

**TOWN OF DAVIE  
REGULAR MEETING  
JANUARY 2, 2003**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:00 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 Assistant Town Clerk McDaniel recording the meeting.

**3. OPEN PUBLIC MEETING**

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

Edith Lederberg, Executive Director of the Area Agency on Aging of Broward County, made a plea for additional funding. She indicated that her organization had asked the Town for a fare share match of \$30,000 but only received \$10,000; however, the Town's residents had received services in excess of \$700,000. Ms. Lederberg spoke about the various programs her organization provided including day care centers throughout the Town and food for the elderly.

Wayne Arnold, Chair of the Davie Merchants and Industrial Association, reported that the Association would be hosting its annual installation dinner on January 21st at Arrowhead Country Club. He stated that awards would be given out at this event and encouraged Council to attend.

Robert Harris spoke of the important service Central West Day Care provided for senior citizens. He indicated that this organization allowed for him and his wife to work rather than having to take care of a disabled elderly relative. Mr. Harris urged Council to contribute more funds to Area Agency on Aging.

Panos Seker, a client of Central West Day Care, indicated that the services provided were beneficial to his well-being. He was grateful for the opportunity to get out of his house and co-exist with his peers. Mr. Seker urged Council to contribute additional funding to the Area Agency on Aging.

Jennifer Robinson, Mr. Seker's daughter, spoke of how Central West Day Care had allowed her the opportunity to provide her father with a better lifestyle and to fittingly raise her family. She also urged Council to support the Area Agency on Aging.

Joe DeMartino, 2725 Arborwood Road, stated that his mother attended Central West Day Care which afforded him the opportunity to work while his mother was being cared for. He urged Council to contribute additional funding to the Area Agency on Aging.

Arthur Joseph, 13700 SW 18 Court, indicated he was sorry that Vice-Mayor Clark was not going to run for office in the upcoming election. He commended her for a job well done.

Mr. Joseph felt that the rodeo was not "politically correct" and hoped that "someone would have the backbone to get rid of it and not support it with taxpayer dollars." He requested that a street be named for Al Tyler, a long term resident who worked very hard for the Town. Mr. Joseph felt that the Budget Advisory Committee was "too silent" and wondered what they did. He spoke of various issues that should be reported on by the Budget Advisory Committee to the residents of the Town.

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Mr. Joseph, an air traffic controller, stated that 2002 had been the safest year in history for air traffic controllers.

Kaye Switecord, Program Administrator for Adult Day Services for Catholic Charities, indicated that the four daycare centers her organization runs were funded by the Area Agency on Aging. She spoke of Ms. Lederberg's efforts for senior citizens. Ms. Switecord explained the functions of adult day care centers and spoke of the benefits gained by senior citizens. She urged Council to support the Area Agency on Aging in their fundraising efforts.

Norma Tooslin, whose mother was a client of Central West Day Care, asked Council why they cut funding for the Area Agency on Aging. She felt Council should restore or increase the funding to this organization.

Susan Landis, Coordinator of Central West Day Care, stated that this program was the best thing to happen to senior citizens, as it was both cost-effective and humane. She urged Council to reconsider their decision and provide full funding to the Area Agency on Aging.

Guy Pellet, 2460 SW 85 Terrace, whose mother was a client at Central West Day Care Center, stated that this program made a huge difference in the lifestyle of his mother. He wanted to know why the funding was cut, as he felt it was drastic. Mr. Pellet stated that based on the recent census report, the funding should have been substantially increased.

Dr. Nadia Pellet, 2460 SW 85 Terrace, indicated that daycare was "key" in therapy for the elderly. She spoke of medical issues and stated that this service helped keep entire families happy. Dr. Pellet urged Council to reconsider their funding decision.

Marvin Simon, past president of the Area Agency on Aging Advisory Board, spoke of how the Town had always done a great job in funding this organization. He felt there was a misunderstanding or miscommunication when funding was determined. Mr. Simon hoped that Council would reconcile their funding error and appropriately fund the Area Agency on Aging.

Vicki Nash, 10491 North Lake Vista Circle, wanted to hear Senator Wasserman-Schultz speak on pool fencing issues and what needed to be done to comply.

Rachel Goldberg, 3011 West Lake Vista Circle, was anxious to settle the fence issue as well.

Jim Napier, 4121 SW 84 Terrace, had concerns regarding the road construction on Pine Island Road and Griffin Road. He felt that Florida Department of Transportation was "rude," as it had negatively affected shop owners, including those who have had to close. Mr. Napier stated that the Town should step up and address these issues. He also had concerns with the City of Sunrise over billing residents and recommended that the Town build their own water treatment plant.

