

**TOWN OF DAVIE
JOINT MEETING WITH
TOWN COUNCIL, PLANNING AND ZONING BOARD,
COMMUNITY REDEVELOPMENT AGENCY,
THE DAVIE ECONOMIC DEVELOPMENT COUNCIL, AND
THE DAVIE/COOPER CITY CHAMBER OF COMMERCE'S
ECONOMIC DEVELOPMENT COMMITTEE
MAY 31, 2000**

The meeting was called to order at 5:36 p.m. Present were Councilmembers Geri Clark, Kathy Cox and Judy Paul, Town Administrator Robert Middaugh, Interim Town Attorney Monroe Kiar, and Assistant Town Clerk Barbara McDaniel recording the meeting. Mayor Venis, Vice-Mayor Weiner and Town Clerk Reinfeld were absent.

1. SELF INTRODUCTIONS

Present from the Community Redevelopment Agency (CRA) were: Neal Kalis, Joan Kovac (departed at 7:20 p.m.), Wayne Arnold, and Cindy Osborne.

Present from the Planning and Zoning Board were: George Greb, Edna Moore and Larry Davis (departed at 6:35 p.m.).

Present from the Town's Economic Development Council (EDC) were: Jack Hardy (departed at 7:27 p.m.), Jim Inklebarger (departed at 7:04 p.m.), Richard Abraham, Mark Sherman, and Robert Legg.

Present for the Davie/Cooper City Chamber of Commerce were: Dr. Patrick Helma, Judy Childers, Chuck Bonfiglio, and Arlene Broleman.

Present from staff were: Programs Manager Will Allen, Development Services Director Mark Kutney, and Economic Development Coordinator Margaret Wu.

2. DISCUSSION

2.1 WestFair/Orange Blossom Festival

Ms. Childers stated that it had been decided to bring back the Orange Blossom Festival, which would be held during the last weekend of February to tie-in with the rodeo. Mr. Middaugh asked if the Festival would be held apart from WestFair. Ms. Childers replied that she had not heard from WestFair's representative, but the five-year contract had expired. Councilmember Cox asked how many days the Orange Blossom Festival would run and if there was a tentative agenda. Ms. Childers replied that it was early in the planning stage, but the street fair would run Friday night through Sunday night, with the rodeo on Friday and the traditional parade on Saturday. She added that when more plans were made, meetings would be scheduled with the Town.

Councilmember Paul thought she had heard that WestFair wanted to extend the contract for an additional year. Mr. Middaugh stated that he had heard the same. Ms. Childers reiterated that no one had contacted her about an extension. Mr. Middaugh stated that Council would have to decide if the Town should support two separate festivals, as it would be doubly expensive.

Mr. Kalis asked if there would be a State Championship Rodeo and who would conduct it. He added that he recollected the contract indicating that the Chamber had protected dates from February through April that WestFair could not infringe upon. Ms. Childers stated that having not heard from WestFair and knowing they were not happy with the revenues generated, she had to assume that they were not having a festival,

**TOWN COUNCIL MINUTES
MAY 31, 2000**

although she had heard rumors that WestFair would be held later in the year. She stated that the Town should speak to a WestFair official since she did not have any information as to what they intended to do.

Mr. Kalis felt that the Town's role in restarting the Orange Blossom Festival was critical as the community had not been very involved in WestFair. He added that WestFair turned out to be more of a fundraiser for a specific purpose rather than a community event, albeit not on purpose.

Mr. Bonfiglio stated that this issue was discussed every month and everyone seemed to want the Orange Blossom Festival to return. He stated that the Town had contributed an enormous amount of money to WestFair for the last five years with no return on its investment. Mr. Bonfiglio hoped that Council would now decide to back the Chamber and the downtown merchants.

Dr. Helma stated that he had spoken to Troy and Tammy Weekley and they thought it could be a State Championship Rodeo.

Mr. Gill indicated that he would like to see the Town support the Chamber and the community-oriented Orange Blossom Festival.

Mr. Middaugh asked Ms. Childers to send the Town a formal request.

2.2 Code Compliance/Signage

Mr. Kalis stated that many business owners felt the Town did not consistently enforce compliance relating to signage and some felt they were being targeted for compliance. He stated that balance was needed to be able to effectively advertise a business while projecting a quality environment. Mr. Kalis expressed concern that the Town's Code Compliance Division was understaffed, which probably contributed to the selective enforcement. He stated that another concern was when American flags were utilized as advertising tools instead of patriotic statements. He thought that federal laws should be investigated relating to properly illuminating the flag after dusk and how many feet apart flags could be displayed.

Mr. Middaugh stated that the understaffing of the Code Compliance Division would be addressed in the upcoming fiscal year's budget process. Mr. Kalis stated that he did not want to see a "gestapo-fashion" enforcement and hoped that staff would go into the neighborhoods on a friendly basis and work out the problems slowly but surely.

Mr. Kalis stated that many commercial businesses did not keep their landscaped areas alive. He added that the Town was not maintaining many median areas on major roads which did not present a good role model.

Mr. Gill expressed concern that the permitting process did not help new businesses because it took six to eight weeks to obtain a sign permit, especially in the Western Theme District. He suggested issuing a temporary sign permit during that time to encourage new businesses to be in compliance.

Councilmember Paul felt that sandwich signs added to the charm of the Western Theme District and the signs should be allowed in the fringe areas. She added that the Town used these types of signs to advertise events at the parks, therefore, other businesses should be allowed to use them. Mr. Kalis stated that in the Western Theme District, the framework of sandwich signs were required to have architectural detail and could not be a

**TOWN COUNCIL MINUTES
MAY 31, 2000**

piece of plywood with hand painted letters. Councilmember Paul expressed concern that many small businesses were struggling to survive and an architectural sign could be a limitation. Councilmember Clark felt that most sandwich signs were temporary in nature and suggested having an attractive frame, but being less restrictive on the sign. Mr. Kalis stated that this was the intent.

Mr. Griffin stated that he had been a member of the Downtown Davie Agency, a precursor to the CRA, and the reason liberalization was given to signage in the Western Theme District was because it was very expensive to make the building itself western in appearance and to maintain it. He felt that the sandwich signs were probably the most effective and inexpensive means of advertising for a small business person and it was a shame to take such a tool away.

Ms. Osborne stated that she had been opposed to sandwich signs when they were first allowed, but her family had convinced her to try them. She stated that on the first day, she had many people come in who did not know she was open on Sunday or even in that location, therefore, she had changed her opinion and admitted that the signs were useful.

Mr. Middaugh asked if there was a consensus to allow the use of sandwich signs in other areas of the Town. Mr. Griffin replied affirmatively.

Ms. Kovac advised that the CRA had decided to loosen its restrictions on banners, and, as a property owner outside the Western Theme District, she would like to be able to use banners for seasonal purposes. Mr. Kalis stated that when the business was large like Grif's or Osborne's, an attractive sign achieved the purpose; however, 50 signs in front of 50 stores along University Drive would not be the same. He cited an example that when three or four stores in the center of a building on the southeast corner of Griffin Road and Davie Road used sandwich signs, it did not achieve the purpose because they were all turned in different directions and were competing for the best view so a driver could not figure out what the signs said.

Councilmember Cox advised that the Western Theme District had been allowed to have sandwich signs because they could not have boxed, back-lit signs like other businesses in the Town. She added that the sandwich signs also created a pedestrian friendly area, which would not work somewhere like University Drive or Stirling Road and would actually make the roads look trashy, unless it was located up on the sidewalk close to the store or a temporary banner/balloon.

Councilmember Paul stated that her intent was not to allow sandwich signs on major roadways, but to extend it to just outside the Western Theme District, such as on Davie Road and Orange Drive. Mr. Kalis suggested that the property owner erect one monument sign with four business names instead of four sandwich signs. He indicated that this would give the tenants the needed exposure without competing to have a more noticeable sign.

Mr. Inklebarger hoped the Town would require compliance from the property owners along University Drive surround Rolling Hills.

Mr. Middaugh asked if the Chamber could speak to the business owners about advertising, such as sandwich signs, balloons, and banners for further discussion with Council.

**TOWN COUNCIL MINUTES
MAY 31, 2000**

2.3 Aquaculture

Mr. Middaugh stated that proposals had been received from Nova Southeastern University (NSU) and from a private vendor. He indicated that the Town hoped to turn the facility into a paying venture or sell it if that was not possible.

Mr. Middaugh stated that the NSU proposal would require no cash flow from the Town, but the profits would be shared; however, the question was if the return would be quick enough.

Mr. Gill asked how much the Town currently received and what the proposed profit would be. Mr. Middaugh replied that the Town had made no profit and added that the initial proposal was that the Town would pay no operating expenses and would receive \$10,000 plus 30% of the profits.

Mr. Kalis asked how long the agreement would be for. Mr. Middaugh could not recall exactly, but thought it was 20 to 30 years. Mr. Kalis asked if the agreement could be terminated by either party if NSU did not produce a minimum cash flow above the \$10,000 within a certain timeframe. Mr. Middaugh replied affirmatively.

Mr. Davis asked how much the Town had spent on the project. Mr. Middaugh guessed it to be around \$400,000 over the three to four years of operation. He added that it was known that the first couple years would not see a profit, however, it had been expected that something would have changed by now.

Ms. Osborne suggested that the property be sold and put back on the tax rolls. Mr. Middaugh indicated that this was an option that Council would have to consider.

2.4 Commerce Park Designation

Mr. Middaugh stated that the Town was attempting to come up with a land use category to deal with a few unique parcels around Town, the largest one being Imagination Farms West. He stated that staff was unsuccessful in drafting an ordinance, so there was no language applicable under development; however, it appeared that the Imagination Farms West property would be developed as residential.

Mr. Gill stated that he, as a realtor, became nervous when bureaucrats started "messaging" with the Code because they were not in touch with the market. He suggested that staff speak with commercial brokers to be sure any proposed ordinance was realistic. Mr. Middaugh replied that the first efforts were oriented to broker and market concerns, but the residents did not like it.

Mr. Inklebarger stated that the first ordinance was tailored to Imagination Farms and felt that the EDC should be involved as it was comprised of a substantial group of community leaders and business people who understood the issues.

2.5 Super Majority Vote on Land Use Amendments

Mr. Middaugh stated that Council had passed an ordinance requiring a majority vote to approve land use changes and it was now discussing whether the new policy should be incorporated into the Charter.

Mr. Gill stated that the public's perception was that any development was bad, however, it should not be a crime to build on less than an acre. He stated that it was difficult enough to pass a land use on a three/two vote and suggested that it be tried on a trial basis before calling a referendum. Mr. Gill expressed concern that this may be dangerous as it was not difficult to get a rumor started that would cause hundreds of

**TOWN COUNCIL MINUTES
MAY 31, 2000**

residents to come to Council meetings to persuade Council to vote against the request. He stated that the current leadership must consider 20 years from now, when the economic situation was unknown, if a project may lend itself to providing jobs and an increased tax base.

Mr. Inklebarger stated that the EDC was also concerned that going forward with a referendum was like changing the Constitution and expressed concern that the EDC was not made aware of the proposed ordinance. He stated that this would place an almost insurmountable burden on a developer and agreed with Mr. Gill that the unknown future economic impact must be considered.

Ms. Moore stated that most politicians micro-managed everything they could, however, they had no experience in land use other than textbook knowledge; therefore, this would be an injustice to the property owners.

Mr. Abraham stated that he had been involved in three land uses in his 20 year career. He stated that in his current work, the property owner had started two and a half years ago and had spent \$1 million. Mr. Abraham stated that most property owners could not take the time and money to do this, therefore it would be terrible to impose this new requirement. He stated that a referendum would send a message to the development community to not come to Davie and felt that this issue should have been discussed with the EDC. Mr. Abraham added that it should also be explained to residents that denying commercial land uses would cause an increase in their ad valorem taxes.

Mr. Sherman expressed concern that if two anti-development people were voted onto Council, they could deny all land use changes.

Ms. Osborne asked why the ordinance was passed. Councilmember Paul explained that it was to search for good development, because if it was good development, it would be passed unanimously. She stated that the residents were frustrated that land use changes were being made to bring incompatible development to their neighborhoods, and the current Council was doing its best to give the residents some level of comfort that their voices were now being heard and they would not find themselves in the backyard of an incompatible use. Ms. Osborne felt that the residents were protected by the mailings which informed them of what was happening. Councilmember Paul stated that mailings were only sent to homes within 500 feet, however, there may be an impact due to traffic or other issues.

Councilmember Paul stated that she had asked staff to update an impact analysis commissioned by the EDC in 1996 so she could view what the cost was to particular types of development versus the Town's revenue; however, staff had not given her the information. Mr. Gill stated that his concern was with the Charter amendment, because if it turned out to be successful, it could not be changed. Councilmember Paul stated that another referendum could be done if the people wanted the change. Mr. Abraham stated that the Town did not do the first report and the same company should update it. Mr. Inklebarger stated that it would have been nice to have the information before rushing to approve the ordinance. He stated that the only way to have an informed populous of the economic wherewithal of development would be hours of education.

Mr. Middaugh stated that the ordinance did not designate a particular land use, but was for all land uses. He stated that this clearly demonstrated that there was a much greater return to the Town for industrial/commercial business type of uses.

**TOWN COUNCIL MINUTES
MAY 31, 2000**

Mr. Greb stated that the land use plan was suppose to be the plan of the future, not the plan of today. He stated that many residents bought property next to a vacant lot, but they had an assurance if they went to the land use plan that they could see what the future would bring. Mr. Greb stated that changing the land use plan was changing the future, so he could see the intent behind the supermajority vote. He stated that this was far beyond a rezoning, as it would affect not only 500 feet in distance, but sometimes thousands of feet and even people's lifestyles in some cases.

Mr. Bonfiglio felt that this recommendation set a bad precedent and wondered where the line would be drawn relating to what items should be a supermajority vote.

Ms. Childers stated that the Chamber supported the Town's desire and concern to insure responsible growth and development; however, she did not believe it took a supermajority vote to accomplish that goal. She agreed that this ordinance sent an anti-business/anti-development message, even if that was not the Town's intent.

Ms. Moore stated that the land use plan changed less often than Council could, so it did not make sense to make the process more difficult for property owners and victimize them by taking their property rights.

Mr. Kalis asked if there were any specific examples where the land use had been changed by a three to two vote with Councilmember Paul responding negatively. She indicated that because there was a very strong feeling that there was so much land available, Council wanted to make sure that the use was appropriate and compatible in response to the residents' concerns. She stated that the ordinance was not drafted to be anti-development, but to search for good development. Mr. Kalis felt that the land use amendment process was very intimidating, so very few developers were willing to undertake it. He explained that most of those who did decide to apply did not do so without first putting out feelers and even obtaining input from the residents because of their impact on the elected officials. Mr. Kalis stated that the residents had entrusted Council to make good decisions on their behalf and if Council did not make good decisions, they would not vote for them again. He felt that the residents envisioned examples of bad development affecting them, however, land use changes were not the only way to obtain bad results, it could also happen from poor site planning, bad rezonings, or any other number of ways. Mr. Kalis stated that an example was the Discount Auto Parts on Orange Drive which did not fit in architecturally, but was not due to a land use amendment. He expressed concern that this ordinance did not give power to the majority, but to two people. Mr. Kalis stated that the development/business community should be in a partnership with the Town and the residents, so the common goal should already be for quality development to create an attractive and affordable community. He suggested that a workshop be held with interested parties to discuss what everyone was trying to achieve. Councilmember Paul stated that part of her motion at the last Council meeting had been to hold a workshop. Mr. Middaugh stated that the workshop would be held in June.

Mr. Abraham reiterated that when items like this were being considered, the EDC should be utilized due to the many years of experience of its members.

Councilmember Clark stated that although she had some concerns about the ordinance going to the Charter level, she supported the ordinance itself, but wondered if this issue was moving too quickly. She agreed that rezonings could be more dangerous than land use changes and added that the notification process needed improvement as the 500 foot notification requirement was not adequate.

**TOWN COUNCIL MINUTES
MAY 31, 2000**

Mr. Middaugh summarized by indicating that the issue was whether the supermajority requirement should be placed in the Charter versus an ordinance.

3. PRESENTATIONS

3.1 Agrarian Committee - Delia Alonso, Co-Chair

Councilmember Paul stated that Delia Alonso was unable to attend.

3.2 Community Redevelopment Agency - Neal Kalis, Chair

Mr. Kalis stated that Redevelopment Coordinator Glenn Irwin had resigned, which was a dramatic loss as he had done an outstanding job during his employment. He stated that the Town was allowing Mr. Allen, Ms. Wu, and Housing and Development Coordinator Shirley Taylor-Prakelt to assist the CRA.

Mr. Kalis stated that the streetscape project was moving ahead and had received many compliments, even from business owners who had been fearful and concerned at the start. He indicated that Councilmember Clark had provided some excellent ideas regarding the eastside neighborhood. Mr. Kalis added that Code revisions were being developed with staff, property was being bought for housing, and loan subsidy programs were being considered.

3.3 Davie/Cooper City Chamber of Commerce - Judy Childers, President

Ms. Childers thanked everyone for their interest in the Orange Blossom Festival.

3.4 Davie Economic Development Council - Jim Inklebarger, Chair

Mr. Legg stated that Mr. Inklebarger had to leave, but had left notes stressing the importance of communication. He stated that the EDC had worked hard on the impact analysis to try to make a determination of what the Town should look like and what its tax base should be so the residents would not have to carry the burden for all the services to the community. Mr. Legg stated that when the supermajority issue was brought to the EDC's attention, many of the members were angry that they had wasted their time in all their work on that analysis and yet were not given the courtesy of advance notice of such issues. He hoped that at least one Councilmember would attend each of the EDC's meetings.

3.5 Davie Merchants and Industrial Association (DMIA) - Wayne Arnold, President

Mr. Arnold stated that the DMIA was established in 1987 and was incorporated in January 1988, with a current membership of over 100 business people. He stated that the DMIA was established because many businesses were having problems with the bureaucracy at the Town. Mr. Arnold invited anyone who was interested to attend future meetings and advised the next meeting was scheduled for June 20th with newly appointed Clerk of the Court Ed Kennedy as the guest speaker.

3.6 Planning and Zoning Board - George Greb, Chair

Mr. Greb stated that he always enjoyed attending the joint meetings as it was a pleasure to get input from people he usually did not deal with, such as business owners.

**TOWN COUNCIL MINUTES
MAY 31, 2000**

3.7 South Florida Education Center (SFEC) - Allison Smith, Executive Director, SFEC/TMA

Ms. Wildman stated that the construction on the new Broward Community College (BCC) Central Student Affairs Center was underway, with a projected completion date of 13 months. She commented that the joint Broward County-NSU Library was under construction which was expected to open in July 2001. Ms. Wildman added that a 1,500 space parking garage was also under construction and planned to open in February 2000.

Ms. Wildman stated that with regard to the Traffic Management Association, the SFEC Tri-Rail Express bus and downtown Davie lunch time circulator would continue through September 2001. She added that ridership had more than doubled in the last year.

Ms. Wildman stated that the Metropolitan Planning Organization had approved a federal grant in the amount of \$50,000, which may be increased to \$100,000 through a BCC foundation, to build a 120 foot, ADA accessible, wooden footbridge connecting the McFatter campus to the BCC/FAU/FIU campus which would cut down on a substantial amount of unnecessary traffic.

3.8 Town Council/Town Administrator - Robert Middaugh, Town Administrator

Mr. Middaugh stated that the Town was considering a proposal to have the circulator bus system provide an eastern and western loop, which would include a variety of facilities and links to all of Broward County's transit. He added that this would hopefully begin on October 1st.

Mr. Middaugh stated that staff was beginning to hold meetings to prepare the budget, which was very ambitious on both capital and operating sides ranging from drainage to staffing in various departments.

4. COMMENTS AND/OR SUGGESTIONS

There were no comments or suggestions.

5. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 7:40 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk