

**TOWN COUNCIL
REGULAR MEETING
AUGUST 20, 1997
7:00 P.M.**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:06 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, Cox and Kiar. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

3. PRESENTATIONS

3.1 Bruce Coleman, Maintenance Technician I - Ten Years
Mayor Venis presented Mr. Coleman with a service award.

3.2 Susan Dean, Public Relations Coordinator - Ten Years
Mayor Venis presented Ms. Dean with a service award.

3.3 Curt Mancini, Police Officer - Ten Years
Officer Mancini was not present.

3.4 Donald Crotty, Sr., Maintenance Technician II - Fifteen Years
Mayor Venis presented Mr. Crotty with a service award.

3.5 Michael Donovan, Code Compliance Inspector - Twenty Years
Mayor Venis presented Mr. Donovan with a service award.

3.6 James Ewing, Police Captain - Twenty Years
Mayor Venis presented Captain Ewing with a service award.

3.7 John George, Police Captain - Twenty Years
Mayor Venis presented Captain George with a service award.

3.8 Community Redevelopment Agency
Neal Kalis, Chairman, updated Council on the Agency's efforts.

3.9 Police/Fire/EMS Facility Schematic Design - Spillis Candela and Partners
Rick Macia and Steve Berler provided an update and a schematic design for the police/fire/EMS facility. Mr. Macia advised that the biggest issue was with future parking as the site was currently "maxed out". He indicated that future expansion would require a parking deck and provided a display for two alternatives. Mr. Macia stated that the two level deck would probably be recommended. He discussed the refinement and update of the elevations and future expansions. Mr. Marcia said that his company was ready to begin work on the inside of the building.

3.10 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent
Bonnie Stafiej, Special Projects Coordinator, announced that upcoming events included the 5 Star Rodeo (August 22nd - 23rd), Youth Rodeo (August 30th - 31st), Labor Day Splash (September 1st), Craft Show (September 20th - 21st).

Sharon Pierce-Kent, Director of Community Services, announced that upcoming events included: local Junior Orange Bowl Pageant (October 3rd); in-house soccer registration (beginning September 16th); registration for fall girl's softball program (beginning August 7th); swimming lessons (year round).

3.11 Third Quarterly Financial Status Report

Christopher Wallace, Director of Budget and Finance, advised that the Town was "running close to" expenditures and revenues and steps had been taken to curb expenditures.

Vice-Mayor Santini questioned the proposed property tax bills being received in the mail. Mr. Wallace responded to not pay the bill as this was a notification of the proposed tax and the tax could be reduced. He advised that the Town's operating millage rate was not being raised and had not increase for a number of years. Mr. Wallace added that the EMS assessment would be the same for residential property. He indicated that the voted debt service would be increased as the voters approved a new police/fire/EMS facility.

Mayor Venis asked Mr. Wallace to clarify the operating millage which Mr. Wallace explained.

4. OCCUPATIONAL LICENSES

Home Occupational Licenses

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

The applicant was not present.

4.2 Certa Propainters, 4000 SW 106 Terrace

Nelson Gehrman, the applicant, was present. He confirmed that the request was for mail and phone use only. Councilmember Bush made a motion, seconded by Councilmember Kiar, 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 - yes. (Motion carried 5-0)

Mayor Venis announced that items 7.3, 9.12 and 9.13 had been withdrawn by the respective petitioners.

Mayor Venis advised that item 9.1 needed to be tabled to September 3, 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 - yes. (Motion carried 5-0)

Mayor Venis advised that items 9.8, 9.9, 9.10 and 9.11 needed to be tabled to September 17, 1997.

Councilmember Kiar made a motion, seconded by Councilmember Cox, to table to September 17th. 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 - yes. (Motion carried 5-0)

5. MAYOR/COUNCILMEMBER COMMENTS

COUNCILMEMBER BUSH

CONFERENCE. Councilmember Bush stated that Council would be traveling to Orlando to attend the State's Annual League of Cities Conference.

VICE-MAYOR SANTINI

PROMOTING EVENTS. Vice-Mayor Santini stated that she attended the recent concert at Robbins Lodge; however, she was the only non-family/friend of the band. She believed that better promoting was needed.

RECOGNITION. Vice-Mayor Santini stated that police and fire awards were presented at the Davie/Cooper City Chamber of Commerce breakfast. She congratulated Police Officer of the Year John Stokes, Explorer of the Year Scott Yodel and retiring Sergeant Arthur Stabile. Vice-Mayor Santini announced that the Town had 20 firefighters with paramedic certification and these firefighters were commended at the breakfast.

