

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 4, 1996
7:00 P.M.**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:04 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.

Mayor Venis advised that item 9.1 would be tabled. Michele Mellgren, Director of Development Services, indicated that the tabling was to allow staff to hold workshops with the residents for further input. After a brief discussion, a staff workshop was scheduled for March 12, 1997 at 7:00 p.m. A suggestion was made that staff obtain information from the local colleges and universities.

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to table item 9.1 to April 16, 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)

3. OPEN PUBLIC MEETING

Mayor Venis advised the speakers of the Open Public Meeting procedures.

Arthur Joseph, 13700 SW 18 Court, believed in a drug-free work environment but not necessarily how this was accomplished. He said that firefighters took drug testing for pre-employment and for probable cause and he believed the fire union wanted to negotiate the random drug testing which was in their right.

Al Tyler, 8090 SW 19 Court, stated that there were no lights on 70th Avenue which was very dangerous. He said that the Town paid \$20,000 to a consultant to determine that more commercial and industrial development was needed in the Town and did not know why this money was spent. Mr. Tyler said that the streets, jails and schools were overcrowded and development needed to be stopped for a year.

Chris Love, 3931 North New River Canal Road, indicated that the fast pitch softball fields at Potter Park were being flooded and the games could not be played. An unidentified man stated that a contact person's name and number were needed for problems. Sharon Pierce-Kent, Director of Community Services, indicated that Potter Park was scheduled through the Police Athletic League and these problems would be resolved.

John Toole, 11250 SW 45 Street, asked if the residents could speak on item 9.1 which had previously been tabled. He said that the residents wanted to convince the Town that this issue needed to be dropped.

Michael Davenport, 14041 SW 22 Place, stated that Western High School was the most overcrowded school in Broward County and asked for Council's involvement in looking at the School Board's budget.

Jay Enten, 4800 Hawkes Bluff Avenue, asked about the turn status for the median on Griffin Road west of I-75. Assistant Town Administrator Robert Rawls advised that the Town was awaiting a formal response from the homeowner's association regarding the median. He indicated that it was the County's position that the median should exist and the Town was prepared to move forward on the project once input was received from the homeowner's association.

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 4, 1996
7:00 P.M.**

4. PRESENTATIONS

4.1 Davie/Cooper City Chamber of Commerce
A representative from the Chamber was not present.

4.2 Young At Art

Mayor Venis indicated that he had been appointed to the Young At Art Board and a presentation would be given at the December 18th meeting.

5. OCCUPATIONAL LICENSES

Home Occupational License

5.1 Conquest Music Group, 4820 SW 70 Avenue

As the applicant was not present, this item was deferred to later in the meeting.
(As the applicant did not appear, this item was not discussed.)

Mayor Venis announced that an item needed to be added to the agenda as item 5.2.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to add item 5.2. 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)

Seasonal Sales - Waiver of Fees

5.2 David Roth/Farm Bureau, 5660 Griffin Road (location: 5660 Griffin Road; December 1st - 22nd, 1996)

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)

Mayor Venis announced that items 7.10 and 7.11 needed to be tabled to February 19, 1997.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to table. 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 reconsidered and tabled to December 18, 1996.)**

6. COUNCILMEMBER COMMENTS

COUNCILMEMBER BUSH

Councilmember Bush had nothing to bring before Council.

VICE-MAYOR COX

JINGLE BELL PARADE. Vice-Mayor Cox stated that the South Florida Trailriders would be holding its Jingle Bell parade on December 8th.

STREETLIGHTS. Vice-Mayor Cox reminded everyone of the streetlights on 136th Avenue.

GUARDRAILS. Vice-Mayor Cox stated that accident reports were pulled for "58th, 61st, 70th, 76th, and 82nd" and more accidents would be caused if guardrails were installed.

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 4, 1996
7:00 P.M.**

COUNCILMEMBER SANTINI

GROUNDBREAKING. Councilmember Santini invited everyone to the groundbreaking ceremony for the Bergeron Rodeo Entranceway.

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 4, 1996
7:00 P.M.**

CHAPLAIN'S BREAKFAST. Councilmember Santini stated that she attended the Police Chaplain's Breakfast and was impressed.

LIGHTING OF THE GREENS. Councilmember Santini stated that the Lighting of the Greens would be held on December 14th.

HAPPY HANUKKAH. Councilmember Santini wished those of the Jewish faith a happy Hanukkah.

