

**TOWN COUNCIL  
REGULAR MEETING  
SEPTEMBER 18, 1996**

**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**

**3.1 John Brigido, Police Officer - Ten Years**

Mayor Venis presented Officer Brigido with a service award.

**3.2 Gary Sylvestri, Police Officer - Ten Years**

Officer Sylvestri was not present.

**3.3 Joan Tuliszewski, Permit Clerk - Ten Years**

Ms. Tuliszewski was not present.

**3.4 Daniel Colabella, Utilities Director - Fifteen Years**

Mayor Venis announced that Mr. Colabella had contributed his savings bond to the Davie Police Athletic League (PAL).

**3.5 Bradley Tyler, Police Officer - Fifteen Years**

Mayor Venis presented Officer Tyler with a service award.

**3.6 Robert Saffran, Driver Engineer - Twenty Years**

Mayor Venis presented Driver Engineer Saffran with a service award.

**3.7 Lieutenant Stephen Seefchak (retiring after twenty years of service)**

Mayor Venis presented a plaque to Lieutenant Seefchak for his service. Police Chief Jack Mackie discussed Lieutenant Seefchak's accomplishments during his tenure with the Town.

**3.8 Introduction of Newly Sworn Officers**

Chief Mackie introduced the officers who were hired through the grant program: Ronald Bradley, Michele Cabot, Matthew Drake, Tiffany Romanac, Kristie Saikley, Joshua Sullivan, Robert Slone, Michael Haaker and Maureen Themis. He indicated that it appeared that another six officers would be hired through the grant program.

**3.9 Award and Contribution to PAL from Fund Raiser**

Chief Mackie advised that the Florida Marlins held a fundraiser for the Police Athletic League programs and this year's fundraiser was between the Town and the City of Pembroke Pines. He indicated that the fundraiser was to see who could sell the most tickets to a Marlins games and advised that the Town had sold the most. Chief Mackie said that the Town received a trophy and a \$2,130 check for PAL.

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**3.10 Development of Bergeron Rodeo Arena Grounds**

Robert Rawls, Assistant Town Administrator, stated that the Town envisioned the site to be an adjunct to the rodeo arena. He displayed and explained the proposed site plan. Mr. Rawls advised that staff would like the facility opened and available for WestFair. He indicated that the budget for the first phase of the site was projected at \$322,000 and asked for Council's support of the design elements along with the funding for the project. Mr. Rawls requested Council's support for 50% of the funding and indicated that private interests had come forward and offered to support 50% of the construction costs of the first phase.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve the funding of joint partnership with the private enterprise up to 50% of the \$322,000. 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)

**3.11 Community Redevelopment Agency**

Neal Kalis, Chairman, discussed the problems with the access to 43rd and Davie Road. He updated Council on the Agency's efforts.

Mayor Venis advised that the Davie/Cooper City Chamber of Commerce had presented the Town with Beautification Awards for the Potter Park Landscaping and the Davie Canoe Landing.

Wayne Arnold, Chairman of the Charter Review Board, announced that the next Board meeting was scheduled for September 19th at 8:00 a.m. He stated that there would be eight additional meetings prior to the report being provided to Council.

Mr. Arnold advised that he was resigning from the Open Space Advisory Committee.

Nancy Hanks, representing Seniors and Law Enforcement Together, discussed the organization and asked for Council's support. Mayor Venis provided a proposed proclamation and indicated that this item would be placed on an upcoming agenda.

Lil Olfern, President of the Fraternal Order of Police Associates, thanked the members who worked the phone banks in support of the police/fire and EMS facility.

**4. COUNCILMEMBER COMMENTS**

**COUNCILMEMBER BUSH**

**HAPPY BIRTHDAY.** Councilmember Bush wished Mr. Flatley a happy birthday.

**VICE-MAYOR COX**

**EMERGENCY MEDICAL SERVICES ASSESSMENT.** Vice-Mayor Cox recommended that the Town lobby the legislature to remove religious organizations from the institutional category and asked that the process be started if there were no objections from Council. No objections were noted.