Mayor Venis asked Mr. Willi to report on the funding issue with the Area Agency on Aging. Mr. Willi recommended Council take residents' comments under advisement. He indicated that staff would look into this issue and report to Council at a subsequent meeting.

Mr. Cohen indicated that the Area Agency on Aging was required to find 10% in matching funds. He questioned what the actual 10% was and if the Town was subsidizing other communities who did not pay the entire amount. Mr. Cohen explained that the funding decision was based on the total dollars for donations and indicated that over \$300,000 was requested by many worthy organizations, however, only \$212,000 was available. He was not sure that the census report was the fairest way to make a determination for the increase as many

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of the new homeowners in the Town probably were not in need of services provided by this organization because they were more affluent than in years past.

Councilmember Starkey stated that when the budget was set a form was required to be completed by the various requesting agencies that showed the impact they had on the community. She advised that the Area Agency on Aging had not completed this form. Councilmember Starkey indicated that the original plan was for Council to fund \$10,000 and to look at the data again after the Agency had provided the necessary information. She also indicated that Council had the intention of increasing the funding. Councilmember Starkey felt that this was a worthy cause and wanted to know if Council could move forward with this immediately. Mr. Cohen stated that Council could move forward and staff could provide information. Councilmember Starkey asked if there was anything that was unresolved that Mr. Cohen thought would be a deterrent. Mr. Cohen indicated that he would meet with Ms. Lederberg to fill out the necessary forms. Mayor Venis requested that this be resolved by the next Council meeting.

Councilmember Paul reiterated what Councilmember Starkey had said and felt good arguments were given to support this funding. She felt there was a miscommunication and concurred that the issue should be brought to Council for resolution.

**4. PRESENTATIONS**

**4.1. Senator Debbie Wasserman-Schultz**

Senator Wasserman-Schultz stated that the Town's Code Compliance Division was misinterpreting Chapter 515 of the Florida State Statute and explained the Statute as it related to the concerns of residents with extending their fencing. She added that the number one reason for pool fencing was to prevent children from drowning. Senator Wasserman-Schultz explained the allowances for fencing and the four options homeowners had, one of which was that pools needed to be surrounded on four sides by fencing and lakes could be considered as one of those sides.

Councilmember Starkey explained that the Town had passed an ordinance that allowed homeowners to fence through the easement to water's edge. Senator Wasserman-Schultz indicated that Chapter 515 did not allow the lake to be used as a natural barrier in Long Lake Estates. She reiterated that there was no circumstance in which Chapter 515 would be relevant to the fencing in question. Councilmember Starkey explained that residents in Long Lake Estates wanted to build a fence around their property, including the pool area that reached down to water's edge. Senator Wasserman-Schultz indicated that this could not be done.

Vice-Mayor Clark asked if there was a minimum space where the fence could be built from the water's edge. Senator Wasserman-Schultz indicated that the pool would literally have to be built at the water's edge so that no one could get around the back of it. She recommended asking building officials for further clarification. Senator Wasserman-Schultz again explained the safety options that residents could choose from that would allow them to keep their views unobstructed.

Mayor Venis asked if anyone wished to speak on this issue.

Stuart Crane, Vice President of the Board of Directors of Long Lake Estates, stated that owners had run fences to property lines and advised that the fences had gates that were

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accessible to anyone. He described child safety fences that were almost invisible to the eye and felt that the Town should require residents to have either a cover or a child safety fence for their pools.

Lauren Bolten, resident of Long Lake Estates, asked for clarification regarding the law for pool security and asked if the law stated that homes that received COs prior to October 2000 were grandfathered in did not need to have the security systems previously mentioned by Senator Wasserman-Schultz. Senator Wasserman-Schultz replied affirmatively.

Rachel Goldberg wanted to know if her pool was built before October 2000 and she wanted to move her fence, would she have to comply with the "new" law. Senator Wasserman-Schultz stated that she was grandfathered in as the law only applied to new pools or pools that were substantially altered. Mr. Willi clarified that the homeowner had to comply with the law when the pool was built.

**4.2. Budget Advisory Committee - Status of Town Investments**

As no one was present, Mayor Venis deferred this item until the January 15th meeting.

Mayor Venis advised that item 8.3 was requested to be tabled until January 15, 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 advised that items 8.13, 9.2, 9.4 and 9.7 were 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)

Councilmember Paul indicated that item 11.1 was her issue and it was not ready to be addressed. She asked that it be withdrawn.

Mayor Venis advised that item 9.5 was requested to be tabled until January 15, 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 advised that item 9.6 was requested to be tabled until March 15, 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 advised that item 11.1 was requested withdrawn.

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

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

**VICE-MAYOR CLARK**

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**HOLSUM BAKERY.** Vice-Mayor Clark asked for an immediate update on this issue as it was negatively affecting the Town.

**SILVER LAKE PARK.** Vice-Mayor Clark requested an update on Silver Lake Park. Mr. Willi indicated that staff was in the process of preparing an update which included all the park sites throughout the Town.

**TRAFFIC ISSUES WORKSHOP.** Vice-Mayor Clark wanted to know when this workshop would be rescheduled. She felt it should be scheduled by itself because it might be a time-consuming issue.

**COUNCILMEMBER TRUEX**

**FRATERNAL ORDER OF POLICE.** Councilmember Truex thanked this organization for the holiday party for disadvantaged youth and for providing support to families in need during the holiday season.

**GRIFFIN ROAD CONSTRUCTION.** Councilmember Truex wanted to know if staff was going to provide an update regarding issues with businesses on the south side of Griffin Road. Mr. Willi indicated that Mr. Peters had communicated regularly with the project manager. He stated that the Town was receiving reports on a daily basis from residents who were reporting other property owners that were affected by the construction.

**TOWN ELECTIONS.** Councilmember Truex was concerned about upcoming elections, especially with the recent troubles with the Broward County Supervisor of Elections. He wanted to know if the Town had a contingency plan in place that would insure that elections were properly organized and implemented. Mr. Willi indicated that with the change of technology used by the Supervisor of Elections, there would be no way for the Town to run an election. He stated that the Town would support the Supervisor by providing employees if necessary.

**ITEMS 9.2 AND 9.4.** Councilmember Truex clarified that these items were tabled, but wanted more information regarding the Religious Land Use and Institutionalized Persons Act of 2000. He asked for Mr. Kiar's opinion on issues raised by the petitioner's attorney as it related to these items. Mr. Willi indicated that Mr. Kiar was already working on this.

Councilmember Paul spoke of the increase in election costs and wanted to know if this was expected or if the Town was being asked to subsidize the Supervisor of Elections' budget. Mayor Venis also questioned this increase and felt there might be recurring shortfalls that needed to be funded. He felt the Town should request a detailed explanation of why the Town's cost for elections was drastically increased.

Mr. Willi reported that the Supervisor of Elections was meeting with the municipal clerks throughout the County on January 6th regarding this issue.

Councilmember Starkey reported that the League of Cities was also meeting regarding this issue and everyone was welcome to attend. She indicated that the pool of volunteers had drastically decreased for various reasons.

Councilmember Truex felt it was imperative that the Town run a good election. He reiterated that he was not happy with the situation. Mayor Venis agreed and asked that a meeting be scheduled with County Mayor Wasserman-Rubin and himself to further discuss these concerns.

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**COUNCILMEMBER STARKEY**

**WETLAND APPRAISAL.** Councilmember Starkey wanted to know what the status and what the timeline were. Mr. Willi stated that Programs Administrator Chris Kovanes was working on this and it would be completed within approximately 30 days. Councilmember Starkey wanted to arrange a meeting with the current property owner and Mr. Laystrom to discuss the pursuance of purchasing this property. She asked if a contingency contract could be created that was based on state and local funding.

**COUNCILMEMBER PAUL**

**KIWANIS CLUB.** Councilmember Paul thanked the Kiwanis for the holiday party they arranged for children in the community.

**ALL-TERRAIN VEHICLES.** Councilmember Paul stated that she had received complaints regarding the use of these vehicles and many children had been warned that they could not use these vehicles on streets and recreational trails. She clarified that once a warning was given, the vehicle could be confiscated for non-compliance.

Police Chief John George stated that no warning was necessary and it was at the officer's discretion if the vehicle would be confiscated. He stressed that it was parents' responsibility and if the vehicle was seized, the parents would be responsible for paying any costs that incurred including towing.

**CONGRATULATIONS.** Councilmember Paul congratulated Officer Scott Yoder on his recent engagement.

**HOME DEPOT GRAND OPENING.** Councilmember Paul advised that she had attended the event along with Mayor Venis.

**OAKS SCHOLAR CHARTER SCHOOL.** Councilmember Paul advised that she had listened to the School Board's discussion regarding this and she was concerned because the School Board had approved this School without having any financial information or specific details regarding its program.

**AGRICULTURAL CLASSIFICATION.** Councilmember Paul reminded everyone who had this classification to send the cards back to the Broward County Farm Bureau. She stated that questions and concerns could also be directed to that department.

**FLORIDA RETIREMENT SYSTEM.** Councilmember Paul reported that she had asked staff to look into placing Councilmembers on this system and asked Mr. Willi when Council could expect this on the agenda for discussion. Mr. Willi stated that he would like to have individual discussions with Councilmembers prior to bringing it before Council. He stated that he would bring it before Council in 30 days.

**MAYOR VENIS**

**HOME DEPOT GRAND OPENING.** Mayor Venis advised that he had attended the event.

**SILVER LAKES WORKSHOP.** Mayor Venis reminded that this workshop needed to be scheduled.

**STATE REPRESENTATIVE TIM RYAN.** Mayor Venis indicated that he had met with Representative Ryan regarding grants the Town was pursuing. He stated that other monies

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were available, but the deadline was January 6th and if Council had any suggestions, they should call Representative Ryan.

**MEETING WITH BROWARD COUNTY COMMISSIONER PARRISH.** Mayor Venis stated that he and Councilmember Starkey had attended the meeting and there was discussion regarding the allocation of \$410,000 to purchase Math Iglar Groves.

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

**ENVIRONMENTAL IMPACT STATEMENT.** Mr. Willi advised that he had received the engagement letter for White & Case for the supplemental Impact Statement. He stated that included with the letter was a "Waiver of Conflict of Interest," and he wanted it reviewed by the Town Attorney's Office.

**ANNEXATION.** Mr. Willi reported that the County Commission had created five partnership committees that would address annexation issues. He asked who from Council would be attending these meetings. Mayor Venis agreed to attend the meetings.

Councilmember Paul requested that backup information be provided to Council regarding this issue.

Councilmember Starkey questioned if it was necessary to employ a lobbyist for annexation if this issue was not going to be addressed in Tallahassee. Mayor Venis felt that although the annexation might be put on a moratorium, the Town should continue to pursue it because it could go either way.

**SPUR ROAD.** Mr. Willi reported that he received information from special counsel Mike Burke, who was handling the spur road issue. He advised that the information indicated that the 4th District Court of Appeals had accepted the bid. Mr. Willi stated that he would meet with Mr. Burke to see what the implications were and what alternatives the Town had.

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

**COMMENDATIONS.** Mr. Kiar commended Town paramedics Todd Halfacre and David Dunn for their efforts and expediency and Officer Mark Williams for his help. He stated that the 911 dispatcher was very calming and he truly appreciated the service provided.

**8. CONSENT AGENDA**

*Home Occupational License*

8.1. Hersey Productions, Inc., 13901 SW 31 Street

*Proclamation*

8.2. A Day of Recognition of the South Florida Senior Games (January 22, 2003)

*Resolutions*

8.3. **STAFF, COUNSEL AND APPLICANT REQUESTING A TABLING TO  
JANUARY 15, 2003**

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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. (tabled from December 18, 2002)

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- 8.4. **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROVAL AND EXECUTION OF CHANGE ORDER NO. 1 FOR S.W. 23RD STREET ROADWAY IMPROVEMENTS. (\$18,975)  
R-2003-1
- 8.5. **MARKETING SERVICES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF PMG ASSOCIATES TO PROVIDE MARKETING SERVICES FOR DAVIE ROAD AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.  
R-2003-2
- 8.6. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR RESURFACING HOCKEY RINKS AT BAMFORD SPORTS COMPLEX. (Florida Courtworks, Inc. - \$28,350)  
R-2003-4
- 8.7. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR SUPPLY AN INSTALLATION OF SHADE STRUCTURES AT BAMFORD SPORTS COMPLEX. (Superior Park Systems, Inc. - \$61,795)  
R-2003-5
- 8.8. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID AWARDED BY THE CITY OF APOPKA FOR SELF CONTAINED BREATHING APPARATUS BID NO. 2000-10. (Fisher Scientific Company, LLC. - \$15,825)  
R-2003-6
- 8.9. **MEMORANDUM OF UNDERSTANDING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE MEMORANDUM OF UNDERSTANDING MADE AND ENTERED ON DECEMBER 18, 2002 THROUGH SEPTEMBER 30, 2004, BY AND BETWEEN SOUTH FLORIDA MONEY LAUNDERING STRIKE FORCE AND THE TOWN OF DAVIE.  
R-2003-7
- 8.10. **LAW ENFORCEMENT TRUST FUNDS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUND TO PAY FOR FEES AND COSTS ASSOCIATED WITH THE DAVIE POLICE DEPARTMENT'S ENDEAVOR TO BECOME ACCREDITED AND AUTHORIZING THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH THE COMMISSION FOR FLORIDA LAW ENFORCEMENT ACCREDITATION.  
R-2003-8
- 8.11. **BOUNDARY PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A BOUNDARY PLAT KNOWN AS DIAMOND CREEK AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 7-1-02, 15700 SW 28 Avenue)  
R-2003-9

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- 8.12. **BOUNDARY PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2003-10 APPROVING A BOUNDARY PLAT KNOWN AS NEW LIFE BAPTIST CHURCH  
AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE  
SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE  
TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 7-4-  
02, 2400 Pine Island Road)
- 8.13. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE  
"UNIVERSITY PARC PLAT", AND PROVIDING AN EFFECTIVE DATE. (DG  
12-2-02, 7085 Nova Drive)
- 8.14. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2003-11 AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "DAVIE  
COMMUNITY FACILITIES IV PLAT", AND PROVIDING AN EFFECTIVE  
DATE. (DG 12-3-02 Boys and Girls Club at Driftwood Estates, 7525 NW 33 Street)
- 8.15. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2003-12 EXTENDING THE CONTRACT WITH RACHLIN COHEN & HOLTZ LLP,  
CERTIFIED PUBLIC ACCOUNTANTS & CONSULTANTS, AS TOWN  
AUDITORS FOR ONE YEAR; AND PROVIDING AN EFFECTIVE DATE.  
(\$86,000)

*Site Plan*

- 8.16. SP 5-7-02, Davie Charter School, 4400 South Pine Island Road (B-3) *Site Plan Committee recommended approval subject to staff's recommendations and the following: 1) make the east and west architecture match or be similar to the north and south sides; 2) provide a new rendering for the Town Council's review to reflect the actual green areas and the existing houses; 3) revise the landscape plan and bring it back to this Committee and address the special notes in staff's comments regarding the perimeter buffer, also focus on the north parking property line and focus on the east property line which concerned the residents; 4) change the chain-link fence to a metal picket fence; and 5) add "bollards" at the main entrance*

*Temporary Use Permit*

- 8.17. TU 10-1-02, Florida Street Rods, Inc., 1904 South University Drive

Councilmember Paul requested that items 8.10, 8.11, 8.15, and 8.16 be removed from the Consent Agenda.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda minus items 8.10, 8.11, 8.15, and 8.16. In a voice vote, all voted in favor. (Motion carried 5-0)

8.10 Councilmember Paul commended the Police Department for moving forward their accreditation.

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

8.11 Councilmember Paul asked if this boundary plat included an equestrian trail.

Bill Laystrom, representing the petitioner, indicated that the large piece of land adjacent to this one would have the equestrian trail.

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

8.15 Councilmember Paul asked if this issue was time sensitive and indicated that she understood that the auditor had to be changed periodically. Mr. Cohen indicated that change was not necessary, but the audit needed to be completed. He stated that the RFP needed to be completed by April 2003.

Councilmember Paul wanted to know why staff had waited so long to bring this to Council. Mr. Cohen explained that the 2001 CAFR needed to be completed in order to provide for the next one. He further explained that the issue last year was getting the pension board's audit completed. Mr. Cohen indicated that if the Town used the current firm, the audit could be completed by April; however, if an RFP was done, it would not be completed until September.

Councilmember Paul wanted to know how the budget process would be impacted. Mr. Cohen explained that the process was not affected in the past and it would not affect it this time around.

Mr. Willi stated that by this time next year, this would be on target. Councilmember Paul wanted assurance that this would not occur again.

Mr. Willi questioned if this could be done concurrently. Mr. Cohen indicated that the RFP could be prepared, but again the prior year would need to be completed for the upcoming year. He clarified that this was why staff wanted to move forward at this time.

Mayor Venis indicated that he wanted to go out for bid for a new auditor because the current contract was six years old and accounting procedures had become more complicated. He asked what the refinancing timeline was for the utility bond. Mr. Cohen indicated that the first meeting was on January 8th. He clarified that a firm had already been selected for the refinancing. Mr. Willi stated that he would provide Council with a calendar for this issue.

Councilmember Starkey understood that this was a three-year contract and wanted clarification that it was renewed for two years. She questioned when the two-year renewal was effective. Mr. Cohen explained that the contract was renewed for three years at the end of the 2001 audit. He clarified that staff was requesting an additional one-year renewal so that this process could be put back on schedule. Mr. Cohen stated that it was conceivable that Rachlin Cohen could win the bid.

Councilmember Starkey supported staff on moving forward, but she also had concerns with timing. She was also concerned with the delay in receiving information from the pension boards. Councilmember Starkey felt that staff should prepare the audit RFP. Mr. Cohen stated that staff would be prepared by April or May.

Councilmember Truex stated that he would vote against this issue as he felt the time issues were self-created. He felt that a new ordinance on the bid process might be sought by Council and it would alleviate many of the bid issues. Councilmember Truex felt that without a

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new ordinance, this would continue to happen and reiterated that this issue was more than past due for rebidding.

Mr. Cohen reiterated that this situation was unique because the audit for 2001 had to be completed prior to the 2002 bid process being initiated. He indicated that bids would be astronomical if the prior year's information was not in tact.

Mayor Venis asked if the financial institution that was going to refinance wanted both the 2001 and 2002 audits. Mr. Cohen stated that they would want the 2002.

Councilmember Paul wanted to be assured that the process would move forward and staff would not wait until the last minute. Councilmember Starkey wanted the process completed by September with an audit firm on board. Mr. Cohen stated that as soon as the 2002 audit was completed, staff would go out for an RFP.

Mayor Venis suggested that if Rachlin and Cohen did not finish their work by March, they should be penalized if the delay was not the fault of the Town. Mr. Cohen felt March was too early. He indicated that he would discuss this with the firm as there were many particulars to address. Mayor Venis felt that a deadline of April 30, 2003 should be set and the firm should be penalized \$1,000 per day thereafter.

Councilmember Starkey made a motion to approve with the provision to allow for the audit to be completed no later than April 30, 2003.

Mayor Venis clarified that the penalty would only apply if the fault was with Rachlin and Cohen and not with the Town. He wanted the firm to be notified in writing regarding this performance penalty.

Interim Budget and Finance Director Carol Menke clarified that there were different parts to an engagement letter. She stated that clarification needed to be made as to whether the expectation was that the audit was completed or that the report was issued. Mayor Venis felt that Rachlin and Cohen was very familiar with the Town's auditing issues as they had been doing it for many years. After some discussion, it was agreed that Rachlin and Cohen would be fined \$500 per day.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve with the field study being done by April 30, 2003 and every day thereafter would be fined \$500, and leaving open the option of report. In a voice vote, with Councilmember Truex dissenting, all voted in favor. (Motion carried 4-1)

8.16 Councilmember Paul spoke of the Site Plan Committee's recommendations on the north and east parking lines where residents had concerns. She asked that a meeting be scheduled with residents regarding the recommendations. Councilmember Paul stated that there were concerns with the Pine Island Road and Orange Drive intersection and felt that the barrier should be removed and the light be reinstalled on Pine Island Road so that access to the "school" would be safer. She suggested that a series of letters be written to the Florida Department of Transportation regarding this issue with points of view from the Engineering Division and Public Safety.

Councilmember Paul made a motion to approve based on the understanding that the school was going to work with the residents and develop a perimeter that was going to be pleasing and something that they could agree to, and also that staff make another attempt to contact the Florida Department of Transportation and try to resolve it.

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Councilmember Paul also had concerns with U-turns in the area.

Councilmember Starkey stated that Site Plan Committee member Mike Crowley was opposed to this site plan because of the dry retention area. She stated that the dry retention area was also a playground area, but it had a four to one slope. Town Engineer Larry Peters indicated that staff would resolve this to satisfy Mr. Crowley and the Central Broward Water District.

Rolando Llanes, representing the petitioner, explained that his engineers were confident and would work with Mr. Crowley and staff to assure that all concerns were resolved and all requirements were satisfied.

Councilmember Paul added to her motion that approval was based on consideration from the Drainage District.

Councilmember Starkey had concerns regarding adequate buffering for the adjacent communities. Mr. Llanes indicated that there was going to be more lush hedges and that a more substantive wall would be erected.

Councilmember Starkey seconded the motion. In a voice vote, all voted in favor. (Motion carried 5-0)

**9. PUBLIC HEARING**

Mayor Venis stated that the second and final reading for these ordinances would be held at the January 15, 2003 Council meeting.

*Ordinances - First Reading (Second and Final Reading to be held January 15, 2003)*

9.1. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-2-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Shot Gun East/GL Homes, 4201 SW 154 Avenue) *Planning and Zoning Board recommended approval*

Assistant Town Clerk McDaniel 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 what assurances the Town had that this site was definitely going to be built out as a school. Mr. Peters explained that it was not absolutely confirmed with the School Board and there were no assurances. He stated that Council could put in a voluntary deed restriction that would only allow for a public school, or a sunset could be placed on the zoning where after a certain time if a school was not built, the original zoning would be put back into place. Councilmember Truex preferred the deed restriction option to the sunset option.

Councilmember Paul wanted to table this item until the first meeting in March and seek a letter of commitment from the School Board.

Councilmember Starkey felt that asking for a commitment from the School Board might be sending the wrong message, as the Town had been seeking the construction of a new middle

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school for some time. She felt because of the political climate with the School Board, it was extremely important to move forward with this rezoning at this time. Councilmember Starkey referred to a letter she had received in May 2001 which indicated that the School Board had approved this location for a middle school site and clarified that this school would relieve overcrowding at Indian Ridge and Flacon Cove Middle Schools. She added that the site was tested for environmental concerns and was found to be clean and she had documentation to confirm this.

Councilmember Paul asked for a copy of the letter and the environmental study documentation and felt this would allow her to feel comfortable moving forward with this rezoning. She also felt that a deed restriction was appropriate for public school use only.

Kevin Ratterree, representing the petitioner, provided history on this issue. He stated that there was no interest by GL Homes in the property in question under the community facility zoning if the School Board was not interested in building a school there. Mr. Ratterree recommended that the deed restriction be used under the community facility rezoning for a public school only and if the School Board was not interested in building a school on this site, then the property should be rezoned back to A-1.

Mr. Ratterree spoke to the issue of the environmental studies and confirmed that the site was safe. He indicated that the property was tested and he was in possession of documentation that clearly indicated the site in question was environmentally clean and safe.

Mike Bender, Vice-Chair of the Planning and Zoning Board, explained that the Board had voted in favor of this rezoning because of the severe need of a middle school. He was in favor of the deed restriction as recommended by Mr. Ratterree.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve based on the recommendation that the Town deed restrict the property for public school use only and if at some point the School Board should decide to dispose of it, it would revert back to the original zoning. 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)

- 9.2. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 2-1-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Hanmi Baptist Church, 2150 Flamingo Road) *Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting.

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*Resolution*

R-2003-3 9.3. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CALLING FOR A REFERENDUM REGARDING THE ISSUANCE OF GENERAL OBLIGATION BONDS BY THE TOWN OF DAVIE IN AN AMOUNT NOT TO EXCEED SIXTEEN MILLION FIVE HUNDRED THOUSAND DOLLARS FOR THE PURPOSE OF CONSTRUCTING AND FURNISHING FIRE AND RESCUE FACILITIES, AND THE PROCUREMENT OF APPARATUS, EQUIPMENT AND TECHNOLOGY, INCLUDING THE IMPROVEMENT OF EMERGENCY MANAGEMENT AND TERRORISM PREPAREDNESS; PROVIDING FOR PUBLICATION OF NOTICE OF SAID REFERENDUM; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Assistant Town Clerk McDaniel read the ordinance by title.

Mayor Venis asked for additional information.

Fire Chief Don DiPetrillo distributed a two-page summary of existing capital projects that were approved by Council last year and of proposed projects for this year. He explained the breakdown and stated that the Fire Department was "running out of resources on a daily basis."

Mayor Venis asked if the new fire station on the east side was being worked on in conjunction with the Community Redevelopment Agency. Chief DiPetrillo replied affirmatively and explained that the dollar value was set aside, but there was no certainty of the exact cost. He described the projected needs of the Town, including the replacement of Station 68.

Councilmember Paul felt it was important that precise information be provided to residents, especially the costs that would be incurred. She asked if there were any ballpark figures. Mr. Cohen explained that the expansion would be done over a period of years; therefore, the residents would not be burdened with the full amount at one time. He stated that a full package of information would be provided which would show exactly how the monies were going to be spent and what the worst case scenario might be.

Councilmember Paul felt she would be more comfortable if she had this information for tonight's meeting and made it very clear that she was not prepared to "trade commercial on Shotgun Road for a fire station." She reminded that Shotgun Road was a scenic corridor. Mayor Venis agreed with Councilmember Paul.

Councilmember Truex advised that he had met with Mr. Willi and Mr. Cohen and felt that the estimate was accurate and necessary in order to take care of the public's safety. He felt that some of the items were not entirely necessary, but the plan was solid overall. Councilmember Truex stated that public safety was the number one priority of the Town. He felt that residents, businesses, and firefighters deserved such support and the bond was "rock solid." Councilmember Truex indicated that he was in favor of this proposal.

Vice-Mayor Clark agreed with Councilmember Paul that it was important that complete information be provided to the community so that they would be fully aware. Mr. Cohen clarified that all information and proposed bond expenditures would be provided to the community at one time, but the funding for the actual projects would be spread out over a five-year period.

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Mayor Venis asked what the time frame for drawing the money would be if the referendum were approved. Mr. Cohen indicated that the only restriction was the maximum amount of dollars that could be pulled. There was no expiration date included and staff was not including anything to that effect. Mr. Cohen explained that this project would be done over two or three bond issues.

Councilmember Paul clarified that the residents were being asked for a maximum of \$16.5 million, but a smaller amount would be requested each time rather than asking for one lump sum. This would also eliminate the need to ask the public repeatedly for the same thing.

After further discussion, it was agreed that this proposal was well prepared and worthwhile. Council adamantly felt that the public needed to be well informed with very specific details so that they would see the need, as well.

Mayor Venis opened the public hearing portion of the meeting.

Mike Bender, 14800 SW 31 Court, offered to set up a community meeting at Rick Case Honda.

Jim Napier, 4121 SW 84 Terrace, wanted to know what the Town was going to do to provide emergency services that dealt with chemical hazards in the event of a plane crash, which might be the cause of the airport expansion. Chief DiPetrillo explained that the new vehicles had more technology, but it would be necessary for neighboring communities and the Airport Fire Department to join in any major emergency efforts and vice versa. Mr. Napier asked what the response time would be for the specialized airport equipment. Chief DiPetrillo stated that the response time would be reasonable.

Mayor Venis closed the public hearing.

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

*Quasi Judicial Items*

9.4. **VARIANCE** - V 2-1-02, Voight/Hanmi Baptist Church, 2150 Flamingo Road (to reduce the minimum separation between freestanding houses of worship from 2,500 feet to 2,300 feet) *Planning and Zoning Board recommended denial*

This item was tabled earlier in the meeting.

9.5. **VARIANCE** - V 10-1-02, Hernandez, 1301 Bristol Avenue (to reduce the required minimum side yard on the south side from 25 feet to 15.5 feet in order to allow the construction of an addition to the dwelling) *Planning and Zoning Board recommended approval*

This item was tabled earlier in the meeting.

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*Items to be tabled*

**9.6. STAFF REQUESTING A TABLED TO JANUARY 15, 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 December 18, 2002)

This item was tabled earlier in the meeting.

**9.7. APPLICANT REQUESTING A TABLING TO FEBRUARY 5, 2003**

V 10-6-02, AutoNation, Inc./MS&S Toyota, Inc., 4050 West Road

This item was tabled earlier in the meeting.

Mayor Venis closed the public hearing portion of the meeting.

**10. APPOINTMENTS**

10.1. 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)

Councilmember Starkey deferred her appointment.

Mayor Venis advised that Marvin Simon had resigned from the Senior Citizens Advisory Committee and appointed Dominic Cardella.

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

The appointments were deferred.

10.3. Parks and Recreation Advisory Board Agency (one exclusive appointment - Vice-Mayor Clark and Councilmember 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)

The appointments were deferred.

10.4. School Advisory Board (one exclusive appointment - Vice-Mayor Clark and Councilmember Paul; terms expire April 2004) (insofar as possible, members shall have experience in educational matters, related occupations or other similar skills)

The appointments were deferred.

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- 10.5. Airport Advisory Board (two exclusive appointments - Vice-Mayor Clark; one exclusive appointment - Councilmembers Paul and Starkey; terms expire December 2003)

Vice-Mayor Clark appointed Wayne Arnold. Councilmember Paul appointed Debbie Chandler. Councilmember Starkey appointed Gina Parker.

**11. OLD BUSINESS**

- 11.1. Motorized Watercraft

This item was withdrawn earlier in the meeting.

**12. NEW BUSINESS**

- 12.1. Florida Association of Student Councils

Councilmember Paul spoke of sponsoring a student from Western High School's Student Council to attend the Florida Association of Student Councils Convention. She stated that if Council approved this, the sponsored student would be invited to report on the Convention to Council.

Councilmember Truex was opposed to this because he felt that many children had good causes and needed sponsorship and it was not fair to single out one child. Councilmember Paul felt that this was a wonderful opportunity as members of Student Council were future leaders of the community.

In a voice vote, with Councilmember Truex dissenting, all voted in favor.

**13. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting adjourned at 10:07 p.m.

Approved \_\_\_\_\_

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

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