

**TOWN COUNCIL  
REGULAR MEETING  
AUGUST 6, 1997  
7:00 P.M.**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:03 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

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

**3. OPEN PUBLIC MEETING**

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

Arthur Pollio, 6741 SW 55 Street, indicated that Council was doing a good job and asked for the status on the proposed guardrail on 70th Avenue. Councilmember Cox indicated that a neighborhood meeting was being held to discuss a rezoning in the area and the guardrail matter would also be discussed. Mr. Pollio stated that the residents thought the guardrail was ugly but was needed for safety reasons.

Phyllis Kowal, 14491 SW 24 Street, discussed the care of horses during storms/hurricanes and urged everyone to make preparations.

Dave Kaplan, 7791 NW 33 Street, distributed a petition to vacate 33rd Street which had been signed by the neighborhood and discussed the bus stop on 33rd and 78th. He also distributed a petition from the residents for speed "humps" or other "passive traffic calming device."

Arthur Joseph, 13700 SW 18 Court, discussed an article in the Sun Sentinel regarding EMS problems and stated that the Davie Update changed documented facts. Mr. Flatley responded to the misinformation reported by the Sun Sentinel.

Lloyd Phillips, 14420 SW 29 Court, discussed continuing problems with the Code Compliance Division regarding his neighbor's property. Mayor Venis asked that a meeting be held with Mr. Phillips within the next two weeks. Mr. Flatley advised that staff had been working with Mr. Phillips which Mr. Phillips disputed.

**4. PRESENTATIONS**

**4.1 July 4th Event Sponsors**

Vice-Mayor Santini discussed the events held and advised that local businesses paid for the fireworks. She thanked the businesses and advised that certificates of appreciation would be provided to: James A. Cummings Construction, Serotta Weiss and Helfman, Sam Jazayri, Kalis & Kleiman, P.A., Sea Ranch - Forest Ridge, Ethel & Mort Meyers, Pasadena @ Imagination Farms, Westwind Contractors, Waste Management, Judith Stern Consulting, Law Firm of Greenberg, Traurig et al, LifeFleet/Atlantic and Goodman, Webber & Hinden.

**4.2 Temporary Hurricane Housing for Horses - Michael Davenport**

Mr. Davenport presented information on housing horses during a hurricane. He indicated that the following help was needed from the Town: 1) printing, 2) fencing material, and 3) access to the landfill.

**4.3 Davie/Cooper City Chamber of Commerce**

Chuck Lennon, Executive Director, discussed the process of obtaining easements for Davie Road and a possible festival next spring. He advised that the 20th Annual Golf Classic was being held on September 12, 1997.

**4.4 Upcoming Special Events - Sharon Pierce-Kent and Bonnie Stafiej**

Sharon Pierce-Kent, Director of Community Services, announced that upcoming events included: local preliminary Junior Orange Bowl Pageant (October 3rd); registration for fall girl's softball program (begins August 7th); and winter baseball try-outs for boys 9 to 14 (September 2nd - 3rd).

Bonnie Stafiej, Special Projects Coordinator, announced that upcoming events included Bullriding (August 2nd), Jackpot Rodeos (every Wednesday), the 5 Star Rodeo (August 24th - 25th), Florida Junior Rodeo Championships (August 30th - 31st), Labor Day Splash (September 1st), and Concert in the Park (August 17th).

#### 4.5 Sidewalk/Bike Path Status - SW 41 Street from SW 76 Avenue to Davie Road

Vice-Mayor Santini indicated that the United Cerebral Palsy needed help with the sidewalks on SW 41st Street. Assistant Town Administrator Robert Rawls advised that because of easement problems, staff was proposing that a walkway be developed on the south side of the roadway. He added that a six inch curb would also be built to separate pedestrians/bicyclists from the roadway surface. Mr. Rawls indicated that the cost was approximately \$25,000 and with Council approval, a bid would have to be obtained. No objections were noted.