SCHOOL BOARD'S BUDGET. Councilmember Santini thanked Mr. Davenport for his report on the School Board's budget and agreed that something needed to be done. She said that Council needed to start the problem solving and not depend on other government agencies.

NEIGHBORHOOD BEAUTIFICATION. Councilmember Santini stated that on November 30th, she and Mayor Venis toured the neighborhoods looking for residents who were beautifying their neighborhoods. She indicated that the eastside neighborhood would be toured on December 14th.

COUNCILMEMBER KIAR

CHAPLAIN'S BREAKFAST. Councilmember Kiar stated that the Police Chaplain's Breakfast was inspiring and did not realize what a police chaplain did.

POLICE. Councilmember Kiar complimented the Town's police officers and the officers and added that the residents wanted a new police facility.

HAPPY HANUKKAH. Councilmember Kiar wished those of the Jewish faith a happy Hanukkah.

MAYOR VENIS

HAPPY HANUKKAH. Mayor Venis wished those of the Jewish faith a happy Hanukkah.

LIGHTING OF THE GREEN. Mayor Venis stated that he looked forward to seeing the residents during the event on December 14th.

ELEMENTARY SCHOOLS. Mayor Venis stated that he was to have met with Mr. Flatley and three elementary school principals on December 4th; however, the meeting was canceled because no Davie elementary school would be having year round schooling or double sessions. He indicated that a meeting would be scheduled in January to compile ideas on school overcrowding.

SHUTTLE BUSES. Mayor Venis stated that he attended his first meeting of the Traffic Management Association and said that the Town would be having two shuttle buses beginning in January.

FLAMINGO GARDENS. Mayor Venis announced that Flamingo Gardens would be holding a Founder's Day on December 8th and admission was free to the Town's residents.

EMS ASSESSMENT. Mayor Venis stated that he was requesting Council action on allowing churches to not pay the current EMS assessment fee and pay a double fee the following year such as what was done with property taxes. He indicated that staff was working on legislation that would remove churches from the State's definition. Mayor Venis asked for a vote on this matter. Mr. Webber indicated that the correct motion would be to direct staff to take the necessary action to attempt to have the collection for the current assessment delayed for one year and added to next year's bill. After lengthy discussion, it was decided that this matter would be placed on the next agenda for Council action.

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 4, 1996
7:00 P.M.**

Mayor Venis announced that items 7.10 and 7.11 had been tabled to February 19, 1997 and needed to be reconsidered as these items should have been tabled to December 18, 1996.

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 4, 1996
7:00 P.M.**

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to reconsider. 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)

Councilmember Bush made a motion, seconded by Councilmember Kiar, to table items 7.10 and 7.11 to December 18, 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 - out-of-room. (Motion carried 4-0)

7. CONSENT AGENDA

Minutes

7.1 October 2, 1996 - Regular Meeting

Resolutions

R-96-372 7.2 **CORRECTING SCRIVENERS ERROR - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING RESOLUTION R-96-260 RELATING TO A CODE ENFORCEMENT MITIGATION ADOPTED AUGUST 21, 1996, BY CORRECTING A SCRIVENERS ERROR; AND PROVIDING AN EFFECTIVE DATE. (from \$51,000 to \$51,100)**

R-96-373 7.3 **GRANT FUNDS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE FOR NINTH YEAR WASTE TIRE SOLID WASTE GRANT FUNDS, AND PROVIDING FOR AN EFFECTIVE DATE. (funds to enhance equestrian training ring in Oak Hill - \$12,980)**

R-96-374 7.4 **AWARDING OF FUNDS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING AN AGREEMENT BETWEEN THE DAVIE COMMUNITY REDEVELOPMENT AGENCY AND BROWARD COUNTY FOR FUNDING THROUGH THE SHIP PREDEVELOPMENT PROGRAM FOR THE EASTSIDE NEIGHBORHOOD. (\$21,699)**

R-96-375 7.5 **EXTENSION OF FUNDING DATE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING AN AMENDED AGREEMENT BETWEEN THE DAVIE COMMUNITY REDEVELOPMENT AGENCY AND BROWARD COUNTY FOR FUNDING THROUGH THE SHIP PREDEVELOPMENT PROGRAM FOR THE EASTSIDE NEIGHBORHOOD. (termination date changing from December 31, 1996 to December 31, 1997)**

R-96-376 7.6 **WAIVING BIDDING - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING FORMAL BIDDING AND ACCEPTING THE BID FROM EMERGENCY ONE. INC. AS A SOLE SOURCE SUPPLIER FOR**

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 4, 1996
7:00 P.M.**

**MODIFICATION OF TWO (2) PIECES OF FIRE APPARATUS. (Emergency
One, Inc. - \$100,118)**

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 4, 1996
7:00 P.M.**

R-96-377 **7.7 PURCHASE THROUGH GRANT FUNDS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BROWARD COUNTY TO PURCHASE THREE ZOLL SEMI AUTOMATIC EXTERNAL DEFIBRILLATORS, UTILIZING COUNTY E.M.S. GRANT FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.**

R-96-378 **7.8 MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINES IN CASE NO. 95-400 FROM \$18,500 IN AMOUNT TO \$1,000; AND PROVIDING AN EFFECTIVE DATE. (Irving C. Lossee, Jr., Tr.)**

7.9 EXTENDING CODE OF ORDINANCES ADVISORY COMMITTEE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RE-ESTABLISHING THE DAVIE CODE OF ORDINANCES ADVISORY COMMITTEE FOR A PERIOD OF ONE YEAR FOR THE SOLE AND EXCLUSIVE PURPOSE OF PREPARING AND SUBMITTING TO THE TOWN COUNCIL RECOMMENDATIONS FOR AMENDMENTS TO THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

7.10 EXPRESS SHUTTLE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A PROPOSED AGREEMENT WITH BROWARD COUNTY FOR PUBLIC TRANSPORTATION SERVICES FOR USE OF COUNTY BUSES TO PROVIDE AN EXPRESS SHUTTLE BETWEEN THE SOUTH FLORIDA EDUCATIONAL COMPLEX CAMPUSES AND DOWNTOWN DAVIE; REPEALING RESOLUTION NO. R-96-356; AND PROVIDING AN EFFECTIVE DATE.

7.11 EXPRESS SHUTTLE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE AN AGREEMENT WITH THE SOUTH FLORIDA EDUCATIONAL COMPLEX (SFEC) FOR OPERATION AND FUNDING OF AN EXPRESS SHUTTLE BETWEEN THE SOUTH FLORIDA EDUCATIONAL COMPLEX CAMPUSES, THE FORT LAUDERDALE TRI-RAIL STATION AND DOWNTOWN DAVIE; AND PROVIDING AN EFFECTIVE DATE.

Ordinance - First Reading (Public Hearing to be held December 18, 1996)

7.12 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 16-5 OF CHAPTER 16 OF THE CODE OF THE TOWN OF DAVIE CONCERNING FALSE ALARMS; PROVIDING FOR ALARM REGULATION; PROVIDING THAT ALL VIOLATIONS OF THE SECTION ARE PROSECUTED AS CODE ENFORCEMENT VIOLATIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 4, 1996
7:00 P.M.**

Vice-Mayor Cox asked that item 7.9 be removed from the Consent Agenda. Councilmember Kiar asked that item 7.12 be removed.

Town Clerk Reinfeld read the ordinance - first reading by title only. Mayor Venis advised that a public hearing on item 7.12 would be held on December 18, 1996.

Councilmember Bush made a motion, seconded by Councilmember Kiar, to approve the Consent Agenda without items 7.9 and 7.12. 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)

7.9 Vice-Mayor Cox stated that the Committee should be sunsetted and when there was a need to revisit ordinances, the Committee could be re-established.

Vice-Mayor Cox made a motion, seconded by Councilmember Kiar, to withdraw item 7.9 and to sunset the Committee. 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)

7.12 Councilmember Kiar stated that it was harsh to define an individual as a Code violator should there be more than three false alarms. He recommended that this be deleted.

Vice-Mayor Cox questioned the procedure on the fine for false alarms as the ordinance was confusing. Mr. Webber indicated that for the third violation, the penalty would be \$25 per violation. She added that lightning should be included as a definition. Mr. Webber suggested substituting lightning for earthquakes.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to approve with the modifications of Council's comments. 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)

Mr. Wallace stated that request for proposals were opened on December 2nd for a \$5 million credit facility and a \$9.8 credit facility. He indicated that the rates were very good and typically, a commitment letter had to be provided to the financial institution. Mr. Wallace advised that lowest bid on the \$5 million facility was 4.586% for 15 years and the \$9.8 million facility rate was 4.736% for 20 years. He stated that staff needed approval from Council to execute the commitment letter to retain the rates. Council had no objections.

8. SITE PLANS

8.1 SP 1-2-96, Pasadena @ Imagination Farms, 13000 Orange Drive (A-1) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report*

Ms. Mellgren read the planning report.

Howard Zimmerman, representing the petitioner, was present and indicated that the petitioner believed that there would not be any blasting involved on this site. He discussed the site plan and the trail system.

Councilmember Santini made a motion, seconded by Councilmember Bush, 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)

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 4, 1996
7:00 P.M.**

8.2 SP 9-2-96, Davie Center, northeast corner of Weston and Griffin Roads (BP) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report*

Ms. Mellgren read the planning report.

Bill Laystrom and Bruce Retzsch, representing the petitioner, were present. Messrs. Laystrom and Retzsch discussed the site plan.

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 4, 1996
7:00 P.M.**

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)

9. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinances - Second and Final Reading

9.1 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, SECTION 12-503, DEFINITIONS, ADDING DEFINITIONS OF "AGRICULTURE" AND "FARM BUILDING," REVISING THE DEFINITION OF "FARM"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

9.2 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,

96-050 CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM E AND AG TO A-1; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 9-1-96, west side of Flamingo Road approximately 1/2 mile south of SW 14 Street)

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 an explanation which was provided by Ms. Mellgren. Mr. Tyler was in favor of the ordinance.

Mayor Venis closed the public hearing.

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)

9.3 EASEMENTS - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,

96-051 ACCEPTING EASEMENTS FROM THE DAVIE COMMUNITY REDEVELOPMENT AGENCY CONVEYING CERTAIN PROPERTY FOR USE AS PUBLIC UTILITY EASEMENTS; AND PROVIDING AN EFFECTIVE DATE. (four lots on SW 43 Street)

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

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 4, 1996
7:00 P.M.**

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 4, 1996
7:00 P.M.**

9.4 EXTENDING SUSPENSION OF REVIEW OF TELECOMMUNICATION

96-052

TOWERS - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 96-28 BY EXTENDING FOR A PERIOD NOT TO EXCEED 120 DAYS THE SUSPENSION OF REVIEW OF SITE PLANS FOR TELECOMMUNICATION TOWERS, ANTENNAE OR SIMILAR STRUCTURES; PROVIDING FOR SEVERABILITY; AND PROVIDING 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 an explanation which was provided by Mr. Webber.

Mayor Venis closed the public hearing.

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)

9.5 EXTENDING SUSPENSION OF REVIEW OF SITE PLANS OR BUILDING

96-053

PERMITS FOR SPECIAL RESIDENTIAL FACILITIES - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 96-29 BY EXTENDING FOR A PERIOD NOT TO EXCEED 120 DAYS THE SUSPENSION OF REVIEW OF SITE PLANS OR BUILDING PERMITS FOR ANY AND ALL EXISTING OR PROPOSED SPECIAL RESIDENTIAL FACILITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

9.6 VARIANCE - V 5-5-92A, Powers, 4199 Kean Road (M-4, Hacienda Village) (to release the voluntary stipulation imposed by V 5-5-92 on July 2, 1992, which restricts junk yard or wrecking yard use of the 15.3 acre parcel located at the southeast corner of Kean Road and Oakes Road) (tabled from November 6, 1996) Planning and Zoning Division denied; Planning and Zoning Board approval subject to the voluntary stipulations that no dismantling or disassembling of vehicles would be permitted on the property, that the property would be developed with the same type of wall and landscaping currently existing, and that no stacking of vehicles would be permitted

Town Clerk Reinfeld swore in the witnesses. Mr. Webber explained the rules concerning the admission of evidence. Ms. Mellgren read the planning report and stated that the following documents were to be included into the record: the applicant's written request, the subject site map, planning report, and an aerial.

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 4, 1996
7:00 P.M.**

Charles Forman, representing the petitioner, asked Ms. Mellgren if she had reviewed the history of the Code Enforcement proceeding in 1992 and the supplemental variances that were also filed in 1992. Ms. Mellgren replied negatively to the Code Enforcement question and indicated that she had reviewed the variance file. Mr. Forman asked if anything was found in the variance file that the petitioner would ask for a modification of the variance. Ms. Mellgren replied negatively and indicated that this was a stipulation. Mr. Forman provided a copy of a declaration of restriction and asked Ms. Mellgren if she had seen it before. Ms. Mellgren stated that she believed the declaration was the same as what was in the file. Mr. Forman asked Ms. Mellgren to read paragraph four regarding amending the variance which she complied with.

