

**TOWN COUNCIL
REGULAR MEETING
JULY 17, 1996
7:00 P.M.**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:02 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Cox and Councilmembers Bush, Kiar and Santini. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

3. PRESENTATIONS

Service Award

3.1 C.J. Buehler, Permit Clerk - Ten Years

Mayor Venis presented Ms. Buehler with a service award.

3.2 Daniel Frost, Fire Lieutenant - Ten Years

Mayor Venis presented Lieutenant Frost with a service award.

3.3 Mark Williams, Police Officer - Ten Years

Mayor Venis presented Officer Williams with a service award.

3.4 Victor Shepherd, Police Sergeant - Fifteen Years

Mayor Venis presented Sergeant Shepherd with a service award.

From Council

3.5 Welcome Olympic Village Athletes

Mayor Venis indicated that the Athletes were unable to attend the meeting.

3.6 Andrx Corporation

Mayor Venis presented a plaque to Andrx officials for becoming the first public offering company in the Town.

To Council

3.7 Third Quarterly Status Report - Goals, Capital, Finance

Christopher Wallace, Director of Budget and Finance, indicated that since the second quarter, matters had not progressed well and steps were being taken to curtail expenses. He stated that staff expected the franchise from Jones Intercable this week which would be provided to Council. Mr. Wallace also said that BellSouth had provided a draft franchise agreement which Mr. Webber would be reviewing. He stated that competition meant better service to the residents and more revenue for the Town.

Mr. Wallace advised that the Town was receiving revenues from the Interim Service Fee. He added that he had received the tentative report on the Town's impact fees which would generate money for the Police and Fire Departments.

Mayor Venis questioned when Council would receive the tentative budget. Mr. Wallace responded that the budget should be provided by the end of July and added that a workshop was scheduled for August 19th. He stated that staff was not proposing a tax increase.

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3.8 Bette Stark, Recreation Supervisor
Sharon Pierce-Kent, Director of Community Services, introduced Ms. Stark. Ms. Stark explained her area of responsibilities.

Mayor Venis announced that later in the meeting, item 7.4 would be tabled to August 7, 1996.

3.9 Community Redevelopment Agency (CRA) Neal Kalis, Chairman, updated Council on the Agency's efforts. He discussed the proposed budget for the Streetscape Program and asked for Council's consideration at one of its August meetings. Mr. Kalis listed the steps that would need to be taken for the Program.

Mr. Kalis stated that the CRA was requesting that the Redevelopment Administrator's expense be included in the Town's budget until the TIF money's could be restored. Vice-Mayor Cox questioned if the request was for one year. Mr. Kalis replied affirmatively.

7.4 Councilmember Kiar made a motion, seconded by Councilmember Santini, to table item to August 7, 1996. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.5 Councilmember Santini made a motion, seconded by Councilmember Kiar, to table item 7.5 to August 7, 1996. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.6 Councilmember Santini made a motion, seconded by Councilmember Kiar, to table item 7.6 to August 7, 1996. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.7 Councilmember Bush made a motion, seconded by Councilmember Kiar, to table item 7.7 to August 21, 1996. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.8 Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to table item 7.8 to August 7, 1996. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Mayor Venis announced that item 8.1 had been withdrawn by staff. Michele Mellgren, Director of Development Services, explained that once the Department of Community Affairs found the Evaluation and Appraisal Report to be sufficient, land use plan amendments could be adopted.

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4. COUNCILMEMBER COMMENTS

COUNCILMEMBER BUSH

PARKS AND RECREATION BOARD. Councilmember Bush stated that he had been speaking with the residents on providing input to the Town's recreation programs. He asked Council to consider creating a new board for parks and recreation. Councilmember Bush indicated that there was a provision in the Code for the creation of this type of board but it would need to be amended. He asked staff to contact other municipalities and provide a report at the next meeting.

VICE-MAYOR COX

EASTSIDE COMMUNITY BUILDING. Vice-Mayor Cox stated that she attended the groundbreaking ceremony on the Eastside Community Building and congratulated the Community Redevelopment Agency on its efforts.

DRIFTWOOD ESTATES PARK. Vice-Mayor Cox stated that Council attended the rededication of Driftwood Estates Park the previous weekend.

LANDSCAPE CODE. Vice-Mayor Cox asked Mr. Flatley to research the removal of the tree canopy at the Publix Shopping Center on University Drive and Griffin Road. Ms. Mellgren explained that permits had been obtained prior to the Landscape Code being amended and the trees had been mitigated. She indicated that prior to the trees being removed, they were damaging the asphalt; however, more trees had been planted. Vice-Mayor Cox stated that the Code needed to be revisited if this type of removal was allowed. Ms. Mellgren reiterated that the removal was accomplished under the old Code.

COUNCILMEMBER SANTINI

JULY 4TH ACTIVITIES. Councilmember Santini stated that the July 4th activities were wonderful and approximately 3,000 residents participated during the day with over 10,000 residents enjoying the fireworks display. She stated that there was no cost to the Town for the fireworks display and thanked the companies who made donations for the fireworks display.

CHARTER CHANGES. Councilmember Santini stated that she had received telephone calls regarding the proposed Charter changes. She indicated that one concern was regarding Council's compensation and she recommended that the amount be deleted from the Charter but a provision added that limited how much an increase could be.

EXCHANGE PROGRAM. Councilmember Santini stated that Rotary International had an exchange program and one of the students returning to Holland wanted to take home a video of the Town. She discussed some of the differences that students in Holland faced compared to the United States.

EMERGENCY ASSISTANCE SERVICE EFFORT FUNDRAISER. Councilmember Santini challenged her Councilmembers on fundraisers for the Emergency Assistance Service Effort and suggested a Cornucopia of Culinary Delights. She explained that this was dinner at each Councilmember's home with a specific theme.

DISCOUNT AUTO PARTS. Councilmember Santini stated that the Discount Auto Parts developer was willing to provide the landscaping buffer prior to the building being built.

THANKS. Councilmember Santini thanked Dean Alexander and Nancy Huckabee for their participation on the Child Safety Board and Open Space Advisory Board respectively.

MR. FLATLEY. Councilmember Santini advised that Mr. Flatley's evaluation would be heard later in the meeting and indicated that Mr. Flatley was the "best thing that

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happened to the Town”.

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TEAM DAVIE BOOSTER PACK. Ms. Pierce-Kent Team stated that the Davie Booster Packs were available for \$10 with the Town receiving a \$6 profit.

COUNCILMEMBER KIAR

HAPPY ANNIVERSARY. Councilmember Kiar wished his wife, Marianne, a happy anniversary.

JULY 4TH ACTIVITIES. Councilmember Kiar concurred with Councilmember Santini on a job well done and thanked the Child Safety Board for its efforts.

DRIFTWOOD ESTATES PARK. Councilmember Kiar thanked the Child Safety Board for its efforts at the dedication of the park.

FLAMINGO ROAD LANDSCAPING. Councilmember Kiar stated that he was pleased with the trees on Flamingo Road.

MIAMI DOLPHINS FUNDRAISER. Councilmember Kiar stated that Council attended a softball game with current and past Miami Dolphin football players. He advised that the fundraiser was for the Starting Place.

TEEN CHALLENGE. Jean Messler stated that she was not the only one spearheading opposition to the facility being located in an R-1 district. She could not understand what was taking Mr. Webber so long to review the Comprehensive Plan and Town Code in her request to review Council's decision regarding Teen Challenge. Ms. Messler questioned the history of the Teen Challenge proposal and asked Council to put this matter on hold until everything was resolved. She asked that this matter be referred to Broward County for an unbiased interpretation.

Mr. Webber stated that Ms. Messler had filed an administrative appeal and Mr. Flatley had 60 days to respond. He said that Ms. Messler's issues raised legal issues which Mr. Flatley referred to him and research was being conducted. Mr. Webber advised that Ms. Messler's issues went well beyond reviewing the Comprehensive Plan and Code and added that extensive research was being conducted and the federal law was being researched. He stated that a response would be provided well before the 60 days.

Bill Laystrom, representing Teen Challenge, objected to an unpublished hearing and were prepared to respond to any issues raised by Council or the neighborhood. He asked that he be notified of any meeting where people would be heard. Councilmember Kiar clarified that Ms. Messler spoke for herself and it did not mean the he agreed or disagreed.

MAYOR VENIS

TOM THUMB. Mayor Venis asked for an update on the Tom Thumb issue and he distributed letters to Mr. Cook at the Broward County Engineering Division. Robert Rawls, Assistant Town Administrator, stated that the census of the community was to reconsider the access that was provided at Hawkes Bluff Avenue. He advised that staff had discussed the traffic concerns with the State of Florida and Broward County and both agencies supported the Town's proposal to close the Hawkes Bluff Avenue access for left turning vehicles from Griffin Road. Mr. Rawls indicated that the County had further supported the project to be included as a traffic safety project and as an element of this program, the County would participate in 67% of the construction costs. He anticipated the Town's share to be approximately \$17,000 and if this met with Council's approval, it could direct staff to move forward with the project and complete it as an element of the Town's Capital Program. No objections were noted.

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Mayor Venis called for a five minute recess and then reconvened the meeting.

5. CONSENT AGENDA

Minutes

5.1 June 19, 1996 - Regular Meeting

Parade Permit

5.2 South Florida Striders (September 8, 1996; 7:30 a.m. to 8:30 a.m.)

Resolutions

- R-96-211 5.3 **MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 91-218 FROM \$4,000 IN AMOUNT TO \$800; AND PROVIDING AN EFFECTIVE DATE. (Jespersion)**
- R-96-212 5.4 **MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 93-200 FROM \$33,125 IN AMOUNT TO \$8,000; AND PROVIDING AN EFFECTIVE DATE. (Dunn)**
- R-96-213 5.5 **MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 95-216 FROM \$6,500 IN AMOUNT TO \$800; AND PROVIDING AN EFFECTIVE DATE. (Cubbin)**
- R-96-214 5.6 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR CONSTRUCTION OF A RIGHT-HAND TURN LANE AT DAVIE ROAD AND SW 39 STREET. (\$38,885.00 - United Underground Construction Corp.)**
- R-96-215 5.7 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR FIRE HOSE, PALM BEACH COUNTY BID 95-103/TS (\$10,734.80 - Safety Equipment Co.)**
- R-96-216 5.8 **ARENA CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A RODEO ARENA LEASE AGREEMENT WITH THE MARKETPLACE PUBLISHING (lawn equipment trade show, October 10-12, 1996; rental fee - \$1,500)**
- 5.9 **ARENA CONTRACT - A RESOLUTION OF THE TOWN OF**

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R-96-217

DAVIE,

FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A RODEO ARENA LEASE AGREEMENT WITH THE SOUTH FLORIDA YOUTH FOOTBALL CHEERLEADERS (November 9, 1996; rental fee - \$500)

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- R-96-218 5.10 **ARENA CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE,**
FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A RODEO ARENA LEASE AGREEMENT WITH THE GEHL GROUP (concert, November 29, 1996; rental fee - \$1,000)
- R-96-219 5.11 **ARENA CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE,**
FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A RODEO ARENA LEASE AGREEMENT WITH CHUCK CUNDARI (benefit concert for resident in need of kidney transplant, January 4, 1997; rental fee - \$500)
- R-96-220 5.12 **SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE,**
FLORIDA, APPROVING A SUBDIVISION PLAT 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 1-1-96, ICW North) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*
- R-96-221 5.13 **SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE,**
FLORIDA, APPROVING A SUBDIVISION PLAT 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 1-3-96, ICW South) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*
- R-96-222 5.14 **SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE,**
FLORIDA, APPROVING A SUBDIVISION PLAT 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 4-5-96, Country Ridge Estates) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*
- R-96-223 5.15 **INTERLOCAL AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE,**
FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF DAVIE AND BROWARD COUNTY CONCERNING UNIFORM COLLECTION AND ENFORCEMENT OF NON-AD VALOREM

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ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE.

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- 5.16 **CONVEYANCE OF REAL PROPERTY - A RESOLUTION OF THE TOWN**
R-96-224 OF DAVIE, FLORIDA, ACCEPTING THE CONVEYANCE OF LOTS 14 AND 38, BLOCK 2 OF DAVIE LITTLE RANCHES AMENDED SUBDIVISION AND THE NORTH 1/2 OF LOT 3, BLOCK 9 OF DAVIE CHAMBER OF COMMERCE SUBDIVISION, FROM THE DAVIE COMMUNITY REDEVELOPMENT AGENCY; AND PROVIDING AN EFFECTIVE DATE (Eastside Neighborhood, SW 43 Street and SW 44 Street)
- 5.17 **WATER ADVISORY BOARD - A RESOLUTION OF THE TOWN OF DAVIE,**
R-96-225 FLORIDA, AMENDING RESOLUTION NO. R-96-208 BY REPEALING THE PROVISION WHICH ABOLISHED THE DAVIE WATER ADVISORY BOARD ON DECEMBER 31, 1996; AND PROVIDING AN EFFECTIVE DATE.
- 5.18 **LITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-96-226 AUTHORIZING THE TOWN ATTORNEY TO ADD LAKEWOOD TRAVEL PARK INN, INC., AS A PARTY PLAINTIFF IN THE CASE OF RALPH SESSA, ET AL. VS. THE TOWN OF DAVIE; AND PROVIDING AN EFFECTIVE DATE.
- 5.19 **SETTLEMENT AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE,**
R-96-227 FLORIDA, ACCEPTING FROM METROPOLITAN LIFE INSURANCE COMPANY PAYMENT IN THE AMOUNT OF \$70,000.00 FOR CERTAIN DISPUTED SPECIAL ASSESSMENT LIENS; AND PROVIDING AN EFFECTIVE DATE.
- 5.20 **SCHOOL BOARD - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-96-228 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE BROWARD COUNTY SCHOOL BOARD WHICH WOULD PROVIDE FOR A COOPERATIVE JOINT EFFORT OF SHARED RESOURCES.
- 5.21 **MEDICAL DIRECTOR - A RESOLUTION OF THE TOWN OF DAVIE,**
R-96-229 FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE AN AGREEMENT FOR MEDICAL DIRECTOR SERVICES BETWEEN THE TOWN OF DAVIE AND DR. JOE NELSON.

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Ordinances - First Reading (Public Hearing to be held on August 7, 1996)

5.22 FIRE/EMS ASSESSMENT PROGRAM - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, RELATING TO THE PROVISION OF FIRE RESCUE SERVICES, FACILITIES, AND PROGRAMS IN THE TOWN OF DAVIE, FLORIDA; AUTHORIZING THE IMPOSITION AND COLLECTION OF FIRE RESCUE ASSESSMENTS AGAINST PROPERTY THROUGHOUT THE TOWN OF DAVIE; PROVIDING CERTAIN DEFINITIONS AND DEFINING THE TERM "FIRE RESCUE ASSESSMENT"; ESTABLISHING THE PROCEDURES FOR IMPOSING FIRE RESCUE ASSESSMENTS; PROVIDING THAT FIRE RESCUE ASSESSMENTS CONSTITUTE A LIEN ON ASSESSED PROPERTY UPON ADOPTION OF ASSESSMENT ROLL; PROVIDING THAT THE LIEN FOR A FIRE RESCUE ASSESSMENT COLLECTED PURSUANT TO SECTIONS 197.3632 AND 197.3835, FLORIDA STATUTES, UPON PERFECTION SHALL ATTACH TO THE PROPERTY ON THE PRIOR JANUARY 1, THE LIEN DATE FOR AD VALOREM TAXES; PROVIDING THAT A PERFECTED LIEN SHALL BE EQUAL IN RANK AND DIGNITY WITH THE LIENS OF ALL STATE, COUNTY, DISTRICT, OR MUNICIPAL TAXES AND ASSESSMENTS AND SUPERIOR IN DIGNITY TO ALL OTHER PRIOR LIENS, MORTGAGES, TITLES, AND CLAIMS; AUTHORIZING THE IMPOSITION OF INTERIM ASSESSMENTS; PROVIDING PROCEDURES FOR COLLECTION OF FIRE RESCUE ASSESSMENTS; PROVIDING A MECHANISM FOR THE IMPOSITION OF ASSESSMENTS ON GOVERNMENT PROPERTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

5.23 WARRANTY DEED - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING A WARRANTY DEED FROM ESPERANZA MARQUEZ JOINED BY HER HUSBAND ALFONSO MARQUEZ, CONVEYING CERTAIN PROPERTY FOR USE AS A PUBLIC RIGHT-OF-WAY; AND PROVIDING AN EFFECTIVE DATE. (3900 SW 56 Avenue)

Councilmember Kiar asked that items 5.12, 5.13 and 5.18 be removed from the Consent Agenda. Mayor Venis asked that items 5.16 and 5.17 be removed. Councilmember Bush asked that item 5.19 be removed.

Town Clerk Reinfeld read the ordinances - first reading by title only. Mayor Venis advised that a public hearing on items 5.22 and 5.23 would be held on August 7, 1996.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve the Consent Agenda without items 5.12, 5.13, 5.16, 5.17, 5.18 and 5.19. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

5.16 Mr. Webber explained that Section 2 needed to be deleted as the Mayor did not sign the deed. He asked that Section 3 be renumbered as Section 2.

Councilmember Bush made a motion, seconded by Councilmember Kiar, to approve to include Mr. Webber's change. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember yes - yes; and Councilmember Santini - ves. (Motion carried 5-0)

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5.12 Councilmember Kiar asked for a voice vote.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - no; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - no; and Councilmember Santini - yes. (Motion carried 3-2)

5.13 Councilmember Kiar asked for a voice vote.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - no; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - no; and Councilmember Santini - yes. (Motion carried 3-2)

5.17 Mayor Venis clarified that the Davie Water Advisory Board would have a perpetual existence.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

5.18 Councilmember Kiar asked for an explanation. Mr. Webber explained that Mr. Flatley had been approached by the operators of the Twin Lakes Travel Park asking that they be provided with an opportunity in the special assessment litigation to question whether they received a special benefit. He indicated that the operators had requested the opportunity to appear before a special master and as a result, Mr. Flatley had asked that this resolution be prepared. Mr. Webber asked that the property owner provide an acknowledgement that they would be bound by the outcome and asked that the motion be contingent upon this.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to approve to be contingent upon [Mr. Webber's] provision. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

5.19 Councilmember Bush asked for an explanation. Mr. Webber stated that this resolution involved a claim where Metropolitan Life Insurance Company obtained an interest in the property through a bankruptcy procedure. He indicated that a claim was filed covering certain folio numbers and it was later determined that there were additional folio numbers that should have been included. Mr. Webber advised that Metropolitan was claiming that it had no responsibility for the additional assessments; however, the Town believed that Metropolitan was liable but would involve extensive litigation. He stated that this settlement involved immediate payment.

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

6. SITE PLANS

6.1 SP 5-7-96, Vista Del Lago, northeast corner of SW 130 Avenue at SW 36 Street (R-1) Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved

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Gus Aguirre, representing the petitioner, was present. Gayle Easterling, Planning and Zoning Manager, read the planning report.

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Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Sign Request

6.2 S 5-3-96, Mobil Homes, 4300 Davie Road (B-2, Western Theme)

Planning and Zoning Division approved; Site Plan Committee approved

Ms. Mellgren explained the request and indicated that staff had made a mistake as the request was not consistent with the lettering or material. She stated that these issues should have been settled before the application went before the Site Plan Committee.

Joe Dillard, representing the petitioner, was present and presented a drawing that was "in keeping" with the Western Theme. Vice-Mayor Cox stated that the sign that the Committee reviewed showed plastic letters attached to the wall and questioned what type of lettering was being provided. Mr. Dillard responded that the lettering and bordering would be painted directly on the wall. Vice-Mayor Cox asked if a color rendering was available. Mr. Dillard replied negatively and suggested that a color rendering be given to staff for approval. He indicated that the original colors were red lettering on an off-white building. Ms. Mellgren advised that a barn red color was acceptable in the Western Theme District. Vice-Mayor Cox stated that if the color was in the manual, the change was fine with her and questioned if the change had to be returned to the Committee. Ms. Mellgren responded that the petitioner could provide the color to staff.

Vice-Mayor Cox made a motion, seconded by Councilmember Kiar, to approve with color approval by staff. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinances - Second and Final Reading

7.1 CHARTER CHANGES - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING A NEW CHARTER; PROVIDING FOR PORTIONS OF THE EXISTING CHARTER TO BE CONVERTED TO ORDINANCES; PROVIDING FOR CREATION AND POWERS; PROVIDING FOR CORPORATE LIMITS; PROVIDING FOR POWER AND JURISDICTION; PROVIDING FOR LEGISLATIVE POWERS OF TOWN; PROVIDING FOR FORM OF GOVERNMENT; PROVIDING FOR ADMINISTRATIVE DEPARTMENT; PROVIDING FOR THE COUNCIL, MAYOR AND LEGISLATION; PROVIDING FOR FINANCE; PROVIDING FOR ELECTIONS; AND PROVIDING FOR TRANSITION SCHEDULE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from July 3, 1996)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

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Al Tyler, 8090 SW 19 Court, discussed Florida's Resign to Run law and was not opposed to a pay increase but wanted a limit. He said that changes to the Charter needed to be reviewed by a Charter Review Board and urged that a Board be created. He indicated that he was opposed to the ordinance.

Dean Alexander, 13820 SW 16 Street, said that Charter changes were critical and deserved debate. He indicated that there was no need to rush and agreed with Mr. Tyler on establishing a Charter Review Board.

Edna Moore, 6553 Stirling Road, stated that the Council worked harder for less money and were underpaid. She discussed the current Resign to Run requirement and indicated that these changes to the Charter should be on the November ballot.

Judy Paul, 14421 SW 24 Street, agreed with Mr. Alexander. She indicated that she had compared the current Charter with the proposed Charter changes and many issues were being deleted. Ms. Paul said that she would like to know what issues would be passed by ordinance prior to any referendum and liked the opportunity for the residents to vote on the changes. She also liked the suggestion of establishing a Charter Review Board.

Jay Stahl, 5801 Surrey Circle West, discussed the Resign to Run law.

Mayor Venis closed the public hearing. A lengthy discussion followed with Mayor Venis allowing additional input from the public.

Mr. Alexander discussed the previous changes to Florida's constitution and suggested that the Town's issues be consolidated into articles.

Vice-Mayor Cox suggested that a workshop be held before August 21st and make the documents that showed the changes available to the public. She said that she did not want this issue to wait until the March ballot.

Michael Davenport, 14401 SW 22 Place, agreed that workshops were needed and said that the timeframe for the November ballot was not enough time.

Mr. Tyler questioned the use of a consultant and this issue should have been discussed prior to using a consultant.

Councilmember Santini asked staff to provide several alternatives on redistricting. Town Clerk Reinfeld explained the current Charter provision's on redistricting.

Council was in agreement that a workshop needed to be held.

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to table the item to August 7, 1996. Councilmember Kiar indicated that he would be out of town on August 7th. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - no; and Councilmember Santini - yes. (Motion carried 4-1)

After further discussion, Councilmember Bush made a motion, seconded by Mayor Venis who passed the gavel, to reconsider the previous vote. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - no. (Motion carried 3-2)

After further discussion, Mayor Venis passed the gavel and made a motion to table the item until August 21, 1996. Councilmember Kiar seconded the motion. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

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- 96-31 **7.2 REZONING ORDINANCE - AN ORDINANCE OF THE TOWN OF DAVIE,**
FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM CR TO A-1; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 5-1-96, 11701 Orange Drive)

Town Clerk Reinfeld read the ordinance by title.

Neal Kalis, representing the petitioner, explained the request and indicated that the petitioner had met with the residents.

Mayor Venis asked if anyone wished to speak for or against the ordinance. David Brown, 11868 SW 43 Court, spoke in favor of the request.

The public hearing was closed.

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

- 96-32 **7.3 REZONING ORDINANCE - AN ORDINANCE OF THE TOWN OF DAVIE,**
FLORIDA, AMENDING ORDINANCE 95-23 BY CHANGING SECTIONS 1(b) AND 1(c) TO PROVIDE FOR A REVISION TO THE APPROVED MASTER LAND USE PLAN ASSOCIATED WITH THE REZONING APPROVAL; AND PROVIDING AN EFFECTIVE DATE. (ZB 5-2-96, 4190 South University Drive)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Robert Bamonte, representing the petitioner, advised that the petitioner had met with the residents and had addressed their concerns.

The public hearing was closed.

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.4 REZONING - ZB 4-1-96, Lester, 2400 SW 88 Avenue (from A-1 to CF) (tabled from June 5, 1996) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report and voluntary deed restrictions*
This item was previously tabled in the meeting.

7.5 PLANNING AND ZONING BOARD TABLED TO JULY 24, 1996; COUNCIL CAN TABLE TO AUGUST 7, 1996

VARIANCE - V 4-2-96, New Town Commerce Center, Ltd., 3801 - 4131 NW 47 Avenue (M-3) (tabled from July 3, 1996)
This item was previously tabled in the meeting.

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7.6 STAFF REQUESTING TABLING TO AUGUST 7, 1996

VARIANCE - V 1-3-96, Chen, 10680 SW 40 Manor (A-1) (to increase the allowable fence height from 6 feet to 10 feet along the south property line) (tabled from May 15, 1996) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*

This item was previously tabled in the meeting.

7.7 PETITIONER REQUESTING TABLING TO AUGUST 21, 1996

VARIANCE - V 4-6-96, Jeff Falkanger & Associates, Inc./West Broward Professional Condominium Association, 7320 Griffin Road (B-2) (to reduce the required front setback from 25 feet to 19.34; to reduce the required landscape island width from 9 feet to 5 feet along the west property line; to reduce the required landscape buffer from 10 feet to 3 feet along the south property line; to reduce the required landscape buffer along SW 73 Avenue from 20 feet to 10.5 feet; to reduce the minimum separation from 5 feet to 4 feet along the west property line and from 5 feet to 3 feet along the south property line) (tabled from June 5, 1996) *Planning and Zoning Division approved; Planning and Zoning Board approved*

This item was previously tabled in the meeting.

7.8 SPECIAL PERMIT - SE 6-1-96, Pellerito/Home Depot, 2300 South University Drive (B-3) *Planning and Zoning Division approved subject to planning report; Planning and Zoning Board denied*

This item was previously tabled in the meeting.

7.9 ACQUISITION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,

R-96-230

APPROVING THE ACQUISITION OF CERTAIN REAL PROPERTY IN THE NEIGHBORHOOD REVITALIZATION AREA, TRANSFERRING THE PROPERTY TO THE DAVIE COMMUNITY REDEVELOPMENT AGENCY, APPROVING A CERTAIN RELOCATION PAYMENT, WAIVING OF TOWN REVIEW PERMIT FEE AND RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S TRANSFER OF A LOT FOR THE CONSTRUCTION OF A RELOCATION HOUSE IN THE EASTSIDE NEIGHBORHOOD. (Davis; \$67,900)

Town Clerk Reinfeld read the resolution by title.

