

**TOWN OF DAVIE  
REGULAR MEETING  
AUGUST 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 Clark, and Councilmembers Paul (arrived at 7:48 p.m.), Starkey (arrived at 7:48 p.m.) and Truex. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

Vice-Mayor Clark made a motion, seconded by Councilmember Truex, to excuse Councilmembers Paul and Starkey for their absences. In a voice vote, with Councilmembers Paul and Starkey being absent, all voted in favor. (Motion carried 3-0)

**3. PRESENTATIONS**

3.1. Determination on Regional Activity Center - Ed Stone Proposal  
Mayor Venis announced that this item was being deferred.

Mayor Venis introduced Dave Donzella, president of the Davie Kiwanis Club, who announced that the Davie Kiwanis Club's Second Annual Golf Tournament would be held at Wayne Huizenga's Grand Oaks Country Club on September 23rd, the tournament will benefit the Joe DiMaggio Children's Hospital, the EASE Foundation, and Horses for the Handicapped.

Mayor Venis announced that item 7.4 would be heard tonight, staff was requesting that a workshop be held regarding item 7.11 and a request had been made to table item 8.7 to October 2, 2002.

Vice-Mayor Clark made a motion, seconded by Councilmember Truex, to table. In a voice vote, with Councilmembers Paul and Starkey being absent, all voted in favor. (Motion carried 3-0)

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

Comments were made later in the meeting.

**5. TOWN ADMINISTRATOR'S COMMENTS**

No comments were made.

**6. TOWN ATTORNEY'S COMMENTS**

No comments were made.

**7. CONSENT AGENDA**

*Minutes*

7.1. July 3, 2002 - Regular Meeting

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*Proclamation*

7.2. Tony Salvino Day (August 24, 2002)

*Home Occupational License*

7.3. Annie's Auto Sales and Finance Corp., 5555 SW 61 Avenue (tabled from August 7, 2002)

*Resolutions*

7.4. **STAFF REQUESTING A TABLING TO SEPTEMBER 4, 2002**

R-2002-189 PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "P & J ESTATES" PLAT, AND PROVIDING AN EFFECTIVE DATE. (DG 6-2-02, 10591 Orange Drive) (tabled from August 7, 2002)

7.5. **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING**  
R-2002-190 **THE BID FOR FLAMINGO ROAD LANDSCAPING PROJECT-PHASE II.**  
(McCall Nursery & Landscape - \$198,084)

7.6. **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING**  
R-2002-191 **THE BIDS FOR JANITORIAL SERVICES-PARKS.** (NCARE Group, Inc. and Perm-A-Care, Inc. - \$89,531.20)

7.7. **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING**  
R-2002-192 **THE BID FOR SUPPLY AND INSTALLATION OF PARK PAVILIONS.** (Contract Connections, Inc. - \$166,922)

7.8. **PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2002-193 **AUTHORIZING THE PURCHASE OF A COMPUTER RISK MANAGEMENT INFORMATION SYSTEM (RMIS), TITLED CLAIMS CRUSHER, FROM COMPUTER SCIENCES CORPORATION (CSC), A SOLE-SOURCE PROVIDER OF WINDOWS BASED RISK AND INSURANCE MANAGEMENT SYSTEMS FOR SMALL ENTITIES.** (\$19,995)

7.9. **PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2002-194 **THE PURCHASE OF AN APPLICANT TRACKING AND SELECTION MANAGEMENT SYSTEM (TRAC), TITLED TRAC SYSTEMS CORPORATION, A SOLE SOURCE PROVIDER OF WINDOWS BASED APPLICANT TRACKING AND SELECTION MANAGEMENT SYSTEMS FOR GOVERNMENT ENTITIES.** (\$14,000)

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- 7.10. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA  
R-2002-195 THE FIRM OF MARSH USA, INC. FOR BROKER OF RECORD SERVICES AND  
AUTHORIZING THE HUMAN RESOURCES MANAGEMENT DIRECTOR TO  
EXECUTE A BROKER OF RECORD SERVICES AGREEMENT PROVIDING FOR  
CONSULTING, MARKETING, AND INSURANCE PLACEMENT SERVICES.
- 7.11. **BID SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
SELECTING THE FIRM OF FISHKIND & ASSOCIATES TO PROVIDE AN  
ECONOMIC DEVELOPMENT AND FISCAL IMPACT ANALYSIS AND  
AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO  
NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- 7.12. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2002-196 A REVISION TO THE RESTRICTIVE NOTE OF THE "EMERALD ISLES" PLAT,  
AND PROVIDING AN EFFECTIVE DATE. (DG 6-1-02, EMERALD ISLES, 4701  
SW 62 Avenue)
- 7.13. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2002-197 A REVISION TO THE RESTRICTIVE NOTE OF THE "ICE PLAT", AND  
PROVIDING AN EFFECTIVE DATE. (DG 8-1-02, 12451 Orange Drive)
- 7.14. **INTERLOCAL AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2002-198 FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR  
TO ENTER INTO AN AGREEMENT BETWEEN BROWARD COUNTY AND  
THE TOWN OF DAVIE RELATING TO THE MONITORING OF  
DEVELOPMENT ACTIVITY AND ENFORCEMENT OF PERMITTED LAND  
USES IN THE REGIONAL ACTIVITY CENTER; TO ACKNOWLEDGE SUCH  
AGREEMENT BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT;  
AND PROVIDING FOR AN EFFECTIVE DATE.

*Site Plan*

- 7.15. SP 4-8-02, McDonald's at the Plaza, southwest corner of State Road 84 and Hiatus  
Road (B-2) (tabled from August 7, 2002) *Site Plan Committee recommended approval  
based on staff's recommendations and the following: the site is to be examined by the  
Town's Chief Landscape Inspector in order to address the Board's concern about the  
visibility of the drive-thru which is the east elevation of the building and possibly adding  
six to eight accent trees in this area if there is room*

*Temporary Use Permits*

- 7.16. TU 8-1-02, Pemmar Seventh Day Adventist Church, 3375 NW 74 Avenue  
7.17. TU 8-2-02, Nova Southeastern University, 3301 College Avenue

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Councilmember Truex requested that items 7.3, 7.4, and 7.5, be removed from the Consent Agenda. He also asked why a workshop for item 7.11 was being scheduled. Mr. Willi explained that the majority of Council had wanted more information from other vendors and a workshop was the only appropriate forum to provide this information.

Vice-Mayor Clark made a motion, seconded by Councilmember Truex, to approve the Consent Agenda without items 7.3, 7.4, and 7.5. In a voice vote, with Councilmembers Paul and Starkey being absent, all voted in favor. (Motion carried 3-0)

7.3 Councilmember Truex wanted to know what staff's recommendation was. Mr. Willi indicated that staff would prefer that no action be taken on this item until more issues with the special master were resolved.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to table to September 4, 2002. In a voice vote, with Councilmembers Paul and Starkey being absent, all voted in favor. (Motion carried 3-0)

7.5 Councilmember Truex disclosed that he had once represented McCall's Nursery and had no current relationship with this firm.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve. In a voice vote, with Councilmembers Paul and Starkey being absent, all voted in favor. (Motion carried 3-0)

7.4 Mr. Willi indicated that Councilmember Paul had asked him to relay her request of having this item approved with 20 lots rather than 21. He pointed out that lot 21 was an irregularly shaped lot and would be more appropriate as a pocket park.

Barbara Hall, representing the petitioner, stated that under the Land Use Plan and current zoning, 21 lots were permitted. She stated that the petitioner had added language to the resolution that would indicate that the Town's approval of this plat note with 21 units would have no impact on the Town's right to apply the Zoning in Progress. Ms. Hall asked Council to approve this with 21 lots as they would still have to go to before the Site Plan Committee for approval. She stated that the petitioner did not want to lose their concurrency position and clarified that approving 21 lots on the plat note did not necessarily indicate that Council was approving 21 lots because the Committee would make that decision.

Mr. Kutney advised that the language in the resolution was written by special counsel, Andrews Maurodis, and explained that the language was included to protect the rights of the Town which allowed them to go forward while the Zoning in Progress was being completed.

Vice-Mayor Clark made a motion, seconded by Councilmember Truex, to approve. In a voice vote, with Councilmembers Paul and Starkey being absent, all voted in favor. (Motion carried 3-0)

**8. PUBLIC HEARINGS**

Mayor Venis opened the public hearing portion of the meeting.

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*Ordinances - Second and Final Reading*

- 2002-25 8.1. **VACATION/ABANDONMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR SW 142 AVENUE ADJACENT TO THE "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 5-2-02, SW 142 Avenue between SW 14 Street and SW 26 Street)

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.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - absent; Councilmember Starkey - absent; Councilmember Truex - yes. (Motion carried 3-0)

- 2002-26 8.2. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE CODE OF ORDINANCES, CHAPTER 24, DIVISION 2, ENTITLED "ENFORCEMENT" TO COMPLY WITH CURRENT STATE LAWS, INCLUDING THOSE APPLICABLE TO PARKING SPACES FOR DISABLED PERSONS AND TO MODIFY EXISTING PROCEDURES SO AS TO DELEGATE AUTHORITY FOR ENFORCEMENT AND COLLECTION OF PARKING VIOLATION FINES TO THE OFFICE OF THE BROWARD COUNTY, FLORIDA, CLERK OF THE COURT FOR THE SEVENTEENTH JUDICIAL CIRCUIT; AUTHORIZING THE USE OF HEARING OFFICERS IN THE SYSTEM ESTABLISHED BY BROWARD COUNTY FOR SUCH PURPOSE; PROVIDING FOR SEVERABILITY; AND PROVIDING 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.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - absent; Councilmember Starkey - absent; Councilmember Truex - yes. (Motion carried 3-0)

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- 8.3. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA REPEALING EXISTING ARTICLE XV, TELECOMMUNICATIONS TOWERS AND ANTENNAS, SECTIONS 12-504 - 12-508 AND SECTION 12-34(G), COMMUNICATION APPARATUS; AND PROVIDING FOR THE REPLACEMENT OF THE AFOREMENTIONED SECTIONS WITH PROPOSED INTERIM REGULATIONS OF WIRELESS COMMUNICATIONS FACILITIES, PROVIDING FOR A HIERARCHY OF PREFERRED SITING ALTERNATIVES, CONTAINING PROVISIONS FOR EVALUATION OF SITING APPLICATIONS; PROVIDING FOR SEVERABILITY, PROVIDING FOR INCLUSION IN THE TOWN CODE, PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Muniz read the ordinance by title.

Mayor Venis 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 Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - absent; Councilmember Starkey - absent; Councilmember Truex - yes. (Motion carried 3-0)

*Ordinances - First Reading (Second and Final Reading to be held September 4, 2002)*

- 8.4. **COST RECOVERY - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CREATING CHAPTER 18, ENTITLED COST RECOVERY, PROVIDING FOR COST RECOVERY TO REIMBURSE THE TOWN OF DAVIE FOR THE DIRECT COST INCURRED BY THE PROCESSING FOR APPLICATIONS FOR DEVELOPMENT PERMITS; CONTAINING PROVISIONS FOR COST RECOVERY METHODS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING EXEMPTIONS; PROVIDING FOR PROCESSING AND REVIEW PROCEDURES; PROVIDING FOR DISPUTE RESOLUTION; PROVIDING FOR ACCOUNTING; PROVIDING FOR MONITORING AND EVALUATION; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE.**

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.

Councilmember Truex questioned the section of the ordinance that pertained to expedition of review for additional fees. He wanted this subsection removed because he felt this was partial to affluent residents. Development Services Director Mark Kutney explained that the fast track method could be accomplished without adding to the review times for other applicants. He stated that the priority review alternative provided for the applicant to pay an additional fee so that their application could be expedited.

Councilmember Truex felt that staff would use common sense for priority projects. He did not want to "institutionalize somebody paying to go to the front of the line."

Councilmember Truex referred to #7 - parcels of land zoned B-1 or R-O and felt the language was unclear as to when the zoning was important. Mr. Kutney advised that this could

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be clarified with an additional clause that provided that the application was not for a rezoning to a more intense category.

Mr. Kutney recommended that the document should be changed to show that the ordinance would take effect October 1, 2002 as opposed to immediately. There were no objections from Council.

Mr. Kutney asked for clarification regarding the removal of 18.4(A)(2)(a). Mayor Venis replied affirmatively.

Vice-Mayor Clark made a motion, seconded by Councilmember Truex, to approve with the changes. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - absent; Councilmember Starkey - absent; Councilmember Truex - yes. (Motion carried 3-0)

**8.5. CODE AMENDMENT - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER NINE OF THE TOWN OF DAVIE CODE OF ORDINANCES ENTITLED GARBAGE AND REFUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR 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.

Councilmember Truex asked Mr. Willi if there were other changes to be made to the amendment. Mr. Willi indicated that the word "solely" should be stricken as it was a scrivener's error.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve with the correction Mr. Willi stated. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - absent; Councilmember Starkey - absent; Councilmember Truex - yes. (Motion carried 3-0)

**8.6. CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, BY AMENDING SECTION 12-33(O)(10) TO ADD SUBSECTION CONCERNING LONG LAKES ESTATES AS CONCERNS FENCES FOR PROPERTIES CONTIGUOUS TO CANALS OR CONTIGUOUS TO THE BRIDLE PATH; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Muniz read the ordinance by title.

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

Vice-Mayor 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 Clark - yes; Councilmember Paul - absent; Councilmember Starkey - absent; Councilmember Truex - yes. (Motion carried 3-0)

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*Items to be Tabled or Withdrawn*

**8.7. STAFF REQUESTING A TABLING TO OCTOBER 2, 2002**

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. (tabled from July 10, 2002)

This item was tabled earlier in the meeting.

**8.8. WITHDRAWN BY STAFF - SEE ITEM 8.4 FOR NEW ORDINANCE**

COST RECOVERY - 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 July 10, 2002)

**9. APPOINTMENTS**

9.1. Parks and Recreation Advisory Board Agency (one exclusive appointment - Councilmember Truex; terms expire April 2004) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Councilmember Truex deferred his appointment.

**10. OLD BUSINESS**

10.1. AT&T/Comcast Agreement

Mr. Kiar gave a brief overview of this issue and spoke of the Town's alternatives in pursuing this matter for some relief from AT&T. He suggested that AT&T come before Council to advise what was being done to meet the needs and concerns of Council and the residents.

Mayor Venis felt it was imperative that the Town be aggressive with AT&T and asked about soliciting other cable companies such as BellSouth. After some discussion, Council gave direction to Mr. Kiar to meet with Programs Administrator Kovanes to review the agreement with BellSouth. Mr. Kiar would also meet with Mayor Venis regarding an audit of the contract with AT&T.

**11. NEW BUSINESS**

11.1. Prohibition of Gas Powered Vehicles from Davie Waterways

Mr. Willi indicated that Councilmember Paul had requested that he look into how other municipalities dealt with this issue and he had asked the Police Department to research this

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issue. He stated that Councilmember Paul wanted to know if Council was interested in further regulating this activity.

Mayor Venis asked Mr. Willi to schedule a special Council meeting for the week after this meeting, to address items 7.11 and 11.1.

**11.2. Advisory Board Minutes Process and Form**

Town Clerk Muniz referred to a form designed by his office to assist advisory boards with minutes which should be utilized to capture the motions. He indicated that the forms and tapes would be provided to the Town Clerk's Office to assist staff with transcribing the meetings. Mayor Venis felt this would be helpful.

**11.3. Proposed Straw Ballot**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SETTING A NON-BINDING ADVISORY REFERENDUM CONCERNING CHANGING THE CURRENT LAND DEVELOPMENT REQUIREMENTS TO CLUSTER DEVELOPMENT WITH OPEN SPACE; PROVIDING FOR PUBLICATION OF NOTICE OF SAID REFERENDUM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Council agreed to hold this item until the special Council meeting so that all Councilmembers could be present.

**11.4. Participation in Broward County Airport Task Force**

Mr. Willi advised that the County Commission had not taken action on this yet. He said that a date was set for a workshop on September 9th and action would be taken by the County Commission on September 24th.

**COUNCILMEMBER TRUEX**

**RISEING STAR TOURNAMENT.** Councilmember Truex advised that Cyd Weiner wanted to make a presentation to Council regarding a Rising Star Softball Tournament and requested that this be scheduled for the next Council meeting.

**JULY 3RD MINUTES.** Councilmember Truex referred to discussion regarding Covenant House and recommended that good faith discussions be held with Covenant House to try to come to terms rather than pursuing the litigation. He felt that the Town should again try to purchase the property.

**COUNCILMEMBER PAUL**

**MAYORAL PROCLAMATION.** Councilmember Paul thanked Mayor Venis for a proclamation that was done for the Navajo Nation. She presented Mayor Venis with a mug from the Navajo Nation.

**COUNCILMEMBER STARKEY**

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**AIRPORT RUNWAY ISSUE.** Councilmember Starkey asked Scott Marder, Chair for the Hollywood Airport Advisory Task Force, to speak on the airport runway issue.

Mr. Marder showed Council various examples of how the airport expansion would impact the surrounding community. He also spoke of Broward County Commissioner Rodstrom's alternative recommendation to reduce the south runway to 6000 feet from 9000 feet. Mr. Marder asked that Council contact the County Commissioners and advise them of their opinions on this proposal.

Councilmember Starkey asked Council what official position the Town should take. She felt that the Town should hold to their original position and oppose the south runway altogether. Mayor Venis felt that the Town should hold its original position. Councilmember Truex agreed and felt the Town should not compromise.

**12. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting adjourned at 8:07 p.m.

Approved \_\_\_\_\_

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

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