

**TOWN OF DAVIE
REGULAR MEETING
MARCH 6, 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, and Truex. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING (7:03 p.m. - 7:45 p.m.)

Mayor Venis advised the public of the rules for the Open Public Meeting.

Arthur Joseph, 13700 SW 18 Court, handed in a copy of the magazine *Animal Watch* from the American Society for the Prevention of Cruelty to Animals, which talked about animal cruelty. He spoke against the Town's Rodeo. Mr. Joseph spoke about the need for tax reform and offered statistics.

Bruce Novak, 4260 SW 78 Drive, spoke about the American Flag and all it symbolized. He spoke about terrorism and the danger for the troops in Afghanistan.

Jake Edwards, 4165 SW 67 Avenue, spoke about traffic conditions at Davie Elementary School and the dangers. Mayor Venis stated that there had been a meeting with the PTO and the principal regarding this issue. He asked Police Chief John George for the status of this issue. Chief George spoke of several initiatives, but felt that the problem was caused by engineering and design. He stated that a meeting was scheduled for some time in March. Councilmember Clark spoke of the City of Hollywood's efforts to calm traffic utilizing motorcycle police officers. Chief George explained that speeding was not the main issue, but the amount of traffic in this area and the failure to comply with the traffic.

Clarissa Hughes, 4271 SW 72 Way, spoke of the unsafe conditions at Davie Elementary School and asked Council to extend the time period for speed limitations around school zones. She was concerned with the lack of police presence in this area and felt that additional presence would make a difference. Ms. Hughes also recommended more prominent signs in this area.

Nancy Hernandez, 3320 SW 58 Avenue, was concerned about the traffic conditions around Davie Elementary School. She stated that she also had not seen substantial police presence and was also concerned with the crossing guard's safety.

Marty Brickell, the crossing guard, spoke against the shuttle bus and indicated that it added to the unsafe conditions as the children raced across the street to ride the bus with no regard for their own safety. She felt there needed to be more police presence and more overhead signs similar to those found in Cooper City.

Donald Wetzel spoke of the proposed lawsuit regarding pressure treated wood. He stated that the Building Code required the use of pressure treated wood and felt that if this was pursued, then Code Compliance would be tied up in the issue. Mr. Wetzel was opposed to the Council's position on this and requested that they reconsider.

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Joseph Brown, PTO President for Davie Elementary School, stated that police officers were not ticketing violators in this area and the police presence was not adequate. Another concern was the traffic caused by the colleges.

Elizabeth Iannicelli, 6761 SW 41 Drive, spoke of the unsafe traffic conditions at Davie Elementary School and the lack of police presence there. She stated that the D.A.R.E. officer also did not comply with the rules and set a poor example for other drivers.

Packy Boggs, 4190 SW 75 Circle East, spoke of the traffic concerns at Davie Elementary School and asked for help from the Town and the Police Department.

Sondra Lea Lang, 13951 SW 25 Street, stated that her family was involved with Pets in Distress. She stated that she generated a large amount of recyclable materials and was in need of additional recycling bins. Ms. Lang advised that she was told the limit was two recycling bins per household. Mayor Venis asked Mr. Willi to address this issue.

Jay Stahl, 5801 Surrey Circle West, spoke about his attendance at a patriotic show at the Coral Ridge Presbyterian Church and its significance in light of the events of September 11, 2001. He thanked Jim Bunce for his efforts to arrange for the Town's Fire Department's color guard to be involved.

Robert Schneider, principal of Davie Elementary School, spoke of his administration's efforts to combat the traffic problem at the school. He asked for Council's support to alleviate this problem.

Norm Blanco, representing the Associations of Nova Drive, thanked Broward County Commissioner Lori Nance Parrish for her expeditious response to his request for road repairs near Home Depot. He thanked Town Engineer Larry Peters for putting in the curb in his neighborhood. Mr. Blanco thanked Programs Manager Susan Dean for all of her efforts.

Tom Clements, 15740 Surrey Circle, indicated that a performance celebrating patriotism would be conducted at Western High School on May 11th and asked for Council's support and participation. The band director stated that they were attempting to bring the community together and have participation from public safety, businesses, and residents in the surrounding communities. The band director asked that the Town provide security. Mayor Venis indicated that Special Projects Director Bonnie Stafiej would assist with this event.

4. PRESENTATIONS (7:45 p.m. - 8:23 p.m.)

4.1. Lindsay Dreyer

Ms. Dreyer was not present.

4.2. Driftwood Boys and Girls Club

Mr. Willi advised that this was deferred until April 3, 2002.

4.3. State Road 84 Spur Property - Michael Burke, Town Counsel

Michael Burke spoke on the State Road 84 Spur property and the history of the grant fund request. He explained why the Town filed a bid protest against Florida Department of Transportation (FDOT) and advised that the bid protest had been heard by an administrative law judge, who recommended that FDOT award the property to the highest bidder. Mr. Burke stated that FDOT was either going to approve the recommendation of the hearing officer or reject the recommendation and throw the bid process out, which was what the Town was

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seeking. He spoke of the need for direction from Council to determine what to do if FDOT took the administrative law judge's recommendation of awarding the property to the highest bidder.

Vice-Mayor Paul asked if the Town was originally supposed to have the first option on purchasing this property. Mr. Burke replied affirmatively, stating that this was why there was a conflict. He clarified that FDOT did not properly offer the property to the Town before it went to the bid process and after the bid process, they did offer it to the Town, but for a substantially higher price than the highest bidder. When the Town refused, FDOT decided to award it to the highest bidder and this was the basis for the Town's bid protest. Vice-Mayor Paul felt that the purchase of this property should be pursued because the Town had already invested so much money in it.

Mayor Venis asked if there were any guarantees for the Town when the grant was initially obtained. Mr. Willi believed that the only guarantee was a lien that the Town placed against the Jolmy property for the amount of the improvements, "but the Town had subordinated that lien to the highest percentage."

Mayor Venis asked what would happen if the Town was not successful with the appeal. Mr. Burke felt that if the Town was not successful, the land would be awarded to the highest bidder and if the Town wanted it, they might pursue eminent domain or purchase a utility easement to continue the project. Mayor Venis felt that the appraisal should not consider the improvements made by the Town and was in favor of pursuing the appeal.

Councilmember Starkey also felt that the amount of money the Town invested should not be included in the appraisal because, ultimately, the Town would be paying twice for the amenities.

Councilmember Truex was also in favor of the appeal, but wanted to know if the Town would be responsible for costs if the Town lost the case. Mr. Burke stated that the Town would only be responsible if the lawsuit was found frivolous, which he felt would not happen. He stated that the "department" had asked for reimbursements of costs for the transcript.

Councilmember Starkey asked if there was a potential to get some of the improvement monies back from the grant. Mr. Burke indicated that the grant was still there, but in order to get the money from OTTED, it was required that the Jolmy improvements begin. He stated that it was still possible for the Town to get reimbursed if Jolmy re-engineered the project.

Councilmember Clark asked if there was a deadline for vertical construction. Mr. Willi indicated that the initial deadline was January 2002 and had already been extended three times. He felt that it would be extended until January 2003.

Sylvia Clements, a representative of Jolmy Enterprises, indicated her belief in this project and advised that the price of the second appraisal was approximately \$465,000. As mentioned earlier, the first appraisal was \$1.9 million.

Mayor Venis announced that the next Council meeting had been rescheduled for Tuesday, March 19th.

Mayor Venis advised that item 11.1 was deferred until further notice and added that item 12.1 needed to be added to the agenda.

Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to add. In a voice vote, with Councilmember Clark being out of the room, all voted in favor. (Motion carried 4-0)

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12.1 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING THE FLORIDA DEPARTMENT OF TRANSPORTATION'S REVISION TO THE GRIFFIN ROAD WIDENING PROJECT BY REMOVING THE PROPOSED CONNECTING BRIDGE BETWEEN GRIFFIN ROAD AND ORANGE DRIVE WEST OF NOB HILL ROAD.

Town Clerk Muniz read the resolution by title.

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

Councilmember Starkey indicated her opposition to paragraph 5 which spoke about medians along Orange Drive, University Drive, and Flamingo Road which she supported; however, she felt this should be a separate resolution as it might jeopardize the abandonment of the bridge. She stated that the workshop was about the bridge and felt it was important to address the issue of the bridge as it was discussed at the workshop and because that was what the residents expected. Councilmember Truex agreed with Councilmember Starkey and felt the two issues should be kept separate. Vice-Mayor Paul agreed that the median issue could be taken out of this resolution with the condition that a separate resolution be prepared that addressed FDOT's previous commitments. She indicated that she wanted both resolutions to go in simultaneously.

Mayor Venis clarified that the motion was to omit Section 3 and the applicable "whereas" clause and renumbering the sections. He advised that the second resolution would include the "whereas" that was omitted from the first resolution which would be voted on at this meeting. Vice-Mayor Paul added that an additional "whereas" needed to be included in the second resolution to identify why it was being done.

Councilmember Truex withdrew his second.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve without the last "whereas" and Section 3. In a voice vote, all voted in favor. (Motion carried 5-0)

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve the new resolution to include the last "whereas" and Section 3 from the first resolution and to be sent simultaneously with the first resolution. In a voice vote, all voted in favor. (Motion carried 5-0)

5. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR VENIS (8:23 p.m. - 8:26 p.m.)

CONDOLENCES. Mayor Venis offered condolences to the Aucamp family for the passing of James Aucamp, Sr., who was an important member of the Davie community.

RICK CASE GRAND OPENING. Mayor Venis advised that he had attended the grand opening and ribbon cutting ceremony. He wished Mr. Case and his wife lots of luck.

BRIDGE WORKSHOP. Mayor Venis thanked the residents, Councilmember Starkey, and staff for their participation in this workshop. He felt that this type of commitment from the community and the Town had made a difference.

DAY CARE CENTER REOPENING. Mayor Venis advised that he had attended the grand reopening of Hollywood Tech Day Care Center on University Drive which was a new facility that had state of the art technology for pre-schoolers. He wished the new owners luck.

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OLD DAVIE SCHOOL. Mayor Venis advised that he had received a call regarding the color of the Old Davie School. He wanted to know who decided on the color, as the concern was that it was not the original color of the school. Councilmember Truex stated that this issue was being resolved.

PIANO DEDICATION. Mayor Venis indicated that he had attended the dedication ceremony at the Pine Island Multipurpose facility and thanked Lil Olfern and Marguerite Olson for their support and dedication to this project.

WATER AND SEWER REVENUE BONDS. Mayor Venis reported that Bank of America had done an analysis of these bonds and indicated that approximately \$1.8 million in expenditures could be saved through refinancing. He asked that a meeting be scheduled with Bank of America.

COUNCILMEMBER CLARK

Councilmember Clark had no comments.

COUNCILMEMBER TRUEX (8:26 p.m. - 8:28 p.m.)

ADD-ON ITEMS. Councilmember Truex asked Mr. Willi to try to avoid adding additional items to the agenda.

PRESSURE TREATED WOOD. Councilmember Truex advised that he had information regarding pressure treated wood and felt that pursuing this lawsuit would be "totally frivolous." He reminded that the Town's Code had required the use of pressure treated wood for many years.

COUNCILMEMBER STARKEY (8:28 p.m. - 8:34 p.m.)

PRESSURE TREATED WOOD. Councilmember Starkey stated that she had spoken to environmentalists who indicated that there were potential dangers. She felt that the Town should hire a professional environmental engineer to test the soil to remove any liability that the Town might have. Mayor Venis indicated that engineers would test the soil prior to the lawsuit being pursued. He felt that Council should wait for the data before making any decisions.

Councilmember Truex asked if the Town was still utilizing pressure treated lumber. Mr. Willi replied affirmatively.

NOB HILL TRAFFIC. Councilmember Starkey advised that a community workshop had been held regarding the Nob Hill Road traffic study situation. She stated that businesses in the area were being forced to make a right turn onto Nob Hill Road and pass in front of Indian Ridge Middle School and Fox Trail Elementary School. Councilmember Starkey stated that as a result of this workshop, Broward County had committed to installing a traffic light at SW 13 Street. She indicated that the County was actively pursuing alleviation of the traffic problems in this area and was pleased with the County's cooperation.

VICE-MAYOR PAUL (8:34 p.m. - 8:41 p.m.)

CONDOLENCES. Vice-Mayor Paul offered condolences to the Aucamp family. She stated that Mr. Aucamp was a pillar of the community and would be missed.

RICK CASE HONDA GRAND OPENING. Vice-Mayor Paul thanked Rick and Rita Case for their grand opening which was a marvelous event.

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CONGRATULATIONS. Vice-Mayor Paul congratulated Planner Marcie Nolan for her promotion and stated it was well deserved.

SW 142 AVENUE. Vice-Mayor Paul referred to prior concerns with sodding along SW 142 Avenue where one of the developments had installed trees along the canal bank, but failed to resod the area along the road. She asked that this be addressed and added that the bushes at SW 142 Avenue and Orange Drive needed to be cut back.

TREE TRIMMING. Vice-Mayor Paul spoke of an article regarding Fort Lauderdale's ordinance that regulated tree trimming by contractors and which provided that Florida Power and Light must obtain a tree-trimming permit annually. The article indicated that County officials had supported the City of Fort Lauderdale against Florida Power and Light's tree trimming practices. Vice-Mayor Paul advised that she had forwarded this information to Mr. Willi and asked that a similar ordinance be created for the Town.

COPIES. Vice-Mayor Paul requested that Mr. Kiar reduce the number of copies that was circulated to Council. She felt that brief statements could be compiled, rather than distributing every document generated from every issue. Mr. Kiar appreciated this comment and stated that the purpose was to keep Council informed, but he would take this into consideration. Councilmember Truex indicated that he wanted to continue to receive this information. Vice-Mayor Paul stated that pertinent information regarding legal opinions was necessary, but the amount of paperwork could still be limited. Mayor Venis and Councilmember Starkey indicated that they would also like to continue to receive the information.

6. TOWN ADMINISTRATOR'S COMMENTS (8:41 p.m. - 8:44 p.m.)

PROMOTION. Mr. Willi mentioned the promotion of Ms. Nolan to the position of Planner III.

GRANT. Mr. Willi advised that the Fire Department had received a grant from the Florida Department of Health in the amount of \$96,000. He explained that the Town would receive approximately \$72,000 for computer implementation within the Department.

AGRICULTURAL ORDINANCE. Mr. Willi reported that Development Services Director Mark Kutney had met with staff regarding the Town's position on agriculture. He stated that all levels of staff were in attendance and Mr. Willi was confident that staff was well informed regarding this issue, which would help reduce any future conflicts with the community.

CAPITAL WORKS PROJECTS. Mr. Willi stated that he had visited various drainage project sites and was very impressed with the work that was being done. He reported that 600 feet of drainage pipe was being installed on a daily basis.

7. TOWN ATTORNEY'S COMMENTS (8:44 p.m.)

CONDOLENCES. Mr. Kiar offered condolences to the Aucamp family and stated that Mr. Aucamp would be sorely missed.

8. CONSENT AGENDA (8:44 p.m. - 9:38 p.m.)

Minutes

8.1. January 2, 2002 - Regular Meeting

Parade Permits

8.2. HANDY, Inc. (March 23, 2002)

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8.3. Davie/Cooper City Chamber of Commerce (March 24, 2002)

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Home Occupational License

8.4. Stagg's Country Lawn Care, 5550 SW 73 Avenue

Resolutions

- R-2002-52 8.5. **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) (tabled from February 21, 2002)
- R-2002-53 8.6. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH FORT LAUDERDALE DOG CLUB, INC. OF DAVIE, FLORIDA. (in-kind contribution of \$5,692)
- 8.7. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN BOYS AND GIRLS CLUB OF BROWARD COUNTY AND THE TOWN OF DAVIE. (May 18, 2002 - waiver of fee)
- R-2002-54 8.8. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN PROJECT STABLE OF BROWARD COUNTY AND THE TOWN OF DAVIE. (August 18, 2002 - waiver of fee)
- R-2002-55 8.9. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT TO PROVIDE SUPPORT AND MAINTENANCE SERVICES OF PREMIER MDT LAPTOP COMPUTER SOFTWARE. (Motorola - \$43,900)
- R-2002-56 8.10. **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE PURCHASE OF FOUR (4) VEHICLES FROM MAROONE DODGE LLC TO BE FUNDED FROM THE LAW ENFORCEMENT TRUST FUND. (\$60,148 - unbudgeted)
- R-2002-57 8.11. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR FLOOR AND WALL TILE REPLACEMENT. (Daniel Construction, Inc. - \$35,700)
- R-2002-58 8.12. **PARK NAMING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, NAMING THE PARK FORMERLY KNOWN AS 61st AVENUE PARK AS BETTY BOOTH ROBERTS NEIGHBORHOOD PARK IN HONOR OF DAVIE'S FIRST FEMALE ELECTED STRONG MAYOR AND THE FIRST FEMALE ELECTED STRONG MAYOR IN THE STATE OF FLORIDA.

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8.13. **ROAD NAMING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-59 NAMING THE ROAD FORMERLY KNOWN AS POINT CENTER WEST TO
RICK CASE HONDA WAY IN HONOR OF DAVIE BUSINESSMAN RICK CASE.

8.14. **QUIT CLAIM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-60 ACCEPTING A QUIT CLAIM DEED FROM ROBERT AND HELEN CUMMINGS,
CONVEYING PROPERTY UPON WHICH THE CURRENT SIDEWALK IS
SITUATED; AND PROVIDING AN EFFECTIVE DATE.

Site Plans

8.15. SP 10-2-01, Stor-All at Flamingo Gardens, northwest corner of Flamingo Road and Orange Drive (B-3) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report items one, two, and four; that the applicant bring back to the Committee a revised east elevation of the building; and to work with staff to clarify the landscape plans which would be reviewed at the same meeting; and relocating six palm trees so as not to block the signage*

8.16. SP 1-1-02, Jim and Jan Moran Family Center Village, 7676 SW 35 Street (CF) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report and that the applicant provide renderings for the canopy and paint color samples at the next meeting*

Master Site Plan

8.17. MSP 11-1-00-1, Wayne Huizenga Graduate School of Business and Entrepreneurship, 3301 College Avenue (CF) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report*

Temporary Use Permits

8.18. TU 2-1-02, St. David's Church Carnival, 3900 South University Drive

8.19. TU 2-3-02, GL Homes - Long Lake Ranches, 3469 Gulfstream Way

8.20. TU 2-4-02, Home Depot, 5801 South University Drive

Vice-Mayor Paul requested that item 8.15 be removed from the Consent Agenda. Councilmember Truex requested that item 8.5 be removed. Mr. Willi advised that item 8.7 had been withdrawn by the applicant. Mr. Kiar asked that item 8.9 be pulled as there were legal issues that needed to be addressed

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to approve the Consent Agenda without items 8.5, 8.7, 8.9, and 8.15. In a voice vote, all voted in favor. (Motion carried 5-0)

8.5 Councilmember Truex asked if this amendment had been reviewed by the Planning and Zoning Board. Mr. Kutney indicated that a delegation request of this type was not reviewed by the Board. He explained that the County was waiting for the Town's

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recommendation so it needed to be processed as quickly as possible. Councilmember Truex stated that there were certain criteria in the Code that had to be reviewed prior to approving a plat. He asked if it was all re-approved for this amendment. Mr. Kutney explained that the applicant was entitled to have the requested amount of townhouse units. He stated that staff had no objections and the request would go to the County for review as it related to the plat. Councilmember Truex asked if the Town's Development Review Committee was responsible to review whether the water, sewer, and public safety was adequate for the site. Mr. Kutney responded that this was not done with delegation requests and added that if this was what Council wanted, it would make each request more cumbersome. He added that Council approved approximately two similar type amendments per meeting.

Ed Stacker, representing the applicant, tried to alleviate Councilmember Truex's concerns by explaining that when the original plat was reviewed, it was for more units than it was approved for. He described the area in question and asked for Council's approval of the density, so that if all requirements were met for the County, then his client could forge ahead with the project.

Councilmember Truex asked what proof was submitted to the Town that all mortgage holders signed off on the request for the plat amendment. Mr. Stacker explained that there was a two-step process and was agreeable to a motion to approve, which included the stipulation that sufficient proof be provided. Councilmember Truex referred to Town Code Section 12-367(C), which stated that the applicant had to submit the proof of mortgage holders' support to Council. It also stated that the Planning and Zoning Board was to review, as well. Councilmember Truex indicated that he was not sure that amenities were considered with the higher density. He felt that this amendment was totally different than the original plat and he did not understand how it could be approved without being reviewed with its most recent revision. Mr. Kutney reiterated that this application was in compliance with the Code and the zoning and it was up to the County to make the final decision.

Councilmember Clark disagreed with Councilmember Truex's concerns about the amendment and the plat amendment process. She stated that this was not an unusual request as similar requests were almost always a part of the agenda.

Mr. Stacker stated that he was not aware of any inadequacies and if there were, they would be appropriately addressed. He again asked for approval so that County could approve it.

Mr. Kiar stated that he saw nothing in the Code referring to "amendments" of plats and their being reviewed by the Planning and Zoning Board.

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

8.9 Mr. Kiar referred to 3.2 on page 2 and expressed his concern with the automatic renewal contract. He suggested that staff make their decision 31 days prior to the renewal date. Mr. Kiar referred to 5.1 of the contract, which stated that payment was due within 20 days of invoice; however, the Town's policy was to pay within 30 days. He suggested that the provider amend the contract to 30 days.

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Councilmember Truex made a motion, seconded by Councilmember Clark, to approve subject to negotiating the two changes Mr. Kiar recommended. In a voice vote, all voted in favor. (Motion carried 5-0)

8.15 Vice-Mayor Paul advised that she had met with the applicant and wanted them to increase the amount of brick façade on the elevation, so that it would be more like the Flamingo Commons' main facility.

Stephanie Toothacher-Walker, representing the applicant, indicated that the applicant would be willing to double the amount of brick façade on this project. She showed a color rendering of the project.

Vice-Mayor Paul asked if the diamonds, rather than the purple lines, could be put on the signs. Ms. Toothacher-Walker stated that the corporate colors were one of the most important components of this project and her client felt it was important to be consistent throughout the County. She stated that if Council wanted them to remove the purple lines they would, but it was not something they wanted to do. Vice-Mayor Paul stated that she appreciated the additional amount of brick on the facade, but again requested that the purple lines be removed.

Ms. Toothacher-Walker stated that the building was set off the main highway and would not be seen from the major thoroughfares. She also stated that there was 40% more landscaping than was required and other compromises had been made. Ms. Toothacher-Walker again referred to the site plan, indicating that it showed how the site plan would look in full foliage. She argued that some of the diamonds and colors would be lost when the trees matured.

Councilmember Clark was not concerned with the project as it was presented. Councilmember Truex agreed with Vice-Mayor Paul.

Mayor Venis opened the floor to public comment.

Barry Chatwick, 3761 West State Road 84, indicated that Council had passed an ordinance in 1998 that barred mini-warehouses in B-3 zoning and felt that approving this site plan was against the law. Vice-Mayor Paul explained that Mr. Willi had approved a vested right which was why this proposal was before Council. Mr. Chatwick felt that Mr. Willi did not have the right to issue a vested right. He stated that the applicant had no rights connected with the court order because the property had been sold since the court order was issued. Mr. Chatwick stated that if Council approved this, they would be setting themselves up for a lawsuit. He felt the mini-warehouses were benign uses and by allowing more, it created a potential disaster because the use became so restricted.

Mike Bender, 14800 SW 31 Court, agreed with Mr. Chatwick that the vested rights did not belong to concurring property owners. He felt that Council should obtain a legal opinion to find out if this owner should get a vested rights determination. Vice-Mayor Paul stated that a legal opinion was given and Mr. Kiar had advised that there were no vested rights. She stated that it then went to Mr. Willi for an administrative appeal and Mr. Willi had overridden this opinion.

Mr. Kiar indicated that at the time this was originally discussed, a legal opinion was given that there was no vested rights. He added that the Town's Code allowed Mr. Willi the final authority to grant vested rights for this parcel. Mr. Bender stated that at the very minimum, this project should look like Flamingo Commons, rather than allowing the colors, which would make it look "like a strip mall."

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Claudette Bonville, 11872 SW 42 Court, was surprised that a mini-warehouse was even being considered and if there was no way to stop it, she agreed that this project must look like Flamingo Commons. She also reminded Council of the Town's goal to maintain the rural character, especially on the Flamingo Road corridor.

Ms. Toothacher-Walker indicated that her client would be willing to remove the striping.

Mayor Venis asked if Council would be willing to table this item. Councilmember Truex asked what the closing deadline was. Ms. Toothacher-Walker indicated that a closing was scheduled.

Ms. Toothacher-Walker stated that there was a vested rights determination and added that her client had worked very hard to make this building "work with the rest of the community." She stated that additional brick could be added to the top of the building.

Mayor Venis clarified that the purpose of tabling was to allow Mr. Kiar to further investigate issues brought up by the public. Mr. Kiar reiterated that his opinion was that there was no vested rights and the final authority was that of Mr. Willi.

Councilmember Starkey asked Mr. Willi to explain why the vested rights determination was granted. Mr. Willi explained that Council had asked previous Development Services Director Michele Mellgren if the ordinance would have any effect on this specific property and the response from staff was that the ordinance had no effect on this property due to the annexation agreement. He stated that based on the information from staff, he felt the owner was given incorrect information and that was the basis for his granting of the vested rights determination.

Councilmember Clark felt that whether or not staff made a mistake, the applicant was told the ordinance did not affect the project and she felt that no law was being broken.

Vice-Mayor Paul felt that based on what had transpired she was torn on this project. She reiterated that she wanted this project to look like the main building. Mayor Venis suggested that Vice-Mayor Paul work with the applicant to iron out the differences.

Councilmember Truex was opposed to having the applicant wait on something they were legally entitled to.

Vice-Mayor Paul made a motion, seconded by Councilmember Clark, to table to March 19, 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, no. (Motion carried 4-1)

9. PUBLIC HEARINGS (9:38 p.m. - 10:54 p.m.)

Mayor Venis opened the public hearing portion of the meeting.

Ordinance - Second and Final Reading

- 9.1. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE,**
2002-6 **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**

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FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title.

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

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

Ordinances - First Reading (Second and Final Reading to be held March 19, 2002)

9.2. **VACATION/ABANDONMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF A TWELVE FOOT UTILITY EASEMENT WITHIN THE PROPERTY PLATTED AS "UNIVERSITY - NOVA PLAT"; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE. (VA 12-1-01, Belloso, south side of Nova Drive, approximately 200 feet east of University Drive) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Town Clerk Muniz read the ordinance by title. Mayor Venis advised that a public hearing would be held on March 19, 2002.

Mayor Venis opened the public hearing portion of the meeting. 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)

9.3. **TRANSMITTAL APPLICATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL APPLICATION LA 02-1B AMENDING THE TEXT OF THE TOWN OF DAVIE COMPREHENSIVE PLAN BY AMENDING THE INTERGOVERNMENTAL COORDINATION ELEMENT (ICE) AS REQUIRED BY FLORIDA STATE STATUTE CHAPTER 163.3177; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Venis advised that a public hearing would be held on March 19, 2002.

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

Councilmember Starkey commended Mr. Kutney on his efforts. She felt this ordinance gave an opportunity for accountability in the Development Services Department and other departments affected by this ordinance. Councilmember Starkey requested that this also be placed on the Town's website for additional input.

Mr. Kutney stated that once the element was adopted, enhancements would be made, as the goal was to improve communication within the Town and with neighboring towns.

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

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- 9.4. **ZONING IN PROGRESS** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, INITIATING AND DECLARING A PLANNING AND ZONING IN PROGRESS FOR PROPERTIES BOUND BY GRIFFIN ROAD ON THE NORTH, THE FLORIDA TURNPIKE ON THE EAST, UNIVERSITY DRIVE ON THE WEST, AND STIRLING ROAD ON THE SOUTH, AND CONFIRMING THE EXISTING ZONING IN PROGRESS PREVIOUSLY DECLARED ON JULY 3, 2001, FOR THE AREA BOUND BY NOB HILL ROAD ON THE EAST, 14TH STREET ON THE NORTH, THE TOWN LIMITS ON THE WEST AND THE SOUTH, SAID ZONING IN PROGRESS APPLYING TO ALL PARCELS OF PROPERTY OF 20 ACRES IN SIZE OR GREATER, ALL PURSUANT TO SECTION 12-315 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF DAVIE, FLORIDA, CONTAINING AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title.

Mayor Venis advised that a public hearing would be held on March 19, 2002.

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

Councilmember Truex wanted to add a sentence to Section 4 that would state the zoning in progress did not effect applications for land use changes, whether or not it was necessary because he wanted this to be absolutely clear.

Councilmember Truex made a motion, seconded by Vice-Mayor Paul, to approve subject to the change. 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. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ARTICLE V, DIVISION 1, BY CREATING A UNIFORM POLICY CONCERNING ADVISORY BOARDS/COMMITTEES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed. He advised that the public hearing would be held on March 19, 2002 Council.

Vice-Mayor Paul asked for clarification regarding the 40% quorum requirement as this would be a problem for the Site Plan Committee and the Planning and Zoning Board. Assistant Town Administrator Ken Cohen stated that the amendment should have indicated greater than 40%.

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

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Ordinances - First Reading/Quasi Judicial Hearings (Second and Final Reading to be held March 19, 2002)

- 9.6. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION ZB 11-3-01, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM T-1, TRAILER PARK (BROWARD COUNTY) TO CC, COMMERCE CENTER DISTRICT, UTILIZING THE BROWARD COUNTY 5 PERCENT RESIDENTIAL TO COMMERCIAL FLEXIBILITY RULE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 11-3-01, DFD Capital Dev. Corp., 10700 West State Road 84) (tabled from February 21, 2002) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the applicant voluntarily "deed restricting out" telecommunications towers in addition to the other deed restrictions*

Mayor Venis advised that the public hearing would be held on March 19, 2002.

Town Clerk Muniz read the ordinance by title. Mayor Venis swore in the witnesses. Mr. Kutney summarized the planning report.

David Damerou, representing the petitioner, stated that the applicant was proposing an "owner occupied/owner owned" 68-unit commerce center. He stated that the property was zoned for a trailer park and the petitioner was requesting a rezoning to commerce. Mr. Damerou displayed a rendering of the project and indicated that Park City West was in support of this project.

Mayor Venis indicated that he had previously spoken to Mr. Patterson from Park City who had indicated there were concerns. Mr. Damerou stated that the concerns had been resolved and he described the amenities that would be provided to Park City West.

Vice-Mayor Paul asked if Mr. Damerou had spoken with the Scarborough residents. Mr. Damerou replied affirmatively and felt they were fairly comfortable with this project.

Mr. Kutney asked who had the ownership of Bright Road. Mr. Damerou advised that the petitioner owned the whole road and had granted an easement to the trailer park. Mr. Kutney stated that the reason he asked this question was because of the Nob Hill traffic study and there was a possibility that Bright Road could be used as an alternate route in this area. Mr. Damerou reiterated that he owned the road and stated that they would supply documentation.

Councilmember Starkey stated that there was a concern with traffic stacking turning into Bright Road. She indicated that there was no way to get onto Bright Road from State Road 84 unless the "quick" right turn was used, which seemed to be causing traffic stacking. Mr. Damerou stated that he had spoken with many residents and had not heard of this concern, but would check into it. Mr. Kutney wanted to explore the possibility of using Bright Road as a public road.

Vice-Mayor Paul asked about the capital development regarding the tree survey not being needed, and asked whose opinion that was. Mr. Damerou stated that there really were no trees and added that it was scrub and brush. Mr. Kutney indicated that a survey would be required as part of the clearing and grubbing permit. Mr. Damerou stated he was in the process of applying for this permit. He further described the landscaping and entrance design.

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

Councilmember Starkey was not pleased with this project as it was more warehouses and there were traffic concerns in the area. Councilmember Clark was in favor of this project.

Councilmember Truex disclosed that he had attended the Planning and Zoning Board meeting where this project was discussed.

Vice-Mayor Paul felt this project was a glorified warehouse. Mr. Damerau felt this project had more detail than other types of warehouses and indicated various selling points that would make this project more desirable for businesses.

Councilmember Clark 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 - no; Councilmember Truex, yes. (Motion carried 4-1)

- 9.7. **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION ZB 11-2-01, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CF, COMMUNITY FACILITIES DISTRICT AND A-1, AGRICULTURAL DISTRICT TO RM-10, MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 11-2-01, Calvin, Giordano & Associates, Inc./Covenant House, 6991 Orange Drive) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval***

Town Clerk Muniz read the ordinance by title. Mayor Venis swore in the witnesses. Mr. Kutney summarized the planning report.

Hoight Holden, representing the petitioner, was present.

Mayor Venis opened the public hearing portion of the meeting.

Katherine Dural, a neighbor of this property, was opposed to this proposal as it would negatively affect the visual aesthetic of this neighborhood. She wanted this parcel to be converted to a park and felt that this rezoning was not in line with the Town's goal of preserving rural character. Ms. Dural entered a petition into the record as Exhibit "A" opposing the rezoning.

Craig Jenness, 4202 SW 70 Terrace, was also opposed to the rezoning and advised that he would like to see this property remain in its natural state. He felt that the dimensions of the tract were not feasible for townhouses as the tract was very narrow.

Mayor Venis closed the public hearing.

David Spellman, the petitioner, advised the history of this site and why this use was a better fit than what could be constructed on this site.

Mr. Holman addressed the concerns of neighboring residents. He stated that the goal was to preserve as many trees as possible and there would be quite a bit of separation from the canal to the actual buildings. He further described the architecture and added that there were no traffic concerns for this area.

Councilmember Truex indicated that he understood the residents' concerns and advised that he had discussed this project at length with Mr. Kutney. He disclosed that he had spoken

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to someone connected with the petitioner regarding this project and stated that the petitioner was within his rights. Councilmember Truex stated that the Town would work to protect the trees.

Mr. Holman asked if a wildlife study had to be conducted for this property. Mayor Venis replied affirmatively.

Vice-Mayor Paul asked if the Australian pines were going to be removed. Mayor Venis explained that the trees would be topped off by the Town. Public Works/Capital Projects Director Bruce Bernard clarified that the trees were on the petitioner's property.

Vice-Mayor Paul suggested reducing the number of units. Mr. Holden indicated that the plan was for five less units than were allowed.

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)

- 9.8. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING PETITION ZB 12-1-01, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM C-1 COMMERCIAL (BROWARD COUNTY) TO M-2, MEDIUM INDUSTRIAL DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-1-01, Bradford Marine, Inc./Cosman, 3051 State Road 84) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Town Clerk Muniz read the ordinance by title.

Mayor Venis advised that a public hearing would be held on March 19, 2002. He swore in the witnesses. Mr. Kutney summarized the planning report.

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

James Hurley, representing the applicant, was present.

Mayor Venis closed public hearing.

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

Quasi Judicial Hearing

- 9.9. **VARIANCE** - V 12-3-01, Shaygannik & Zarnani, 4129 SW 76 Avenue (A-1) (to reduce the required rear yard from 40 feet to 25 feet) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

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

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

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Vice-Mayor Paul asked if this was a single-family residence with three stories. Hasan Shaygannick, the petitioner, replied affirmatively and explained the request.

Mr. Kutney explained how the variance request came about because the site layout was incorrect when it was first submitted.

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)

Mayor Venis closed the public hearing portion of the meeting.

10. APPOINTMENTS (10:54 p.m. - 10:56 p.m.)

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

Mayor Venis appointed Wayne Arnold. Councilmembers Clark and Truex deferred their appointments.

10.2. 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)

Councilmember Starkey deferred her appointment.

10.3. Davie Agricultural Advisory Board (members, insofar as possible, shall have experience in agricultural matters, related occupations or other similar skills) (one exclusive appointment - Councilmember Clark; term expires February 2003)

Councilmember Clark appointed Jacque Daniels contingent on her approval.

10.4. District Boundaries Review Committee (two exclusive appointments from the respective Council districts - Councilmembers Clark, Starkey and Truex; terms expire upon submittal of recommendation to the Town Council)

No appointments were made.

10.5. Budget Advisory Committee (members shall have experience in financial related occupation or similar skills) (one exclusive appointment - Councilmember Clark; term expires December 2002)

Councilmember Clark appointed Dan Barr.

11. OLD BUSINESS

11.1. DEFERRED UNTIL FURTHER NOTICE

Citrus Canker - Department of Agriculture/Broward Coalition

12. NEW BUSINESS (10:56 p.m. - 10:58 p.m.)

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Mr. Willi asked that the I-75 resolution be reconsidered and tabled until Broward County Commissioner Lori Parrish made her presentation.

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

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

Mayor Venis asked for an update regarding the mitigation site. Mr. Willi indicated that he had nothing to report.

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