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

## **5. OCCUPATIONAL LICENSE**

### *Home Occupational Licenses*

#### 5.1 Cesar Amaral, 11869 SW 43 Court

Cesar Amaral, the applicant, was present. He confirmed that the request was for mail and phone use only. Vice-Mayor Santini made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - absent. (Motion carried 4-0)

#### 5.2 Koala-ty Management Systems, Inc., 11600 SW 25 Street

The applicant was not present.

Mayor Venis announced that item 8.3 was for four sites of which sites 1 and 3 needed to be tabled. Mr. Webber advised that a motion was needed to table the request of the two sites and the resolution would have to be amended to reflect the remaining two sites.

Councilmember Bush made a motion, seconded by Councilmember Cox, to table sites 1 and 3 to August 20, 1997. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - absent. (Motion carried 4-0)

Mr. Webber advised that item 8.3 would need to be amended to reflect sites 2 and 4 and added that the number of sites in the resolution would be changed from four to two.

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

Mayor Venis announced that items 8.22, 10.2 and 10.4 needed to be tabled to August 20, 1997.

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

Mayor Venis announced that item 10.3 needed to be tabled to September 17, 1997.

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

## **6. MAYOR/COUNCILMEMBER COMMENTS** **COUNCILMEMBER BUSH**

Councilmember Bush had nothing to report.

## **VICE-MAYOR SANTINI**

**LARGE ANIMAL PROTECTION.** Vice-Mayor Santini commended the residents in the Oak Hill area for their work with the large animal protection during hurricanes.

**HABITAT FOR HUMANITY.** Vice-Mayor Santini stated that she and Mr. Flatley attended Habitat's completion of the last four homes. She added that two high school students had established a Habitat for Humanity group of high school students looking to stamp out poverty homes.

**LAWSUIT.** Vice-Mayor Santini discussed the outcome of a lawsuit regarding a child's drowning in the City of Hallandale and explained the Town's procedures. She advised that she would like to see the Town take a more proactive role in teaching children to swim.

**CONSENT AGENDA.** Vice-Mayor Santini stated that on the Consent Agenda, there were two easements which would begin the downtown's beautification. She added that there was also a resolution awarding roadway beautification to Weekley Asphalt.

## **COUNCILMEMBER COX**

**LARGE ANIMAL PROTECTION.** Councilmember Cox also commended the residents in the Oak Hill area for their work with the large animal protection during hurricanes. She suggested that this information be incorporated into the Town's Hurricane Plan.

**CONSENT AGENDA.** Councilmember Cox stated that under the Consent Agenda, there was an agreement for the Robbins Lodge renovations.

**SPEED BUMPS.** Councilmember Cox updated Council on the speed bump issue on 30th Street.

**WESTFAIR.** Councilmember Cox announced that the 1st Annual Davie Orange Blossom Cowboy Cow Pasture event would be held at Westfair.

Councilmember Santini announced that many complaints had been received regarding speed bumps in the 136th Avenue area. She advised that Broward County had conducted a speed survey and changed the speed limit to 40 miles per hour.

## **COUNCILMEMBER KIAR**

Councilmember Kiar was absent.

## **MAYOR VENIS**

**NATIONAL NIGHT OUT AGAINST CRIME.** Mayor Venis stated that National Night Out Against Crime was recently held and indicated the Town would be participating next year.

**MEETING.** Mayor Venis stated that he would be meeting with the homeowners in Orange Park on August 11th to discuss concerns in the community.

**METROPOLITAN PLANNING ORGANIZATION.** Mayor Venis stated that he and Mr. Flatley would be making a presentation on August 18th in the hopes of obtaining a seat on the Organization.

**LIBRARY.** Mayor Venis stated that on August 19th, he and Mr. Flatley would be making a presentation to the Broward County Commission on funds for a library to be located in the Town.

**SWALE.** Mayor Venis stated that the Town was working on the swale problems in the Shenandoah area.

**STOP SIGNS.** Mayor Venis stated that a request had been made for stop signs in the Appalachian Trail area and he asked that a request be made for a push button crosswalk.

**HIGH SPEED RAIL SYSTEM.** Mayor Venis stated that he had received a confirmation of the Town's position regarding the high speed rail system.

## **7. TOWN ADMINISTRATOR'S REPORT**

**IMMUNIZATIONS.** Mr. Flatley reported that all seventh graders needed to comply with new immunization rules. Mayor Venis indicated that he was not aware of any location within the Town that provided the shots and asked that a request be made.

## **8. CONSENT AGENDA**

### *Minutes*

8.1 June 18, 1997 - Regular Meeting

8.2 July 2, 1997 - Regular Meeting

## **Resolutions**

**8.3 CERTIFYING BILLBOARD SITES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CERTIFYING BILLBOARD SITES PURSUANT TO SECTION 12-238(J)(9) OF THE CODE OF THE TOWN OF DAVIE PURSUANT TO THE REQUEST OF THE BOYS AND GIRLS CLUB OF BROWARD COUNTY, INC. AND GOLD COAST ADVERTISING; AND PROVIDING AN EFFECTIVE DATE. (tabled from July 2, 1997)

**8.4 LOAN SUBSIDY PROGRAM** - A RESOLUTION OF THE TOWN OF DAVIE, R-97-251 FLORIDA, RATIFYING THE DAVIE COMMUNITY REDEVELOPMENT AGENCY'S APPROVAL OF COMMERCIAL LOAN SUBSIDY PROGRAM ASSISTANCE TO THOMAS RAFAEL FOR A DOWNTOWN REDEVELOPMENT PROJECT.

**8.5 GRANT APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-252 AUTHORIZING THE APPLICATION FOR A GRANT FROM THE FLORIDA RECREATION DEVELOPMENT ASSISTANCE PROGRAM FOR THE DEVELOPMENT AND RENOVATION OF DRIFTWOOD ESTATES PARK. (\$200,000 grant which includes a match of \$100,000)

**8.6 DAVIE ROAD BEAUTIFICATION PROJECT** - A RESOLUTION OF THE TOWN R-97-253 OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH WEEKLEY ASPHALT PAVING, INC. TO PROVIDE DESIGN/BUILD SERVICES FOR THE DAVIE ROAD BEAUTIFICATION PROJECT. (\$701,570.73)

**8.7 ARENA RENTAL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-254 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN THE DAVIE RODEO ASSOCIATION, INC. AND THE TOWN OF DAVIE, FLORIDA FOR THE RENTAL OF THE BERGERON RODEO GROUNDS, OF DAVIE FLORIDA. (Youth Rodeo, August 30 - 31, 1997; waiver of fee)

**8.8 TRAINING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-255 AUTHORIZING ONE NEWLY HIRED POLICE OFFICER OF THE TOWN OF DAVIE POLICE DEPARTMENT TO ATTEND THE CRIMINAL JUSTICE INSTITUTES 185TH POLICE ACADEMY. (\$1,375 in direct costs)

**8.9 MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-256 APPROVING THE SPECIAL MASTER'S RECOMMENDATION FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 96-186 FROM \$8,550 IN AMOUNT TO \$1,000; AND PROVIDING AN EFFECTIVE DATE. (Barbara Mejias)

**8.10 MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-257 APPROVING THE SPECIAL MASTER'S RECOMMENDATION FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 96-342 FROM \$15,400 IN AMOUNT TO \$1,000; AND PROVIDING AN EFFECTIVE DATE. (Barbara Mejias)

**8.11 MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-258 APPROVING THE SPECIAL MASTER'S RECOMMENDATION FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 96-573 FROM \$3,300 IN AMOUNT TO \$1,000; AND PROVIDING AN EFFECTIVE DATE. (Barbara Mejias)

**8.12 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-97-259 BID FOR SUPPLY AND MAINTENANCE OF VENDING MACHINES. (New Life Vending to make a \$450/month donation to the E.A.S.E. Foundation)

**8.13 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-97-260 BID FOR A HYDROSTATIC VIBRATORY ROLLER AND TRAILER. (Kelly Tractor Co. - \$12,465)

8.14 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-97-261 BID FOR A SKID STEER LOADER, STATE OF FLORIDA BID #760-001-95-1. (New Holland North America, Inc. - \$24,888)

8.15 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-262 AUTHORIZING EXECUTION OF THE CONTRACT BETWEEN THE TOWN OF DAVIE AND JOHN LUTHER, INC., FOR RENOVATIONS TO THE ROBBINS LODGE; AND PROVIDING AN EFFECTIVE DATE. (\$153,953)

8.16 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA R-97-263 RESCINDING RESOLUTION R-97-248 AND AUTHORIZING AN AGREEMENT WITH WEISS SEROTA & HELFMAN, P.A. FOR LEGAL SERVICES ASSOCIATED WITH WATER AND SEWER ISSUES.

8.17 **ANTI-DISPLACEMENT PLAN** - A RESOLUTION OF THE TOWN OF DAVIE, R-97-264 FLORIDA, ADOPTING THE RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN IN COMPLIANCE WITH THE REGULATIONS GOVERNING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.

8.18 **SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-265 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 2-2-97, C & F Plat, south of Stirling Road, west of SW 77 Avenue)

8.19 **SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-266 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 5-1-97, Sabal Palm Apartments Plat, NW 33 Street, 600 feet east of University Drive)

8.20 **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-267 ACCEPTING EASEMENTS FROM THE DAVIE/COOPER CITY CHAMBER OF COMMERCE FOR USE AS PUBLIC UTILITY EASEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

8.21 **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-268 ACCEPTING DEDICATION OF EASEMENTS FOR USE AS PUBLIC UTILITY EASEMENTS ON TOWN OWNED PROPERTY; AND PROVIDING AN EFFECTIVE DATE

*Ordinances - First Reading (Public Hearing to be held August 20, 1997)*

8.22 STAFF REQUESTING A TABLING TO AUGUST 20, 1997

**CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12-238(J)(9) BY AMENDING SUBSECTION (b) THEREOF RELATING TO BILLBOARDS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from July 2, 1997)

8.23 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 16 ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS" BY ADDING THERETO SECTION 16-6 ENTITLED "PUBLIC CONSUMPTION PROHIBITED; EXCEPTIONS" PROVIDING FOR PROHIBITION OF PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES; PROVIDING FOR PROHIBITION OF CARRYING OPEN CONTAINERS CONTAINING ALCOHOLIC BEVERAGES; PROVIDING FOR EXCEPTIONS;

PROVIDING FOR VARIANCES FROM THE PROHIBITION BY APPLICATION TO THE TOWN COUNCIL; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE. (tabled from July 16, 1997)

**8.24 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN CODE, CHAPTER 2, ARTICLE III, SECTION 2-41, ENTITLED "QUALIFYING DISTRICT BOUNDARIES" BY REDELINEATING GEOGRAPHICAL QUALIFYING DISTRICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Councilmember Cox asked that items 8.3, 8.16, 8.23, and 8.24 be removed from the Consent Agenda.

Town Clerk Reinfeld read the ordinances-first reading by title only. Mayor Venis advised that a public hearing on items 8.22, 8.23 and 8.24 would be held on August 20, 1997.

Councilmember Bush made a motion, seconded by Councilmember Cox, to approve the Consent Agenda without items 8.3, 8.16, 8.23 and 8.24. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - absent. (Motion carried 4-0)

8.16 Councilmember Cox asked what qualifications the company had to provide legal services on the water and sewer issues. Joseph Serota, representing Weiss Serota and Helfman, advised that he did not have a full and complete understanding of all issues, however, his company had previously worked for the City's of Miramar and Sunrise. He described the backgrounds of the attorneys that work at his firm.

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

8.3 Councilmember Cox stated that she had a problem with the number of extensions and indicated that she would not recertify these sites. David Hughes, Executive Director of the Boys and Girls Club of Broward County, asked that Council recertify the sites and provided a display map. He explained the reason for the delay.

Vice-Mayor Santini stated that she had some fundamental issues with the sites and indicated that Council was certifying sites not companies. She advised that she wanted to see leases with a landlord and indicated that she did not want to see more sites on I-595. Vice-Mayor Santini indicated that she would not recertify any sites on I-595. Mayor Venis stated that he felt that it was not a criteria for the landlord to attend a meeting and he would prefer to see the sites on I-75 instead of I-595.

Mayor Venis passed the gavel and made a motion to approve the I-75 sites. Councilmember Bush seconded the motion.

An unidentified man (Joel Gustafson) advised that he had a lease on one of the proposed sites (Sapp property) and he had attempted to be placed on the agenda. Discussion followed.

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

Mr. Webber advised that this item was automatically tabled to the August 20, 1997 meeting.

8.23 Councilmember Cox asked that the word "variance" be changed to "exception" on 16-6(b). Mr. Webber agreed and added that there were several areas where this change needed to be made.

Councilmember Cox made a motion, seconded by Vice-Mayor Santini, to approve item 8.23 and changing the word variance to exception. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - absent. (Motion carried 4-0)

8.24 Venesia Thompson, representing FAU/FIU, explained the criteria used in preparing the options for boundary changes. She also explained the three options.

Councilmember Cox stated that she hoped Council would look at neighborhoods and thought that Oak Hill should not be split into two districts. She said that the population for Option three was more evenly spread than Option One and indicated that she would not support Option One.

Vice-Mayor Santini indicated that she liked Option Three best as Option One provided more land mass in District

3.

Mr. Webber advised that three options had been provided and Council needed to make a motion to approve one of the options. He explained that if this ordinance did not pass on second reading, Council would need to select another option and the ordinance procedure would begin again.

Mayor Venis indicated that he was in favor of Option one.

Councilmember Cox asked if two options could be provided for a public hearing. Mr. Webber recommended that one of the options be eliminated and added that the remaining two options could have a public hearing at the next meeting with the second reading being delayed to a subsequent meeting.

Vice-Mayor Santini indicated that she would like to proceed with Option Three. Councilmember Bush advised that he was in favor of Option Three.

Vice-Mayor Santini made a motion, seconded by Councilmember Cox, to approve Option Three. In a roll call vote, the vote was as follows: Mayor Venis - no; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - absent. (Motion carried 3-1)

## **9. SITE PLAN**

9.1 SP 4-4-97, Southwood Townhomes, 4800 block of University Drive (RM-10) (tabled from July 16, 1997) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report, checking for the need to provide a dumpster as opposed to individual garbage pick up, the proposed landscaping revisions, providing curbing on all sidewalks, and correcting the curbing details on SP 2, Section BB.*

Michele Mellgren, Director of Development Services, read the planning report.

Gus Aguirre, representing the petitioner, was present and indicated that the petitioner had complied with the requests made by staff and the Site Plan Committee.

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

## **10. PUBLIC HEARINGS**

Mayor Venis opened the public hearing portion of the meeting.

*Ordinance - First Reading (Second Public Hearing to be held August 20, 1997)*

**10.1 AMENDING COMPREHENSIVE PLAN - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION LA 97-2 (TXT/EAR), AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY ADDING PERMITTED USES TO THE COMMERCE/OFFICE DESIGNATION AND UPDATING TEXT, DATA, GRAPHICS, OBJECTIVES AND POLICIES BASED UPON THE 1995 EVALUATION AND APPRAISAL REPORT OF THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title. Mayor Venis advised that there would be another public hearing on this item on August 20, 1997.

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

Councilmember Cox asked for an explanation on number three which Ms. Mellgren provided.

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

*Ordinances - Second and Final Reading*

10.2 STAFF REQUESTING A TABLING TO AUGUST 20, 1997

**CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 16 ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS" BY ADDING THERETO SECTION 16-6 ENTITLED "PUBLIC CONSUMPTION PROHIBITED; EXCEPTIONS" PROVIDING FOR PROHIBITION OF PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES; PROVIDING FOR PROHIBITION OF CARRYING OPEN CONTAINERS CONTAINING ALCOHOLIC BEVERAGES; PROVIDING FOR EXCEPTIONS;**

PROVIDING FOR VARIANCES FROM THE PROHIBITION BY APPLICATION TO THE TOWN COUNCIL; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

This item was previously tabled.

10.3 STAFF REQUESTING A TABLING TO SEPTEMBER 17, 1997

**REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-2 TO B-1; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-3-97, Fee & CDI Engineering and Planning/Sublime Inc., 5900 SW 70 Avenue)

This item was previously tabled.

10.4 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, B-1, AND B-2 TO B-3; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 3-1-97, Kalis/McHugh, 7550 Griffin Road) (tabled from July 2, 1997)

Councilmember Cox made a motion, seconded by Councilmember Bush, to table item 10.4 to August 20, 1997. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - absent. (Motion carried 4-0)

10.5 **WARRANTY DEED** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 97-43 ACCEPTING A WARRANTY DEED FROM 54, INC. CONVEYING CERTAIN PROPERTY FOR USE AS A PUBLIC RIGHT-OF-WAY; 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 Cox made a motion, seconded by Vice-Mayor Santini, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - absent. (Motion carried 4-0)

10.6 **LAND USE PLAN AMENDMENT** - AN ORDINANCE OF THE TOWN OF 97-43 DAVIE, FLORIDA, APPROVING APPLICATION LA(SS) 97-4B, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "RESIDENTIAL (1 D.U./ACRE)" TO "INDUSTRIAL"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (LA (SS) 97-4B, Vista Filare Development, 351 SW 148 Avenue)

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 Cox made a motion, seconded by Vice-Mayor Santini, to approve.

Ms. Mellgren clarified that deed restrictions would be provided prior to the rezoning. Bill Laystrom, representing the petitioner, confirmed Ms. Mellgren's statement.

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

#### *Quasi Judicial Hearings*

10.7 **REZONING** - ZB 5-2-97, Davie Lodge No. 1798, Loyal Order of Moose, Inc./I.E.B., Inc., 4483 SW 64 Avenue (from B-2 to B-3) (tabled from July 16, 1997) *Planning and Zoning Division recommendation: approval subject to the planning report; Planning and Zoning Board recommendation: approval subject to the planning report*

Mr. Webber explained the rules concerning the admission of evidence. 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 application, the subject site map, planning report, and an aerial. She confirmed that her resume was on file with the Town Clerk's Office.

Richard Donato, representing the petitioner, was present.

Vice-Mayor Santini asked if alcoholic beverages would be served to the members or the public. Mr. Donato responded that alcoholic beverages would only be served to members of the club.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning. No one spoke. Mr. Webber stated that the hearing was concluded and Council could deliberate.

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

**10.8 VARIANCE** - V 5-2-97, Davie Lodge No. 1798, Loyal Order of Moose, Inc./I.E.B., Inc., 4483 SW 64 Avenue (B-3) (tabled from July 16, 1997) (to reduce the required lot size from 43,560 square feet to 19,619 square feet; to reduce the required lot frontage from 150 feet to 115.2 feet; and to reduce the required lot depth from 200 feet to 170.2 feet) *Planning and Zoning Division recommendation: approval; Planning and Zoning Board recommendation: approval*

No new witnesses were sworn in. Gayle Easterling, Planning and Zoning Manager, summarized the request and offered the planning report into evidence.

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

#### *Resolution*

**10.9 FEE SCHEDULE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-269 AMENDING THE CURRENT FEE SCHEDULE FOR THE DEVELOPMENT SERVICES DEPARTMENT FEES OF THE TOWN OF DAVIE; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the resolution by title. Ms. Mellgren explained the amendment.

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

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

Mayor Venis closed the public hearing portion of the meeting.

### **11. ORDINANCE - FIRST READING** (*Public Hearing to be held August 20, 1997*)

**11.1 REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-2 TO B-3; AMENDING THE ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (ZB 5-2-97, Davie Lodge No. 1798, Loyal Order of Moose, Inc./I.E.B., Inc., 4483 SW 64 Avenue)

Town Clerk Reinfeld read the ordinance by title. Mayor Venis advised that a public hearing on item 11.1 would be held on August 20, 1997.

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

### **12. APPOINTMENTS**

12.1 Child Safety Board (two exclusive appointments by Councilmember Bush; terms expired July 1997)  
Councilmember Bush appointed Lorraine Hoffman and Thomas D'Amico.

12.2 Open Space Advisory Committee (two exclusive appointments by Councilmember Bush; terms expired July 1997)

Councilmember Bush appointed Larry Lane and deferred his second appointment.

12.3 Parks and Recreation Advisory Board (one exclusive appointment per Council-member; one year terms; terms expire August 1997)

Councilmember Bush appointed Corey Johnson. Vice-Mayor Santini appointed Braulio Rosa. Mayor Venis appointed Joette Alongi. Councilmember Cox appointed Debbie Apolinario.

### **13. DISCUSSION AND POSSIBLE ACTION**

#### **13.1 Feasibility Study/Parking Garage at SFEC Site**

Mr. Flatley advised that the Town had been the catalyst for a parking garage at the South Florida Education Center (SFEC) and at a previous meeting, it was decided that bonding from the legislature would be sought. He explained that a feasibility study was needed and the Town had offered to fund the study with the understanding that this money, plus interest, would be returned once approved by the legislature. Vice-Mayor Santini indicated that the cost of the study would be \$10,000 to \$25,000.

Councilmember Cox questioned why the Town was paying for the study. Vice-Mayor Santini explained that the Town was only advancing the money and the Town would be reimbursed. Dave Sigerson, the Town's consultant, advised that it was explained to him that to obtain the bonding, "you have to be part of the SUS budget".

Councilmember Cox questioned what would happen should the bonding not be received. Vice-Mayor Santini indicated that the garage would be built with or without the bonding. She explained that the parking garage could be paid for with parking fees but the SFEC would prefer to obtain the funds through bonding.

Vice-Mayor Santini made a motion, seconded by Councilmember Bush, to approve 13.1. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - no; Councilmember Kiar - absent. (Motion carried 3-1)

#### **13.2 Request for Legislative and Governmental Consulting Services for 1997-98 - David Sigerson.**

#### **A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND DAVID K. SIGERSON, JR. OF ERICKS CONSULTANTS, INC. FOR REPRESENTING THE TOWN OF DAVIE FOR LEGISLATIVE AND GOVERNMENTAL CONSULTING SERVICES FOR THE 97/98 FISCAL YEAR**

Mr. Flatley advised that \$10,000 had been authorized to be spent for Mr. Sigerson's service and up to this point, the cost had only been \$5,000. He stated that Mr. Sigerson had been very responsible and had been very effective in watching the annexation issues. Mr. Flatley indicated that the Town was in need of Mr. Sigerson's services for the following year at a cost of \$30,000. Mr. Sigerson advised that he was looking at a fee of \$24,000 to be paid on a monthly basis plus travel and other expenses. Vice-Mayor Santini advised that she liked paying on an as needed basis and suggested that other cities share in the cost for mutual issues. Councilmember Cox agreed.

Mr. Sigerson recommended that he discuss this issue with Mr. Flatley and return to Council with a plan. Mayor Venis asked that the issues and fees be projected.

### **13. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 10:08 p.m.

