

**TOWN OF DAVIE
REGULAR MEETING
NOVEMBER 20, 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, Councilmembers Paul, Starkey, and Truex. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting. Vice-Mayor Clark was absent.

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

3. PRESENTATIONS

3.1. Wings of Gold

This item was deferred.

3.2. Regional Activity Center @ Nova Southeastern University - EDSA

George Hanbury, Executive Vice-President of Nova Southeastern University, spoke of the proposed Regional Activity Center (RAC) and of the impacts that the University had on surrounding areas. He indicated that the project would be a mixed-use that would be similar to City Place in West Palm Beach. The project would contain a hotel, office space, and other uses that would create over \$300 million of private, taxable property in the area along University Drive. Mr. Hanbury spoke of several traffic issues that would have to be corrected to allow successful implementation of the project. He displayed Nova Southeastern University's master plan, which outlined what the University complex would look like at the final buildout.

Councilmember Truex asked how many residents would be in the mixed-use area. Mr. Hanbury indicated that it was unclear exactly how many people would actually reside in the RAC, although the most optimistic plan would contain 400 residential units. He added that a proposal had been submitted in conjunction with the University of Florida and Florida Atlantic University to the United States Geological Survey. Mr. Hanbury felt this would allow the University and the Town of Davie to be considered as a Center of Excellence. He stated that a study would be done to obtain input from the community. Mr. Hanbury felt this type of project would be a wonderful opportunity for the Town to have a tax-exempt economic engine be used to attract taxable, high-income property.

Mr. Hanbury suggested that the University work with staff on this project. He stated that there would be a cost to create the master plan and felt the cost should be shared by the Town, the University, the University of Florida, Florida Atlantic University, and the residents of the Town. He indicated that the study and the creation of the master plan would take approximately one year.

**TOWN COUNCIL AGENDA
NOVEMBER 20, 2002**

Councilmember Truex asked if passing the resolution committed the Town to being involved in the entire project. Mr. Hanbury stated that the resolution was a separate issue. He indicated that this project, with the United States Geological Survey (USGS) component, was not only available to the Town, but to other cities as well. He clarified that the Town's approval would support the project as a whole.

Councilmember Paul referred to the mixed-use ordinance and asked Mr. Willi if it could be incorporated for other projects besides the Margolis project. Mr. Willi indicated that the Town did not have a mixed-use zoning. Councilmember Paul felt it was important for staff and Mr. Hanbury to work closely together on the study and the entire project.

Mayor Venis felt this was a dynamic plan and expressed his support of this project.

Councilmember Starkey indicated that she was impressed with this proposal and was excited that the USGS would be within the Town. Mr. Hanbury indicated that the Governor had earmarked \$30 million for centers of excellence and he felt that having this consortium of universities working together with the USGS could lead to a portion of funds being allocated to Broward County. Councilmember Starkey expressed her appreciation for NSU including the public in the planning phase.

Councilmember Truex indicated that he was in favor of this project and felt it would be good to have a workshop early in the process. He asked if Council felt the RAC should have a master plan made available to them. Mayor Venis clarified that this proposal would have a master plan.

Mr. Hanbury reiterated the three concepts he was seeking assistance with from Council, which included mixed-use zoning for the special educational district within the RAC, staff recommendation for the 2000 acre Master Plan, and the USGS. He also mentioned that staff would estimate a cost for the study with the residents. The consensus from Council was to move forward with this project.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to add item 11.3 to the agenda. In a voice vote, with Vice-Mayor Clark absent, all voted in favor. (Motion carried, 4-0)

11.3 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING THE ESTABLISHMENT OF A SOUTH FLORIDA SCIENCE CENTER PROPOSED TO THE U.S. GEOLOGICAL SURVEY BY A UNIVERSITY CONSORTIUM COMPRISED OF NOVA SOUTHEASTERN UNIVERSITY, THE UNIVERSITY OF FLORIDA AND FLORIDA ATLANTIC UNIVERSITY.

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

3.3. Upcoming Special Events - Bonnie Stafiej and Dennis Andresky

Special Projects Director Bonnie Stafiej outlined the upcoming special events: Bull Riding Competition, Bergeron Rodeo Arena; A Perfect Horse Symposium, Bergeron Rodeo Arena (December 1st); Tree, Kinara, and Menorah Decorating Contest (December 4th); Holiday Lighting of the Green (December 8th); and Orange Blossom Festival (February 22nd-23rd).

**TOWN COUNCIL AGENDA
NOVEMBER 20, 2002**

Parks and Recreation Director Dennis Andresky announced that the Davie Sports Division had sent seven cheerleading squads to compete in the AYFL Cheerleading Competition at Lockhart Stadium. He announced that 34 boys who participated in the Davie Bronco football program were invited to play in the All-Star Game in Plantation.

Mr. Andresky reported on upcoming special events: registrations for in-line hockey, girls' softball fast pitch, youth baseball (December); Senior Thanksgiving Luncheon (November 2nd); Parents Night Out (Friday nights); the Jungle Queen Tour of Lights Cruise (December 19th).

Mayor Venis advised that item 8.2 was requested to be tabled until January 15, 2003.

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

Mayor Venis advised that items 11.1 and 11.2 were requested to be added.

Councilmember Paul made a motion, seconded by Councilmember Starkey to add items 11.1 and 11.2. In a voice vote, with Vice-Mayor Clark absent, all voted in favor. (Motion carried 4-0)

Councilmember Truex asked why item 8.2 was being tabled. Mr. Willi indicated that staff was looking at this item to determine how it impacted dealerships west of I-75 in the BP Zoning district. Councilmember Truex indicated that the language on motorcycle shops needed to be addressed, as it was unduly restrictive.

4. MAYOR/COUNCILMEMBER'S COMMENTS (the following comments were provided later in the meeting)

MAYOR VENIS

THANKSGIVING. Mayor Venis wished everyone a happy Thanksgiving.

UNITED RANCHES. Mayor Venis spoke of the resolution outlining the Town's objective to have the residents of United Ranches being able to vote for which municipality they wanted to be part of. He asked that the letter be sent to the Cooper City Commissioners asking them to create a similar resolution.

MISSING SIGN ON NOVA DRIVE. Mayor Venis stated that he had received a letter from Broward County Commissioner Lori Parrish regarding the missing Earl Morrall street sign on Nova Drive. Apparently, the Florida Department of Transportation took down the sign during construction and the County was being asked to replace it.

FERNCREST STUDY. Mayor Venis thanked Utilities Director Daniel Colabella for his efforts on this study.

AFRICAN AMERICAN MUSEUM. Mayor Venis advised that he had attended the grand opening and commended the event and the museum.

CONGRATULATIONS. Mayor Venis congratulated his son for his success with his first season of junior varsity football at Western High School.

**TOWN COUNCIL AGENDA
NOVEMBER 20, 2002**

IMAGINATION FARMS. Mayor Venis asked Mr. Willi about the final sign-off for Imagination Farms. He asked for an update at the next Council meeting and before the final sign-off was delivered.

COUNCILMEMBER TRUEX

COVENANT HOUSE PROPERTY. Councilmember Truex reported that he had met with Dr. Barker of Wild Spots, a foundation that preserves wild habitats. He stated that he was neither in favor, nor against Dr. Barker's proposal at this time and advised that Dr. Barker wanted to make a presentation to Council. Councilmembers agreed to meet with Dr. Barker separately rather than in a workshop.

ROAD CLOSURE. Councilmember Truex stated that a road closure request was coming up in his district and he wanted to know what the Town's policy was. He wanted input from Public Works and the Police Department regarding this, as well as from the residents. Mr. Willi indicated that there was not a set procedure, but recommended that a public meeting be held to address this issue.

DAVIE UPDATE. Councilmember Truex referred to his comments in the Davie Update and stated that he had presented the "other side of the story." He stated that he wanted to put these comments in the special edition, but they were not included for whatever reason.

Mayor Venis felt that Councilmember Truex's opinion might have been misleading and what was published in the Davie Update should be factual. He was upset with Councilmember Truex's comments because he felt that residents should be able to "bank on" Council's comments as factual.

Councilmember Truex reiterated that he felt the residents had the right to hear all sides of the argument.

COUNCILMEMBER STARKEY

DAVIE WETLANDS RESTORATION GRANT. Councilmember Starkey thanked Programs Administrator Chris Kovanes and Grant Specialist Colleen Ryan for their efforts in preparing this grant. She explained the point system and reported that the Town had earned significant recognition and points. Councilmember Starkey added that she had met with Governor Bush regarding this.

NN MIDDLE SCHOOL SITE ACQUISITION. Councilmember Starkey asked Council to assist in acquiring a school site for the proposed middle school.

FOREST RIDGE HOLLYDAY PARADE. Councilmember Starkey stated the parade would be held on December 7, 2002 and all were invited. She advised that Fire Chief Don DiPetrillo was going to be the Grand Marshall.

SPEED BUMPS. Councilmember Starkey referred to an article regarding speed bumps and suggested that Council consider how they affect safety and emergency response time.

COUNCILMEMBER PAUL

REGRETS. Councilmember Paul stated that she would not be able to attend the HollyDay Parade because she was attending a workshop on Pearl Harbor.

**TOWN COUNCIL AGENDA
NOVEMBER 20, 2002**

PROPOSED MIDDLE SCHOOL SITE. Councilmember Paul reported that she had spoken with School Board members regarding the acquisition of a site for a middle school in the Town.

PROJECT STABLE DINNER AND AUCTION. Councilmember Paul advised that she had attended this event and reported that the event supported a worthy cause.

RICK CASE EMERGENCY RESPONSE TEAM. Councilmember Paul thanked Mike Bender and his Team for assisting the EASE Foundation with collecting canned goods for the needy from the elementary schools.

I-595 WORKSHOP. Councilmember Paul attended the workshop conducted by the Florida Department of Transportation and she was dismayed that only 12 residents attended. She stated that this would greatly affect the I-595 corridor and resident input was important.

ORANGE BLOSSOM FESTIVAL. Councilmember Paul advised that this event was scheduled for February 22-23, 2003 and many exciting activities were planned.

BOYS AND GIRLS CLUB: Councilmember Paul spoke of a future Boys and Girls Club on the South Florida Education Center grounds at McFatter Vocational and Technical School.

DAVIE COMMUNITY BUS SERVICE. Councilmember Paul asked if the bus route could include stops along the Town's borders and coordinating with neighboring municipalities so that residents could travel to various cities via the community bus systems. Mr. Willi explained that the Town's bus system had full connectivity with the County's system, but not with neighboring municipalities. He stated that the limiting factor was that the Town's system did not reach the Town's borders.

BOYS AND GIRLS CLUB HOLIDAY PARTY. Councilmember Paul reported that this event would be held at Stonebrook on December 3rd and advised that there would be a number of celebrity guests in attendance. She indicated that the auction included many exciting items and all proceeds would go to the Boys and Girls Club.

REMEMBRANCE. Councilmember Paul reported that her horse had passed away and thanked "Tonya Lee" for many years of companionship.

5. TOWN ADMINISTRATOR'S COMMENTS (the following comments were provided later in the meeting)

RATINGS. Mr. Willi reported that the Town was routinely rated on a number of issues including fire response, flood plan management, and building code effectiveness. He reported that the Town had received outstanding ratings on Building Code Effectiveness by ISO and commended the staff for their abilities and professionalism.

6. TOWN ATTORNEY'S COMMENTS (the following comments were provided later in the meeting)

COVENANT HOUSE CLOSING. Mr. Kiar reported that the closing on the purchase for Covenant House went smoothly and added that the lawsuit filed by Covenant House against the Town had been dismissed.

LAWSUIT. Mr. Kiar spoke of the Pelican Coast Holdings lawsuit and spoke of the judge's orders and findings relative to the Town's Code and indicated that Mr. Willi had asked him to discuss the possibility of an appeal. Mr. Kiar advised that he had spoken with special counsel Michael Burke, who felt the Town could still insure compliance by the owner through the Code.

**TOWN COUNCIL AGENDA
NOVEMBER 20, 2002**

As far as appealing the special permit order by the judge, Mr. Burke felt that would not be fruitful. Mr. Kiar reported that the Court had also made a determination that the petitioners were entitled to recover attorney's fees and Mr. Burke's opinion was that this should be challenged.

Councilmember Truex was of the opinion that if there was any basis for an appeal, the Town should pursue it and if Mr. Burke was 100% positive this was not an option, than it should be disregarded.

Mayor Venis asked Mr. Kiar if an executive session should be held regarding this issue since it involved litigation. Mr. Kiar indicated that was Council's option and indicated that there was seven days left to file an appeal.

Councilmember Paul was concerned that this information should have been given to Council in a timely manner because it was a time sensitive issue.

After further discussion, the consensus of Council was that an appeal should be immediately filed by Mr. Burke and Council would discuss strategies with Mr. Burke at an executive session at a later date. Mr. Kiar indicated that he would advise Mr. Burke.

THANKSGIVING. Mr. Kiar wished everyone a happy Thanksgiving.

7. CONSENT AGENDA

Minutes

- 7.1. September 4, 2002 - Regular Meeting (tabled from November 6, 2002)

Proclamations

- 7.2. National Epilepsy Awareness Month (November 2002)
7.3. Native American Heritage Month (November 2002)

Parade Permits

- 7.4. Forest Ridge Hollyday Parade (December 7, 2002)
7.5. South Florida Trailriders of Broward County (December 15, 2002)

Home Occupational Licenses

- 7.6. AC Appraisal, Inc., 12765 SW 34 Place
7.7. Chris' Crane Rental, Inc., 1901 SW 115 Avenue

Resolutions

- 7.8. **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER #2 WITH EDFM CORPORATION FOR MISCELLANEOUS ITEMS DESCRIBED IN CHANGE ORDER. (\$15,476.44)
- 7.9. **GRANT APPLICATION/AWARD** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND/OR APPROPRIATE STAFF TO SUBMIT AN APPLICATION, AND IF AWARDED PERMISSION TO ACCEPT AND IMPLEMENT GRANT FUNDING

**TOWN COUNCIL AGENDA
NOVEMBER 20, 2002**

UNDER THE 3COM CORPORATION URBAN CHALLENGE PROGRAM. (no match required)

**TOWN COUNCIL AGENDA
NOVEMBER 20, 2002**

- 7.10. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH CALVIN, GIORDANO AND ASSOCIATES, INC. FOR ENGINEERING SERVICES ASSOCIATED WITH THE WATER TREATMENT PLANT EXPANSION. (\$883,200)
- 7.11. **SECOND AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO THE SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE BROWARD COUNTY METROPOLITAN PLANNING ORGANIZATION.
- 7.12. **FOURTH AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE FOURTH AMENDMENT TO THE BROWARD COUNTY LOCAL HOUSING ASSISTANCE PLAN (LHAP) FOR 1999-2001 UNDER THE STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.
- 7.13. **COMMERCIAL LOAN SUBSIDY PROGRAM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING FIRST WESTERN BANK AS A LENDER AND PARTICIPANT IN THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S COMMERCIAL LOAN SUBSIDY PROGRAM.
- 7.14. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY THE CITY OF HOLLYWOOD FOR MULCH AND MULCH INSTALLATION, SOUTHEAST FLORIDA COOPERATIVE PURCHASING GROUP BID NO. F-3744-TF. (\$15,000/year)
- 7.15. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR ASPHALT OVERLAY. (Weekley Asphalt Paving, Inc. - \$42.90/ton)
- 7.16. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR CARPET CLEANING. (Dayco Carpet Cleaning - \$10,000/year)
- 7.17. **FUND ALLOCATION** - A RESOLUTION OF THE TOWN OF DAVIE FLORIDA, AUTHORIZING FOR THE ALLOCATION OF FUNDS TO ALLOW FOR THE RESURFACING OF THE MAIN POOL AND KIDDIE POOL AT DAVIE PINE ISLAND PARK.

**TOWN COUNCIL AGENDA
NOVEMBER 20, 2002**

- 7.18. **WAIVING OF FORMAL BIDDING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING FORMAL BIDDING AND AUTHORIZING THE FIRMS OF CALVIN, GIORDANO & ASSOCIATES, INC. AND RACHLIN & COHEN TO PROCEED WITH UPDATING A PRELIMINARY ACQUISITION AND FEASIBILITY STUDY FOR THE PURCHASE OF FERNCREST UTILITIES. (\$25,000)
- 7.19. **JOB CLASSIFICATIONS/SALARY RANGE ADJUSTMENTS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING JOB CLASSIFICATION SPECIFICATIONS AND SALARY RANGES FOR THE BUDGETED CHIEF CODE COMPLIANCE INSPECTOR, FIRE CAPTAIN, FIRE DIVISION CHIEF, FIRE INSPECTOR SUPERVISOR, FIRE PLANS EXAMINER, INFORMATION SYSTEMS SUPERVISOR, LEAD OPERATOR, PROGRAMS SPECIALIST, PUBLIC INFORMATION SPECIALIST, SAFE NEIGHBORHOODS COORDINATOR, AND URBAN FORESTER JOB CLASSIFICATIONS; ADJUSTING THE SALARY RANGES FOR THE BUDGETED ACCOUNTING SERVICES SUPERVISOR, CODE COMPLIANCE OFFICIAL, HOUSING AND COMMUNITY DEVELOPMENT DIRECTOR, PAYROLL ASSISTANT, AND PAYROLL TECHNICIAN JOB CLASSIFICATIONS; AMENDING THE JOB CLASSIFICATION TITLE OF THE HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS DIRECTOR JOB CLASSIFICATION TO THE BUDGETED HOUSING AND COMMUNITY DEVELOPMENT DIRECTOR JOB CLASSIFICATION TITLE; AMENDING THE JOB CLASSIFICATION TITLE OF THE PLANNER III JOB CLASSIFICATION TO THE BUDGETED PLANNING SUPERVISOR JOB CLASSIFICATION TITLE; AND PROVIDING AN EFFECTIVE DATE.
- 7.20. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND DEERWOOD ESTATES INC., FOR REGIONAL ROAD CONCURRENCY RELATING TO THE PHOENICIAN COVE PLAT; PROVIDING FOR REMEDIAL MEASURES TO SATISFY CONCURRENCY REQUIREMENTS; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 10-1-02, 5401 SW 82 Avenue)
- 7.21. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "BOGGS COUNTRY ACRES PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 10-2-02, 4150 SW 76 Circle)

**TOWN COUNCIL AGENDA
NOVEMBER 20, 2002**

- 7.22. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF "THE GILLER PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 10-3-02, 5365 SW 76 Avenue)
- 7.23. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "YOUNG WORLD PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 11-1-02, 3400-3580 South University Drive)
- 7.24. **TRAFFICWAYS PLAN AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING STAFF TO TRANSMIT TRAFFICWAYS PLAN AMENDMENT APPLICATION TA 02-1 TO THE BROWARD COUNTY PLANNING COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE. (Orange Drive from Davie Road to SW 36 Street)

Site Plans

- 7.25. SP 7-2-02, Blockbuster Plaza, 4301 Flamingo Road (B-3) *Site Plan Committee recommended approval subject to staff's planning report; clarifying the canal right-of-way; making changes in the stucco brick in order to accomplish 12-inch brick columns with some relief in the brick; providing a continuous hedge at the northwest corner of the rear of the building in order to screen the access doors; and revising the radiuses at the loading zones to comply with staff's recommendations*
- 7.26. SP 7-5-02, University Place, 5200 South University Drive (B-3) *Site Plan Committee recommended approval subject to staff's comments; revising the dumpster locations prior to Town Council presentation; revising the turn around area before permitting; and labeling the dry retention areas on the plans prior to Council presentation*
- 7.27. SP 8-3-02, Veterinary Clinic Animal Recreation & Rehabilitation Center, 2670 South Flamingo Road (AG) *Site Plan Committee recommended approval subject to staff's recommendations*

Site Plan Modification

- 7.28. MSP 2-1-02, Black Hawk Ranch Estates, 4450 Hiatus Road 7 (A-1) *Site Plan Committee recommended approval subject to staff's recommendations; providing a sidewalk in front of the houses; that with the two models presented, the developer would try to accommodate the comments of this Committee trying to put a side entrance on the garage; and that the applicant meet with Vice-Chair Aucamp and staff in order to review the revised landscape plans in an effort to eliminate the majority of the palms and replace them with native canopy trees in the landscape package as well as updating the entrance feature with more native canopy trees*

**TOWN COUNCIL AGENDA
NOVEMBER 20, 2002**

Temporary Use Permits

7.29. TU 10-2-02, Davie Merchants, 2701 North University Drive

7.30. TU 10-4-02, Saint David Men's Club, 3900 South University Drive

Councilmember Paul requested that item 7.3, 7.25, and 7.28 be removed from the Consent Agenda. Councilmember Truex requested that items 7.22 and 7.24 be removed.

Councilmember Starkey made a motion, seconded by Councilmember Truex, to approve the Consent Agenda minus items 7.3, 7.22, 7.24, 7.25, and 7.28. In a voice vote, with Vice-Mayor Clark absent, all voted in favor. (Motion carried 4-0)

7.3 Councilmember Paul spoke of the Native American Heritage proclamation and the Navajo Codetalkers.

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

7.22 Councilmember Truex asked if this was the same parcel that was considered for Wal-Mart in years past. Planning and Zoning Director Fernando Leiva responded in the negative. Councilmember Truex asked if this approval of warehouses on this site would allow for the future possibility of a large retail site. Mr. Leiva indicated that this was possible.

Councilmember Truex made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, with Councilmember Paul dissenting and Vice-Mayor Clark absent, all voted in favor. (Motion carried 3-1)

7.24 Councilmember Truex asked if it was "iron clad" that the Town would not be giving up setbacks on Orange Drive. Mr. Willi confirmed this and stated that the recently adopted ordinance increased the setbacks.

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

7.25 Councilmember Paul wanted to make sure that the items that were added by the Site Plan Committee were complied with. Stephanie Toothacher-Walker, representing the petitioner, stated that recommendations from the Site Plan Committee and staff would be addressed.

Mr. Leiva indicated that Committee Vice-Chair Jim Aucamp was going to meet with the applicant regarding the particulars.

Councilmember Paul made a motion, seconded by Councilmember Truex, to approve based on those conditions. In a voice vote, with Vice-Mayor Clark absent, all voted in favor. (Motion carried 4-0)

7.28 Councilmember Paul referred to the architectural elevations that were presented to the Site Plan Committee regarding this site. She realized that this site was included in the Zoning in Progress moratorium, but she was hopeful that the developer would maintain the theme of the scenic corridor and preservation of rural characteristics for the Town.

**TOWN COUNCIL AGENDA
NOVEMBER 20, 2002**

Councilmember Paul was also hopeful that the landscaping was lush enough so that the wall would not be seen.

Bill Laystrom, representing the petitioner, spoke of the concessions his client was willing to make in regards to the landscaping. He displayed architectural models that were being proposed as options for this development and indicated that his client would try to avoid monotony.

Randy Page, representing Regency Homes, spoke of how the wall along Hiatus Road would be open and added that the wall along Hiatus Road was eliminated.

Councilmember Starkey asked that the existing bridle path be extended to Orange Drive. Mr. Page agreed.

Councilmember Paul made a motion, seconded by Councilmember Truex, to approve, with all the conditions set forth in the discussion. In a voice vote, with Vice-Mayor Clark absent, all voted in favor. (Motion carried 4-0)

8. PUBLIC HEARINGS

Ordinances - First Reading (Second and Final Reading - December 4, 2002)

8.1. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING CODE AMENDMENT APPLICATION ZB(TXT) 02-2, AMENDING THE CODE OF ORDINANCES FOR THE TOWN OF DAVIE, SECTION 12-32, ENTITLED "TABLE OF PERMITTED USES"; REVISING THE CATEGORY OF RESIDENTIAL/OFFICE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Venis advised that the second and final reading would be held at the December 4, 2002 meeting. 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 did not recall opening this site up to financial institutions. Development Services Director Mark Kutney indicated that the uses set forth in the ordinance had been discussed with Council at a prior meeting. He understood that staff had Council's support to move forward with this ordinance based upon those uses. Mr. Leiva spoke of the history of the ordinance and why the financial institutions were included.

Councilmember Truex felt that if this was a financial office rather than a bank he would be more comfortable. He suggested that the bank/financial institution inclusion be changed to indicate that it was only by special permit. Mr. Kutney stated that the change could be made for the second and final reading.

Councilmember Truex made a motion, seconded by Councilmember Starkey, to approve subject to changing the bank/financial by special permit. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - absent; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 4-0)

**TOWN COUNCIL AGENDA
NOVEMBER 20, 2002**

- 8.2. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 12-32(B), ENTITLED "TABLE OF PERMITTED USES"; PROVIDING FOR APPROPRIATE ZONING DISTRICTS FOR VEHICLE SALES AND RENTAL INCLUDING AUTOMOBILE SALES, AUTOMOBILE LEASING, MOTORCYCLE SHOPS AND MOVERS; AND AMENDING SECTION 12-32(C), ENTITLED "TABLE OF PERMITTED USES"; PROVIDING FOR APPROPRIATE ZONING DISTRICTS FOR VEHICLE SALES AND RENTAL INCLUDING AUTOMOBILE SALES, AUTOMOBILE LEASING, BOAT SALES, BOAT RENTAL, MOBILE HOMES, MANUFACTURED HOUSING, RECREATIONAL VEHICLE SALES, HORSE TRAILER AND MOVING TRAILER RENTAL, MOVERS, AND TAXI SERVICE ESTABLISHMENTS; AND AMENDING SECTION 12-34, ENTITLED "STANDARDS ENUMERATED"; PROVIDING FOR DETAILED REGULATIONS REGARDING THE SITING OF SUCH USES; AMENDING SECTION 12-503, ENTITLED "DEFINITIONS"; PROVIDING FOR A DEFINITION OF VEHICLE SALES AND RENTAL; PROVIDING FOR INTENT; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

9. APPOINTMENTS

- 9.1. Parks and Recreation Advisory Board Agency (one exclusive appointment - Vice-Mayor Clark and Councilmembers Truex and Paul; 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)

Councilmembers Paul and Truex deferred their appointments.

- 9.2. Child Safety Board (one exclusive appointment - Councilmember Starkey and Mayor Venis; terms expire April 2004) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

Councilmember Paul provided a resume from Lynne Marie Watters and indicated that Ms. Watters was ready and willing to join the committee. Councilmember Starkey stated that she had a person in mind, but the person was not ready to join the Committee. She suggested that Councilmember Paul appoint Ms. Watters when her appointment was due. Councilmember Paul expressed her concern regarding this committee as it was difficult to get a quorum and Councilmember Starkey had repeatedly deferred her appointment.

Mayor Venis appointed Paul Cirenese. Councilmember Starkey deferred her appointment.

**TOWN COUNCIL AGENDA
NOVEMBER 20, 2002**

- 9.3. Open Space Advisory Committee (one exclusive appointment - Councilmember Starkey and Mayor Venis; terms expire April 2004)

Mayor Venis and Councilmember Starkey deferred their appointment.

- 9.4. School Advisory Board (one exclusive appointment - Vice-Mayor Clark; term expires April 2004) (insofar as possible, members shall have experience in educational matters, related occupations or other similar skills)

Vice-Mayor Clark was absent.

10. OLD BUSINESS

- 10.1. Code of Ethics (Councilmember Truex)

Councilmember Truex provided three options for a Code of Ethics, he described the differences and explained his opinion on various issues therein. He stated that this endeavor was "part of his crusade to change some ethical problems in the Town." Councilmember Truex encouraged Council to place this on a future agenda and to have it added to the Town's Code.

Councilmember Truex discussed the lobbyist ordinance which he did not believe was being followed and felt staff needed to be educated on the proper completion of registration forms. He felt that language needed to be added to the lobbyist ordinance that forbids Town employees and people who were on Town boards to lobby the Town. Councilmember Truex felt there were many loopholes in this ordinance and it should be changed.

Councilmember Truex spoke of the bid process and felt that safeguards needed to be added to assure fairness. He indicated that all bidders should register with the Town because this information should be public record. Councilmember Truex also felt that the piggyback bid process should be amended by ordinance and added that piggyback bids should be identical items. He asked Council if they would be interested in working on a Code of Ethics.

Councilmember Paul felt that there was no need for such an ordinance. Mayor Venis and Councilmember Paul felt that an operating procedure would be enough to govern this issue rather than an ordinance.

Councilmember Paul felt that an honest candidate or official was a much more effective solution than any legislation that would try to govern ethics. She felt that ethics were a matter of opinion. Councilmember Paul referred to Councilmember Truex's comments regarding honesty and took issue with his comments in the Davie Update that Council was anti-equestrian. She felt this was an untrue statement and clarified that it was his opinion. Councilmember Paul felt that the Broward County Code would be sufficient and there was no need for Davie to have its own version. She did not support this idea.

Councilmember Starkey expressed her support of Councilmember Truex's proposed Ethics Code and agreed with Councilmember Paul that the Code could not be regulated. She offered to work with the League of Women Voters in setting up a publicly noticed debate to discuss these issues. Mayor Venis suggested that before this debate was pursued Vice-Mayor Clark have the opportunity to share her opinion on this matter.

Councilmember Truex asked about the issue regarding Town employees not lobbying Council. Mayor Venis advised that this item should appear on the next agenda for further discussion.

**TOWN COUNCIL AGENDA
NOVEMBER 20, 2002**

10.2. Planning and Zoning in Progress - Kennel Facilities (Mayor Venis)

Mayor Venis advised that this item was discussed at a previous meeting and the discussion was based on modifications to the current ordinance, but did not pertain to the Zoning in Progress. Mr. Kutney explained that there were a number of issues relative to kennels, such as land use. Staff wanted to know if Council wanted this property to be considered under the Zoning in Progress or if they wanted staff to just do the amendments. Council agreed that they wanted staff to do the amendments and bring them back before Council.

11. NEW BUSINESS

11.1 TU 11-1-02, Jean Marc Benoit, 5660 Griffin Road

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

11.2 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR OFF-SITE RECORD STORAGE SERVICES.

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

12. ADJOURNMENT

There being no further business to discuss and no objections, the meeting adjourned at 9:52 p.m.

Approved _____

Mayor/Councilmember

Town Clerk