WESTFAIR. Vice-Mayor Santini advised that she and Councilmember Cox had been attending meetings regarding the WestFair event. She stated that anyone who wanted to volunteer could contact her, Councilmember Cox or the WestFair office.

DAVIE UPDATE. Vice-Mayor Santini stated that the Davie Update was supposed to be a positive community paper and she did not want to make this a political paper. Councilmember Cox indicated that she thought the Update should be about the Town and not a "soapbox". Mayor Venis thought the current format provided a lot of information.

COUNCILMEMBER COX

RECOGNITION. Councilmember Cox stated that Trevor Nance and the eastside neighborhood volunteers should be recognized at a Council meeting.

COUNCILMEMBER KIAR

BIRTHDAY. Councilmember Kiar advised that his birthday was August 22nd.

SUMMER CAMP. Councilmember Kiar read a letter from Roberta Harrison hoping that the Davie Summer Daze at Berman Park would continue next year.

MISUNDERSTANDING. Councilmember Kiar stated that he had responded to a letter in the Community News correcting any misunderstanding regarding storm warnings for horses. He commended the Oak Hill area Crime Watch members who were committed to working on this issue.

SCHOOLS. Councilmember Kiar advised that he attended the Davie Merchants and Industrial Association meeting to hear Ray de la Feuilliez, area Superintendent of Construction for the Broward County School Board. Mr. de la Feuilliez had indicated that the School Board was researching the matter of purchasing abandoned shopping centers to use for schools.

DRIFTWOOD GAZEBO. Councilmember Kiar stated that he understood that the Town would be receiving insurance proceeds from the burned down gazebo in addition to grants for basketball courts, etc. He asked if there would be any type of security with Mr. Flatley advising that the gazebo would be moved to the front of the park and constructed of CBS block. He added that additional lighting would also be provided.

FIREFIGHTER MASKS. Councilmember Kiar stated that a fundraiser was being held to purchase masks for the safety of the firefighters and residents. Fire Chief Michael Donati advised that the fundraiser would begin on August 30th and would be held at the local McDonald's. He indicated that a demonstration of the mask would be held on August 25th.

MAYOR VENIS

SCHOOLS. Mayor Venis stated that he also attended the Davie Merchants and Industrial Association meeting and one problem with utilizing existing businesses for additional schools was that the cost to retrofit a building was prohibitive.

ORANGE PARK HOMEOWNER'S MEETING. Mayor Venis advised that he, Assistant Town Administrator Robert Rawls and Assistant Chief of Police Robert McDaniel attended the Orange Park Homeowner's meeting. He stated that various concerns were discussed at the meeting and a commitment had been made to schedule another meeting within 30 days. Mayor Venis asked that this meeting be scheduled.

LIBRARY. Mayor Venis stated that he and Mr. Flatley attended the Broward County Commission meeting regarding the library; however, the meeting lasted too long. He indicated that he and Mr. Flatley would attend the next meeting to make a presentation.

YOUNG AT ART. Mayor Venis stated that the Young at Art's transition to the new facility was running smoothly.

CONGRATULATIONS. Mayor Venis congratulated Michael Cardella for graduating at the top of his class at the Marine boot camp.

6. TOWN ADMINISTRATOR'S REPORT

TELEVISION SHOW. Mr. Flatley stated that he and Mayor Venis had appeared on June Silvernale's Talk Time television show.

YOUNG AT ART. Mr. Flatley stated that the museum would move be to the old Ames shopping center.

MONOPOLE. Mr. Flatley stated that a monopole would be provided at the Flamingo Fire Station with Sprint and OmniPoint wanting to co-locate on the pole. He requested that the monopole's height be increased from 125 feet to 150 feet.

Councilmember Cox made a motion, seconded by Councilmember Kiar, to amend the height to allow an additional 25 feet from 125 feet to 150 feet in height. 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 - yes. (Motion carried 5-0)

7. CONSENT AGENDA

5K Run

7.1 South Florida Striders - September 7, 1997 (7:30 a.m. to 8:30 a.m.)

Proclamation

7.2 SFEC/Tri Rail Express Bus Kick Off Day - September 4, 1997

Resolutions

7.3 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. (sites 1 and 3; tabled from August 6, 1997)

7.4 CERTIFYING BILLBOARD SITES - A RESOLUTION OF THE TOWN OF DAVIE, R-97-271 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. (sites 2 and 4; tabled from August 6, 1997)

7.5 FUNDS FOR TRAINING - A RESOLUTION OF THE TOWN OF DAVIE, R-97-272 FLORIDA, AUTHORIZING EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUND FOR POLICE DEPARTMENT TRAINING. (\$5,000)

7.6 HOLIDAYS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-273 APPROVING THE HOLIDAYS TO BE OBSERVED BY THE TOWN OF DAVIE FOR FISCAL YEAR 1997-98; AND PROVIDING AN EFFECTIVE DATE.

7.7 MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-274 APPROVING THE SPECIAL MASTER'S RECOMMENDATION FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 96-441 FROM \$2,500 IN AMOUNT TO \$800; AND PROVIDING AN EFFECTIVE DATE. (Daniel V. Mastantonio and Karen D. Mastantonio)

7.8 TRANSFER OF COMMITTED TRIPS - A RESOLUTION OF THE TOWN OF R-97-275 DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, DAVIE ASSOCIATIONS, LTD., RELATING TO THE TRANSFER OF COMMITTED TRIPS BETWEEN CONTIGUOUS PLATTED PARCELS; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURE TO SAID AGREEMENT. (DG 7-2-97, Hidden Acres and Village Townhouse - Davie Plats)

7.9 SUBDIVISION PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-276 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 3-1-97, Country Western Store, 7550 Griffin Road) (*Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*)

7.10 PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-277 AUTHORIZING A REVISION TO THE ICE PLAT, PROVIDING FOR A REVISION TO ACCESS OPENINGS AND TURN LANE CONFIGURATION AND PROVIDING AN EFFECTIVE DATE. (DG 7-1-97, ICE Plat, northwest corner of Orange Drive and Flamingo Road)

7.11 AFTER SCHOOL DAY CARE - A RESOLUTION OF THE TOWN OF DAVIE, R-97-278 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH YMCA OF

BROWARD COUNTY, FL, INC. FOR AFTER SCHOOL DAY CARE PROGRAM. (remuneration to the Town - 50¢/day per child)

7.12 PHOTOGRAPHY - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-279 EXTENDING THE CONTRACT FOR SPORTS PHOTOGRAPHY. (The Sports Section; remuneration to the Town - \$1 for every child who purchases photograph)

7.13 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-97-280 PROPOSAL FOR PROPERTY, CASUALTY AND WORKERS' COMPENSATION INSURANCE AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO EXECUTE INSURANCE ENDORSEMENTS FOR SUCH COVERAGES. (Florida League of Cities)

7.14 PLANNING SERVICES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-281 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH BERMILLO AJAMIL & PARTNERS, INC. FOR MISCELLANEOUS PLANNING SERVICES. (\$11 to \$35 hourly rate)

7.15 SCHOOL RESOURCE OFFICER PROGRAM - A RESOLUTION OF THE TOWN OF R-97-282 DAVIE, FLORIDA, AMENDING THE RESOLUTION ACCEPTING THE AGREEMENT BETWEEN THE SCHOOL BOARD OF BROWARD COUNTY AND THE TOWN OF DAVIE. (increase of \$2,000 per officer)

7.16 SPECIAL ASSESSMENT SETTLEMENT - A RESOLUTION OF THE TOWN OF R-97-283 DAVIE, FLORIDA, AUTHORIZING THE TOWN ATTORNEY TO ADD MILES A. FORMAN, ET AL., AS PARTY PLAINTIFFS IN THE CASE OF RALPH SESSA, ET AL. VS. THE TOWN OF DAVIE; AND PROVIDING AN EFFECTIVE DATE.

7.17 EASEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-284 PROVIDING AN EASEMENT FOR WATER AND SEWER FACILITIES ON TOWN OWNED PROPERTY; AND PROVIDING AN EFFECTIVE DATE. (in the Ivanhoe community)

7.18 TRAFFICWAYS BEAUTIFICATION - A RESOLUTION OF THE TOWN OF R-97-285 DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION FOR TRAFFICWAYS BEAUTIFICATION FOR FLAMINGO ROAD MEDIAN FROM I-595 TO GRIFFIN ROAD WITHIN THE TOWN OF DAVIE AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SUCH DOCUMENT.

7.19 EXPRESS SHUTTLE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-286 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 FORT LAUDERDALE TRI-RAIL STATION AND THE SOUTH FLORIDA EDUCATIONAL COMPLEX CAMPUSES AND DOWNTOWN DAVIE; AND PROVIDING AN EFFECTIVE DATE.

Ordinance - First Reading (Public Hearing to be held September 3, 1997)

7.20 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 August 6, 1997)

Vice-Mayor Santini asked that item 7.4 be removed from the Consent Agenda. Councilmember Kiar asked that item 7.18 be removed.

Town Clerk Reinfeld read the ordinance-first reading by title only. Mayor Venis advised that a public hearing on

item 7.20 would be held on September 3, 1997.

Councilmember Kiar made a motion, seconded by Councilmember Cox, to approve the Consent Agenda without items 7.4 and 7.18. 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 - yes. (Motion carried 5-0)

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

Councilmember Bush made a motion, seconded by Councilmember Kiar, to approve. 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 - yes. (Motion carried 3-2)

7.18 Councilmember Kiar commended staff for their efforts on the maintenance of Flamingo Road from I-595 to Griffin Road.

Councilmember Kiar 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 - yes. (Motion carried 5-0)

8. SITE PLAN

8.1 SP 2-2-97, Bill Seidle Mitsubishi, 5395 University Drive (B-3) *Planning and Zoning Division approved subject to the planning report; Site Plan Committee approved subject to the planning report and allowing pavers or stamped concrete in areas indicated on the plans*

Gus Aguirre, representing the petitioner, was present. Gayle Easterling, Planning and Zoning Manager, read the planning report. Councilmember Cox clarified that the excavation of 40 feet would remain on site and there would be no blasting which Mr. Aguirre confirmed.

Councilmember Cox made a motion, seconded by Councilmember Kiar, 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 - yes. (Motion carried 5-0)

8.2 SP 6-1-97, F-1626 Turnpike & 84, 3358 SW 49 Way (M-4, County) *Planning and Zoning Division approved; Site Plan Committee approved*

This item was tabled to September 17, 1997 later in the meeting.

9. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinances - Second and Final Reading

9.1 STAFF REQUESTING A TABLING TO SEPTEMBER 3, 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 16, 1997)

This item was tabled earlier in the meeting.

9.2 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 97-44 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 EXCEPTION FROM THE PROHIBITION BY APPLICATION TO THE TOWN COUNCIL; PROVIDING FOR SEVERABILITY AND PROVIDING AN

EFFECTIVE DATE. (tabled from August 6, 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 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 - yes. (Motion carried 5-0)

9.3 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 97-45 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 August 6, 1997)

Town Clerk Reinfeld read the ordinance by title.

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

Neal Kalis, representing the petitioner, was present.

Michele Mellgren, Director of Development Services, advised that deed restrictions had voluntarily been offered by the applicant at the last meeting. She indicated that staff recommended approval of the rezoning subject to the deed restrictions, the planning report and to amending the deed restrictions to add language that the \$4,000 be used for signage and if any funds remained, the applicant would voluntarily donate the funds to a brick paver crosswalk project that the residents wanted. Ms. Mellgren added that if the project was not undertaken by August 20, 1999, the applicant would not be obligated to contribute to the project. Councilmember Cox requested that a letter regarding be sent to Ms. Witkop of the timeframe. Mr. Kalis indicated that he had no problem with Councilmember Cox's request and added that the applicant had agreed to the amended language.

Mayor Venis closed the public hearing portion of the meeting.

Vice-Mayor Santini made a motion, seconded by Councilmember Cox, to approve with the deed restrictions and the planning report. 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 - yes. (Motion carried 5-0)

9.4 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 97-46 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.

Town Clerk Reinfeld read the ordinance by title.

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

Michael Davenport, 14041 SW 22 Place, spoke in favor of the ordinance.

Dean Alexander, 13820 SW 16 Street, stated that the District Boundary Review Committee should have been questioned on the selection prior to Council choosing an alternative.

Fernando DiBella, 4321 SW 61 Avenue, indicated that Council should consider where the population would change before a decision was made.

Mayor Venis closed the public hearing.

Patty Schapley, representing the FAU, advised that she prepared the report and provided a summary.

Councilmember Cox and Vice-Mayor Santini explained their reasoning for choosing Option 3.

Councilmember Kiar thanked the members of the Committee for their efforts.

Vice-Mayor Santini made a motion, seconded by Councilmember Cox, to approve item 9.4. 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 - yes. (Motion carried 4-1)

9.5 AMENDING COMPREHENSIVE PLAN - AN ORDINANCE OF THE TOWN OF 97-47 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 asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Mr. Flatley advised that the new Fire Station located on Nob Hill Road was being reduced from three bays to two bays and explained that the two bays would be sufficient for the area to be served. He indicated that it was also important that attention be focused further west where response times could be reduced. Mr. Flatley added that staff's focus would be on another future station near 148th Avenue and 14th Street or I-595 and 136th Avenue. Vice-Mayor Santini made a motion, seconded by Councilmember Cox, to approve item 9.5. 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 - yes. (Motion carried 5-0)

9.6 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 97-48 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 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 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 - yes. (Motion carried 5-0)

Vacation/Abandonment

9.7 VA 6-1-97, Poinciana Homes of Broward, Inc., 13900 State Road 84 (to vacate an internal utility easement located within the West Park Hotel Site) *Planning and Zoning Division approved; Planning and Zoning Board approved*

George Bozo, representing the petitioner, was present. Ms. Easterling summarized the planning report.

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

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 - yes. (Motion carried 5-0)

Quasi Judicial Hearings

9.8 PLANNING AND ZONING BOARD TABLED TO AUGUST 27, 1997; COUNCIL CAN TABLE TO SEPTEMBER 17, 1997

REZONING - ZB 5-1-97, MAHB Properties, Inc./Equitable Life Assurance Society of the United States, 3650 Weston Road (tabled from July 16, 1997)

This item was tabled earlier in the meeting.

9.9 PLANNING AND ZONING BOARD TABLED TO AUGUST 27, 1997; COUNCIL CAN TABLE TO SEPTEMBER 17, 1997

REZONING - ZB 6-3-97, Kerr/Pie Realty Investments, Inc., 6650 Stirling Road

This item was tabled earlier in the meeting.

9.10 PLANNING AND ZONING BOARD TABLED TO AUGUST 27, 1997; COUNCIL CAN TABLE TO SEPTEMBER 17, 1997

VARIANCE - V 5-1-97, Zeus Properties, Inc., 4371 SW 55 Avenue (tabled from July 16, 1997)

This item was tabled earlier in the meeting.

9.11 PLANNING AND ZONING BOARD TABLED TO AUGUST 27, 1997; COUNCIL CAN TABLE TO SEPTEMBER 17, 1997

VARIANCE - V 6-5-97, Panella, 5550 SW 58 Court

This item was tabled earlier in the meeting.

9.12 WITHDRAWN BY PETITIONER

VARIANCE - V 6-3-96, Weiss/Duncan, 10220 State Road 84 (tabled from May 21, 1997)

This item was withdrawn by the petitioner.

9.13 WITHDRAWN BY PETITIONER

VARIANCE - V 4-3-97, Gross/Hulmes, Trustee, 4320 SW 64 Avenue (tabled from June 18, 1997)

This item was withdrawn by the petitioner.

9.14 REZONING - ZB 5-4-97, Keith & Ballbe, Inc./Rabenau, 7900 Stirling Road (from R-5 to RM-5) Planning and Zoning Division approved; Planning and Zoning Board approved subject to the petitioner's voluntary access restrictions

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Ms. Easterling 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 and was submitted for the record. Ms. Easterling added that she was submitting the planning report for the record.

Dennis Mele, representing the petitioner, explained the request and provided graphics.

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.

Councilmember Kiar made a motion, seconded by Councilmember 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)

9.15 REZONING - ZB 6-1-97, Banaszak Concrete Corp./Banaszak, immediately south of 2401 College Avenue (M-1, Old Code to M-2) Planning and Zoning Division approved; Planning and Zoning Board denied

Town Clerk Reinfeld swore in the witnesses. Ms. Easterling 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.

Ms. Mellgren distributed a list of permitted uses and entered the list into the record. She summarized what uses would be permitted if the zoning was not changed.

Mark Butler, representing the petitioner, asked that staff's evidence be admitted for the record.

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

Mr. Webber asked if anyone wished to provide testimony in opposition to the rezoning. The following individuals spoke:

Harry Tessler.

Jamie Shapiro, owner of the property south of the requested rezoning.

Michael Davenport, 14041 SW 22 Place.

Mr. Banaszak explained the reason for the request.

Mr. Butler advised that the company had been operating since before 1972 and indicated that the applicant was seeking to comply with the Code. He rebutted Mr. Tessler's statement.

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

After some discussion, Vice-Mayor Santini questioned if the petitioner would be willing to indicate that the dumpsters would not be stored on the property should the rezoning be approved. Mr. Butler replied that if this was a condition imposed for the rezoning to be approved, the petitioner would "have to live with that condition." Mr.

Webber explained that the Council would not be imposing any condition but was asking if there would be a voluntary offer. Mr. Butler indicated that this would be voluntarily submitted.

Mr. Shapiro and Mr. Tessler were allowed to speak and provided comments on the previous discussion. Mr.

Butler objected to further input. Mr. Webber indicated that the public hearing was closed but Council was permitted to ask questions.

Mr. Banaszak indicated that a deed restriction could also be provided for storage.

Mayor Venis recommended that staff visit the site to recommend some type of buffer. Councilmember Cox suggested that Council be provided with a definitive list comparing what was permitted "today" versus what was permitted under the new Code.

Mr. Webber recommended that this item be tabled to a subsequent meeting and the hearing would then be re-opened to allow Council to consider any new evidence.

After some discussion, Councilmember Kiar made a motion, seconded by Councilmember Bush, to table to the second meeting in September [September 17, 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)

Councilmember Cox announced that she had met with Mr. Banaszak and she would file a statement concerning what was discussed. Councilmember Kiar questioned if he could visit the site with Mr. Webber replying that this was acceptable as long as it was disclosed.

9.16 REZONING - ZB 6-2-97, Moses/Stevani, Inc., corner of Flamingo Road and SW 26 Street (from AG to CF) *Planning and Zoning Division approved; Planning and Zoning Board approved subject to the planning report, the additional voluntary deed restrictions, submittal of a traffic study prior to the Town Council meeting, and restricting the size of the building to 15,000 square feet*

Town Clerk Reinfeld swore in the witnesses. Ms. Easterling 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. Ms. Mellgren advised that issues that needed to be discussed included the type of land use and traffic circulation and provided an explanation.

Raymond Moses, the petitioner, was present and provided photographs of his current facility. Mr. Webber distributed the pictures to Council.

Mr. Moses advised that a 15,000 square foot building was needed for the pre-school and a 5,000 square foot building for an after-care program. He indicated that his license for daycare would be for 270 to 300 children. Vice-Mayor Santini asked if the facilities being built only utilized three acres, could the remaining two acres be sold for any other use. She questioned if the five were deed restricted to a Community Facility zoning. Ms. Mellgren responded that if another zoning was required for acreage that was not being used for a school, the petitioner would have to return to Council for a public hearing to rezone the property.

Ms. Mellgren advised that the petitioner had provided a voluntary condition that he would not seek any type of tax exemption of the property.

Mr. Webber asked if anyone wished to provide testimony in favor of the rezoning.

Michael Davenport, 14041 SW 22 Place, discussed the reason for the Planning and Zoning Board request for a traffic study and urged Council to give the request quite a bit of weight.

Mr. Webber asked if anyone wished to provide testimony regarding the rezoning.

Dalia Alonoso, 2670 South Flamingo Road, was concerned with the access to the petitioner's property.

Mr. Webber asked if anyone wished to provide testimony in opposition to the rezoning.

Mark Schmidt, 6020 SW 18 Street - Plantation, discussed his concerns with the access and the square footage of the buildings. He wanted to know how it would affect the parcel where he was moving to and the community that he was building. Mr. Schmidt indicated that he supported the rezoning but needed a restriction of land and what the affect would be on the local streets. Discussion followed.

Renee Pardo, 2670 South Flamingo Road, stated that a traffic light was needed and requested that a study be completed if a school was to be located on this property. She was not opposed to the school as long as it did not "go higher than elementary school or lower." Ms. Pardo added that she would like to see the restriction kept at 15,000 square feet.

Phyllis Kowal, 14491 SW 24 Street, urged Council to think about this request and discussed the amount and speed of traffic.

Mr. Moses discussed his process of signing children in and out so there would not be any stacking of cars.

Mr. Webber stated that the hearing was concluded.

Mayor Venis indicated that a traffic study had recently been requested for a project abutting a residential community when Council was concerned about traffic. He added that he was in favor of the project but would like to see a traffic study for this rezoning prior to voting. Councilmember Kiar agreed. Councilmember Cox asked if Council was prepared to move forward with the rezoning if the traffic study showed that traffic could be handled by providing certain measures. She indicated that she did not have a problem requiring the study; however, she would like to see the size of the property being rezoned reduced.

Vice-Mayor Santini asked if there was a limit to the size of the school as she had a problem with the size of the building that could be built on five acres. Ms. Mellgren advised that once the traffic study was completed, Council would have to take the size of the building into account based on the study.

Councilmember Cox indicated that she had a letter from Mr. Moses indicating that he did not operate on the weekends. Ms. Mellgren advised that Mr. Moses had indicated that he would deliver voluntary restrictions prior to the second reading of the ordinance to restrict against: adult educational facilities, civic centers, colleges, universities, educational adult vocational technical trade schools, hotels, motels, hospitals mausoleums, cemeteries, and telecommunication towers.

Councilmember Cox advised that she would like to make this "as small a parcel under the CF zoning" but still adequately address Mr. Moses' needs. Mr. Moses advised that he would amend his request to rezone only the southern approximately 2.4 acres to the CF zoning and to leave the remaining 3 acres under the current zoning. Vice-Mayor Santini made a motion, seconded by Councilmember Cox, to table this issue and item 10.4 until September 17, 1997. Mayor Venis indicated that the issue to be discussed at the September 17th meeting would begin at the traffic study as the public hearing had been closed. 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)

9.17 REZONING - ZB 6-4-97, Richard Rubin & Associates/Sunny Lakes, Inc., 5400 Griffin Road (from R-1 and R-5 to RO and B-2) *Planning and Zoning Division approved; Planning and Zoning Board denied*

Town Clerk Reinfeld swore in the witnesses. Ms. Easterling 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. Jim Brady and Richard Rubin, representing the petitioner, were present. Mr. Brady provided a history of the project. Mr. Rubin discussed the proposed rezoning and defined the zoning context. Mr. Brady advised that he would provide a clean, written document regarding Broward County's comments. Mr. Webber indicated that the comments would be accepted into evidence with a clean document being provided at a later date. He provided a copy of the deed restrictions which he had discussed.

Mr. Webber asked if anyone wished to provide testimony in favor of the rezoning.

Michael Davenport, 14041 SW 22 Place.

Mr. Webber asked if anyone wished to provide testimony in opposition to the rezoning.

The following individuals spoke:

Steve Smith, 4720 SW 54 Terrace.

Vincent Arico, 4630 SW 54 Terrace.

Franklin Brown, 4731 SW 54 Terrace.

Nick Williams, 4620 SW 54 Terrace.

Mr. Brady encouraged Council to move the matter to the first reading of the ordinance at the September 17th meeting.

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

Councilmember Cox made a motion, seconded by Vice-Mayor 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)

9.18 REZONING - ZB 6-5-97, Rodriguez/Estate of Thomas G. Boman, 5220 SW 64 Avenue (A-1 to RO) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Town Clerk Reinfeld swore in the witnesses. Ms. Easterling advised that the individuals sworn in were the applicants and summarized the planning report.

An unidentified person, representing the petitioner, was present.

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

Councilmember Kiar made a motion, seconded by Councilmember Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - out of room; Councilmember Kiar - yes; and Councilmember Santini - out of room. (Motion carried 3-0)

9.19 VARIANCE - V 6-1-97, Schmidt/Paradise Land Corp., 11920 SW 22 Court (AG) (to reduce the required street side setback from 35 feet to 21.5 feet) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Town Clerk Reinfeld swore in a witness. Mr. Webber advised that it appeared that no one would testify other than the petitioner. Ms. Easterling summarized the planning report.

An unidentified person, representing the petitioner, was present.

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

Councilmember Kiar made a motion, seconded by Vice-Mayor 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)

9.20 VARIANCE - V 6-2-97, Ostis, 1915 SW 101 Avenue (R-3) (to reduce the required setback from 20 feet to 11 feet) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Town Clerk Reinfeld swore in the witnesses. Mr. Webber asked if there was anyone who was speaking in opposition with no one speaking in the affirmative. Ms. Mellgren advised that she took exception with the backup material provided by Mr. Ostis and provided an explanation.

Ms. Easterling summarized the planning report.

An unidentified man, representing the petitioner, explained the request.

Richard Weiner spoke in favor of the request.

Mr. Webber stated that as there were no other speakers, the hearing was concluded. Discussion followed with Councilmember Kiar indicating that a stricter penalty was needed in the future for individuals who obtained permits after the fact. Ms. Mellgren responded that staff would return with a proposed fee schedule for variances of this nature.

Councilmember Kiar made a motion, seconded by Vice-Mayor 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)

9.21 VARIANCE - V 6-3-97, Corporate Property Services, Inc./Wendy's International, Inc., 3055 University Drive (B-2) (to increase the allowable size of a menu board sign from 28 square feet to 42.3 square feet) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Town Clerk Reinfeld swore in the witnesses. Ms. Easterling summarized the planning report.

An unidentified person, representing the petitioner, was present.

Mr. Webber stated that the hearing was concluded.

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

9.22 VARIANCE - V 6-4-97, Aronos, Inc./Lincoln Park Davie, 6800 - 6890 Stirling Road (B-2) (to increase the allowable number of tenant panels from 6 to 14; to reduce the total number of required parking spaces from 342 to 262) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Town Clerk Reinfeld swore in a witness. Ms. Easterling distributed a new color rendering of the proposed sign.

Ms. Mellgren advised that the variance request had subsequently been amended and explained that the height variance was no longer an issue. She summarized the planning report.

An unidentified person, representing the petitioner, was present.

Councilmember Cox questioned the need of the parking reduction with an unidentified man and Ms. Mellgren explaining the request. Discussion followed.

Mr. Webber stated that the hearing was concluded.

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 - 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. ORDINANCES - FIRST READING (*Public Hearing to be held September 3, 1997*)

10.1 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF AN UTILITY EASEMENT ADJACENT TO THE WEST PARK - HOTEL PARCEL PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 6-1-97, Poinciana Homes of Broward, Inc.)

Town Clerk Reinfeld read the ordinance-first reading by title only.

Councilmember Kiar 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 - yes. (Motion carried 5-0)

10.2 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-5 TO RM-5; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-4-97, Keith & Ballbe, Inc./Rabenau)

Town Clerk Reinfeld read the ordinance-first reading by title 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 - yes. (Motion carried 5-0)

10.3 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM M-1 (OLD CODE) TO M-2; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 6-1-97, Banaszak Concrete Corp./Banaszak)

Councilmember Cox made a motion, seconded by Councilmember Kiar, to table to September 17, 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 - yes. (Motion carried 5-0)

10.4 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG TO CF; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 6-2-97, Moses/Stevani, Inc.)

This item was tabled earlier in the meeting.

10.5 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO RO; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 6-5-97, Rodriguez/Estate of Thomas G. Boman)

Town Clerk Reinfeld read the ordinance-first reading by title only. Mayor Venis advised that a public hearing on this item would be held on September 3, 1997.

Councilmember Kiar 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 - yes. (Motion carried 5-0)

8.2 Councilmember Cox made a motion, seconded by Vice-Mayor Santini, to table to September 17, 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 - yes. (Motion carried 5-0)

11. APPOINTMENTS

11.1 Open Space Advisory Committee (one exclusive appointment by Councilmember Bush; term expired July 1997)

Councilmember Bush appointed Orlando Huegett, Jr.

11.2 Parks and Recreation Advisory Board (one exclusive appointment by Council-member Kiar; one year term; term expire August 1997)

Councilmember Kiar appointed Joyce Stewart.

12. DISCUSSION AND POSSIBLE ACTION

12.1 Solicitation Ordinance

Mr. Flatley advised that Mr. Webber had researched ordinances from surrounding municipalities and now needed direction from Council. He indicated that one question that needed to be answered was if religious organizations were to be included. Councilmember Kiar indicated that he did not think religious organizations should be regulated. Councilmember Cox stated that to solicit, one should be registered as a charitable organization. Mr. Webber indicated that he could combine the City of Pembroke Pines ordinance with statutory requirements. Vice-Mayor Santini questioned if waiver of fees for religious organizations were approved by Council. Mayor Venis indicated that the fee would be for an administrative permit and recommended that the ordinance be modeled after Pembroke Pines' ordinance for the time being.

12.2 Billboard Request by AK Media

Mr. Webber advised that Mr. Gustafson had requested that this item be tabled.

Councilmember Kiar made a motion, seconded by Councilmember Bush, to table to September 17, 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 - yes. (Motion carried 5-0)

12.3 LDG Corporation Request for Reconsideration - V 10-2-96, Safe Alarms

Ms. Mellgren explained that the request was to waive the one year period pursuant to the Town's Code.

Vice-Mayor Santini made a motion, seconded by Councilmember Kiar, 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 - yes. (Motion carried 5-0)

Mr. Webber advised that an order had been received regarding MVP Properties and explained that the Town had asked for a rehearing and clarification on a previous decision. He stated that the Court had denied the Town's request for rehearing and clarification without providing a reason. Mr. Webber requested that the Town file a Petition of Cert with the Florida Supreme Court which would be the Town's last recourse.

Councilmember Kiar 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 - yes. (Motion carried 5-0)

Councilmember Cox advised that the Town had been negotiating with the Fire Union for a long time and part of the problem was that the Town did not have a good relationship with the firefighters. She suggested that the Council's appointment to the Fire Pension Board be reconsidered and a Councilmember be appointed to improve the relations, to improve communication and to make sure that the taxpayer's welfare was taken into consideration as well as the welfare of the firefighters. Councilmember Cox recommended that Mr. Tyler be removed from the Board and be replaced with Vice-Mayor Santini. Discussion followed.

Councilmember Cox made a motion, seconded by Councilmember Bush, to remove Al Tyler from the Pension Board in an effort to improve relations with the firefighters and to appoint Vice-Mayor Santini to serve on the Fire Pension Board. Councilmember Kiar stated that he had a problem removing someone who was close to the end of his term. 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 - no. (Motion carried 4-1)

13. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 12:27 a.m.