Vice-Mayor Cox stated that at a past Council meeting, Council had discussed finding \$100,000 should churches and schools be eliminated from the assessment. She indicated that the administrative cost to the Town for the Police and Fire Pension Boards was approximately \$262,000 yearly and recommended that these boards be consolidated which would save the

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Town approximately \$90,000. Vice-Mayor Cox stated that the benefits would not be changed and asked that Mr. Flatley discuss this issue during the negotiation process with the firefighters union as the concept had already been agreed to by the police union. She indicated that she had recently requested a copy of the tape from one of the meetings and learned that these meetings were not taped. Vice-Mayor Cox added that these meetings are recorded by an outside agency.

**COUNCILMEMBER SANTINI**

**SCHOOL CONCURRENCY.** Councilmember Santini stated that the Town was going to research the number of children "coming out of" the Town so that Broward County's statistics would not have to be used. She advised that resources were obtained from the Broward County School Board to conduct a demography study and the results would be received by the end of September.

Councilmember Santini commended the County for implementing the policy that there could be no development unless schools were developed and asked that Council direct staff to make this policy as soon as possible. No objections were noted.

**AWARD OF FUNDS.** Councilmember Santini stated that she had received a number of letters from organizations who did not request money but could like to be considered. She added that she wanted Council to be involved in those organizations that were selected.

**TURNING LANE.** Councilmember Santini stated that the Florida Department of Transportation received a letter regarding the intersection of University Drive and 30th Street and it had been agreed that safety funds could be used to install a turning lane.

**GROUP HOMES MANDATE.** Councilmember Santini stated that many cities were having problems with group homes being mandated without the cities having the ability to pick site selections. She indicated that the Town was looking into the matter to see what could be done to control what was happening in the community.

**EMPLOYEE MASSAGE.** Councilmember Santini stated that the City of Orlando had an employee wellness center which offered employees on-site massages to reduce stress and increase productivity. She asked that this be explored.

**COUNCILMEMBER KIAR**

**HAPPY BIRTHDAY.** Councilmember Kiar wished Mr. Flatley a happy birthday.

**CHARTER REVIEW.** Councilmember Kiar congratulated all those who were appointed to the Charter Review Board. He questioned if the Board's last meeting would allow Council time to review the information for the March ballot. Town Clerk Reinfeld replied affirmatively.

**COPS PROGRAM.** Councilmember Kiar congratulated Chief Mackie and his administration on the Town's COPS Program.

**RESOLUTION.** Councilmember Kiar stated that a resolution would be added to the agenda regarding an individual being limited to the number of boards he/she could be appointed to. He advised that he did not support the resolution.

**DOWNTOWN MERCHANTS AND INDUSTRIAL ASSOCIATION.** Councilmember Kiar stated that he attended the Association's meeting but had to leave early because of a Sunshine Law conflict.

**MAYOR VENIS**

**UNITED CEREBAL PALSEY MARATHON.** Mayor Venis stated that he had participated in the United Cerebral Palsey marathon held at Tree Tops Park in which he presented a Key to the City to Robin Ramos for her work with the organization. He congratulated all

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those involved.

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**OPEN HOUSE.** Mayor Venis stated that he attended an open house at the Indian Ridge Middle School.

**HAPPY NEW YEAR.** Mayor Venis wished everyone of the Jewish faith a happy New Year.

**BLASTING.** Mayor Venis stated that the Town was waiting on Pembroke Pines Mayor Fekete's response regarding the blasting.

**WAVERLY HUNDRED PARK.** Mayor Venis stated that he had received numerous letters regarding the grass cutting at Waverly Hundred Park. He asked if this property had been mowed with Mr. Rawls replying in the affirmative.

**BINGO.** An unidentified woman advised that the Town had told a senior's group that playing bingo for money was not allowed to be played at Ivanhoe or Pine Island Community Centers. Mayor Venis stated that research was being conducted to determine how other cities handled this matter. He added that an answer would be provided by the end of the week.

**BOYS AND GIRLS CLUB DONATION.** Mayor Venis stated that he had met with Mr. Edelsberg, a business owner in eastern Davie, regarding dumpster enclosures and at the meeting, Mr. Edelsberg had donated three storefronts to the Boys and Girls Club.

**5. CONSENT AGENDA**

*Minutes*

5.1 August 21, 1996 - Regular Meeting

*Resolutions*

R-96-299 5.2 **ARENA RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH THE HOLLYWOOD DOG CLUB FOR THE RENTAL OF THE DAVIE ARENA (September 30, 1996 through March 31, 1997, one day per week; rental fee - \$1,800)**

R-96-300 5.3 **PURCHASE OF VEHICLES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BUY-OUT OF TEN (10) LEASED VEHICLES. (Leasing Associates; total buy-out - \$38,203.34)**

R-96-301 5.4 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR SPORTS LIGHTING ASSEMBLIES FOR FLAMINGO ELEMENTARY ATHLETIC FIELD. (G.E. Supply, Inc. - \$30,665)**

R-96-302 5.5 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR EMERGENCY GENERATORS. (Quality Electric Contracting, Inc. - \$79,119.56)**

R-96-303 5.6 **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CAPITAL ROOFING/ROCKY'S ROOFING COMPANY FOR RE-ROOFING VARIOUS TOWN HALL BUILDINGS. (\$71,350)**

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**R-96-304**

**5.7 CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE,  
FLORIDA,  
AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH  
UNITED UNDERGROUND CONTRACTOR CORP. FOR  
CONSTRUCTION OF A RIGHT TURN LANE ON DAVIE ROAD AND  
SW 39TH STREET. (\$38,885)**

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**5.8 COMMITTEE MEMBERSHIP - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING R-96-287 IN TO ORDER TO INCREASE THE JOINT ECONOMIC DEVELOPMENT STEERING COMMITTEE MEMBERSHIP BY ADDING ONE COMMITTEE MEMBER; AND PROVIDING AN EFFECTIVE DATE. (increase from six to seven members)**

**5.9 REVISE/RETITLE CLASS SPECIFICATIONS - A RESOLUTION OF THE**  
R-96-305 **TOWN OF DAVIE, FLORIDA, REVISING AND RETITLING THE CLASS SPECIFICATION FOR SPECIAL PROJECTS COORDINATOR AND DRAFTSPERSON AND RETITLING THE CLASS SPECIFICATIONS FOR COMMUNITY PROJECTS COORDINATOR AND REVISING THE CLASS SPECIFICATIONS FOR DEVELOPMENT PROGRAMS MANAGER, REDEVELOPMENT ADMINISTRATOR AND PLANNER II IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN AND TO BE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT.**

**5.10 PAY ADJUSTMENT - A RESOLUTION OF THE TOWN OF DAVIE,**  
R-96-306 **FLORIDA, APPROVING A PAY ADJUSTMENT FOR NON-CLASSIFIED EMPLOYEES.**

**5.11 COST OF LIVING ADJUSTMENT - A RESOLUTION OF THE TOWN OF**  
R-96-307 **DAVIE, FLORIDA, APPROVING THE COST OF LIVING ADJUSTMENT FOR THE FEDERATION OF PUBLIC EMPLOYEES, WHITE COLLAR UNIT. (1997 fiscal year: 2.9%)**

**5.12 COST OF LIVING ADJUSTMENT - A RESOLUTION OF THE TOWN OF**  
R-96-308 **DAVIE, FLORIDA, APPROVING THE COST OF LIVING ADJUSTMENT FOR THE FEDERATION OF PUBLIC EMPLOYEES, BLUE COLLAR UNIT. (1997 fiscal year: 2.9%)**

**5.13 COST OF LIVING ADJUSTMENT - A RESOLUTION OF THE TOWN OF**  
R-96-309 **DAVIE, FLORIDA, APPROVING THE COST OF LIVING ADJUSTMENT FOR THE NON-REPRESENTED EMPLOYEES. (1997 fiscal year: 2.9%)**

**5.14 MEDICAL DIRECTOR AGREEMENT - A RESOLUTION OF THE TOWN OF**  
R-96-310 **DAVIE, FLORIDA, AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE AN AGREEMENT FOR MEDICAL DIRECTOR SERVICES BETWEEN THE TOWN OF DAVIE AND JOE NELSON, D. O.**

It 5.8 was withdrawn by staff. Councilmember Bush asked that item 5.7 be removed from the Consent Agenda. Mayor Venis asked that items 5.3, 5.4, and 5.6. Councilmember Kiar asked that item 5.13 be removed.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to approve the Consent Agenda without items 5.3. 5.4. 5.6. 5.7. and 5.13. In a roll call. the vote was as

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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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5.3 Mayor Venis indicated that the resolution showed the buyout as \$38,000 and the buyout offer was \$33,000. Christopher Wallace, Director of Budget and Finance, indicated that the total should equal the amount shown in the backup. Mayor Venis asked that the resolution be changed to reflect the \$33,200.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to approve item 5.3 as adjusted. 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) (This item was later amended and approved.)