Mayor Venis asked if anyone wished to speak for or against the resolution. As no one spoke, the public hearing was closed.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

7.10 LAND USE PLAN AMENDMENT - LA 96-1, Westwind Contracting, Inc., located on the south side of State Road 84 approximately

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1/2 mile east of Flamingo Road (from R-5 to Commercial) (tabled from June 19, 1996) *Planning and Zoning Division approved; Planning and Zoning Board denied*

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Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Gayle Easterling, Planning and Zoning Manager, read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial. Mr. Webber read the criteria that Council would be considering.

Councilmember Kiar announced that he had received telephone calls and held conversation with individuals regarding this issue. He indicated that he had received unsigned letters and he had spoken to most of the neighboring community while he was campaigning.

Leigh Kerr, representing the petitioner, explained the communities surrounding the property and indicated that the proposed use was a transitional use. He discussed the request. Mr. Kerr added that the petitioner had offered a list of uses that would be deed restricted which included: bars and lounges, hotels/motels, mini-warehouses/self-storage, nightclubs, truck/auto trailer utility rental, vehicle/boat/truck sales, and watchman's apartments.

Mr. Kerr hoped that Council would accept staff's recommendation of approval.

Councilmember Kiar asked if 70 to 80 residents still objected to the proposal. Mr. Kerr responded that the petitioner had worked with the residents.

Councilmember Santini asked if the petitioner would be willing to attach the site plan to the land use plan. Mr. Kerr replied that he would need to discuss this request with his client during the public hearing.

Mr. Webber asked if anyone wished to provide testimony in favor of the land use plan amendment. No one spoke.

Mr. Webber asked if anyone wished to provide testimony in opposition to the land use plan amendment. The following individuals spoke:

Ed Weisl, 922 SW 118 Terrace.

Al Tyler, 8090 SW 19 Court, and was sworn in.

David Levine, 814 SW 119 Way.

Annetta Dupes, 11866 SW 8 Court.

Don Laravy, 11873 SW 8 Court.

Sherri Freeman, 11857 SW 8 Court.

An unidentified man, 1834 SW 118 Avenue.

Mary Lynn Gorelick, 836 SW 118 Terrace.

Scott Browner, 11855 SW 8 Court.

Marion Moseley, representing Westwind Contracting, stated that it had been decided that the highest and best use was commerce center. He discussed the meetings that were held with the residents. Discussion followed with Ms. Mellgren suggesting that Council ask the petitioner to deed restriction against furniture storage by moving companies.

Councilmember Santini asked if the petitioner had considered voluntarily attaching a portion of the site plan to the land use plan amendment Mr. Moseley replied that the petitioner would be willing to include a conceptual site plan with the approval.

Mr. Weisl questioned why warehouse doors were provided if the building was to be an office and indicated that no plans were being shown for the other buildings. Mr. Kerr responded that the types of businesses that were in a commerce center needed the ability to deliver goods and services for temporary storage on site.

Ms. Mellgren explained the uses allowed in an M-3 district, such as those located at New Town Commerce Center, compared to the uses allowed in a Commerce Center District. She stated that this amendment was to change the 20 year land use plan and

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should Council approve the request, several issues would return to Council along with site plan approval. Ms. Mellgren indicated that if it was Council's desire to incorporate the site plan, she asked that Council recognize that the site plan was conceptual and would be reviewed by the Site Plan Committee.

Councilmember Bush asked if the site plan applied to the other buildings. Mr. Kerr advised that the site plan was a rendition of what each building would look like.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

After a lengthy discussion, Mr. Kerr asked that the item be tabled to address the concerns on traffic issues.

Mayor Venis allowed additional public input.

An unidentified man said that if this item was tabled, very few residents would attend and indicated that the residents were against the project.

Ms. Dupes stated that the developer was providing restrictions for Council's approval and indicated that this project did not belong in this area.

Mr. Webber advised that the public hearing had been concluded and testimony was being provided as to the merits of the petition.

Mr. Kerr asked for the item to be tabled until November 6th.

Councilmember Bush made a motion, seconded by Councilmember Kiar, to table the item until November 6, 1996 with the stipulation that this was the only time the item would be tabled. Mr. Webber clarified that when the matter returned to Council on November 6th, the public hearing was concluded and would be at the deliberation stage. He questioned if it was Council's intention to reopen the hearing for the evidence to be presented with the opportunity for a public hearing. Council was in consensus that the hearing would be reopened.

In a roll call, the vote was as follows: Mayor Venis - no; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 3-2)

8. RESOLUTIONS

8.1 LAND USE PLAN AMENDMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO TRANSMIT A LAND USE PLAN AMENDMENT TO THE BROWARD COUNTY PLANNING COUNCIL WITH APPROPRIATE RECOMMENDATIONS; AND PROVIDING AN EFFECTIVE DATE. (LA 96-1, Westwind Contracting, Inc.) (tabled from June 19, 1996)

Ms. Mellgren advised that staff wished to withdraw this item.

Vice-Mayor Cox made a motion, seconded by Councilmember Kiar, to withdraw item 8.1. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

9. APPOINTMENTS

9.1 Child Safety Board (2 exclusive appointments from Councilmember Bush)

Councilmember Bush appointed Thomas D'Amico and Corey Johnson.

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9.2 Open Space Advisory Committee (1 exclusive appointment from Councilmember Bush)

Councilmember Bush appointed Celia Russell contingent upon her acceptance.

10. DISCUSSION AND POSSIBLE ACTION

10.1 Town Administrator's Performance Review

Mr. Flatley stated that the goals that he had worked on had been established by Council and discussed the goals that had been achieved.

Councilmember Kiar indicated that the previous year had been constructive and he was impressed with Mr. Flatley's dedication. Councilmember Santini stated that employee morale had increased by making the employees feel a part of the team. She said that Mr. Flatley was a strong negotiator with outside legislators and worked well in-house. Councilmember Santini advised that Mr. Flatley's salary was very low and proposed that his salary be increased 6% to 7% to \$90,000. Mayor Venis stated that he was pleased with Mr. Flatley's performance and he suggested that the salary be increased comparable with other same size and population cities. He added that he would not be opposed to increase the salary to an average range of the salary survey and indicated that the salary should be increased more than 6%. Councilmember Bush suggested an increase of 10% which would bring the salary to an average.

Mayor Venis passed the gavel and made a motion to bring Mr. Flatley's salary up to the average of \$93,300. The motion was seconded by Councilmember Santini. In a voice vote, all voted in favor. (Motion carried 5-0)

10.2 Review of Planning and Zoning Division Items

Ms. Mellgren explained that staff was proposing that administrative items be brought before Council at its first meeting of the month with public hearing items be brought before Council at its second meeting of the month. She said that this proposal should reduce the paperwork by 50% which would be beneficial to staff. Ms. Mellgren stated that staff was suggesting that this proposal be evaluated in 90 days beginning in September. She added that there would only be one Site Plan Committee and Planning and Zoning Board meeting per month. No objections were noted.

11. TOWN ADMINISTRATOR'S REPORT

11.1 Acquisition of School Board Property for Police and Fire/EMS Facilities

Mr. Flatley advised that the Broward County School Board approved the sale of the property and indicated that this matter would be coming before Council on August 21st.

11.2 Donation of Leave Policy

Town Clerk Reinfeld explained that staff was exploring the expansion of the donated leave policy and indicated that requests had been made to include short term illnesses. She said that staff was looking at a two tiered system - for three months and for one year and indicated that the legal aspects were being researched.

Councilmember Kiar stated that an employee recently adopted two children and this employee needed additional leave time. He said that in the past, employees with catastrophic illnesses and employees who gave birth were able to use leave time that was donated from other employees. Councilmember Kiar stated that he understood that many employees wanted to donate time to the adoptive parent which needed to be done now and not postponed. He indicated that he did not handle the adoption but had

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attended one meeting between the adoptive and birth mothers and he had received a small compensation for this meeting. Councilmember Kiar questioned if he would need to abstain from voting on this issue. Mr. Webber indicated that he would need to research the question.

Mayor Venis asked if Council could take action on this matter at tonight's meeting. Mr. Webber replied that the policy would need to be amended and he was not comfortable advising on this issue as the Town's labor counsel was providing assistance.

Councilmember Santini questioned if the leave policy needed to be reviewed for employees to donate their leave to a bank to be utilized by any employee. She agreed that the leave policy should be for a birth mother or adoptive mother.

Mr. Webber questioned if the current leave policy was for natural birth mothers. Town Clerk Reinfeld responded negatively adding that the policy was only for severe illnesses and the employees that Councilmember Kiar had discussed qualified under the current policy due to serious conditions.

Town Clerk Reinfeld stated that the leave policy fell under the Town's Personnel Rules which was adopted by ordinance. She indicated that the change would require a public hearing and added that the matter should come before Council at its next meeting.

Mr. Flatley indicated that there were additional funds in the Veteran's Park Capital account which needed to be transferred to the Pine Island Roller Blade Hockey account and asked that \$3,000 be transferred.

Councilmember Santini advised that she had received a call from Broward Community College indicating that there were enough funds to provide two week camp scholarships to four more children. She asked Chief Mackie for names.

Mayor Venis passed the gavel and made a motion on Mr. Flatley's request. Vice-Mayor Cox seconded the motion. In a voice vote, all voted in favor.

12. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 11:48 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk