chance for a challenge.

Vice-Mayor Paul asked Chief George if there were any recent fatalities in Davie. Chief George responded negatively, but would look into this matter further. Vice-Mayor Paul pointed out that this would apply to all vendors and whether or not they had safety training would be difficult to track. Some residents were concerned that vendors had a disregard for traffic.

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Councilmember Starkey described different vending situations where the sellers were in and out of traffic which she felt was dangerous. It could be allowed on the corners and swales, which she felt would be reasonable.

**12.2 Davie Battery - Vice-Mayor Paul**

Vice-Mayor Paul thought that this issue was taken care of at the last meeting and she spoke about a letter written by Mr. Arner which she felt was unprofessional. She referred to a fence prohibiting traffic to the private road and stated that she spoke with Mr. Tamborino who did not object to Davie Battery opening for business as long as they did not have access to the private road. Vice-Mayor Paul suggested that Council needed to give staff direction to allow this business to open.

Mayor Venis referred to conversations he had with residents and asked staff how the Town could proceed to make this happen. Mr. Kutney indicated that he had spoken with the attorney for Davie Battery and staff expected that they would follow the plan to do what was needed in order to comply; then a temporary certificate of occupancy would be issued. He stated that the request would be a nonmaterial modification, but a corrected site plan would be needed. Mr. Kutney advised that the building official was the only one, by law, who had authority to issue a certificate of occupancy. He indicated that he had spoken with Mr. Bulfin to let him know that if he did not want to file a site plan, he should come up with something to offer staff and they would review it.

Bob Bulfin, attorney for Davie Battery, stated that the contractor had attempted to submit a site plan modification to staff but staff had not allowed it to be submitted. Davie Battery had corrected the items asked for including elimination of a public sidewalk on the east side of the property, use of access of SW 63rd Avenue, and diverting the flow of drainage so it flowed on their own property. Mr. Bulfin advised that there were no Code violations and asked for Council's assistance in acquiring the certificate of occupancy.

Mr. Kutney responded that the modifications were not close to what Mr. Arner had recommended. He advised that the modification included a rolling gate, which staff had a problem with. Councilmember Clark clarified that the fence should have been a stationary fence and Mr. Kutney agreed. Mr. Bulfin stated that the gate would be kept lock and the owner volunteered to weld the gate shut, but the owner did not want to put up a permanent structure barring access in case he would be granted access in the future.

Mayor Venis asked if the petitioner agreed to weld the gate shut, would this satisfy the concerns of staff and residents.

An unidentified man who was opposed to this request, stated that the water was still running onto their property, creating a gully. They had not built a berm or solved the water problem. He would like to see the petitioner open his business and and he would not oppose the request if the gate was welded shut and the water problem fixed so it didn't run onto their property.

Ken Kovacs, architect and project manager, indicated that there was a driveway connection, a water connection, and a power connection. These three main issues had precluded Mr. Blankenship from receiving the temporary certificate of occupancy six months ago. Mr. Kovacs stated that many other issues had been imposed since that time and he felt a gate was within the owner's right. He stated that a revised site plan had been offered and a different set of drawings, and he did not know how to deal with this.

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Mike Blankenship, owner of Davie Battery, stated that the downspout issue had been taken care of and the berm had always been there. He diverted two downspouts to an existing berm, the third was lengthened and turned back onto his own property. Mr. Blankenship spoke about the problems caused by not having a certificate of occupancy. He did not agree with the requirements of staff, describing some of the requests and indicated that he agreed to lock the gates.

Councilmember Starkey asked at whose direction it was to not look at the plans. Mr. Kutney indicated that it was under no one's direction to not review the revised site plan. It was a culmination of allegations and mistrust that led to the site plan not being reviewed. Mr. Kutney stated that the proposed meeting was to negotiate. Mr. Kovacs stated that all that had been asked of them had been accomplished. After the last meeting, they came back with a revised plan which was not accepted by staff.

Mr. Willi stated that Council had approved a site plan and that the proposal did not match that site plan, so it needed to be revised. Mr. Kovacs discussed the modifications to the site plan that had been requested and he stated that everything within the property lines had not changed.

Mr. Willi asked about the back bay door, which would not have turning radius to exit vehicles. Mr. Kovacs stated that as far as the circulation, there were certain limits. Mr. Willi requested a meeting with the petitioner and indicated to Council that this issue would be settled.

Mr. Kiar asked Mr. Bulfin if the site plan with modifications could be agreed upon, was Mr. Blankenship willing to sign off on those modifications. Mr. Bulfin responded in the affirmative and added that he had already attempted this. He stated that deleting access to 63rd Avenue and deleting the sidewalk from the site plan would result in no Code violations or variance requirements that would need to be addressed.

Mr. Willi indicated that this issue would be settled. Mr. Kiar expressed a concern that granting the approval with the welded gate may set a precedent.

**13. NEW BUSINESS**

**13.1 Council Agendae - Mayor Venis**  
Mayor Venis deferred this item.

**13.2 Metro PCS (cell tower to co-locate) - Councilmember Truex**

Perry Adair, representing Metro PCS, spoke about the moratorium bringing new service to a standstill and explained that Metro PCS was a new company and needed to co-locate on existing towers. He indicated that there were multiple carriers on each tower.

Mr. Adair did not feel that the ordinance prevented co-locations. However, if that was Council's intent, he asked Council to amend the moratorium ordinance to allow co-location. Mayor Venis stated that he had received a letter asking the same request.

Jerry Knight, representing Verizon Wireless, agreed with Mr. Adair that the ordinance did not ban co-locations. If that was Council's intent, then he would like to see an amendment made to the ordinance. Mr. Knight spoke about the history of this issue and pointed out that Council originally encouraged co-locations.

Mr. Kiar recommended that Council direct staff to amend the ordinance if they wanted to allow co-location to clarify the issue. Mayor Venis directed Mr. Kiar to come back to the next meeting with an amendment after researching the issue.

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Councilmember Starkey indicated that she had understood that adopting this ordinance would only apply to new towers. She asked if there were provisions for landscape requirements. Programs Administrator Chris Kovanes explained that the landscape would not need to be provided as they were not new towers.

**13.3 City of Pompano Beach and AT&T Broadband Cable - Chris Kovanes**

Mr. Kovanes spoke about the current cable provider for the Town and a meeting with several municipalities to discuss problems in their service. Similarities in problems were brought out, such as poor customer service with non-response and billing problems. AT&T had addressed providing customer service locally by building a call center in Miramar. Staff had had conversations with the government relations director and there seemed to be an improvement since July and the number of complaints had reduced.

Mayor Venis asked Mr. Kovanes make a presentation on this issue at the next meeting.

**13.4 Policy on Vested Rights - Councilmember Clark**

Vice-Mayor Paul asked if there could be a change in the Code on this matter. She was concerned about the granting of vested rights for the storage facility on Flamingo Road which she felt would be a serious problem for the housing development in the area. Mr. Willi stated that he and Mr. Kiar had been given direction to write a process. Mr. Willi stated that he had received two administrative appeals recently and he would meet with Council individually on these.

**13.5 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA RELATING TO THE  
R-2001-233 PROVISION OF FIRE RESCUE SERVICES, FACILITIES AND PROGRAMS IN  
THE TOWN OF DAVIE, FLORIDA, REIMPOSING FIRE RESCUE  
ASSESSMENTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE  
TOWN OF DAVIE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2001,  
APPROVING THE RATE OF ASSESSMENT, APPROVING THE  
ASSESSMENT ROLL AND PROVIDING AN EFFECTIVE DATE.**

This item was approved earlier in the meeting.

**13.6 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A  
R-2001-234 REVISION TO THE RESTRICTIVE NOTE OF THE "DAVIE-BERMAN PLAT",  
AND PROVIDING AN EFFECTIVE DATE.**

Mr. Mele, representing the applicant, stated that the request would reduce the traffic. He explained that it had the amount of commercial and office that exceeded the number of trips that would result from the change. Mr. Mele indicated that the Town's computer model was being revised, which was the reason for the request right now.

Councilmember Starkey made a motion, seconded by Councilmember Clark, to approve. In a voice vote, with Vice-Mayor Paul and Councilmember Truex dissenting, all voted in favor. (Motion carried 3-2)

**13.7 TU 09-01-01, Grif's Western, Inc., 6211 SW 45 Street**

This item was approved earlier in the meeting.

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**OFFICER WES GRIFFIN.** Vice-Mayor Paul asked to see a presentation at the next meeting for Officer Griffin. Councilmember Starkey stated that there had been some suggestions regarding naming a gymnasium or one of the multi-purpose centers for him. Chief George spoke about the service and the breakfast in his memory. Councilmember Truex suggested naming the shelter at Davie Elementary after Officer Griffin.

**WEST NILE VIRUS.** Vice-Mayor Paul asked if there was room in the Davie Update to add an article on the West Nile virus alert. She spoke about the information forwarded to Council by Broward County Commissioner Lori Parrish and added that a vaccine would be available.

**TREE TRIMMING.** Vice-Mayor Paul stated that as of September 1st all tree trimmers needed to be licensed.

**14. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 1:56 a.m.

APPROVED \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk