

**TOWN OF DAVIE
REGULAR MEETING
DECEMBER 18, 2002**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:01 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Clark, Councilmembers Paul, Starkey, and Truex. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. PRESENTATIONS

3.1. Chris Stanton - Recognition by the Fire Department

Fire Chief Don DiPetrillo recognized the efforts of Chris Stanton, who, while off duty, assisted in the rescue of accident victims submerged in a car in a Davie canal.

3.2. Western High School Food Drive

Pat Pecorino recognized the efforts of students at Western High School for their annual food drive. Mayor Venis recognized the students with certificates of appreciation.

3.3. Rick Case Honda's Community Emergency Response Team

Councilmember Paul thanked Steve Gall, General Manager of Rick Case Honda and the efforts of this team for their assistance in transporting food to the EASE Foundation.

3.4. Community Redevelopment Agency

Wayne Arnold, Chair of the Community Redevelopment Agency, spoke of the Agency's purchase of land on Oakes Road for the future fire station. He also commended the Police Athletic League's holiday party at the Potter Park gymnasium.

3.5. Upcoming Special Events - Dennis Andresky and Bonnie Stafiej

Parks and Recreation Director Dennis Andresky advised of upcoming events: registration for spring programs (in progress); second Annual Huff and Puff for Cystic Fibrosis (January 18); and adult volleyball program (January or February).

Ms. Stafiej advised of upcoming special events: State Championship High School Rodeo (January 4-5); Annual Dr. Martin Luther King Celebration (January 19); Orange Blossom Festival Parade and Rodeo (February 22-23); and Spanish I and II classes (January).

3.6 Fred Siegel, representing the Farm Bureau, spoke of agricultural land classifications for residential properties and the new requirements to maintain the classification.

Mayor Venis announced that items 7.3 and 7.12 were withdrawn by the applicant. He added that there was a request to table item 8.4 until January 2, 2003.

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

Mayor Venis announced that item 8.5 was requested to be tabled until February 5, 2003.

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

Mayor Venis announced that item 11.1 was requested to be added to the agenda.

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

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

MAYOR VENIS

HAPPY BIRTHDAY. Mayor Venis wished his daughter a happy birthday.

HAPPY HOLIDAYS. Mayor Venis wished residents a happy holiday and a happy New Year.

58 AVENUE MITIGATION SITE. Mayor Venis was pleased with the progress on this project. He wanted to know when the Town was going to begin building the park at this site. Mr. Willi indicated this would be discussed at the next meeting. Mayor Venis wanted to schedule a workshop with the residents in this area to discuss the park and mitigation project.

PAL CHRISTMAS PARTY. Mayor Venis attended this event and commended those who had planned it.

CONGRATUALTIONS. Mayor Venis advised that he had attended the awards ceremony at Davie Pine Island Park and congratulated Coach Cole. He also was pleased to have had the honor of presenting the State Championship trophy to the 12-year-old division.

Mayor Venis also congratulated his wife, Audrey, who was elected Vice-Chair of the Broward County Library Board.

VICE-MAYOR CLARK

CONGRATULATIONS. Vice-Mayor Clark congratulated staff on their efforts with the Lighting of the Green.

PAL CHRISTMAS PARTY. Vice-Mayor Clark advised that she had also attended the party and said it was a beautiful event.

SILVER LAKE. Vice-Mayor Clark asked that outstanding issues be resolved as soon as possible.

HOLIDAY WISHES. Vice-Mayor Clark wished everyone a happy and safe holiday season.

Mayor Venis asked Mr. Willi to add the Budget Advisory Committee's recommendation on the Town's investment policy to the next agenda for discussion.

COUNCILMEMBER TRUEX

FINANCE DIRECTOR VACANCY. Councilmember Truex felt this vacancy was putting an extra burden on staff. He commended the acting director, but felt the position should be filled and it should be a priority.

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EVERGLADES PRO BASS SHOP. Councilmember Truex advised that he had requested information regarding this business and access to the property. He felt that tenants should be included in the site plan process. Mr. Willi indicated that the changes were done by Florida Department of Transportation.

JOLMY WORKSHOP. Councilmember Truex apologized for not being in attendance for this workshop. He stated that he had reviewed the tape closely and was prepared to make any decisions that were warranted.

TRAFFIC WORKSHOP. Councilmember Truex asked if this workshop was being rescheduled. Mayor Venis responded in the affirmative.

COUNCILMEMBER STARKEY

LEAGUE OF CITIES BOARD OF DIRECTOR'S MEETING. Councilmember Starkey advised that she had attended the meeting and reported that Replant Broward had over \$1 million through the League of Cities that would be used to purchase trees. She suggested that Replant Broward attend the Orange Blossom Festival with their trees and distribute them to the public. Councilmember Starkey explained that those residents who had trees removed because of Citrus Canker would have to show documentation and all leftover trees would be given out free to the public. She provided this information to Councilmember Paul, chair of the Orange Blossom Festival.

FOREST RIDGE PARADE. Councilmember Starkey commended those residents who organized the parade.

LAND PRESERVATION ADVISORY BOARD. Councilmember Starkey reported that this Board was meeting at the Galt Community Center on December 19th and indicated that the Math Iglor Grove property was on the agenda. She advised that Broward County Commissioner Lori Parrish was giving the Town \$400,000 of her Land Acquisition Discretionary Fund for purchase of this property. Councilmember Starkey stated that residents in the area were in favor of having a park in this neighborhood.

FRATERNAL ORDER OF POLICE HOLIDAY PARTY. Councilmember Starkey reported that the party was scheduled for December 21st at the Davie Police Department Community Room.

HAPPY BIRTHDAY. Councilmember Starkey wished her husband a happy birthday.

COUNCILMEMBER PAUL

STUDENT ASSISTANCE NEEDED. Councilmember Paul referred to the Student Convention Association and advised of a Western High School student who was in need of assistance. She asked that this be added to the next agenda.

ORANGE BLOSSOM FESTIVAL. Councilmember Paul referred to the festival and all the hard work Ms. Stafiej and her staff would be providing. She wanted to be assured that Ms. Stafiej was fully staffed so that this event could be properly organized.

EQUESTRIAN SAFETY INCIDENT. Councilmember Paul reported that a loose dog had attacked an equestrian in Oak Hill, who was injured. She urged pet owners to keep their dogs contained and to have them registered.

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HORSE CROSSINGS. Councilmember Paul reported that she had met with representatives from local equestrian communities regarding horse crossings and safety. There was discussion regarding multi-use trails/crossways that could be tied in with the Greenways.

HOLIDAY GREETINGS. Councilmember Paul wished everyone a happy and safe holiday season.

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

HOLIDAY EVENTS. Mr. Willi stated that the Lighting of the Green and the PAL party were wonderful events.

BOYS AND GIRLS CLUB. Mr. Willi spoke of the possibility of a third "baby" Boys and Girls Club to be built on the McFatter property. He stated that the Town would have to lease the property and asked if Council had any objections to this. Council was in support of this proposal.

OAK HILL TRAFFIC STUDY. Mr. Willi spoke of the Calvin Giordano report on the Oak Hill Traffic Study and stated that it was available for perusal in his office.

ENVIRONMENTAL IMPACT STUDY. Mr. Willi spoke of the request from White and Case to prepare the supplemental Study in regards to the airport expansion project. He indicated that the fee would be \$7,000 and asked Council for direction.

Councilmember Starkey explained that the fee was one third of the cost as the City of Hollywood and the City of Dania Beach were also contributing the same amount. In a voice vote, all voted in favor of this expenditure. (Motion carried 5-0)

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

PAL FUNDING. Mr. Kiar thanked Council for the funding of the PAL facility.

HOLIDAY SEASON. Mr. Kiar wished everyone a happy and safe holiday season.

7. CONSENT AGENDA

Minutes

7.1. October 2, 2002 - Regular Meeting (tabled from December 4, 2002)

Proclamations

7.2. Davie Professional Firefighter's Day (December 20, 2002)

Home Occupational License

7.3. Lazaro Salazar Dealer for Snap-On Tools, 14521 SW 21 Street

Resolutions

7.4. **PARK RENAMING - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RENAMING THE PARK KNOWN AS WEST VIEW PARK TO JOY YODER EQUESTRIAN CENTER AT WEST VIEW PARK IN HONOR OF JOY YODER'S VOLUNTEERISM WITHIN THIS COMMUNITY.**

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- 7.5. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY THE STATE OF FLORIDA, AGREEMENT NO. 650-001-01-1 FOR SUPPLYING PLAYGROUND EQUIPMENT FOR ROBBINS LODGE TO BLISS PRODUCTS & SERVICES, INC. (\$13,622)
- 7.6. **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND/OR THE APPROPRIATE STAFF TO ENTER INTO AN AMENDED AGREEMENT BETWEEN THE SCHOOL BOARD OF BROWARD COUNTY AND THE TOWN OF DAVIE FOR THE USE OF DRUG SNIFFING DOGS.
- 7.7. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN FALCONS' LEA HOMEOWNERS ASSOCIATION, INC. AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- 7.8. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE DAVIE RODEO ASSOCIATION, INC. AND THE TOWN OF DAVIE, FLORIDA FOR THE RENTAL OF THE BERGERON RODEO GROUNDS, OF DAVIE FLORIDA. (waiver of \$1,000 in costs)
- 7.9. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH WEST BROWARD YMCA TO OPERATE AFTER SCHOOL, SCHOOL DAYS OFF, WINTER BREAK AND SPRING BREAK DAY CARE PROGRAMS AT SPECIFIED TOWN FACILITIES. (annual revenue of \$7,000)
- 7.10. **AIRPORT ADVISORY BOARD** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA CONCERNING THE HOLLYWOOD/FORT LAUDERDALE AIRPORT EXPANSION; ESTABLISHING AN AIRPORT ADVISORY BOARD; PROVIDING FOR TERMS OF OFFICE AND FOR ITS MEMBERS; PROVIDING FOR FUNCTIONS AND DUTIES OF THE BOARD; AND PROVIDING AN EFFECTIVE DATE.
- 7.11. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN BROWARD ANCHOR INTERNATIONAL INCORPORATED, SPACE DEVELOPMENT LIMITED, ROLLING HILLS INTERNATIONAL CORPORATION, AND THE DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE.

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- 7.12. **WAIVER REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, IN SUPPORT OF A WAIVER TO THE BROWARD COUNTY TRAFFICWAYS PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.
- 7.13. **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 S. University Drive)
- 7.14. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE NON-VEHICULAR ACCESS LINE OF THE "SARA PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG 12-1-02, 7050 State Road 84)
- 7.15. **POLICE ATHLETIC LEAGUE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, GRANTING AUTHORIZATION TO THE TOWN ATTORNEY'S OFFICE, BY THE MAYOR AND TOWN COUNCIL, TO PROVIDE LEGAL RESOURCES, GUIDANCE AND ASSISTANCE TO THE DAVIE POLICE ATHLETIC LEAGUE.
- 7.16. **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TO EXECUTE A CONTRACT WITH H.T.E., INC. FOR THE PURCHASE OF THE PLANNING AND ZONING SOFTWARE MODULE.

Site Plan

- 7.17. SP 9-1-02, Office Building for Easter, Inc., 2924 Davie Road (B-2) *Site Plan Committee recommended approval subject to increasing the height of the Viburnum hedge which surrounds the dumpster to 36 inches.*
- 7.18. SP 10-11-02, Boys & Girls Club at Driftwood Estates Park, 7525 NW 33 Street (CF) *Site Plan Committee recommended approval subject to staff's recommendations one, two, three, and five; and that for staff recommendation number six, Vice-Chair Aucamp work with the landscape architect on the areas under the FP&L wires and against the building.*

Councilmember Starkey requested that item 7.11 be removed from the Consent Agenda. Mayor Venis requested that item 7.14 be removed. Councilmember Paul requested that items 7.4, 7.10 and 7.18 be removed. Councilmember Truex requested that items 7.6 and 7.16 be removed.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve the Consent Agenda without items 7.4, 7.6, 7.10, 7.11, 7.14, 7.16, and 7.18. In a voice vote, all voted in favor. (Motion carried 5-0)

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7.4 Councilmember Paul thanked the Open Space Advisory Committee for making the recommendation to name the equestrian park at Imagination Farms after the late Joy Yoder.

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

7.6 Councilmember Truex voiced his objection to this agreement to have drug-sniffing dogs used in schools, which he felt infringed upon civil rights of students. He also objected to the non-discrimination disclosure because he felt the list was incomplete. Councilmember Truex stated that he would vote against this resolution.

Police Chief John George indicated that this item was brought back to Council because of the addition of Section 2.10. He explained that this resolution did not supercede the law.

Councilmember Starkey felt that this agreement was consistent with the law and indicated her support.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, with Vice-Mayor Clark and Councilmember Truex dissenting, all voted in favor. (Motion carried 3-2)

7.10 Councilmember Paul asked Council for direction regarding appointees to this committee who had a differing opinion than what the Town had previously indicated. Councilmember Starkey felt that Councilmember Paul could appoint whom she wanted, but some people with differing opinions might not have current information and might not accurately reflect the environmental impacts. Vice-Mayor Clark felt that no board should be one-sided.

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

Councilmember Truex appointed Hertz Halperin and Lizeida Feuillebois. Vice-Mayor Clark deferred her appointments as she wanted to appoint people that were truly interested in the impact the Airport Expansion would have on the Town. Mayor Venis appointed Karen Schiavone and Dan Pignato. Councilmember Paul appointed Adam Klauber. Councilmember Starkey appointed Jim Futch. Councilmember Starkey indicated that she would provide all appointees with back-up information.

7.11 Councilmember Starkey felt this item should have a public hearing to determine if the amendment change was a substantial deviation from the development order. She indicated that she felt the back-up materials did not provide enough information and felt that this agreement reflected a substantial change from the current agreement. Councilmember Starkey spoke of road concurrencies and school impact that need to be addressed.

Planning and Zoning Manager Fernando Leiva clarified that this resolution was for a previously approved agreement. He indicated that the road and school impacts had not changed. Councilmember Starkey expressed her desire to see an impact statement provided by staff and advised that she wanted to see how 215 hotel units were equivalent to 219 townhomes.

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Councilmember Paul agreed that this item should have a public hearing and indicated that it needed to go through all of the review processes.

Councilmember Truex expressed that a legal opinion should be garnered to determine whether this was an administrative process or if Council should make this determination. Mr. Kiar also felt that a public hearing should be held on this item and advised that this item last came up in 1995 as a public hearing. He recommended that the item be tabled.

Councilmember Starkey indicated that there was a deadline of March 2001 and if that deadline was not met then another review process would be initiated. She asked Mr. Kiar to investigate this. Mayor Venis agreed that if the deadline was not met, then a new review process would have to be initiated. He cited the original agreement.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to table until January 2, 2003 for further review to answer those specific questions given to Mr. Kiar.

Barbara Hall, representing the petitioner, indicated that this request was in compliance with what was previously approved and stated that what was already developed was far below what was originally approved. She clarified that the developer wanted to finish the townhomes, not make a trade for the hotel units and added that 215 townhomes were approved. Ms. Hall did not oppose the tabling of this item.

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

7.14 Bill Laystrom, representing the petitioner, explained that the nature of the request was to remove the sidewalk requirement so that his client could refinance the building. Councilmember Paul felt that because of the future need of mass transit, it might be beneficial to build the sidewalk now.

Town Engineer Larry Peters opined that the sidewalk was needed for safety reasons, not for connectivity. Councilmember Starkey agreed that a sidewalk should be put in.

Vice-Mayor Clark asked Mr. Laystrom why the sidewalk could not be included. Mr. Laystrom indicated that his client was undertaking a refinancing and did not want to encumber the cost of the sidewalk as well. He offered an easement to the Town so that a sidewalk could be built in the future. In essence, Mr. Laystrom was asking the Town to provide the sidewalk.

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

7.16 Councilmember Truex explained that he did not feel this was a piggyback bid. He clarified that the software in question was only attainable from one vendor.

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

7.18 Councilmember Paul thanked Rick and Rita Case for this project and their continued support.

Councilmember Paul made a motion, seconded by Councilmember Truex, to approve with all of the recommendations of the Site Plan Committee. In a voice vote, all voted in favor. (Motion carried 5-0)

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8. PUBLIC HEARING

Ordinance - Second and Final Reading

8.1. **ORDINANCE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE 89-1 BY CHANGING EXHIBIT C ATTACHED THERETO TO PROVIDE FOR AN AMENDMENT TO THE USE RESTRICTION ASSOCIATED WITH THE ORIGINAL REZONING APPROVAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Young World Plat, 3700 University Drive)

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 - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

Ordinance - First Reading (Second and Final Reading to be held January 2, 2003)

8.2. **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 12-81A, ENTITLED "CONVENTIONAL SINGLE-FAMILY DEVELOPMENT STANDARDS;" AMENDING SECTION 12-287, ENTITLED "DEVELOPMENT STANDARDS"; PROVIDING FOR REVISED DEVELOPMENT STANDARDS IN THE A-1 ZONING DISTRICT; AMENDING SECTION 12-288, ENTITLED "INCENTIVES"; PROVIDING FOR ADDITIONAL INCENTIVES FOR CUSTOM HOMES; AND AMENDING SECTION 12-503, ENTITLED "DEFINITIONS"; PROVIDING FOR A DEFINITION OF A CUSTOM HOME; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

Mayor Venis advised that the second and final reading would be held at the January 2, 2003 Council meeting.

Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting.

Bill Laystrom spoke in favor of this ordinance.

Barbara Hall, representing Dream Homes, hoped Council would support this ordinance and asked Council to strongly consider the incentives. She referred to 12-288D and stated that a correction needed to be made as 389 should read 289.

Mr. Laystrom requested that the second and final reading be scheduled for the second meeting in January rather than the first.

Mayor Venis closed public hearing.

Vice-Mayor Clark asked for clarification regarding staff's position on the transition to smaller lots. Mr. Leiva clarified that staff believed that enough flexibility was in place and increased flexibility might create problems.

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Councilmember Truex expressed his dissatisfaction that developers were not advised of the Planning and Zoning Board meeting where this was discussed. He also approved of the language submitted by Ms. Hall regarding a separate determination that the custom homes were truly custom. Councilmember Paul felt there was a problem with the custom homes. She felt that each section be approved separately rather than approving the entire package.

Councilmember Truex made a motion, seconded by Councilmember Paul, to approve Section 12-81A subject to the second hearing being at the second meeting in January. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve Section 12-287(A) subject to the second hearing being at the second meeting in January. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

Councilmember Truex made a motion, seconded by Councilmember Starkey, to approve Section 12-287(B) subject to the second hearing being at the second meeting in January. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve Sections 12-288 and 12-503 subject to incorporating the language that Ms. Hall had suggested as far as the Architectural Review and determination if they were custom homes by vote of the Site Plan Committee and the Town Council, and also subject to the second hearing being at the second meeting in January. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - no; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 4-1)

Resolution

8.3. **FRANCHISE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, GRANTING A TOWING FRANCHISE, IMPOSING PROVISIONS AND CONDITIONS THERETO, AND SETTING FORTH AN EFFECTIVE DATE.

Town Clerk Muniz read the resolution by title.

Mayor Venis opened the public hearing portion of the meeting.

Alan Kozloff, representing Becker and Poliakoff and A&B Towing, stated that he and his client supported staff's recommendation. He outlined why A&B Towing should be selected.

Mike Partin, representing HTS Towing, stated that he did not have the number of complaints previously stated by Procurement Manager Herb Hyman at the towing workshop.

Alfred Hamilton, 14030 SW 21 Street, spoke on behalf of Bob's Towing.

Lillian Borner spoke on behalf of Bob's Towing and what Mr. Mucha had done for the community.

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Mike Mucha, owner of Bob's Towing, referred to litigation between his company and the Town. He admitted that he had made a bad business decision, but it was resolved and apologized for the trouble it caused.

Sean Lescalza, representing Superior Towing, indicated that if Bob's Towing was selected then residents would have to pay more than \$120 per tow if their cars were towed.

Peter Gardner, 3200 SW 116 Avenue, was surprised that the Town was willing to leave so much money on the table. He felt that it would be beneficial for residents whose cars were towed to have a local retrieval location and spoke in favor of Bob's Towing.

Roy Bazin, representing A&B Towing, stated that his firm also provided services to children and the community. He referred to the issue of location and indicated that police officers rarely needed access to his yard.

Richard Cassale, representing HTS Towing, stated that all the represented towing companies were fine companies.

Mayor Venis closed public hearing.

Assistant Town Administrator Ken Cohen indicated that EMS Towing and Toucan Towing were being removed from the list of bidders as they did not meet the specs.

Mayor Venis and Mr. Kiar advised Council to make their tabulations without specific discussion. Questions were allowed, but discussion was not warranted.

After Council completed the ranking forms, Mayor Venis advised that Bob's Towing earned the most points on the tabulation sheet.

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

Items to be tabled

8.4. STAFF REQUESTING A TABLING TO JANUARY 2, 2003

TRANSMITTAL - 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 October 2, 2002)

This item was tabled earlier in the meeting.

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8.5. STAFF REQUESTING A TABLING TO FEBRUARY 5, 2003

TRANSMITTAL - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL APPLICATION LA 02-9, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "COMMERCIAL" TO "RESIDENTIAL 10 DU/AC"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

9. APPOINTMENTS

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

Appointments were deferred.

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

Appointments were deferred.

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

Appointments were deferred.

Vice-Mayor Clark and Councilmember Paul deferred their appointments. Councilmember Truex appointed Corey Jennings.

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)

Appointments were deferred.

10. OLD BUSINESS

10.1. **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN, PAYMENT OF TOWN COSTS, ATTORNEY FEES AND COURT COSTS IN CASE NO. 96-181 FROM \$100,127.35 IN AMOUNT TO \$47,286.54; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Muniz read the resolution by title.

Councilmember Paul and Councilmember Truex felt that Council should stay with the original amount mitigated by staff.

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Joseph Orandello, 14660 SW 17 Court, explained that the reasons for the extension was because of the holidays and because he did not think that he would be able to close in time, and so that the amount could be further reduced "so that he could have some funds". Councilmember Truex was not sure that the additional time would make a difference. Mr. Orandello reiterated that he was concerned that he would not be able to close on his loan in time.

Mr. Willi indicated that this case had dragged on for so long and he felt it was important to give Mr. Orandello 180 days to resolve this issue and commit to the \$47,000. Councilmember Starkey felt that if Mr. Orandello did not meet the deadline he would have to pay the original \$120,000.

Councilmember Truex made a motion, seconded by Councilmember Paul, to approve, subject to changing the 45 days to 180 days with the \$47,000 fee. In a voice vote, all voted in favor. (Motion carried 5-0)

10.2. Piggyback Bid Process Checklist

Mr. Cohen asked for Council comments regarding the revision of this form. Councilmember Truex felt this was a huge step in the right direction and he commended staff for their efforts. Mayor Venis also approved of the revisions and thanked Mr. Cohen.

11. NEW BUSINESS

11.1 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ASSISTING SUNDANCE AT DAVIE, INC. WITH THE RELEASE OF THE LETTER OF CREDIT AT BROWARD COUNTY ENGINEERING.

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

12. ADJOURNMENT

There being no further business to discuss and no objections, the meeting adjourned at 9:32 p.m.

Approved _____

Mayor/Councilmember

Town Clerk