Mr. Forman submitted the declaration of land use restrictions into the record which Mr. Webber accepted. He submitted arials into the record which Mr. Webber also accepted. Mr. Forman submitted an affidavit from of George Mower who was employed by Broward County Public Works and indicated that this had been obtained from the Town's files. Ms. Mellgren indicated that she could not testify that she had seen this document.

Mr. Forman explained the variance request and offered photographs of the area into the record which Mr. Webber accepted.

Mr. Webber indicated that the affidavit from Mr. Mower had not been authenticated and would not be accepted. Mr. Forman questioned why his testimony did not authenticate the document. Mr. Webber replied that Mr. Forman's testimony was that the affidavit was obtained from the Town's file. Mr. Forman confirmed that the affidavit was obtained from the Town's file and was referred to in the Council's minutes. Mr. Webber indicated that he would postpone his decision until this was researched.

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

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

Pat Montalbano, representing Austin Forman, spoke in opposition. Mr. Forman indicated that he had spoken with Mr. A. Forman today and asked Ms. Montalbano when she had spoken with him. Ms. Montalbano replied that she had spoken with Mr. A. Forman today who had indicated his opposition.

Dick Coker, representing New Town Commerce Center, was sworn in and spoke in opposition.

Sam Jazayri, 5245 SW 101 Street, spoke in opposition.

Constance Prevatt, representing StarBrite, was sworn in and spoke in opposition. She indicated that a letter and photographs had been provided to Council which Mr. Webber accepted into evidence.

Mr. Powers advised that it was noted in the "92 22" minutes that Mr. Huebner read the letter from Mr. Mower. Mr. Webber asked if the Town had an objection to admitting the letter into evidence. Ms. Mellgren replied negatively, however, neither she nor Planning and Zoning Manager Gayle Easterling could say that it was in the Town's records.

Mr. Forman stated that the request did not create an eyesore.

Gus Aguirre provided a history of the project.

Ms. Mellgren indicated that the letter from Mr. Mower was the County's opinion; however, the Hacienda Village Code was very clear on the definition of a junkyard which this business fell under. She advised that it was staff's position that this business qualified as a junkyard.

Ms. Easterling addressed Mr. Aguirre's comments.

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 4, 1996
7:00 P.M.**

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

Councilmember Kiar indicated that he had received a call from Judy Stern asking him to vote in opposition to the variance. He discussed Council's 1992 decision.

Councilmember Bush indicated that he had received a call from Mr. Aguirre who asked that he keep an open mind. He also discussed Council's 1992 decision.

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 4, 1996
7:00 P.M.**

Vice-Mayor Cox indicated that she had received a call from Mr. Aguirre who voiced his objection to being classified as a junkyard. She added that she had also received a call from Judy Stern who was opposed.

Vice-Mayor Cox suggested that in exchange for the variance, the applicant give up the Hacienda Village zoning and come into compliance with the Town's zoning. She indicated that this would allow for it to be compatible to the surrounding area should the property ever be sold.

Councilmember Santini indicated that the variance request did not comply with the guidelines that Council was to consider and added that she had met with Mr. Aguirre several months ago.

Mayor Venis indicated that he had spoken with Mr. Aguirre and agreed that he would rather see a development such as New Town Commerce Center instead of a junkyard.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to deny. 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)

Ordinance - First Reading (Public Hearing to be held December 18, 1996)

9.7 CHARTER AMENDMENTS - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING VARIOUS PROVISIONS OF THE CHARTER OF THE TOWN OF DAVIE; PROVIDING FOR SUBMISSION OF SAME TO THE ELECTORATE AT THE MUNICIPAL GENERAL ELECTION TO BE HELD ON MARCH 11, 1997; PROVIDING FOR APPROVED AMENDMENTS TO BE INCORPORATED INTO THE CHARTER OF THE TOWN; AND FOR THE FILING OF THE REVISED CHARTER WITH THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title.

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

Arthur Joseph, 13700 SW 18 Court, stated that he thought 90% of the Charter Review Board's recommendations were rejected. He said the main thrusts of the Board's work was to improve checks and balances, to provide better fiscal and financial responsibilities and to provide a more competitive business tone. Mr. Joseph discussed the rotation of the auditing firm every five years and incorporating the same protection for the Fire Department as was provided to the Police Department concerning privatization.

Al Tyler, 8090 SW 19 Court, stated that the Charter Review Board agreed that the Town Administrator should have the prerogative to hire and fire. He indicated that competitive bidding was needed and money was being lost. Mr. Tyler added that Council's salary should be increased.

John Pisula, 2933 SW 136 Avenue, thanked Councilmember Bush for appointing him to the Charter Review Board. He stated that the residents should be able to read the Charter and not have to refer to the Florida State Statutes. Mr. Pisula added that there needed to be better financial oversight.

Jeff Arndt, 6901 SW 45 Street, asked for a clarification on the nepotism clause. Mr. Webber indicated that there was no change to the current nepotism clause.

Councilmember Santini stated that in the larger departments and where there was

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 4, 1996
7:00 P.M.**

no supervision, she had less of a problem with nepotism than she did in the smaller departments. Councilmember Kiar indicated that he did not have a problem with people falling in love on the job and did not think an employee should have to be dismissed. Councilmember Santini questioned how this could be solved. Assistant Chief Robert McDaniel stated that strict compliance with the current Charter would cause the Town to lose a number of valuable employees. He suggested amending the Charter to prohibit an individual from being hired which would protect employees from having to be terminated. Assistant Chief McDaniel added that an administrative order could be prepared which outlined that there be no direct supervision or any other restriction that was deemed necessary to prevent problems. Mayor Venis indicated that he was in favor of making the appropriate changes. A brief discussion followed with Mr. Webber explaining the State Statute regulations.

Mayor Venis advised that the ordinance would be changed prior to the next Council meeting. Mr. Webber indicated that the word "employed" would be changed to "hired" in the Charter regarding nepotism.

Mayor Venis closed the public hearing.

Vice-Mayor Cox 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)

Resolution

9.8 SETTLEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-96-379 **AUTHORIZING THE APPROPRIATE PARTIES TO ENTER INTO A SETTLEMENT AGREEMENT RESOLVING THE LITIGATION PENDING IN BROWARD COUNTY CIRCUIT COURT UNDER CASE NOS. 96-13165 CACE (14) AND 85-003046-CT, CAPTIONED "THE HAMILTON M. AND BLANCHE C. FORMAN CHRISTIAN FOUNDATION, ETC., ET AL., PLAINTIFFS, VS. TOWN OF DAVIE, ETC., ET AL., DEFENDANTS" CONCERNING EMERGENCY MEDICAL SERVICES ASSESSMENTS; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Webber explained the resolution which regarded a settlement pertaining to a 1985 settlement agreement which the Town had entered into.

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 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)

Mayor Venis closed the public hearing portion of the meeting.

10. APPOINTMENTS

10.1 Budget Advisory Committee (one exclusive appointment per Councilmember)

Councilmember Bush appointed Cyril Spiro. Vice-Mayor Cox deferred her appointment to the next meeting. Councilmember Santini appointed John Pisula. Councilmember Kiar appointed Mike Murphv. Mayor Venis appointed John Reed.

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 4, 1996
7:00 P.M.**

10.2 Code of Ordinances Review Committee (one exclusive appointment per Councilmember)

No action was taken on this item as the resolution re-establishing the committee (item 7.9).

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 4, 1996
7:00 P.M.**

10.3 Davie Water Advisory Board (two exclusive appointment per Councilmember)

Councilmember Bush appointed Michael Davenport and deferred his second appointment. Vice-Mayor Cox deferred her appointments to the next meeting. Councilmember Santini appointed Cara Pasquali and Chuck Bonfiglio. Councilmember Kiar appointed Jay Enten and Mary Haas. Mayor Venis appointed David Brown and Walter Cronise.

11. DISCUSSION AND POSSIBLE ACTION

11.1 Renovations at Robbins Property

Mr. Rawls stated that when the Robbins property was acquired, the residential structure was acquired at the same time. He explained that the Open Space Advisory Committee had been working with consultants to develop a strategy to convert the home to a public facility. Mr. Rawls explained the improvements and asked Council to authorize an expenditure not to exceed \$15,000 to move forward with the actual preparation of design and construction bid documents. He added that once this was completed, staff would return with a definitive budget prior to bidding for actual construction. Discussion followed with Mr. Rawls indicating that the funds would be from the Open Space accounts.

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to give Mr. Rawls the money [cost not to exceed \$15,000 and the funds would be from Open Space accounts]. 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)

12. TOWN ADMINISTRATOR'S REPORT

MEETING WITH RESIDENTS. Mr. Flatley advised that Ms. Mellgren and he met with the Lauderdale Isles residents and another meeting was scheduled for December 16th. He indicated that the residents were now aware that the current property was not conducive to maintaining the residents' property values.

13. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 11:40 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk