

**TOWN COUNCIL
REGULAR MEETING
NOVEMBER 20, 2001**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:02 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. PRESENTATION (7:06 p.m. - 7:19 p.m.)

3.1 Community Redevelopment Agency (CRA)

Neil Kalis, Chair, stated that the CRA had approved Davie Battery and Alternator for a loan subsidy. He further stated that the CRA had expended approximately \$96,000 in loan subsidies, which had resulted in \$2.4 million new construction.

Mr. Kalis stated that the CRA had met with representatives from Andrx regarding its need to expand. He explained that Andrx was looking at sites in the immediate vicinity of their existing building, which was important because this company was an asset to the Town.

Mr. Kalis stated that two properties were successfully purchased in the eastside neighborhood and the lots would be used for additional housing in that neighborhood.

Mr. Kalis referred to Broward County's proposed legislation pertaining to CRA's. He explained that it seemed a resolution to this issue was reached, but the County had recently begun to readdress this issue and was lobbying the State legislature to amend the CRA legislation. Mr. Kalis stated that the Town's CRA was going to be seeking a resolution from Council supporting CRA's.

Mr. Kalis stated that the CRA had been working with Walgreen's representatives and had approved additional funding to have the CRA's consultants work with Walgreen's consultant/architect to reach a resolution.

Redevelopment Administrator Will Allen stated that the CRA approved the purchase of holiday banners and showed photographs of the four chosen banners. He described how the banners would be installed and stated that the banners had general holiday greetings.

Mr. Allen stated that the CRA had been working on a way-finding sign system and plans had been approved. Also, there were directional signs pointing out key locations throughout the Town. Mr. Allen stated that a resolution would be prepared for Council's next meeting to have the signs installed by Weekly's Asphalt & Paving, Inc.

3.2 Capital Projects Status Report

Public Works/Capital Projects Director Bruce Bernard described the amenities that would be installed at the 61st Avenue Park and the plans were 90% completed. He was hopeful that the plans would be completed and ready for Council approval within three weeks. Mr. Bernard stated that the plans had been submitted to DRC and completion was expected for July, 2002.

Mr. Bernard stated that drainage improvements were ongoing and listed the various sites that were completed, in progress, or due to begin shortly. Also, the construction plans were being worked on for SW 23 Street and Shenandoah Park and these projects should be completed before next year's rainy season.

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Mr. Bernard stated that the fixtures for the lighting at Nova Middle School and Nova High School had arrived. Installation was scheduled for November 27th and 28th and the lighting portion would be completed before the end of December. He added that the practice field irrigation and the seating would take an additional six to eight weeks, plus a growing period for the practice field until June 2002. Also, Nova High School had received funding for bleachers and with the new lighting, a stadium-type field would be available for the Town's athletic programs, as well.

Mr. Bernard advised that the playground and other proposed amenities at Orange Park were completed.

Mr. Bernard stated that the Potter Park gymnasium was included in the proposed budget and the bid process had been conducted. He concluded that with the funding available and the bid proposals offered, all expectations for this facility would be met.

3.3 Upcoming Special Events - Dennis Andresky and Bonnie Stafiej

Dennis Andresky, Parks and Recreation Director, announced that upcoming events included: senior Sea Escape cruise (December 18th) and the senior-grandchild hockey game (December 18th).

Mr. Andresky stated that the youth soccer program had begun and there were a total of 57 teams participating. Games would begin the first week of December at the Davie Pine Island Bamford Sports Complex. Registration for the youth baseball and softball programs would begin on December 3.

Vice-Mayor Paul was concerned that there were not adequate fields for soccer practice. Mr. Andresky responded that he was not aware of this and stated that he would look into it.

Bonnie Stafiej, Special Projects Director, advised that upcoming events included: annual Thanksgiving weekend bullriding competition (November 24th); the Actor's Community Theater (November 30th-December 2nd); Safety Summit and Police, Fire, and Military Show (December 15th); and the Annual Holiday Lighting of the Green at Town Hall (December 9th).

Mayor Venis announced that item 9.6 needed to be tabled to December 19, 2001.

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

Mayor Venis advised that item 13.3 needed to be added to the agenda. Councilmember Truex asked if this was a time-sensitive matter. Mr. Willi explained there was an application deadline.

Councilmember Starkey made a motion, seconded by Councilmember Clark, to add item 13.3 to the agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

4. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR VENIS (7:19 p.m. - 7:31 p.m.)

HAPPY THANKSGIVING. Mayor Venis wished everyone a happy Thanksgiving.

CONGRATULATIONS. Mayor Venis congratulated Mr. Wayne Arnold for his appointment as Chair to the Central Broward Water Control District.

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SOUND SYSTEM. Mayor Venis stated that he had received numerous complaints that there was a constant humming from the sound system. He asked that this be addressed with AT&T.

COOPER CITY ANNEXATION MEETING. Mayor Venis reported on the Cooper City Annexation meeting he had attended regarding United Ranches choosing between the Town and Cooper City. He commended Vinnie Grande for his consultation work on this issue for the Town. Mayor Venis explained that United Ranches' had submitted a bill and Cooper City, in turn did the same; however, United Ranches felt that Cooper City's bill did not meet their needs. Mayor Venis advised that he had spoken on behalf of the Town and in support of the residents of United Ranches. He added that there was a request to add Southwest Ranches to the bill and it was defeated. Mayor Venis felt that the annexation meeting went very well for the Town.

METROPOLITAN PLANNING ORGANIZATION (MPO). Mayor Venis advised that a second charette was held on November 17th and another was scheduled for January 2002. He stated that the resolution that the MPO had passed regarding access ramps and interchanges for I-75 was addressed at this meeting. Mayor Venis explained that there were several residents from the Town who supported keeping the bill in place as it was passed, but encouraged adding a contingency that the various cities could hire their own consultants to study the issue as it pertained to their communities. He further explained that if all the cities did not agree to this contingency, the resolution would stand.

Scott Seeburger explained that the resolution that was passed was to eliminate alternatives 3 and 5 from the study, which referred to reversible lanes for I-75 and express lanes for I-75 could not be further considered. He stated that the reason for this was the Town did not want the access to SW 14 Street. Mr. Seeburger explained that this eliminated the entire corridor improvement from further consideration. He explained MPO's position on this issue, which supported the resolution.

Mayor Venis explained that he was not in favor of the resolution being overturned by the MPO because it provided safety for the Town. He stated that some sort of contingency was necessary in order to address alternatives 3 and 5, if it was agreed upon by the affected towns. Mayor Venis added that Council was willing to discuss how it could accommodate this project without putting the Town in a precarious position.

Mr. Seeburger stated that if access from the two locations mentioned was eliminated from further consideration, it could be eliminated from the study. Mayor Venis advised that the Town did not want the accesses at the two locations.

Vice-Mayor Paul stated that as long as the residents and their desires were protected and the rural character of the Town was maintained by never allowing interchanges at the above stated locations, she was not opposed to discussing improvements on other interchanges.

COUNCILMEMBER CLARK (7:31 p.m. - 7:34 p.m.)

HAPPY THANKSGIVING. Councilmember Clark wished everyone a happy Thanksgiving.

BOARD CONSOLIDATION. Councilmember Clark stated that a member of the Senior Citizen Advisory Committee felt a merger between this Committee and the Youth Advisory Committee was not appropriate which she agreed with.

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RESIDENTIAL/OFFICE ZONING. Councilmember Clark asked Mr. Willi to address the Residential/Office Zoning in his comments.

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CONGRATULATIONS. Councilmember Clark congratulated Jenelle Lewis for organizing the Homecoming Fair for the Davie Bronco Football teams.

COUNCILMEMBER TRUEX (7:34 p.m. - 7:41 p.m.)

HAPPY THANKSGIVING. Councilmember Truex wished everyone a happy Thanksgiving.

BOARD CONSOLIDATION ORDINANCE. Councilmember Truex requested that this ordinance be addressed as it was about 95% completed.

DEVELOPMENT STUDY. Councilmember Truex was concerned about the fiscal impact of the development study and asked the status. Mr. Willi stated that a number of proposals had been looked at by staff and it was in progress.

ADDITIONS TO COUNCIL AGENDA. Councilmember Truex was concerned with items being added to the agenda unless there was an emergency.

STATE REPRESENTATIVE CONNIE MACK. Councilmember Truex referred to the State's budget cuts, especially in education. He felt that it would be beneficial to the Town to have Representative Mack make a presentation to Council regarding this issue.

COST RECOVERY ORDINANCE. Councilmember Truex referred to the Cost Recovery ordinance and advised that he had requested a draft but had not received it. He explained the objective of the ordinance and stated that he would like to see a threshold so that it did not adversely affect small-scale developments. Councilmember Truex suggested a special master system for appeals pertaining to the cost-recovery ordinance as he felt that this was more judicial and not for Council to address. Mr. Willi explained that, due to Florida statute, a special master could only be used for Code enforcement issues. Councilmember Truex suggested that there be a similar program that could address this need and requested that it be researched. Mr. Willi advised that recommendations on alternatives would be made. Councilmember Truex asked that language be included which stated that costs were being redistributed and that money that came from developers went back to homeowners. He recommended that the final draft of the ordinance be made available to residents and key members of the business community prior to first reading.

Councilmember Starkey agreed that the ordinance should be brought before the business community and residents prior to first reading. She requested that Mr. Kiar look into Councilmember Truex's suggestions for additional language in the ordinance and then report to Council.

COUNCILMEMBER STARKEY (7:41 p.m. - 7:46 p.m.)

HAPPY THANKSGIVING. Councilmember Starkey wished everyone a happy Thanksgiving.

HOMETOWN SECURITY FORUM. Councilmember Starkey stated that the Hometown Security Forum was scheduled for November 29th at 7:00 p.m.

FUNDRAISING EFFORTS. Councilmember Starkey congratulated the Town's Police and Fire Departments for their fundraising efforts and Nova Southeastern University for their successful blood drive. She also commended those who conducted fundraising events for the tragedy of September 11th.

CONGRATULATIONS. Councilmember Starkey congratulated Ms. Bodin from Western High School for being chosen as Principal of the Year for Broward County Public Schools.

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HISPANIC ISSUES MEETING. Councilmember Starkey stated that there was a meeting at Western High School to address Hispanic issues and it was well attended.

DEPARTMENT OF TRANSPORTATION. Councilmember Starkey advised that she had attended the Department of Transportation meeting and was able to reiterate the Town's position about maintaining the rural lifestyle.

COOPER CITY ANNEXATION MEETING. Councilmember Starkey indicated that she had also attended the annexation meeting in Cooper City and commended Mayor Venis for his presentation.

VICE-MAYOR PAUL (7:46 p.m. - 7:54 p.m.)

HAPPY THANKSGIVING. Vice-Mayor Paul wished everyone a happy Thanksgiving.

SIGNS FOR ZONING CHANGES. Vice-Mayor Paul referred to signs for zoning changes and reminded staff to be cognizant of making modifications as needed. She inquired why the signs had not been ordered for this purpose as had been directed by Council, and requested that the signs be purchased. Mr. Willi explained that this purchase did not require a formal bid, but informal quotes were being solicited because of the number of signs that were being purchased. Vice-Mayor Paul stated that when Council gave direction, it was important that it was followed through.

SECTION 12-34B. Vice-Mayor Paul referred to Section 12-34B and was concerned that it was not included in the agenda for first reading, nor was it in the back-up materials. Mr. Willi advised that this issue was not on the agenda because there was a requirement that it be heard by the Planning and Zoning Board and it was scheduled for the first Council meeting in December.

ORDINANCE INTERPRETATION. Vice-Mayor Paul referred to the addendum to Gabby and Gabby's review of the properties and stated she had also spoken with Mr. Harrod. She stated that there might be a problem with the interpretation of the ordinance, especially with the term "special." She recommended the language in the ordinance be clarified.

SAFETY SUMMIT. Vice-Mayor Paul thanked Mr. Ratterie and G.L. Homes for their sponsorship of the Safety Summit and Police, Fire, and Military Show.

PRESERVATION WORKSHOP. Vice-Mayor Paul asked if the preservation workshop was rescheduled. Mr. Willi stated that the meeting was tentatively scheduled for the first week in December and Council would be notified of the exact date.

5. TOWN ADMINISTRATOR'S COMMENTS (7:54 p.m. - 8:00 p.m.)

HAPPY THANKSGIVING. Mr. Willi wished everyone a happy Thanksgiving.

BROWARD CHARTER REVIEW COMMISSION. Mr. Willi read the memo from the Broward Charter Review Commission.

NOVA SOUTHEASTERN UNIVERSITY. Mr. Willi advised that there were two items on the agenda dealing with Nova Southeastern University. He referred to the partnership between the Town and the University and stated that it was continuously growing.

DEPARTMENT REORGANIZATION REPORT. Mr. Willi stated that, as per Council's request, a department reorganization report had been distributed. Mayor Venis asked that this report could be placed on the agenda of an upcoming Council meeting for discussion.

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STRATEGIC PLANNING SUMMIT. Mr. Willi stated that staff had attended a strategic planning summit at Robbins Lodge which was very informative. He advised that this was an ongoing project and the strategic planning process would take approximately one year to complete.

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NEW HUMAN RESOURCES ASSISTANT DIRECTOR. Human Resources Director Mark Allen introduced new Human Resources Director El pagnier Hudson who was scheduled to begin working on November 28th.

6. TOWN ATTORNEY'S COMMENTS (8:00 p.m. - 8:01 p.m.)
HAPPY THANKSGIVING. Mr. Kiar wished everyone a happy Thanksgiving.

Mr. Willi referred to Councilmember Clark's request for an update on the Residential/Office zoning. He stated that recommendations regarding this would be brought to Council from staff at the December 4, 2001 Council meeting.

7. CONSENT AGENDA (8:01 p.m. - 8:54 p.m.)

Minutes

7.1 October 23, 2001 (Special Meeting)

Home Occupational Licenses

7.2 Claytown Collection, Inc., 4431 SW 77 Avenue

7.3 David B. Marshall General Contractor, Inc., 14440 Arlington Place

7.4 Tramco Development, 4340 SW 93 Avenue

Resolutions

7.5 **REVISING PAY AND CLASSIFICATION PLAN - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REVISING AND REASSIGNING THE PAY GRADE OF THE CLASS SPECIFICATION OF PROCUREMENT MANAGER AND DEPUTY BUDGET AND FINANCE DIRECTOR IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN AND PROVIDING AN EFFECTIVE DATE.** (tabled from October 17, 2001)

7.6 **TRANSIT ORIENTED CONCURRENCY SYSTEM - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING THE CREATION OF A TRANSIT ORIENTED CONCURRENCY SYSTEM IN BROWARD COUNTY; PROVIDING FOR AN EFFECTIVE DATE.** (tabled from November 7, 2001)

7.7 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH THE UNIVERSITY CENTER FOR THE PERFORMING ARTS.** (\$850)
R-2001-307

7.8 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SUNRISE, FLORIDA AND THE TOWN OF DAVIE, FLORIDA FOR EXCHANGE IN SERVICE AT CERTAIN UTILITY SERVICE TERRITORY SEGMENTS.**
R-2001-308

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- 7.9
R-2001-309 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A SERVICE AGREEMENT EXTENSION FOR MEDICAL DIRECTOR SERVICES BETWEEN THE TOWN OF DAVIE AND JOE NELSON, D.O., M.S. d/b/a MEDICAL DIRECTION CONSULTANTS, INC. (\$13,000 for 10 months)
- 7.10
R-2001-310 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND JAFFE OF 595, INC., ADJESLAN ENTERPRISES, INC., AND E.D.J. ENTERPRISES, INC.; PROVIDING FOR REMEDIAL MEASURES TO SATISFY ROAD CONCURRENCY REQUIREMENTS RELATED TO THE EDJESLAN PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 10-1-01, 10200 State Road 84)
- 7.11
R-2001-311 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, G.L. HOMES OF DAVIE ASSOCIATES II, LTD., AND CONTINENTAL CITRUS CORPORATION; PROVIDING FOR THE ISSUANCE OF BUILDING PERMITS WHILE PLATTING IS IN PROGRESS RELATED TO THE LONG LAKE ESTATES II PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 11-1-01, 3501 Nob Hill Road and 3304 and 3201 Hiatus Road)
- 7.12
R-2001-312 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND SOUTH POST, INC.; PROVIDING FOR THE ISSUANCE OF BUILDING PERMITS WHILE PLATTING IS IN PROGRESS RELATED TO THE SOUTH POST PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 11-2-01, 4200 Shotgun Road)
- 7.13
R-2001-313 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ENTERING INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND MITCHELL CEASAR TO REPRESENT THE TOWN OF DAVIE FOR LEGISLATIVE AND GOVERNMENTAL CONSULTING SERVICES. (\$3,000/month; no additional compensation for expenses unless by original receipt for monies expended)

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- 7.14
R-2001-314 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A BULK WATER AND SEWAGE USER AGREEMENT BETWEEN THE TOWN OF DAVIE AND SEMINOLE TRIBE OF FLORIDA TO PROVIDE BULK WATER AND SEWAGE SERVICE.
- 7.15
R-2001-315 **BILLBOARD ASSIGNMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE DOCUMENTS NECESSARY TO CONSENT TO THE ASSIGNMENT OF TWO BILLBOARDS FROM GOLD COAST ADVERTISING, INC. TO CLEAR CHANNEL OUTDOOR, INC. AND PROVIDING AN EFFECTIVE DATE.
- 7.16
R-2001-316 **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBDIVISION PLAT TITLED, "FLAMINGO 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 6-1-01,12901 Orange Drive)
- 7.17
R-2001-317 **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A BOUNDARY PLAT TITLED, "PHOENICIAN COVE 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 6-3-01, 5401 SW 82 Avenue)
- 7.18
R-2001-318 **EMERGENCY EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE EMERGENCY PURCHASE OF SERVICES TO REPAIR A DAMAGED SEWER LINE. (\$14,500)
- 7.19
R-2001-319 **EMERGENCY EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE EMERGENCY PURCHASE OF SERVICES TO REPAIR A DAMAGED WATER MAIN. (\$18,024)
- 7.20
R-2001-320 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN EXPENDITURE FROM THE LAW ENFORCEMENT TRUST FUND TO COVER THE NON-BUDGETED COST OF A SPECIFIC HEAT STRESS REDUCTION SYSTEM BODY ARMOR FOR THE POLICE K-9 DOGS. (Protective Products International - \$2,250)
- 7.21
R-2001-321 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR OPERABLE PARTITIONS AT ORANGE PARK COMMUNITY CENTER. (Folding Walls of Miami - \$11,633)

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- 7.22 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2001-322 **AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT
WITH BEST ROOFING. (Prefabricated Roof Replacement - \$65,280)**
- 7.23 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING**
R-2001-323 **THE BID FOR RED CLAY/MARL, SOUTHEAST FLORIDA CO-OP CONTRACT
412-8496. (Conrad Yelvington Distributors, Inc.)**
- 7.24 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING**
R-2001-324 **THE BID FOR CELLULAR TELEPHONE SERVICE, STATE OF FLORIDA
CONTRACT 725-330-98-1 FOR THE DEVELOPMENT SERVICES
DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE (\$26,000)**
- 7.25 **BID/CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2001-325 **ACCEPTING THE BID FOR CONSTRUCTION OF A COMMUNITY CENTER
AND GYMNASIUM AT POTTER PARK AND AUTHORIZING THE MAYOR
TO EXECUTE A CONTRACT WITH CENTERLINE COMMERCIAL, INC.
(\$1,857,184.75)**
- 7.26 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2001-326 **SUPPORTING A LEASE AGREEMENT BETWEEN U-STORE IT AND THE
TOWN OF DAVIE, FLORIDA. (\$1,332 for 3 year lease)**
- 7.27 **LEASE AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE,**
**FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LEASE
AGREEMENT BETWEEN THE TOWN OF DAVIE AND AMERICAN TOWER
CORPORATION, WHEREBY THE TOWN WILL ALLOW AN AMENDMENT
TO BE CREATED ONTO THE ORIGINAL LEASE AGREEMENT WITH
OMNIPOINT COMMUNICATIONS DEF OPERATIONS, INC., ALLOWING
VERIZON TO CO-LOCATE ON THE TELECOMMUNICATIONS TOWER AND
PLACEMENT OF ADDITIONAL UNMANNED TELECOMMUNICATIONS
FACILITY LOCATED AT THE 3600 S. FLAMINGO ROAD, DAVIE FLORIDA,
AND PROVIDING FOR AN EFFECTIVE DATE.**
- 7.28 **FUNDING - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2001-327 **FUNDING THE MAP GUIDE AND TRAIL MARKERS PERTAINING TO THE
TOWN OF DAVIE'S TRAIL SYSTEM. (Trail System Map Guide, \$24,950; Bollard
Markers, \$35,200)**
- 7.29 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2001-328 **EXECUTING THE PURCHASE CONTRACT FOR THE PARCEL KNOWN AS
FALCON'S LEA TRACT B. (\$750,000)**

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7.30 R-2001-329 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND NOVA SOUTHEASTERN UNIVERSITY FOR PARKING ENFORCEMENT.**

7.31 R-2001-330 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND NOVA SOUTHEASTERN UNIVERSITY FOR COMMUNITY ORIENTED POLICE OFFICERS.**

Site Plans

7.32 SP 8-2-01, Forest Lawn South, 2401 Davie Road (A-9) (tabled from November 7, 2001) *Planning and Zoning Division recommended approval; Site Plan Committee recommended approval*

7.33 SP 1-5-01, S&Z Subdivision, 2000 SW 71 Terrace (CC) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report; that the plans be revised to match the elevation drawing showing the columns; and that Mr. Zacco would bring a color rendering with color charts to the next Site Plan Committee meeting*

7.34 SP 3-9-01, Miele Simonson Estates, 2055 SW Flamingo Road (A-1) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report; that the applicant is to provide access on both the north and south sides of the main entrance for the horse trail, composed of stable material, to go behind the signs; that on the west side of the property, have the six foot concrete sidewalk tie into or finish off at 127th Avenue, "field adjust" the placement of trees, with this six-foot sidewalk being on the north side and having the 15 foot bridle path on the south side of the street composed of stable material, also to hook up with 127th Avenue; and that the bridle path on lots eight and nine are to curve around the cul-de-sac*

7.35 SP 3-3-01, Leto Estates #4, 2510 SW 130th Avenue (A-1) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report*

7.36 SP 8-1-01, Hacienda Substation, 4900 Oakes Road (U) *Planning and Zoning Division recommended approval; Site Plan Committee recommended approval*

Temporary Use Permits

7.37 TU 10-5-01, Nova High School Band, 5109-5199 University Drive

7.38 TU 10-6-01, FPL Gulfstream Center, 4000 Davie Road Extension

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Mayor Venis asked that items 7.5, 7.8, and 7.27 be removed from the Consent Agenda. Vice-Mayor Paul asked that items 7.3, 7.4, 7.15, 7.34, and 7.35 be removed. Councilmember Clark asked that items 7.18, 7.19, 7.22, 7.24, and 7.31 be removed. Councilmember Truex asked that items 7.6, 7.7, 7.13, 7.17, 7.29, and 7.30 be removed. Councilmember Starkey asked that items 7.10 and 7.12 be removed.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve the Consent Agenda without items 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.10, 7.12, 7.13, 7.15, 7.17, 7.18, 7.19, 7.22, 7.24, 7.27, 7.29, 7.30, 7.31, 7.34, and 7.35. In a voice vote, all voted in favor. (Motion carried 5-0)

7.5 Mayor Venis explained that this item was going to be considered by Council along with the reorganization chart.

Mayor Venis passed the gavel and made a motion, seconded by Vice-Mayor Paul, to table to the same meeting that Council was going to review the organization chart. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Truex stated that it would be helpful if there was further information included in the backup materials regarding parity within the different departments. Mr. Willi agreed. Councilmember Starkey asked if Council could go down a level in the pay scale. Mr. Willi stated that he would provide a list with pay range for each position.

7.8 Mayor Venis asked Code Compliance Supervisor Daniel Stallone if he had evaluated this and determined if it was an equal exchange. Mr. Stallone replied in the affirmative.

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

7.27 Mayor Venis asked Mr. Kiar if the Town had the right under the co-location agreement to solicit companies for co-location. Mr. Kiar stated that he had to review the lease in order to effectively answer this question.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to table until December 4, 2001. In a voice vote, all voted in favor. (Motion carried 5-0).

7.10 Councilmember Starkey was concerned that since the study was still in progress in this area, would the developer still be willing to participate in this agreement if modifications were necessary. Neal Janov, representing the developer, stated that the agreement as presented was still acceptable. He added that the developer would participate if reasonable modifications were necessary as per the results of the traffic study. Councilmember Starkey asked if the developer would still cooperate if the impact calculations were more than originally projected. Mr. Janov replied affirmatively, adding that as long as the financial burden already taken on was calculated and considered in a "fair share agreement."

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

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7.12 Councilmember Starkey stated that she did not receive Exhibit "C" in her backup materials. She also stated there was no dollar amount included and asked if this had been determined.

Kevin Ratterie, representing G.L. Homes, explained that Exhibit "C" related to the performance surety, which was determined by the County. He explained that the County did not approve concurrency agreements or place it on a County Commission agenda for approval until the surety bond was submitted with the agreement.

Vice-Mayor Paul clarified that G.L. Homes was partially paying for improvements to Shotgun Road and the widening of Griffin Road. Mr. Ratterie clarified that improvements were already scheduled for Weston Road and South Post Road and it was agreed between the County, Weston, and the Town that G.L. Homes would pay cash in lieu of the physical construction so that the improvements would not go to waste. He further explained that other improvements to Shotgun Road and Griffin Road were not obligations of this plat because of change in the way traffic performance standards were being conducted by the County. Mayor Venis asked if Shotgun Road was going to be realigned. Mr. Ratterie stated that it was not an obligation of the concurrency improvement for this plat.

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

7.3 and 7.4 Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve items 7.3 and 7.4 , with no internal storage for the two locations. Vice-Mayor Paul asked if this could be added to the home occupational license application. She clarified that the application did say exterior storage, but noted that in some cases, there were concerns with storage of equipment and materials in a garage or shed.

Councilmember Truex asked if the ordinance had to be amended in order for Council to make such a request. Development Services Director Mark Kutney responded that it would be difficult to monitor storage once the initial inspection was completed, unless there were complaints. Vice-Mayor Paul cited examples of internal storage that were either hazardous or inappropriate for residential communities. Mr. Kutney stated that he would review the list of criteria and consider adding a specific section in the Code that dealt with internal storage. He suggested adding a generic class item, which protected the safety and welfare of the residents.

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

7.15 Vice-Mayor Paul advised that she was against the addition of billboards, even though proceeds would be donated to the Boys and Girls Club. Councilmember Clark stated that she did not have enough information in the backup materials to make a decision. Councilmember Truex stated that the petitioner had the legal right to post billboards. Councilmember Starkey was concerned that not all locations were listed. Mayor Venis stated that when objectionable wording was used in billboards, residents did respond and the billboards were removed.

A representative from Gold Coast Advertising explained that they were not specifically asking to change anything at this time and noted that this organization was involved with other

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Boys and Girls Clubs in neighboring communities and had helped raise significant amounts of money for the clubs.

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Councilmember Truex referred to additional language regarding the prohibition of advertising for alcohol and tobacco. Gold Coast's representative stated that her organization complied with this requirement. Councilmember Truex added that gambling and adult bookstores were also prohibited. Councilmember Truex requested that this level of restricted language also apply to these billboards, as well. Gold Coast's representative stated that it was in the original agreement and they were requesting that the exact same agreement was signed by Council. She confirmed that she was not opposed to any restrictive categories that were in the agreement.

Mr. Kiar asked if Clear Channel Outdoor assumed the same obligations provided for in the billboard agreement. Gold Coast's representative confirmed that Clear Channel Outdoor was also required to sign the same agreement. She also confirmed that all proceeds from the two billboards went to the Boys and Girls Club in Davie which was approximately \$16,000 per year.

Councilmember Truex made a motion, seconded by Councilmember Clark, to approve subject to Gold Coast agreeing that wherever the most restrictive language was as far as the content of the billboard, of any billboard in Davie was applied to this assignment also. In a voice vote, with Vice-Mayor Paul dissenting, all voted in favor. Motion carried (4-1).

7.18 and 7.19 Councilmember Clark asked how the damages occurred, especially to item 7.18 where the Town had a chance to recoup funds. Mr. Willi explained that the road caved in. It was clarified that there was a procedure in place and a list of companies authorized to do emergency work.

Councilmember Clark made a motion, seconded by Councilmember Truex, to approve items 7.18 and 7.19. In a voice vote, all voted in favor. (Motion carried 5-0)

7.22 Councilmember Clark stated that information in the backup materials sometimes differed. She stated that in this situation, there was no specification as to how many responses were received for this bid. Ms. Stafiej responded that this information was on an October agenda and that information was included. It was clarified that this was a contract to approve the work as the bid was already accepted.

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

7.24 Councilmember Clark stated that the backup materials did not include a copy of the original bid. Mr. Kutney added that the item generated from his department had more information, but for some reason it was not included. Councilmember Clark clarified that she was not opposed to the item but the manner in which it was presented.

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

7.31 Councilmember Clark asked if the officers in question were being reassigned from existing assignments. Police Chief John George felt that if the contract was going to be extended to Nova Southeastern University, then officers should not be taken from existing services. He

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clarified that this item was for approval of the agreement, after which the final

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terms would be worked out. Chief George advised that Nova Southeastern would be paying for equipment and salaries for these services, and services for the Town residents would not be reduced.

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

7.30 Councilmember Truex asked what this agreement would cost the Town. Chief George explained that since Nova Southeastern University was a public campus, it had asked the Town to provide parking enforcement; however, because there was no available staff to provide this service, Nova Southeastern University staff was empowered by this agreement to become certified as parking enforcement specialists. Chief George added that this agreement had the potential of generating a small revenue for the Town.

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

7.6 Councilmember Truex thought this item was agendaized because of the comprehensive transportation study being done and he had not seen this document. It was explained that the study being done in the Town was not part of the County's traffic concurrency programs. Councilmember Truex wanted to know how it was determined that more buses were needed, rather than wider roads. It was explained that the County was changing the methodology on how they collect fees from the impact of the plat. Also, instead of the present roadway concurrency, it was going to be changed to a traffic concurrency. Other modes of transportation, besides the highway system, were going to be reviewed and funds were going to be extracted from developers to supplant funds into the bus system, light rail system, and others. The money that was going to be collected from developers was not going to be solely spent on roadway systems.

Councilmember Truex felt that Council was not in a position to decide whether this would be beneficial to the Town, adding that the County would make its decision with or without endorsement from the Town. Councilmember Starkey agreed, stating that more information was necessary before action was taken.

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

7.7 Councilmember Truex stated that if the funding was in the budget, it should be paid for and it should not come before Council. Also, if it was not in the budget, then Council should not be approving this. Ms. Stafiej explained that it was in the budget and when a contract agreement was necessary, Mayor Venis had to sign off on it.

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

7.17 Councilmember Truex wanted clarification that there was no access to SW 82 Avenue from this site. John Voight, speaking on behalf of Bill Laystrom, replied in the

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affirmative. He stated that there was discussion regarding an emergency access only bridge for police and fire. Mr. Kutney confirmed.

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

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7.29 Councilmember Truex referred to the due diligence clause and asked if appraisals and environmental work had already been conducted on this site. Programs Administrator Chris Kovanes stated that the appraisals were completed and staff was seeking direction from Mr. Kiar on the environmental work. Mr. Kiar stated that this called for an environmental order and there were 30 days to act.

Councilmember Truex asked if 30 days was sufficient time. Mr. Willi stated that 30 days was typically enough time to complete an environmental study.

Councilmember Truex clarified that the appraisals were not included in the backup. Mr. Kovanes explained that the appraisals were available in the Town Clerk's Office and added that the appraisals were similar in price.

Councilmember Truex asked if there was a problem with the environmental study, who was responsible to act on it. Mr. Willi stated that staff would make the decision.

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

Items 7.13, 7.34 and 7.35 were deferred to later in the meeting.

8. PUBLIC COMMENTS (8:54 p.m. - 9:05 p.m.)

Ordinances - First Reading (Public Hearing to be held December 4, 2001)

8.1 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, DELETING CURRENT DIVISION 4 OF SECTION 12 OF THE LAND DEVELOPMENT CODE ENTITLED "ADMINISTRATIVE APPEALS PROCEDURE", AND CREATING A NEW DIVISION 4 OF SECTION 12 OF THE LAND DEVELOPMENT CODE ENTITLED "VESTED RIGHTS DETERMINATION"; PROVIDING FOR INCLUSION IN THE TOWN CODE; 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 comments were closed.

Councilmember Truex asked Mr. Kutney about recommendations made by the Planning and Zoning Board. Mr. Kutney explained that the first item was that the current Code addressed appeals of staff determinations to the Land Development Code and any part therein. He added that when the Town Attorney's Office prepared the first draft, vested rights was covered as a concern. Mr. Kutney further explained that the ordinance did not address the part of the Code that dealt with administrative appeals.

Councilmember Truex asked if it was acceptable to approve this item when Council had to address the rest of it at a later time. Mr. Kutney stated that the recommendation was to approve this ordinance and then staff would provide a second amendment to address procedures for administrative appeals other than vested rights determinations.

Mr. Kutney stated that the second issue was regarding charging a \$1,500 cost to defray the cost of making a vested rights determination, as proposed by the Town Attorney's Office. He

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explained that some members of the Planning and Zoning Board felt this was

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asking residents to pay for their vested rights. Mr. Kutney clarified that the cost was to defray the cost of attorney's involved with vested right determinations. Planning and Zoning Board agreed that Council should make this decision.

Councilmember Truex asked if applicants got their money back if they won. Mr. Kutney reiterated that the fee was for processing of the application. Mr. Kiar explained that the property owner sought the vested rights determination and numerous hours were expended by the Town Attorney and staff. He concluded that it was appropriate for the property owner to defer some of the cost that the Town would otherwise be required to pay.

Councilmember Truex referred to Councilmember Starkey's idea regarding cost recovery, and asked if it could be enlarged to encompass vested rights determinations, as well. Mr. Kutney stated that these two issues were not related.

Mr. Kutney explained that the third concern of the Planning and Zoning Board was that if the property owner was granted vested rights, then the application fee would be waived.

Councilmember Starkey stated that she was not particularly in favor of this fee unless it was determined that other municipalities used the same procedure. She suggested that the procedures of other municipalities be researched to see if an administrative fee was charged.

Councilmember Starkey made a motion to approve, but to eliminate B. Councilmember Clark asked if this was not staff's responsibility. Mr. Kiar clarified that vested rights determinations entailed numerous hours. Councilmember Clark felt this was a property owners' right. Mr. Kutney felt that this was an application like any other and agreed that it was staff's responsibility, but reiterated that the Town Attorney's fees must be paid for from the budget, above and beyond his normal responsibilities. Mr. Kutney stated that in other municipalities, vested rights determinations were not free and assured Council that he would research this. He added that the charge would either be borne by the Town or by the applicant and clarified that legal expertise was necessary for this determination.

Vice-Mayor Paul felt that there should be a fee for this application as this type of procedure went beyond the normal scope of staff and the Town Attorney's responsibilities. Councilmember Truex agreed with Vice-Mayor Paul, adding that fees were paid at all level of courts.

Councilmember Starkey clarified that her motion was to approve it with the exception of B and then to have the survey come back, after the survey. Councilmember Clark seconded the motion.

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

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

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8.2 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-3, PLANNED BUSINESS CENTER DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 4-2-01, Struc.Tech Engineering/St. Phillips Orthodox Church, 4870 Griffin 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 comments were closed.

Mayor Venis advised there would be a public hearing on December 4, 2001.

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)

9. PUBLIC HEARINGS (9:05 p.m. - 10:32 p.m.)

Ordinances - Second and Final Reading

9.1 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 12-32.304 OF THE GRIFFIN CORRIDOR DISTRICT, ENTITLED "PERMITTED RESTRICTED AND PROHIBITED USES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; 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.

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)

9.2 **CODE 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 AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title.

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

Jason Curtis, 3801 Flamingo Road asked Council to approve this item.

Mayor Venis closed the public hearing.

Councilmember Truex made a motion to table until the second reading of the other ordinance in December. The motion died due to the lack of a second.

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_____ Discussion followed regarding when this item could be addressed, as Councilmember Truex requested it coincide with the second ordinance. Vice-Mayor Paul was concerned that this item was being delayed. Mr. Kutney explained the procedure for agendaing and the time constraints.

Councilmember Truex made a motion, seconded by Councilmember Clark, to table this to the second meeting in December so that the Town could have the final reading on the same day as the final reading on the replacement ordinance.

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)

Quasi Judicial Items

9.3 **VARIANCE** - V 8-1-01, CDI Engineering & Planning/Cummings, 15380 SW 26 Street (A-1) (to allow for the construction of a residential unit on Lot 1 of the "CCC Ranches" Plat) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

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

Dan Fee, representing the petitioner, clarified that item A should read "lot width" rather than "lot size" and clarified that five variances were requested.

Mayor Venis asked if anyone wished to provide testimony in favor of or opposition to the issue. As no one spoke, the public comments were closed.

Vice-Mayor Paul referred to waiving the requirements for the landscape buffer and the street trees, and asked why this needed to be waived. Mr. Fee stated that the existing plat did not have the landscape buffer on the plat and the ordinance was put into effect after the plat was approved. He explained that if the new ordinance was applied, it would further reduce the size of the lot. Vice-Mayor Paul inquired as to how many trees would be planted on the lot. Mr. Fee stated that the petitioner would comply with Code.

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)

7.13 (9:22 p.m. - 10:06 p.m.)

_____ Mitch Ceasar apologized for arriving late and thanked Council for their consideration. Mr. Ceasar referred to the lobbyist workshop that was held several months ago and spoke about his expertise in this area and in grant facilitating. He pointed out various issues that were important to the Town that he would address and be responsible for if chosen for this position.

Councilmember Truex asked how this item appeared on the agenda and why the other lobbyists were not included. Mr. Willi explained that Mr. Ceasar had made the request and staff had already addressed the other participants and many of them were providing varying degrees of services for the Town. Councilmember Truex was opposed to hiring an additional lobbyist on an "open-ended basis." He was also opposed to paying a flat retainer because the amount of time dedicated to Town business was not noted in the

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agreement and he disagreed with many of the items Mr. Ceasar delineated as needs of the Town. Councilmember Truex was opposed to the agreement and felt it should not be approved, especially because it was not in the budget.

Vice-Mayor Paul felt that it was important to have an additional advocate for the Town to bring in funding. Mr. Willi stated that there were substantial federal grants available for flood control and agreed that it would take a strong grant application and lobbying efforts to attain these grants. He advised that there were still monies available in the budget for lobbyists and he recommended that the money be used for Mr. Ceasar's services.

Councilmember Starkey felt it was ludicrous to spend so much money on lobbyists, especially since the Town was cutting back on its budget. She also was concerned about approving such agreements without definite direction for the lobbyists. Councilmember Starkey stated that Council had been making successful strides by attending various meetings and lobbying for the Town. She stated that many of the departments in the Town were short handed and felt this agreement should not be the priority. Councilmember Starkey also stated that many grants depended on matching funds and those funds were not available in the Town's budget. She recommended hiring a grant writer for the Town.

Mr. Ceasar explained that it was important to have a grant writer, but it was also important to have an expert on particular issues who could work with the grant writer to assure the applications were properly written, which would increase the chances of receiving the grant. He stated that there would be due diligence time where he would work with staff to review needs and plans so that he could be most effective.

Councilmember Truex stated that he was not opposed to using Mr. Ceasar's services on an as needed basis. He indicated that it was difficult to ensure accountability of this type of service because of the many variables that were included in receiving grants.

Councilmember Clark agreed that it was important to have advocates to research and solicit additional funding for the Town. Vice-Mayor Paul stated that it was effective to have consultants assist grant writers, especially on high dollar grants.

Councilmember Starkey asked if a grant writer was going to be hired. Mr. Willi stated that this position was a scheduled hire for the Town.

Mr. Alan stated that he was in the process of developing the job specifications for a grant writer and it was expected to be on the next Council agenda.

Councilmember Starkey addressed specifics of the contract: 1) changing termination of service from 30 to 60 days to 30 days; 2) periodic written reports provided for Town Administrator and Council, rather than to Town Administrator only; 3) written communication to the Town Commission should be changed to the Town Council; 4) periodically should be once per month; 4) a cap on expenditures with original receipts with Mr. Ceasar agreeing to \$1,000 cap on expenditures; and 5) assignments to be approved by both the Town Administrator and Council, rather than by the Town Administrator only. Mr. Ceasar agreed to the changes.

Councilmember Truex recommended an hourly rate. Mayor Venis stated that an hourly rate could actually increase the cost because of the large amount of time that was expended on projects.

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Mayor Venis referred to the drainage issue and stated that there was a great deal of money available in grants for this purpose. He asked if there were matching funds

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available. Mr. Willi explained that money that was budgeted for drainage would be used as part of the grant application. Mayor Venis agreed that Mr. Ceasar's services would yield more for the Town and his fees were reasonable.

Councilmember Truex made a motion to deny. The motion died for the lack of a second.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve based on the changes in the contract cited by Councilmember Starkey. In a roll call vote, the vote was follows: Mayor Venis - yes; Vice-Mayor Paul - yes; Councilmember Clark - yes; Councilmember Starkey - yes; Councilmember Truex - no. (Motion carried 4-1)

Councilmember Starkey was not comfortable with this agreement and stated that she hoped a grant writer would be hired so that Mr. Ceasar's services could prove successful.

9.4 **VARIANCE** - V 9-1-01, Yadel Holding, Inc., 5151 SW 61 Avenue (CF) (to allow for 80 residents) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval subject to conditions that the applicant would voluntarily commit to a covenant running with the land that this property would be limited to the capacity of an "80-resident" facility; committing to a site plan which is substantially in conformance with exhibit one and that there would be no more building than that which was shown on exhibit one; and that there would be adequate buffer landscaping both as to sight and noise to protect the neighboring residents*

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

Felix Lasarte, representing the petitioner, was present.

Councilmember Truex asked why a variance was necessary if the petitioner was within his rights. Mr. Kutney explained that the previous variance, 11-1-95, had conditions placed by a former Council limiting the facility to 40 residents. Councilmember Truex asked Mr. Kiar if Council had discretion on this item. Mr. Kiar stated that Council had discretion. Mr. Kiar stated that if Council approved this item, the petitioner would need a deed restriction as indicated in the letter. Mr. Lasarte explained that the plans would have to be approved by various agencies, but the addition was going to be similar to the original plans. Mr. Kiar clarified that the plan would be limited to 80 persons in the deed restriction and recorded with the County. Mr. Lasarte agreed.

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

Neil Aronson, also representing the petitioner, explained the variables involved in the architectural component of this project. He advised that there were minimal specifications required by various agencies and all would be met. Mr. Aronson also clarified that no additional variances were being sought at this time and they would only be sought if required by the building department.

Councilmember Truex asked if emergency vehicle traffic would increase with the additional patients. An unidentified woman explained that this was not a nursing home and the patients were not terminal, so this type of traffic was minimal.

David Brown, 1042 South Southlake Drive - Hollywood, spoke in favor of this project.

Rona Saks 1630 NW 128 Drive - Sunrise, spoke in favor of this project.

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Mayor Venis closed the public hearing.

Mr. Lasarte introduced Exhibit B which supported this project.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve limiting number of residents to 80. 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)

- 9.5 **SPECIAL PERMIT - SE 8-1-01, Bruns, 2280 SW 154 Avenue (A-1) (to allow a riding stable) (tabled from November 7, 2001) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval with the stipulation that the applicant's fee be refunded***

Mr. Willi asked if staff was recommending that this item be tabled. Mr. Kutney responded in the affirmative.

____Rick Bruns, 2480 SW 154 Avenue, asked if he would have to attend the next meeting. Vice-Mayor Paul stated that once the ordinance was finalized, he would not have to reappear.

Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to table to the second reading of the agriculture ordinance [December 19, 2001]. In a voice vote, all voted in favor. (Motion carried 5-0)

Item to be tabled

- 9.6 **PLANNING AND ZONING BOARD TABLED TO NOVEMBER 28, 2001; COUNCIL CAN TABLE TO DECEMBER 19, 2001**
V 7-1-01, McDonald's Corporation/The Barclay Group No. 8, Ltd., northwest corner of SW 136 Avenue and Financial Boulevard (B-2)

This item was tabled earlier in the meeting.

10. EXCEPTION TO MORATORIUM (Telecommunications) (10:32 p.m. - 10:45 p.m.)

- 10.1 Florida Power & Light, 4000 Davie Road Extension

Mr. Kutney advised that the Code allowed a maximum tower height of 150 feet and the existing tower was 180 feet. He stated that the petitioner wanted to increase the height to 300 feet or more and they were informed that they would need to apply for a variance if they were successful in obtaining this exception from Council.

Lynn Shattas, representing Florida Power and Light, summarized the request and explained the need for the additional tower height, especially during emergencies.

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

Mayor Venis asked if Florida Power and Light had 300-foot towers in other areas. Tim Lewis, representing Florida Power and Light, explained that this was a network system that operated statewide. He stated that all towers, except for that in the Town, were 300 feet or higher.

Councilmember Truex stated he would not like to have this tower in his neighborhood and would not support this request. He asked if the tower could be co-located. Mr. Lewis stated that they had not found a tower in the Town that conformed to their needs.

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Mayor Venis asked what complexes would be affected by this tower. Mr. Kutney responded that El Jardin and Ehlinger Apartments would be the most affected. Councilmember Truex stated that this was a less affluent neighborhood with mostly rental properties, but it was still not acceptable.

Vice-Mayor Paul made a motion, seconded by Councilmember Truex, to deny. 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)

11. APPOINTMENTS (10:45 p.m. - 10:50 p.m.)

11.1 Child Safety Board (one exclusive appointment - Councilmember Clark)
Councilmember Clark appointed Jill Fiorentino.

11.2 Budget Advisory Board (members shall have experience in financial related occupation or similar skills) (one exclusive appointment per Councilmember; term of January 2002 to December 2002)

Councilmember Truex deferred his appointment. Vice-Mayor Paul appointed Kerry Waldee. Mayor Venis appointed Dave Brown. Councilmember Clark reappointed Ann McNally. Councilmember Starkey appointed Bob Preziosi.

11.3 Davie Water and Environmental Advisory Board (two exclusive appointments per Councilmember; term of January 2002 to December 2003)

Councilmember Truex deferred his appointment. Vice-Mayor Paul appointed Jeffrey Harrod. Mayor Venis appointed James Aucamp and deferred his second appointment. Councilmember Clark appointed Don Zane and deferred her second appointment. Councilmember Starkey appointed Gary Gaffney and Tom Greene.

11.4 Senior Citizen Advisory Committee (members shall be a minimum of 60 years old) (two exclusive appointments per Councilmember with one being for a one year term and one being for a two year term) (terms expire December 2002 and 2003 respectively)

Vice-Mayor Paul appointed Margarette Olson for two years and Jeanette Davis for one year. Mayor Venis appointed Lil Olfen for two years and deferred his second appointment. Councilmember Clark appointed Fernando DiBella for two years and Gloria Imbruglia for one year. Councilmember Starkey deferred her appointments.

12. OLD BUSINESS (10:50 p.m.)

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to table items 7.34 and 7.35 until December 4, 2001. In a voice vote, all vote in favor. (Motion carried 5-0)

13. NEW BUSINESS (10:50 p.m. - 11:25 p.m.)

13.1 Piano for Senior Citizens

Vice-Mayor Paul asked if there was funding in the Parks and Recreation Department budget to match the \$2,200 already collected by the Senior Citizen Advisory Committee. Mayor

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Venis suggested that Ms. Olson and Mr. Alexander solicit additional funds. Mr. Willi was confident that a "very nice" piano could be purchased for \$2,200. Mayor Venis also suggested that perhaps negotiations could be made with a piano company to contribute the difference. Councilmember Starkey was concerned about reconditioned pianos and felt the immediate need was for entertainment during the holiday season. Councilmember Truex felt that a guitar would suffice. Vice-Mayor Paul suggested directing the Board to some of the community partners. Mayor Venis was confident that Mr. Alexander could raise the additional funding necessary for the purchase of the piano.

13.2 Fence Ordinance - Mark Kutney

Mr. Kutney requested additional guidance from Council on this ordinance and referred to Mr. Kalis' reference to a lake or pond. Mr. Kutney stated that he was originally concerned with this because it was poorly worded and there were sections that conflicted. He asked what Council's position was on fencing that ran perpendicular to a lake into landscape easements in the E Districts, as staff determined this could be dangerous. Mr. Kutney also asked what Council's position was on fencing that ran parallel to a lake into landscape easements in E Districts, as it was in violation of the Code. He asked if it was Council's position to allow fencing either perpendicular or parallel into landscape easements, would Council desire to have staff issue permits as it related to the hold-harmless agreement until that section was revised, or did they want staff to make interpretations concerning the fences. Mr. Kutney outlined four recommendations from staff regarding this issue, stating that the first was the least desirable.

Councilmember Truex inquired about the first recommendation and asked whether it would be better to state that future requests would be denied. Mr. Kutney stated this was the least desirable because of the various reasons these fences were approved, some of which were errors made by staff.

Councilmember Starkey clarified that this referred to lakefront property and property owners should be able to enjoy their property. Mr. Kutney cited from the Code that "no structures shall be placed within the landscape buffer."

Mayor Venis and Vice-Mayor Paul were in favor of rezoning all the districts, as outlined in the fourth recommendation. Councilmember Clark felt that if an option had to be chosen, she was also in favor of the fourth option.

Councilmember Truex objected to all of the recommendations and felt that this issue was "quicksand." He felt that if this was granted to Ms. Rolin, then it would set a precedence for others in her position.

Mayor Venis asked Mr. Kutney the best way to address Ms. Rolin's issue. Mr. Kutney indicated that a "hold-harmless" could be accepted to allow her fence until her subdivision was reviewed and the situation was corrected.

Mayor Venis asked for a consensus from Council. Mayor Venis, Vice-Mayor Paul, and Councilmember Starkey agreed with Option 4. Councilmember Clark and Councilmember Truex opposed all options.

13.3 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING
R-2001-331 THE MAYOR, TOWN ADMINISTRATOR, AND APPROPRIATE STAFF TO
SUBMIT AN APPLICATION FOR FUNDING FOR THE 2002/2003 CULTURAL-

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YOUNG AT ART PROGRAM ADMINISTERED BY THE BROWARD CULTURAL AFFAIRS COUNCIL, COMMUNITY ARTS & EDUCATION PROGRAM IN THE AMOUNT OF \$40,000.00

Town Clerk Muniz read the resolution by title.

Councilmember Truex asked if this was budgeted. Mr. Willi stated that it was a match grant and it was budgeted.

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

Mr. Willi spoke about legal fee reimbursements for the United Ranches annexation, stating that this had been done in the past for other annexations. He recommended that up to \$5,000 be committed to United Ranches for legal fees, whether or not the annexation to Davie occurred. Mr. Willi clarified that this would be a reimbursement, not an advance. Council by a 5-0 consensus motion, gave Mr. Willi direction to authorize this offer to United Ranches.

Susan Rolin, 1035 SW 119 Way, was concerned with the fencing issue and the negative impact it had on her property. She stated that she had provided documentation to Council at a previous meeting and it was not addressed. Ms. Rolin also asked for clarification on this evening's discussion regarding fencing.

Mr. Kutney indicated that he would assist Ms. Rolin as her subdivision was the smallest subdivision and it was the easiest to correct. Ms. Rolin asked when this would be addressed and it was indicated that it would be done expeditiously.

Councilmember Truex asked for more opportunity to have a message in the Davie Update and made suggestions as to how this could be accomplished.

14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 11:25 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk