

**TOWN OF DAVIE
REGULAR MEETING
FEBRUARY 21, 2002**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:03 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Paul, Councilmembers Clark, Starkey (departed at 10:13 p.m.), and Truex. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. PRESENTATIONS (7:03 p.m. - 9:57 p.m.)

3.1. Police and Fire Employees

Police Chief John George and Fire Chief Dan DiPetrillo introduced the recently hired police officers and firefighters.

3.2. Capital Projects Status Report - Bruce Bernard

Public Works/Capital Projects Manager Bruce Bernard reported that the 61st Avenue Park had been approved by Site Plan Committee and was going out to bid for the swimming pool and the shelter. He advised that other amenities were being worked on in the meantime and the completion of this project was expected for July.

Mr. Bernard reported that construction management and site work for the Driftwood Park Boys and Girls Club would be done in-house. Also, the Town would be monitoring construction of the building, which was expected to begin on October 1, 2002.

Mr. Bernard reported that the following drainage projects were in progress: Phase III of Oak Hill was near completion and SW 73 Avenue and SW 58 Avenue were under way. He reported that 90% of Phase I was completed and Phase II would begin within six weeks. The SW 23 Street area of Vista Filare was going out to bid within six to eight weeks of this meeting.

Mr. Bernard advised that work had begun on Linear Park from the Florida Turnpike to State Road 441. He stated that pine trees and ficus trees were being removed from SW 64 Avenue to Flamingo Road and replanting of approved species would begin immediately thereafter. Mr. Bernard reported that a bid went out for the pavilion/fishing dock at SW 61 Avenue.

Mr. Bernard reported that the lights were completed at Nova High School and he had met with Nova High School officials regarding their stadium, which they expected to have completed by September 2002. He stated that the Town would have equal use of the stadium at Nova High School as well as use of the practice fields.

Mr. Bernard reported that the Potter Park Gymnasium roof was going up the first week in March and the project was on schedule. He added that SW 44 Street would be a one-way street by the end of February 2002 and Broward County would be installing the appropriate signage.

**TOWN COUNCIL MINUTES
FEBRUARY 21, 2002**

Mr. Bernard reported that the lights at Western High School would be completed by February 25, 2002. The Town would have use of the fields in the evenings for eight or nine months during the year.

Mr. Bernard displayed the "Welcome to Davie" sign addition created by the Open Space Advisory Committee. He stated that all the signs would cost \$2,000 and the money would come from the Open Space fund.

Councilmember Truex asked if the Westfair signs could be removed. Mr. Bernard responded in the affirmative.

Councilmember Clark asked if the Police Athletic League was involved in the aesthetic decisions being made for Potter Park Gymnasium. Mr. Bernard assured her that they were involved throughout the entire process.

Vice-Mayor Paul referred to the drainage at SW 21 Street and asked if "anything west of the canal" would be done at this time. Mr. Bernard replied affirmatively and explained that the west side of the canal was part of Phase II, which would begin shortly.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to accept these signs and have them placed on the signs in the Town. In a voice vote, all voted in favor. (Motion carried 5-0)

3.3. Upcoming Special Events - Dennis Andresky and Bonnie Stafiej

Parks and Recreation Director Dennis Andresky advised that upcoming special events included: piano dedication (February 22); Justin's Dinner Show (March 19); Muvico trip (March 5); cooking class (March 26); World Cup Flag Football (February 22-24); Broward Coalition for the Homeless 15 K Road Race and Charity Walk (February 23); 5 on 5 recreational soccer and competition soccer (registration March 7-8); Davie United Travel Soccer Program Dallas Cup Fundraiser (March 17); basketball registration (March); co-ed and men's softball registration; and St. Patrick's Day celebration (March 15).

Special Projects Director Bonnie Stafiej advised that upcoming events included: Community Actors Theatre auditions (February 28, March 5, and March 7); Fort Lauderdale Dog Show (March 16-17); concert in the park (March 17); 65th Annual Orange Blossom Festival (March 22- 24); Orange Blossom Parade (March 23); spring egg hunt (March 30); and Hollywood Dog Obedience Trials (March 30-31).

3.4. Lori Nance-Parrish, Broward County Commission Chair

Mayor Venis stated that Florida Department of Transportation representative Scott Seeburger had informed staff that the final drawings were not ready to be presented. Mayor Venis asked that this item be placed on the next agenda.

Alan Levine, attorney with Becker and Poliakoff, addressed Council regarding the poisonous materials in pressure treated wood and the hazards it caused to the environment in the Town. He explained that the wood industry was going to stop manufacturing wood in this manner within the next two years because Congress had pressured the Environmental Protection Agency to find out about this poison and rather than registering the chemicals, the wood industry was going to phase it out. Mr. Levine advised that he would like to file a class action lawsuit against the manufacturers of pressure treated wood on behalf of the Town and

**TOWN COUNCIL MINUTES
FEBRUARY 21, 2002**

other municipalities throughout the United States. He asked Council for permission to pursue this lawsuit on a contingency basis. Mr. Levine stated that he wanted to do a soil study to see how much of the hazardous materials had leached into the soil so that a dollar amount for the lawsuit could be determined. He clarified that the suit would be against the manufacturers of the wood, the treaters who pressure treated the wood, and the retailers.

Mayor Venis clarified that preliminary research, such as soil samples conducted by the firm, would be at no cost to the Town and he felt there would be businesses and homeowners who would support this. He asked when it would begin. Mr. Levine stated that he would begin the soil samples within 30 days. He clarified that samplings would be taken from various locations to be determined by the experts.

Councilmember Truex asked Mr. Levine if he felt the Town could be a defendant in litigation because they were "negligent" in using vast amounts of pressure treated wood throughout the Town for many years. Mr. Levine felt the Town would not be included as a defendant because it had the reputation of being an environmentally sensitive community. He stated that the Town had no knowledge of the hazardous materials in pressure treated wood.

Councilmember Truex stated that he was not pleased this had been "sprung" to the newspapers and indicated that he had attempted to call Mr. Levine prior to this meeting, but to no avail. He stated that this substance had been used for many years and the wood structures in the Town would not have withstood the elements if they were not pressure-treated. Councilmember Truex felt that this material was so widely used and he did not know how a lawsuit could be brought forth. He also felt this type of lawsuit would bankrupt the wood industry. Councilmember Truex indicated that he was not enthusiastic about this, as it was "dubious." He added that he would be concerned if there were a present danger and questioned if there was an independent consultant that could test the environment in the Town.

Vice-Mayor Paul indicated her support of this lawsuit. She asked that Mr. Willi share information of this magnitude with Council as soon as possible prior to it being discussed in the media.

Councilmember Truex indicated his support only if testing was done at no cost to the Town and the results were discussed with Council prior to Becker and Poliakoff pursuing this lawsuit on behalf of the Town.

Mayor Venis passed the gavel and made a motion, seconded by Councilmember Truex, to authorize Mr. Levine and the law firm Becker and Poliakoff to investigate the viability of proceeding with a lawsuit against the chemical manufacturers, wood treaters, and retail sellers of CCA treated wood and to authorize Mr. Levine's firms to do the appropriate testing in the areas experts deem appropriate, at no cost to the Town.

Mr. Levine wanted to know if Council was willing to go forward with the lawsuit if arsenic was found in the soil. The consensus was that Council would want to pursue the lawsuit.

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

8.1 Town Clerk Muniz read the ordinance by title.

Mayor Venis advised that the previous public hearing on this item had been closed and advised that the petitioner was going to present new findings.

**TOWN COUNCIL MINUTES
FEBRUARY 21, 2002**

Bill Laystrom, representing the petitioner, displayed site plan renderings and traffic calming design changes along SW 58 Avenue. He stated that he had received a telephone call from the property owner of the two and one half acre park who believed that the property was not obligated to the Town or the Westbrooke community. Mr. Laystrom stated that his client was willing to purchase this property to relieve the Town or Westbrooke of any obligation.

Mr. Laystrom stated that his client was willing to extend the guardrail on the west side of the road from Griffin Road to Stirling Road and his client had redesigned the entrance to the development to slow down traffic on SW 58 Avenue. He also spoke of design circles that would help alleviate the traffic problems.

Mr. Laystrom showed a diagram of the area and discussed the traffic circle, bus pullout, and indicated his client would be willing to take on the financial obligation that Westbrooke was previously responsible for. He discussed drainage improvements and expressed his client's willingness to be flexible and looked forward to Council's direction. Mr. Laystrom offered to bond these proposed changes so Council would be certain that they would be done.

Councilmember Clark asked if a traffic study was done. Mr. Laystrom indicated that a traffic analysis had been done which indicated that the road could handle three times the current traffic it was handling.

Vice-Mayor Paul asked if the petitioner had met with the residents to discuss the proposed improvements. Mr. Laystrom indicated that they did not feel it would be productive to meet with residents based on the last Council meeting unless there was some indication from Council that the petitioner was moving in the right direction with the new proposals.

Councilmember Clark felt that the residents in this area felt there was already a problem with traffic on SW 58 Avenue and the density in the surrounding area. Mr. Laystrom stated that the stress to the residents was not the same as the ability of the road to handle the traffic.

Council disclosed that they had each received a fax from Mr. Tamaro.

Councilmember Truex made a motion, seconded by Councilmember Clark, 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)

Mayor Venis indicated that he had met with Mr. Weber from Westbrook Communities regarding the mitigation site in this area. He stated that staff had assessed the entire property and presented Mr. Weber with a plan, which Mr. Weber did not have objections to.

9.2 Dawn McDonald, representing the petitioner, was present. Mayor Venis swore in the witnesses.

Planning and Zoning Manager Fernando Leiva summarized the planning report.

Ms. McDonald indicated that the petitioner had met with the Poinciana and Shenandoah homeowners associations. She asked Council if they had received copies of letters from the residents in the surrounding areas who supported this request which she entered into the record as Exhibit "A." Ms. McDonald stated that the landscaping had been doubled on the property line adjacent to residences.

Mayor Venis asked if the residents of Poinciana were in favor of this project. Robert Stam, also representing the petitioner, stated that he had met with the residents on two separate occasions and their concern was the landscaping buffer at the rear of the site. He stated that the

**TOWN COUNCIL MINUTES
FEBRUARY 21, 2002**

petitioner was going to increase the buffer there and between the site and the Eckerd's site. Mr. Stam also indicated that the petitioner was willing to plant Eureka palms rather than Ficus hedges.

Mayor Venis opened the public hearing portion of the meeting

Theresa Higgins, 610 Lowell Lane, indicated that the corner for the proposed McDonalds was not a safe location as it was a very busy corner. She cited concerns with the locale and was opposed to this project.

Kenneth Day, 620 Lowell Lane, was concerned about the vacant building that would exist if the restaurant was moved. He indicated his opposition to this proposal and spoke of a possible problem with "smells" from the restaurant. Mr. Day was concerned with traffic issues in the area.

Robin Day, 620 Lowell Lane, thanked Vice-Mayor Paul for her support with this issue. Ms. Day spoke of the congested intersection that exists and felt that McDonald's would be a breeding ground for loitering. She felt that better uses could be found for this location and was opposed.

Bob Funkee, property manager for Shenandoah, stated that the community's newsletter mentioned this project and there seemed to be no opposition on this issue as there was no response from the community. He felt the project was good for the community and asked Council to approve it.

Judy Evans, 621 Green River Lane, representative for the Shenandoah Homeowners Association, stated that the board met with the petitioner and felt that the project would be an asset to the community. She asked Council to approve this project.

Mayor Venis closed the public hearing.

Mr. Stam stated that the plan was to demolish the vacant building and market the property. He mentioned that the new restaurant would have a new air induction system that would eliminate odors. Mr. Stam also said that loitering was unacceptable to McDonald's and the police would be called if this became a problem.

Ms. McDonald entered a table of permitted uses for this zoning category into the record as Exhibit "B". She stated that a 20,000 square foot commercial establishment could be built on this property and the proposed McDonald's was going to be 3,699 square feet. The other permitted establishments had a 20 foot setback and McDonald's was going to be set back much farther.

Councilmember Truex asked about the variance for the signs and the driveway. Ms. McDonald indicated that the sign placement was as close to the driveway as possible and was in compliance with the 15-foot setback. If the sign was moved, an additional variance would be needed.

Roseanne G'Amato, representing the McDonald's Corporation, indicated that if the building was moved, an additional variance would need to be secured.

Ms. McDonald explained that the other variance was a separation variance. She stated that a full 100-foot variance was needed because it was from property line to property line, not from the rear of the building.

Mayor Venis inquired if a traffic study had been completed. Joe Kolin, traffic engineer for the petitioner, indicated that a study was not done, but observations at different times of the day were done and he felt that there should not be any intolerable traffic congestion as a result

**TOWN COUNCIL MINUTES
FEBRUARY 21, 2002**

of this restaurant. Mayor Venis gave the history of problems that had existed at this site pertaining to traffic. He felt the history of problems at this site should warrant the need for a traffic study at this locale. Mr. Kolin used a site plan rendering to illustrate that significant complications to traffic flow did not exist. Mayor Venis asked how many trips McDonald's would generate. Mr. Kolin stated that 800 to 900 trips would be generated.

Mayor Venis asked Mr. Leiva if he knew the history of the traffic concerns at the adjacent Eckerd's. Mr. Leiva indicated that his history with the Town was very short, but he gave provisions in the Code that applied to this site.

Mike Bender, Vice-Chair of the Planning and Zoning Board, indicated that the main reason the Board denied this request was because of traffic concerns. He felt that this project would have a tremendous negative impact on the community. Mr. Stam stated that the existing site was only three blocks from the proposed site and there was not a traffic problem at the existing locale. Mr. Kolin spoke of other uses that could be built on the site and felt that McDonald's would be the least invasive.

Mayor Venis reiterated his desire for a traffic study. Vice-Mayor Paul felt that all future applications should have a traffic study.

Councilmember Truex referred to "Findings of Fact" and felt that the applicant did not meet the criteria. He stated that he was confident in the Planning and Zoning Board's decision and was opposed to this application.

Vice-Mayor Paul disclosed that she appeared before the Planning and Zoning Board and had spoken with Robin Day. Council advised that they had received e-mails and letters regarding this issue.

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)

7.3 Town Clerk Muniz read the proclamation.

Mayor Venis and Council were thanked for their participation and support of this event. Councilmember Starkey stated that she was still collecting donations for the American Cancer Society and would be participating in the walk.

9.1 Town Clerk Muniz read the ordinance by title.

Dawn Sonneborn, representing the petitioner, was present.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, 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)

8.2 Mayor Venis advised that a public hearing would be held on March 6, 2002. Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting.

**TOWN COUNCIL MINUTES
FEBRUARY 21, 2002**

Cindy Osborne, 4420 SW 64 Avenue, voiced opposition to this ordinance as a representative of the Davie Merchants and Industrial Association and as a business owner. She stated that staff was already paid to provide this service and it was not fair for property owners to have to carry this additional burden as they already paid taxes.

Rose Anderson, 4950 SW 111 Terrace, voiced her objections to this ordinance and felt that the ordinance was vague and could cause unforeseen burdens on property owners in the future.

Mayor Venis closed the public hearing.

Councilmember Starkey stated that the intent of this ordinance was not to harm businesses, but rather to assist the taxpayer by allowing the development community to pay for services. She stated that this ordinance was not meant to impact the residents of the Town. Councilmember Starkey stated that this ordinance would allow the Development Services Departments to look at the big-ticket items such as updating the comprehensive plan and interviewing staff. She stated that the Economic Development Council had sent a letter to Council supporting this ordinance.

Councilmember Truex indicated that he was happy that the business community was given a chance to respond and distributed five suggestions which he proceeded to summarize. He agreed that the ordinance was too vague and felt that this ordinance could be passed along with a resolution that would set up guidelines for costs for services that would be proposed by Mr. Willi. Councilmember Starkey indicated that costs and guidelines were not included because a separate ordinance addressing the costs was required. Councilmember Truex recommended that this ordinance be passed with the caveat that it not be adopted until the resolution outlining guidelines and fees was in place. He felt it was not fair to apply this until the rules were clear.

Mr. Willi directed Council back to the intent of this ordinance and used the McDonald's case as an example of a developer using more of staff's resources than the \$400 variance fee provided. He referred to the Walgreen's project and how much time staff had put into that project. Mr. Willi indicated that an hourly rate was appropriate and advised that Walgreens had paid the same fees as a basic variance request by a resident. Councilmember Truex felt that the hourly fee was a dangerous condition because developers would feel that the fees applied arbitrarily. He was concerned that the ordinance would negatively affect small businesses.

Councilmember Clark felt that staff's time was already budgeted and asked why there was a need for an additional tax for the review of products. She also felt that if existing fees were not enough to cover costs, the fees needed to be raised. Councilmember Clark agreed with Councilmember Truex's assertion that this ordinance could be dangerous without a set of resolutions to "police" it.

Vice-Mayor Paul felt that Councilmember Truex's suggestions provided a good start for this ordinance, which she felt was a good idea at its inception. She agreed with Councilmember Truex's suggestion for a guideline that would address costs and with Councilmember Clark that the fees should be raised if necessary. Vice-Mayor Paul cited the ordinance section that dealt with appeals to Council as possibly creating a significant commitment from the Council to hear all of the appeals created.

Mayor Venis felt that this item should come before Council after it was reworked to address concerns raised by Council. Councilmember Clark urged Council to read the back-up, which included the ordinance passed by the City of Plantation. Mayor Venis asked Mr. Willi if

**TOWN COUNCIL MINUTES
FEBRUARY 21, 2002**

the Town was in line with other cities in terms of development fees. Mr. Willi felt that further research would be needed, however 60 days would be needed to refine this before it was brought back to Council.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to table until April 17, 2002. 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)

8.3 Town Clerk Muniz read the ordinance by title. Mayor Venis advised that a public hearing would be held on March 6, 2002

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, public hearing was closed.

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

Mayor Venis advised that items 7.7 and 7.10 had been withdrawn. He indicated that items 9.3 and 11.3 needed to be tabled until March 6, 2002.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to withdraw item 7.10 and to table items 9.3 and 11.3 until March 6, 2002.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to add items 7.30 and 12.4. In a voice vote, all voted in favor. (Motion carried 5-0)

4. MAYOR/COUNCILMEMBER'S COMMENTS

Comments were heard later in the meeting.

5. TOWN ADMINISTRATOR'S COMMENTS

Later in the meeting, Mr. Willi deferred his comments.

6. TOWN ATTORNEY'S COMMENTS

Later in the meeting, Mr. Kiar deferred his comments.

7. CONSENT AGENDA (9:57 p.m. - 10:12 p.m.)

Minutes

7.1. December 12, 2001 - Special Meeting (tabled from February 6, 2002)

7.2. December 4, 2001 - Regular Meeting

Proclamation

7.3. Relay for Life Weekend (March 1-2, 2002)

Parade Permit

7.4. Chiropractic, National Chiropractic Medicine (April 7, 2002)

TOWN COUNCIL MINUTES
FEBRUARY 21, 2002

Home Occupational Licenses

- 7.5. Breakfast Baskets, Inc., 6050 SW 55 Place
- 7.6. Jeanne Wormser/Shaklee, 7421 SW 39 Street
- 7.7. Rich Horrell Enterprises, 3191 SW 50 Terrace
- 7.8. The Payment Connection, 11955 SW 15 Court
- 7.9. The Permit Company, 11650 SW 22 Court

**TOWN COUNCIL MINUTES
FEBRUARY 21, 2002**

Resolutions

- 7.10. **WITHDRAWN BY STAFF; HEALTH INSURANCE TO BE RESUBMITTED AT A LATER DATE**
INSURANCE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING CIGNA HEALTHCARE TO PROVIDE FULLY-INSURED GROUP MEDICAL BENEFITS INCLUDING A HEALTH MAINTENANCE ORGANIZATION (HMO) PLAN AND A POINT OF SERVICE (POS) PLAN, AND AN EMPLOYEE ASSISTANCE PROGRAM (EAP); SELECTING COMPBENEFITS CORPORATION TO PROVIDE FULLY-INSURED GROUP DENTAL BENEFITS INCLUDING A DENTAL MAINTENANCE ORGANIZATION (DMO) PLAN AND A DENTAL PROVIDER ORGANIZATION (DPO) PLAN; SELECTING STANDARD INSURANCE COMPANY TO PROVIDE LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT (AD&D) INSURANCE BENEFITS, LONG TERM DISABILITY (LTD) INSURANCE BENEFITS, AND SHORT TERM DISABILITY (STD) INSURANCE BENEFITS; AND AUTHORIZING THE HUMAN RESOURCES DIRECTOR TO EXECUTE APPROPRIATE APPLICATIONS AND CONTRACTS FOR SAID BENEFIT PLANS. (tabled from February 6, 2002)
- R-2002-35 7.11. **I-75 ALTERNATIVES ANALYSIS** - A RESOLUTION OF THE TOWN OF DAVIE FLORIDA SUPPORTING FURTHER ANALYSIS OF THE SHORT-TERM IMPROVEMENT ALTERNATIVES FOR I-75 PROPOSED BY BROWARD COUNTY. (tabled from February 6, 2002)
- R-2002-36 7.12. **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE PURCHASE OF "THE CLUB" UNDER THE FLORIDA MOTOR VEHICLE THEFT PREVENTION AUTHORITY GRANT. (Winner International - \$20,000 unbudgeted; to be reimbursed by the Florida Motor Vehicle Theft Prevention Authority Grant)
- R-2002-37 7.13. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE FROM THE LAW ENFORCEMENT TRUST FUND TO PROVIDE INCIDENTAL ITEMS FOR THE FISCAL YEAR 2002 FOR THE TRIAD-SALT MONTHLY MEETINGS. (not to exceed \$1,000)
- R-2002-38 7.14. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE STAFF TO PARTICIPATE IN THE BULLETPROOF VEST PARTNERSHIP PROGRAM GRANT, OFFERED BY THE DEPARTMENT OF JUSTICE. (\$34,350 grant; \$17,175 to be reimbursed by the Department of Justice)
- 7.15. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,

**TOWN COUNCIL MINUTES
FEBRUARY 21, 2002**

R-2002-39 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE DAVIE/COOPER CITY CHAMBER OF COMMERCE AND THE TOWN OF DAVIE. (March 22 - 24, 2002; waiver of fee)

**TOWN COUNCIL MINUTES
FEBRUARY 21, 2002**

- 7.16. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-40 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT
BETWEEN BOYS AND GIRLS CLUB OF BROWARD COUNTY AND THE
TOWN OF DAVIE. (April 6, 2002; waiver of fee)
- 7.17. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-41 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT
BETWEEN CANINE COMPANIONS AND THE TOWN OF DAVIE. (May 11-12,
2002; waiver of fee)
- 7.18. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-42 AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN
OAK PATHS CONDOMINIUM AND THE TOWN OF DAVIE.
- 7.19. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-43 AUTHORIZING THE MAYOR AND/OR THE APPROPRIATE STAFF TO
ENTER INTO AN AGREEMENT BETWEEN MIAMI-DADE COMMUNITY
COLLEGE AND THE TOWN OF DAVIE FOR USE OF THE MIAMI-DADE
COMMUNITY COLLEGE VEHICLE DRIVING FACILITY. (\$1,825 - unbudgeted)
- 7.20. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-44 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH H.J. ROSS
ASSOCIATES, INC. FOR WILDLIFE BIOLOGIST SERVICES.
- 7.21. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-45 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH KEITH
AND SCHNARS, P.A. FOR WILDLIFE BIOLOGIST SERVICES.
- 7.22. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-46 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH GABY &
GABY, INC. FOR WILDLIFE BIOLOGIST SERVICES.
- 7.23. **DISTRICT BOUNDARIES REVIEW COMMITTEE** - A RESOLUTION OF THE
R-2002-47 TOWN OF DAVIE, FLORIDA, CREATING A DISTRICT BOUNDARIES REVIEW
COMMITTEE, WHICH IS CREATED FOR THE PURPOSE OF REVIEWING THE
DISTRICT BOUNDARIES OF THE TOWN OF DAVIE AND MAKING
RECOMMENDATIONS TO THE TOWN COUNCIL; AND PROVIDING AN
EFFECTIVE DATE.
- 7.24. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-48 AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "YOUNG
WORLD PLAT" (124-43), AND PROVIDING AN EFFECTIVE DATE. (DG 1-1-02,
3400-3580 South University Drive)

**TOWN COUNCIL MINUTES
FEBRUARY 21, 2002**

- 7.25. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "C&F PLAT" (164-31), AND PROVIDING AN EFFECTIVE DATE. (DG 1-4-02, 7690 Stirling Road)
- R-2002-49 7.26. **COMMUNITY POLICING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE HIRING OF TWO (2) POLICE OFFICERS AND TO PURCHASE THE EQUIPMENT NEEDED TO FULFILL THE AGREEMENT SIGNED WITH NOVA SOUTHEASTERN UNIVERSITY FOR COMMUNITY POLICING. (\$85,949.92)
- R-2002-50 7.27. **INSURANCE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING COMPBENEFITS CORPORATION TO PROVIDE FULLY-INSURED GROUP DENTAL BENEFITS INCLUDING A DENTAL MAINTENANCE ORGANIZATION (DMO) PLAN AND A DENTAL PROVIDER ORGANIZATION (DPO) PLAN; SELECTING STANDARD INSURANCE COMPANY TO PROVIDE LIFE AND ACCIDENTAL DEATH AND DISMEMBERMENT (AD&D) INSURANCE BENEFITS, LONG TERM DISABILITY (LTD) INSURANCE BENEFITS, AND SHORT TERM DISABILITY (STD) INSURANCE BENEFITS; AND AUTHORIZING THE HUMAN RESOURCES DIRECTOR TO EXECUTE APPROPRIATE APPLICATIONS AND CONTRACTS FOR SAID BENEFIT PLANS.

Site Plan

- 7.28. SP 11-1-01, 61st Avenue Park, 4200 SW 61 Avenue, (RS), *Planning and Zoning Division recommended approval; Site Plan Committee recommended to approve based upon the site plan comments and the landscaping plan comments have been addressed as best as possible*

Temporary Use Permit

- 7.29. TU 2-2-02, International Flag Football Federation
7.30. Rick Case

Councilmember Truex removed items 7.5, 7.6, and 7.25 be removed from the consent agenda. Vice-Mayor Paul removed items 7.23, 7.24, and 7.27.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to remove items 7.5, 7.6, 7.23, 7.24, and 7.27 from the consent agenda. In a voice vote, all voted in favor. (Motion carried 5-0)

7.5 Councilmember Truex wanted assurance that the applicant was going to be making her own deliveries, there would be no pickups by customers, and there would be no additional employees.

Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to approve subject to the conditions that the applicant was going to be making her own deliveries, there would be

**TOWN COUNCIL MINUTES
FEBRUARY 21, 2002**

no pickups by customers, and there would be no additional employees. In a voice vote, all voted in favor. (Motion carried 5-0)

7.6 Councilmember Truex wanted assurances that this would not be a mail order business being run out of a residence. He was concerned because the term "distributor" was used in the application. Mr. Leiva stated the business was similar to Avon.

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

7.23 Vice-Mayor Paul wanted to add to the appointment portion of the resolution as Mr. Willi had indicated time was of the essence. She requested that appointments be made at tonight's meeting.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve subject with appointments being made immediately following this item. Councilmember Truex did not believe that appointments had to be made immediately. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Paul appointed Elliot Rosen and Ivan Reich. Councilmember Truex appointed Scott Spages. Mayor Venis appointed Dave Brown and Mike Bender.

Councilmember Starkey indicated that appointments needed to be from the Councilmembers' own districts. In view of this information, Councilmember Truex withdrew his appointment.

7.24 Vice-Mayor Paul wanted to know why the median on University Drive was being closed. John Santulli, and Terry McCarter, representing the petitioner, were present. Mr. McCarter indicated that the Florida Department of Transportation had indicated that the median had to be closed. He explained that the median was not entirely closed off as indicated in staff's report, which was in error. The "left in" would remain, but the "left out" would be removed.

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

7.25 Councilmember Truex stated that the practical effect of this item would increase the density by 100%. He felt that the report did not indicate what Council must, or could, consider. Councilmember Truex wanted to know what Council's options were and if this item could be denied.

Mr. Kiar recommended that this item be tabled so that he could research it. Councilmember Truex asked that staff invite the petitioner to the March 6th meeting.

Councilmember Truex made a motion, seconded by Councilmember Clark, to table until the next meeting (March 6, 2002). In a voice vote, all voted in favor. (Motion carried 5-0)

7.27 Vice-Mayor Paul clarified that the dental insurance was separated out. Human Resources Director Mark Kutney replied affirmatively, stating that there was a separate request for proposal for medical and EAP insurance. He indicated that this resolution was for dental, life insurance, and short and long term disability.

**TOWN COUNCIL MINUTES
FEBRUARY 21, 2002**

Vice-Mayor Paul clarified that there was an enhancement comp benefit contribution with a two-year guarantee. Mr. Alan explained that this was a contribution strategy and advised of the costs at the various levels.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve. In a voice vote, all voted in favor.

8. PUBLIC COMMENTS

Ordinance - First Reading (Public Hearing anticipated to be May 1, 2002)

- 8.1. **TRANSMITTAL** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL APPLICATION LA 02-1, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "RESIDENTIAL 1 DU/ACRE TO SPECIAL CLASSIFICATION (RESIDENTIAL 2.3 D.U./ACRE); AND SPECIAL CLASSIFICATION (RESIDENTIAL 2 D.U./ACRE) TO CONSERVATION"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (5000 and 5400 SW 58 Avenue) (tabled from January 2, 2002)

This item was denied earlier in the meeting.

Ordinances - First Reading (Public Hearing to be held March 6, 2002)

- 8.2. **SPECIAL COSTS REIMBURSEMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA PROVIDING FOR COST RECOVERY TO REIMBURSE THE TOWN OF DAVIE FOR SPECIAL COSTS INCURRED BY THE TOWN IN THE PROCESSING OF APPLICATIONS FOR DEVELOPMENT PERMITS, CONTAINING PROVISIONS FOR COST RECOVERY ACCOUNTS; PROVIDING FOR IMPLEMENTATION OF THE COST RECOVERY PROGRAM; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE. (tabled from February 6, 2002)

This item was tabled earlier in the meeting.

- 8.3. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 12-32 ENTITLED "TABLE OF PERMITTED USES"; REVISING THE CATEGORY OF AGRICULTURAL USES, AGRICULTURE, AND AGRICULTURAL, COMMERCIAL TO ANIMALS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

This item was approved earlier in the meeting.

**TOWN COUNCIL MINUTES
FEBRUARY 21, 2002**

9. PUBLIC HEARINGS

Ordinance - Second and Final Reading

- 2002-5 9.1. **VACATION/ABANDONMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION VA 11-1-01, VACATING ROAD AND UTILITY EASEMENTS WITHIN SECTION 28, TOWNSHIP 50 SOUTH, RANGE 41 EAST AND WITHIN THE ROLLING HILLS GOLF ESTATES PLAT (157-15); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 11-1-01, Miller, Legg & Associates/Space Development, Ltd., 8100 SW 36 Street)**

This item was approved earlier in the meeting.

Quasi Judicial Matter

- 9.2. **VARIANCE - V 7-1-01, McDonald's Corporation/The Barclay Group No. 8, Ltd., southwest corner of SW 136 Avenue and Financial Boulevard (B-2) (to reduce the minimum separation from 100 feet to 0 feet and to reduce the minimum separation from 200 feet to 184 feet) (tabled from February 6, 2002) Planning and Zoning Division recommended denial; Planning and Zoning Board recommended denial**

This item was denied earlier in the meeting.

Item to be Tabled

- 9.3. **STAFF REQUESTING A TABLING TO MARCH 6, 2002**
ZB 11-3-01, DFD Capital Dev. Corp., 10700 West State Road 84 (from T-1 to CC)

This item was tabled earlier in the meeting.

10. APPOINTMENTS (10:12 p.m.- 10:18 p.m.)

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

Vice-Mayor Paul appointed Casey Lee to the Open Space Advisory Committee.

- 10.2. Youth Advisory Committee (one exclusive appointment - Mayor Venis, Vice-Mayor Paul, and Councilmember Clark)

Mayor Venis and Councilmember Clark deferred their appointments. Councilmember Clark asked Tiffany Lebbage's attendance be verified.

- 10.3. Davie Water and Environmental Advisory Board (two exclusive appointments - Councilmember Truex; one exclusive appointment - Councilmember Clark and Mayor Venis) (terms expire December 2003)

Councilmember Truex and Councilmember Clark deferred their appointments. Mayor Venis re-appointed James Aucamp, Jr.

**TOWN COUNCIL MINUTES
FEBRUARY 21, 2002**

- 10.4. Senior Citizen Advisory Committee (members shall be a minimum of 60 years old) (two exclusive appointments with one being for a one year term and one being for a two year term - Councilmember Starkey; terms expire December 2002 and 2003 respectively) (one exclusive appointment for a one year term - Mayor Venis and Councilmember Truex; term expires December 2002)

Councilmember Truex appointed Dean Alexander. Mayor Venis appointed Marvin Simon.

- 10.5. Davie Agricultural Advisory Board (members, insofar as possible, shall have experience in agricultural matters, related occupations or other similar skills) (one exclusive appointment - Councilmember Truex - terms expire February 2003)

Councilmember Truex appointed Jason Hurley.

- 10.6. Fire Pension Board (John Earle as elected by the Fire Pension Board)

Vice-Mayor Paul made a motion, seconded by Councilmember Truex, to approve the selection of John Earle. In a voice vote, with Councilmember Starkey absent, all voted in favor. (Motion carried 4-0)

11. OLD BUSINESS (10:18 p.m. - 10:36 p.m.)

11.1. Advisory Board Ordinance

Councilmember Truex distributed specific changes to the proposed ordinance. He felt that quarterly reports might waste committee time and an annual report was more than adequate. Councilmember Truex felt that it was not necessary for appointees to be "registered voters only," as there were certain circumstances where this was inappropriate. He also felt that it should not be necessary for committee members to be residents in the Town. Councilmember Truex felt the language under "annual reviews" needed to be stronger and more specific and the term for a short-term board should be decided at its inception.

Vice-Mayor Paul referred to the staggered committees and suggested that they include the Child Safety Board, the Davie Water Environmental Board, the Open Space Advisory Board, and the School Advisory Board. She felt the quorum issue was important and if committees continued to cancel meetings for lack of quorum, sunseting the committee or removing absentees should be considered. Assistant Town Administrator Ken Cohen suggested reducing the number of members and allowing no more than three consecutive absences. He stated that the Parks and Recreation Advisory Board should be considered as there were members that never attended. Also, with the merger with the Youth Advisory Board, the number of members needed to be reduced as well.

Councilmember Truex felt there should be a provision for Councilmembers to remove Board members. He also indicated that if this ordinance passed, all appointments in place would automatically sunset in 30 days and Council would make new appointments.

Councilmember Truex made a motion, seconded by Councilmember Clark, to direct staff to place this on the March 6, 2002 agenda for first reading subject to the changes on the pink sheet and also subject to adding the School Advisory Board to the list of Boards that meet every other month. In a voice vote, with Councilmember Starkey being absent, all voted in favor. (Motion carried 4-0)

**TOWN COUNCIL MINUTES
FEBRUARY 21, 2002**

11.2. Orange Drive Trafficways

Mr. Willi stated that Development Services Director Mark Kutney had provided a memo, which discussed the feasibility of taking Orange Drive off the trafficways plan. The cost would be \$5,064 paid to the County. Mr. Willi stated that the 80-foot road right-of-way needed to be justified and referred to Vice-Mayor Paul's suggestion to use Linear Park as the justification. He indicated that staff would request that the County overlay Orange Drive prior to the Town taking possession.

Vice-Mayor Paul felt it was important that if the Town was going to proceed, that the Town needed to be reassured that the 80-foot right-of-way would be protected. Councilmember Truex felt that it was imperative that the right-of-way be protected.

Vice-Mayor Paul was concerned with the bridges and islands along Griffin Road and felt they were dangerous because there were no lights. Also, the prohibition of turning on University Drive and Flamingo Road had not improved the traffic condition. She felt these issues must be considered in negotiations for Orange Drive.

11.3. Citrus Canker - Department of Agriculture/Broward Coalition

This item was tabled earlier in the meeting.

12. NEW BUSINESS (10:36 p.m. - 10:58 p.m.)

12.1. Rick Case Road Renaming

Rick Case spoke of the vacation of the road to his automobile dealership. He indicated that since his business was the only business using the road, he proposed taking over the maintenance of the road as long as it could be called "Rick Case Honda Way." Vice-Mayor Paul felt that this should come before Council as a resolution because the maintenance agreement was also being decided. Mr. Bernard indicated that if the Town renamed the road, the Town would still be liable.

Mayor Venis asked Council for direction. Council had no objections but questions arose if a resolution was needed. Councilmember Clark stated that the road could be renamed with Mr. Case pledging maintenance. Vice-Mayor Paul and Councilmember Truex felt a resolution was necessary. In a voice vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Paul - no; Councilmember Clark - yes; Councilmember Starkey - absent; and Councilmember Truex - no. (Motion tied 2-2; this item was automatically tabled until March 6, 2002)

12.2. 61st Avenue Park Naming

Councilmember Truex stated that Ms. Roberts was a big part in the 1960 reincorporation of the Town and submitted additional information. Council agreed to bring this before Council at the next meeting with a resolution.

Councilmember Truex made a motion, seconded by Councilmember Clark, to place a resolution on the next agenda to name the 61st Avenue Park after Mrs. Roberts. In a voice vote, with Councilmember Starkey being absent, all voted in favor. (Motion carried 4-0)

12.3. Digital School Zone Radar Devices - Bruce Bernard

**TOWN COUNCIL MINUTES
FEBRUARY 21, 2002**

Mayor Venis recommended that this item should be deferred until Councilmember Starkey was present.

12.4. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING THE R-2002-51 CONSTRUCTION OF A MIDDLE SCHOOL (NN) IN THE TOWN'S WESTERN REGION.

Councilmember Truex made a motion, seconded by Councilmember Clark, to approve. In a voice vote, with Councilmember Starkey being absent, all voted in favor. (Motion carried 4-0)

Councilmember Truex made a motion to defer Council comments to the next meeting. The motion died due to the lack of a second.

Vice-Mayor Paul stated that the Land Preservation Board was looking at a Purchase and Development Rights application for individuals who had farms and were interested in maintaining those farms. The applications would be available March 2002 through May 2002.

Mayor Venis referred to correspondence that he had received from Commissioner Parrish regarding lighting on the bridge by Imagination Farms. Mr. Willi indicated that he had scheduled a meeting with staff and Florida Power and Light.

Vice-Mayor Paul referred to the horse crossing light at the Old Davie School and advised that the Florida Department of Transportation (FDOT) had responded that there was no need for a light as the on-sight pedestrian count did not warrant it. She felt this was ludicrous because it was dangerous to cross the street as it was. Vice-Mayor Paul advised that FDOT had recommended that the Town install the light at the Town's expense and asked if the Town could appeal FDOT's decision. Mr. Willi stated that he would research it and discuss the Town's future intent with FDOT. Mr. Bernard stated that FDOT had indicated that funding was not available at this time.

Vice-Mayor Paul stated that the Metropolitan Planning Organization was going to be redistricted based on population and there was a concern that changes might be made. She assured that a commitment was made at the last meeting that every municipality that had a seat, retained their seat.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting adjourned at 10:58 p.m.

Approved _____

Mayor/Councilmember

Town Clerk

**TOWN COUNCIL MINUTES
FEBRUARY 21, 2002**