5.4 Mayor Venis indicated that it was anticipated that the park would be open by the end of October.

Vice-Mayor Cox made a motion, seconded by Councilmember Kiar, to approve item 5.4. 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)

5.6 Mayor Venis questioned if this item was bid. Mr. Wallace replied affirmatively. Mr. Rawls added that the bid was awarded by Council at a prior meeting and the Town exercised a contract to provide additional protection as it related to buildings.

Councilmember Kiar 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 - out of room. (Motion carried 4-0)

5.7 Councilmember Bush indicated that this resolution pertained to the right turn lane in front of the Nova Eisenhower Elementary School. Mr. Rawls provided a history of the project and indicated that staff did not expect much of an interruption.

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)

5.13 Councilmember Kiar indicated that he would need to abstain from voting as his daughter was employed by the Town.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - abstained; and Councilmember Santini - yes. (Motion carried 4-0)

5.3 Mr. Webber advised that the backup for item 5.3 included a letter regarding a back charge of \$5,003.34 and indicated that this item may need to be amended.

Councilmember Bush made a motion, seconded by Councilmember Santini, to reconsider item 5.3. 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)

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve item 5.3. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor

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Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

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**6. SITE PLANS**

6.1 SP 6-7-96, Rolling Hills Commercial, southwest corner of University Drive and SW 30 Street (B-2) (tabled from September 4, 1996) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report and having the plan reflect all changes [to architectural drawings], including colors and materials of awnings if not the same as rendering and correcting the type of canopy for the Texaco station*

Council announced that on separate occasions, Debbie Orshefsky had spoken with them on the new plans. Debbie Orshefsky, representing the petitioner, was present. Ms. Mellgren advised that the reported gas station had been examined and did not fall under the definition of a gas station but fell under the definition of retail. Ms. Orshefsky discussed the proposed site plan.

Bob Curlander, representing K-2 Development, stated that the applicant wanted to hold a preapplication workshop with Council as soon as there were any contracts for any portion of Phase 5. He said that he hoped this approach would ensure that all proposed development would be consistent with the Town's vision. Mr. Curlander added that the applicant would work with the Town on the Phase 2 parcel and asked for Council's favorable consideration on the Phase 4 development. He described some of the concepts that the applicant would like to see on the Phase 2 parcel which were compatible with the B-2 zoning. Mr. Curlander reiterated that prior to any application being made on Phase 2 or Phase 5, the applicant would contact the Town to meet informally with Council at a workshop.

Councilmember Santini asked if the applicant would be willing to deed restrict the uses that were not upscale. Ms. Mellgren read the types of uses that were currently allowed in the B-2 category. A discussion followed on the types of uses that would be allowed. Ms. Orshefsky advised that the applicant was willing to voluntarily deed restrict Phases 2 and 5 "to the list" and she would like to clarify some of the items. The following were removed from Phases 2 and 5: auction houses, mortuary, animal hospital/kennel, parking lot for rent, pawn shop, pool hall where it is an exclusive use in an entertainment facility, repair shops not where repairs were ancillary to other retail activity, special residential facilities, minor vehicle repair shops, dance hall with "dime-a-dance" type activities, and car washes. Mr. Curlander stated that he would not want to restrict fast food restaurants on Phases 2 and 5 and to leave this decision to a more subjective discussion. Councilmember Santini confirmed that a fast food restaurant could not be built on Phase 2 because there was not enough parking. She indicated that she did not have a problem with a parking variance for Phase 4 if the applicant could give her a level of comfort by renting to the upscale retailer. Mayor Venis clarified that administrative variances would not apply to Phases 2 and 5. Councilmember Santini said that she wanted any administrative variance request for these properties to be brought before Council with the exception of the parking variance for Phase 4 if upscale retail was going to be provided. Ms. Orshefsky advised that the developer of the Boston Market portion of the site had indicated that there would be no problem with committing to Council and to provide conditions for uses on the site plan. She confirmed that the conditions would be voluntary.

Mayor Venis indicated that the applicant had previously agreed that each phase would look as if it was one center. He suggested that the architecture theme be carried over to the Blockbuster and the Boston Market along with a metal roof on the Walgreens. Ms. Orshefsky described the architectural changes to a Key West element and provided the elevation of the Boston Market site. Discussion followed with the

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consensus being with all barrel tile roof with no lattice except for the Texaco.

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Ms. Orshefsky stated that the applicant would appreciate it if Council would direct staff that administrative variances would be acceptable for Phase 4 with respect to the use limitations and design issues. Mr. Curlander advised that the applicant would appear before Council prior to submitting applications for Phase 2 and 5. Ms. Orshefsky advised that the applicant could not, at this time, legally deed restrict Phase 2 at this time with respect to the fast food restaurant. She added that a car wash portion to Mr. Chamblis' development of the Key West style multi-use retail and would not be a limitation in the condition.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve based on the stipulations. Mr. Webber indicated that the deed restrictions and the conditions to the approval were voluntary. 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)

6.2 SP 7-7-96, Dimar Plat, located on Davie Road, north side of Kovac Automotive, north of Nova Drive (M-4, County) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report*

The petitioner was not present. Ms. Mellgren read the planning report.

Councilmember Kiar 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)

6.3 SP 8-4-96, University School Athletic Facility, 3301 College Avenue (CF) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report and the submittal of a revised architectural plan that provides relief to the upper portion of the building at the September 24, 1996 Site Plan Committee meeting*

John Santulli, representing the petitioner, was present. Ms. Mellgren read the planning report.

Tom Lavanthal explained the request. Vice-Mayor Cox explained the Site Plan Committee's recommendation.

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)

6.4 SP 9-1-96 Rolling Hills Plantation, 8100 SW 36 Street (PRD 3.6) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report and replacing the purple glory with yellow allamanda and the hibiscus with ixora nora grants within Phase 3 of the request*

Gus Aguirre, representing the petitioner, was present. Ms. Mellgren read the planning report. Mr. Aguirre explained the request.

Councilmember Kiar 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)

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*Sign Requests*

6.5 S 8-3-96, Stonybrook Estates, located on SW 26 Street between 130 Avenue and Flamingo Road (Estate) Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report

Gus Aguirre, representing the petitioner, was present. Ms. Mellgren read the planning report. Mr. Aguirre explained the sign request.

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 - out of room; and Councilmember Santini - yes. (Motion carried 4-0)

6.6 S 9-1-96, Davie Junction, 6311 SW 45 Street (B-2, Western Theme) Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to using the word "Davie" instead of saloon

William Flippo, representing the petitioner, was present. Ms. Mellgren read the planning report.

Councilmember Kiar 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. PUBLIC HEARINGS**

Mayor Venis opened the public hearing.

*Budget*

7.1 **MILLAGE RATE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-96-311 ESTABLISHING THE MILLAGE RATE TO BE LEVIED FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1996, AND ENDING SEPTEMBER 30, 1997; AND PROVIDING AN EFFECTIVE DATE. (5.1086 mills on the dollar of taxable assessed valuation)

Town Clerk Reinfeld read the resolution by title. Mr. Wallace announced that the proposed millage rate was 5.1086 with the rollback millage rate being 4.988. He said that the rollback millage rate was the rate to be levied to generate the same tax dollars that were generated last year. Mr. Wallace advised that this was a 2.4% increase over the rollback rate which would be less than what it currently was.

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

Al Tyler, 8090 SW 19 Court, spoke in favor of items 7.1, 7.2, and 7.3.

Edith Lederberg, Executive Director of the Area Agency on Aging, discussed the fair share request of \$13,302.

An unidentified woman (Linda Owen, Executive Director of the Emergency Assistance Service Effort) advised that she was available to answer questions.

Mayor Venis closed the public hearing.

Councilmember Kiar 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)

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R-96-312           7.2       **MILLAGE RATE FOR VOTER APPROVED DEBT SERVICE - A  
RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ESTABLISHING  
THE MILLAGE RATE TO BE LEVIED FOR VOTER APPROVED DEBT  
SERVICE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1996, AND  
ENDING SEPTEMBER 30, 1997; AND PROVIDING AN EFFECTIVE  
DATE. (.4292 mills on the dollar of taxable assessed valuation)**

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 Kiar 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)

*Ordinances - Second and Final Reading*

96-39           7.3       **BUDGET - AN ORDINANCE OF THE TOWN OF DAVIE,  
FLORIDA,  
ADOPTING THE BUDGET FOR THE TOWN OF DAVIE FOR THE  
FISCAL YEAR 1996-1997**

Town Clerk Reinfeld read the ordinance by title.

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

Councilmember Kiar 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)

96-40           7.4       **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF  
DAVIE,  
FLORIDA, AMENDING SECTION 12-303(B) OF THE CODE OF THE  
TOWN OF DAVIE ENTITLED, "ADVERTISING AND PUBLIC NOTICE",  
AND SECTION 12-306(F)(1), ENTITLED "SUPPLEMENTARY  
NOTIFICATION REQUIRED FOR REZONINGS, VARIANCES AND  
SPECIAL PERMITS", TO CLARIFY PUBLIC NOTICE PROCEDURES FOR  
PLANNING AND ZONING APPLICATIONS SUBJECT TO PUBLIC  
HEARINGS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR  
AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title.

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

Al Tyler, 8090 SW 19 Court, asked for a clarification. Ms. Mellgren explained the amendments.

Councilmember Santini asked if larger notification signs could be placed on the property. Ms. Mellgren indicated that staff was currently researching this matter.

Vice-Mayor Cox advised that she was not in support of this amendment unless larger signs were provided. Gayle Easterling, Planning and Zoning Manager, discussed previous purchases of signs and the current system. Discussion followed on signage.

Mayor Venis closed the public hearing.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve. 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 -

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yes. (Motion carried 4-1)

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**7.5 STAFF REQUESTING A TABLING TO OCTOBER 2, 1996**

**VACATION/ABANDONMENT** - VA 1-2-96A, G. L. Homes of Davie Corporation, 3001 Nob Hill Road (to vacate a recreational path easement within Parcel "A" of the Buckram Oak Farm Plat) (tabled from September 4, 1996) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to table to October 2, 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 VARIANCE** - V 7-2-96, Kitay/Weitzer, 1500 SW 106 Terrace (PRD 5) (to reduce the required peripheral setback from 25 feet to 0 feet along the eastern boundary of the lot) (tabled from September 4, 1996) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Ms. Mellgren advised that she had received a request to table this item. Mr. Webber stated that he anticipated a stipulation for settlement of the litigation that was pending for Weitzer which would include all the variances that were considered by Council.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to table to October 2, 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 VARIANCE** - V 7-5-96, MacBroom/Conquistador Apartments, Ltd. and MacBroom, 7400 Stirling Road (RM 16) (to increase the maximum fence height from 6 feet to 8 feet along the east property line) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Michele Mellgren advised that her and Ms. Easterling's resumes were on file with the Town which qualified them as an expert. Ms. Easterling summarized the planning report. Cliff MacBroom, representing the petitioner, was present and explained the material to be utilized for the fencing.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance. No one spoke.

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

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - out of room; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 4-0)

**7.8 VARIANCE** - V 8-1-96, Emerald Springs Homes of Davie, 13102 SW 21 Place (A-1) (to reduce the required side setback along the east side from 25 feet to 23.6 feet; and to reduce the required side setback along the west side from 25 feet to 23.0 feet) *Planning and Zoning Division denied; Planning and Zoning Board approved*

Town Clerk Reinfeld swore in the witnesses. Ms. Mellgren read the planning report and stated that the following documents were to be included into the record: the

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application, the subject site map, planning report, and an aerial.

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Samuel Schacdter, representing the petitioner, distributed documents and described the documents which included: copy of a survey, receipt #2905 in the amount of \$299 representing the 10% fee required for reduction of setback, a copy of a check for \$631 dated August 26, 1996, a copy of a check for \$299 dated July 19, 1996, and a document that showed lot 63 in the subdivision. Mr. Webber accepted the documents. Mr. Schacdter proceeded to explain the variance.

Councilmember Santini asked if a precedence would be set if this variance was approved. Mr. Webber advised that Mr. Schacdter had made a representation that this variance would not set a precedence "as to him"; however, if the lot was sold to a third party who was not presently involved, a compelling argument could be made.

Ms. Mellgren cross-examined Mr. Schacdter in which he provided answers.

Ms. Easterling explained the history of this project.

Mr. Schacdter asked that he be allowed to build the home and not to cause him a hardship. He added that no other variances would be asked for the other lots.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance.

Al Tyler, 8090 SW 19 Court, spoke in favor.

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

Councilmember Santini made a motion to deny. The motion died due to a lack of a second.

After some discussion, Councilmember Bush 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 - no. (Motion carried 4-1)

**7.9 SPECIAL PERMIT - SE 6-1-96, Pellerito/Home Depot, 2300 South University Drive (B-3) (to permit an outside food vendor adjacent to the Home Depot store entrance) (tabled from August 7, 1996) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board denied***

The petitioner was not present. Discussion followed on a proposed ordinance that staff was working on regarding tablins. Ms. Mellgren stated that the petitioner had not returned phone calls and recommended that this item be tabled until February.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to table to February 19, 1997. 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 PETITIONER REQUESTING A TABLING TO OCTOBER 2, 1996**

**LAND USE PLAN AMENDMENT - LA BC 96-2, Rubin/Sunny Lakes, Inc., 5400 Griffin Road (from R-5 to RO and C) (tabled from August 21, 1996)**

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to table to items 7.10 and 8.1 October 2, 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)

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**8. RESOLUTIONS**

**8.1 PETITIONER REQUESTING A TABLING TO  
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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. (tabled from August 21, 1996) (LA BC 96-2, Rubin/Sunny Lakes, Inc.) *Town Council transmitted resolution denying amendment (3-2, June 19, 1996)*

This item was tabled earlier in the meeting.

Councilmember Santini made a motion to add item 8.2 to the agenda. The motion died due to a lack of a second.

Councilmember Kiar indicated that he was opposed to the resolution and did not like items being added to the agenda at the last minute. Mayor Venis suggested that this item be placed on the October 2nd agenda and agreed that he did not like to see items added to the agenda. Councilmember Santini explained that Council needed to limit the number of boards an individual could be appointed to. She said that the County and other cities provided for this limitation. Discussion followed with Councilmember Santini reading the resolution in its entirety. It was the consensus of Council to place this item on the October 2nd Council meeting.

**9. APPOINTMENTS**

9.1 Charter Review Board (2 exclusive appointments by Vice Mayor Cox and 1 appointment by Councilmember Bush)

Councilmember Bush appointed John Pisula. Vice-Mayor Cox appointed Judy Paul and Michael Wanchick.

9.2 Parks and Recreation Advisory Board (2 exclusive appointments by Vice Mayor Cox)

Vice-Mayor Cox appointed Patti Reid and Debbie Apolinario.

Mayor Venis advised that Wayne Arnold had resigned from the Open Space Advisory Committee and appointed Al Tyler.

**10. DISCUSSION AND POSSIBLE ACTION**

10.1 Rescheduling of January 1, 1997 Council meeting due to observance of holiday

After some discussion, it was decided that the meetings in January would be scheduled for January 8th and January 22nd.

10.2 Waiver of Rodeo Arena Fees for Chamber of Commerce

This item was not discussed.

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**11. TOWN ADMINISTRATOR'S REPORT**

**PLAT REVIEW.** Mr. Flatley stated that the Town was exploring the possibility of the Site Plan Committee reviewing plats. Ms. Mellgren advised that the Chairman and Vice-Chairman of the Planning and Zoning Board had some concerns and the other Board members did not offer many comments. She asked that Council consider moving plat reviews to the Site Plan Committee on a trial basis. After some discussion, Mayor Venis, Vice-Mayor Cox and Councilmember Kiar were in consensus to leave this matter with the Planning and Zoning Board.

**12. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 11:46 p.m.

APPROVED \_\_\_\_\_

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

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