

**TOWN COUNCIL  
REGULAR MEETING  
SEPTEMBER 17, 1997  
7:00 P.M.**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:07 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 Davie Rodeo Association**

An unidentified woman advised that the Association held its first Junior Rodeo Championships at the arena on August 30th and 31st and advised that over 188 children had competed. She presented Council with a plaque for its support.

**3.2 Davie Juvenile and Midget Traveling All-Star Baseball Teams**

No presentation was made.

**3.3 Introduction of Newly Hired Police Sergeant and Officers**

Police Chief Jack Mackie introduced newly promoted Sergeant Liz Legacki and nine new police officers: Dawn Arnau, Daniel Brito, Chad Burgs, Ron Martin, Richard Moore, Steve Olenchak (not present), Brian Pritchard, Mark Savin (not present), and David Graziadei. He advised that three additional police officers were currently in the Police Academy.

**3.4 Carolyn Akers, Finance Clerk I - Ten Years**

Mayor Venis presented a service award to Ms. Akers.

**3.5 Kevin Montaldi, Maintenance Technician II - Ten Years**

Mr. Montaldi was not present.

**3.6 Timothy Wilderman, Plant Operator I - Fifteen Years**

Mayor Venis presented a service award to Mr. Wilderman later in the meeting.

**3.7 Louise Cipolla, Administrative Secretary - Fifteen Years**

Mayor Venis presented a service award to Ms. Cipolla.

**3.8 Patricia Kuznof, Accounting Services Supervisor - Fifteen Years**

Mayor Venis presented a service award to Ms. Kuznof.

**3.9 Edward Taylor, Police Lieutenant - Fifteen Years**

Mayor Venis presented a service award to Lieutenant Taylor.

**3.10 Ronald Burgs, Battalion Chief - Twenty Years**

Mayor Venis presented a service award to Battalion Chief Burgs.

**3.11 Mark Chatlos, Driver Engineer - Twenty Years**

Driver Engineer Chatlos was not present.

**3.12 Community Redevelopment Agency**

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

### 3.13 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent

Bonnie Stafiej, Special Projects Coordinator, announced that upcoming events included: 12th Annual September Country Craft Show (September 20th - 21st); 5 Star Rodeo (September 26th - 27th); Annual Bull Riding (October 11th); and November Country Craft Show (November 15th - 16th).

Sharon Pierce-Kent, Director of Community Services, announced that upcoming events included: Junior Orange Bowl Queen Pageant (October 23rd); in-house soccer registration (September 15th - November 1st); and Roller Hockey League registration, ages 8 - 14 (begins October 6th).

## 4. OCCUPATIONAL LICENSES

### *Home Occupational Licenses*

#### 4.1 Access Jewelry, Inc., 6920 SW 56 Court

Councilmember Kiar indicated that he would need to abstain from voting as he was the applicant's attorney.

Mayor Venis indicated that he would need to abstain from voting as he was the applicant's accountant.

Damiono Pignato, the applicant, was present. He confirmed that the request was for mail and phone use only.

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

#### 4.2 Suncutter's Inc., 15430 SW 31 Street

Michael Smith, representing the applicant, was present. He confirmed that the request was for mail and phone use 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)

Mayor Venis announced that items 9.7, 9.12 and 11.1 had been withdrawn by the petitioners.

Mayor Venis announced that item 7.12 needed to be tabled to October 2, 1997.

Councilmember Bush made a motion, seconded by Vice-Mayor Santini, 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 announced that items 9.8 and 9.11 needed to be tabled to September 24, 1997.

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) **(Item 9.8 was tabled to October 15, 1997 later in the meeting.)**

Mayor Venis asked for a motion to correct the tabling of 9.8 [and item 9.11] as it needed to be tabled to October 15, 1997.

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)

Mayor Venis announced that items 9.6, 9.9 and 9.10 needed to be tabled to October 15, 1997.

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

## 5. MAYOR/COUNCILMEMBER COMMENTS

### *COUNCILMEMBER BUSH*

*DAVIE/COOPER CITY CHAMBER OF COMMERCE EVENTS.* Councilmember Bush stated that Council had attended the Chamber breakfast with Mayor Venis providing a State of the City message. He indicated that he, Councilmember Kiar and Mayor Venis had also played in the Chamber's golf tournament.

**GROUNDBREAKING/GRAND OPENINGS.** Councilmember Bush stated that he attended the groundbreaking of a second Regent Bank location in Ft. Lauderdale. He added that he had also attended the grand opening of Walgreens. Councilmember Bush indicated that some Councilmembers had attended the Tri-Rail Express Bus "kick off".

#### **VICE-MAYOR SANTINI**

**EDUCATION.** Vice-Mayor Santini stated that the Town's Joint Economic Development Steering Committee had taken on a project of education and explained that the Committee was trying to increase the level of education.

**TRI-RAIL EXPRESS BUSES.** Vice-Mayor Santini advised that students at the McFatter Vocational Technical School had provided the artwork on the Tri-Rail Express Buses.

**GRAND OPENING.** Vice-Mayor Santini stated that she attended the Walgreens ribbon cutting which was interesting.

**MCFATTER HI-TECH HIGH SCHOOL.** Vice-Mayor Santini advised that the new principal of the McFatter Hi-Tech High School, John Eastman, had an incredible method of teaching children and indicated that there were positive movements of education in the area.

**ANNEXATION.** Vice-Mayor Santini stated that she and Mr. Flatley had met with Jim Dale regarding the annexation of Rexmere Village.

**SUMMER CAMPS.** Vice-Mayor Santini indicated that the Town's staff had met with groups in the area to try and provide type of summer camp to the children who lived in the Town.

#### **COUNCILMEMBER COX**

Councilmember Cox stated that she had nothing to bring before Council.

#### **MAYOR VENIS**

**COCA COLA.** Mayor Venis advised that he had met with representatives of Coca Cola regarding proclaiming Coke as the Town's official drink, however, nothing had been finalized.

**DAVIE/COOPER CITY CHAMBER OF COMMERCE EVENTS.** Mayor Venis stated that he had been the guest speaker at the Chamber's breakfast and thanked Council for attending. He also thanked the Chamber for the invitation.

**KEEP DAVIE BEAUTIFUL.** Mayor Venis stated that the Keep Davie Beautiful Program would begin again in October in the Ivanhoe community.

**POLICE ATHLETIC LEAGUE.** Mayor Venis advised that the American Legion had made a \$50,000 commitment to the Davie Police Athletic League and a check for \$30,000 had recently been received. He thanked the American Legion for their financial commitment.

**CONGRATULATIONS.** Mayor Venis congratulated Jay and Carolyn Stahl for becoming grandparents.

**TRI-RAIL EXPRESS BUSES.** Mayor Venis indicated that he had also attended the Tri-Rail Express Bus "kick off" and he hoped that these buses would alleviate some of the parking and traffic problems.

**GRAND OPENING.** Mayor Venis advised that he had also attended the Walgreens grand opening and thanked Walgreens for their financial commitment.

**PROCLAMATION.** Mayor Venis stated that Nova Southeastern University had requested a proclamation be added to the October 2nd agenda proclaiming the month of October as Domestic Violence Community Awareness Month.

#### **COUNCILMEMBER KIAR**

**CONGRATULATIONS.** Councilmember Kiar congratulated Mr. and Mrs. Stahl on becoming grandparents.

**HAPPY BIRTHDAY.** Councilmember Kiar wished Phyllis Kowal a happy birthday.

**14TH STREET.** Councilmember Kiar stated that it appeared that student drivers were driving on the walkway on the north side of 14th Street. He asked that there be enforcement in this area.

**STOP SIGN/TRAFFIC LIGHT.** Councilmember Kiar asked that a four-way stop sign or traffic light be looked at for the intersection of 148th Avenue and 16th Street.

**RESURFACING.** Councilmember Kiar stated that the area on 136th Street north of 14th Street needed to be resurfaced and hoped this was in the capital budget.

**ROAD PROBLEM.** Councilmember Kiar stated that on University Drive and 136th in the City of Plantation,

the road dipped and caused cars to hit bottom. He asked that the Department of Transportation be contacted.  
**HOLIDAY.** Councilmember Kiar wished those of the Jewish faith a happy New Year and hoped that there was peace everywhere in the upcoming year.

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

**RESOLUTION.** Mr. Flatley stated that a resolution needed to be added to the agenda. Assistant Town Engineer Robert Rawls explained the resolution which would provide a savings on the construction of a bike path/equestrian trail.

Councilmember Cox made a motion, seconded by Vice-Mayor Santini, to add a resolution waiving bidding. 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)

**A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING FORMAL R-97-318 BIDDING AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR DEVELOPMENT OF THE FLAMINGO ROAD ESL MULTI-PURPOSE TRAIL. (Mitigating Circumstances, Inc.)**

Councilmember Kiar 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)

**LETTER.** Mr. Flatley read a letter from Sister Marie Siena, Professor Merit of Education, regarding the care provided by the Town's EMS provider.

**EMS RESPONSE TIME.** Mr. Flatley stated that the budget indicated that EMS would have a five minute response time for suppression and rescue operations which was the average.

## **7. CONSENT AGENDA**

### *Resolutions*

**7.1 RANKINGS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-304 APPROVING THE RANKINGS FOR DESIGN/BUILD SERVICES TO FURNISH A MAINTENANCE/STORAGE BUILDING AT PINE ISLAND PARK AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT WITH THE HIGHEST RANKING FIRM. (Recreational Design & Construction, Inc.)**

**7.2 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-97-305 BID FOR I-595/DAVIE RD. LANDSCAPE PROJECT. (Arazoza Brothers Corp., \$45,822.50)**

**7.3 BID EXTENSION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-306 EXTENDING THE BID FOR SLUDGE HAULING. (H & H Liquid Sludge Disposal, Inc., \$62,940.00)**

**7.4 SPECIAL COUNSEL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-307 RATIFYING THE ENGAGEMENT OF HOLLAND & KNIGHT AS SPECIAL COUNSEL TO THE DAVIE COMMUNITY REDEVELOPMENT AGENCY FOR FISCAL YEAR 1997-98 (\$150/hour basic services; \$185/hour for special services)**

**7.5 MITIGATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-308 APPROVING THE SPECIAL MASTER'S RECOMMENDATION FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 93-192 FROM \$9,000 IN AMOUNT TO \$800; AND PROVIDING AN EFFECTIVE DATE. (George and Gloria Maddox)**

**7.6 EXTENDED TRAVEL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-309 AUTHORIZING EXTENDED TRAVEL FOR OFFICER BRAD TYLER OF THE DAVIE**

POLICE DEPARTMENT. (\$1,039.00 in direct costs - Drug Abuse Resistance Education Academy)

**7.7 REVISING CLASS SPECIFICATION - A RESOLUTION OF THE TOWN OF R-97-310 DAVIE, FLORIDA, REVISING THE CLASS SPECIFICATION FOR FIRE INSPECTOR IN THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS CLASSIFICATION PLAN TO BE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT.**

**7.8 HIGH SPEED RAIL SYSTEM - A RESOLUTION OF THE TOWN OF DAVIE, R-97-311 FLORIDA, SUPPORTING THE LOCATION OF THE HIGH SPEED RAIL ALONG THE SOUTH FLORIDA RAIL CORRIDOR, AND PROVIDING FOR AN EFFECTIVE DATE**

**7.9 RELEASE OF UTILITY LIEN - A RESOLUTION OF THE TOWN OF DAVIE, R-97-312 FLORIDA, RELEASING CERTAIN PROPERTY FROM THE UTILITY LIEN FOR UNPAID WATER ASSESSMENTS INCURRED BY A PRIOR PROPERTY OWNER; AND PROVIDING AN EFFECTIVE DATE.**

**7.10 INTERLOCAL AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, R-97-313 FLORIDA, APPROVING THE AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE CITY OF HOLLYWOOD; AND PROVIDING AN EFFECTIVE DATE.**

**7.11 SUBORDINATION OF LIEN - A RESOLUTION OF THE TOWN OF DAVIE, R-97-314 FLORIDA, SUBORDINATING THE LIEN OF THE TOWN OF DAVIE ON PROPERTY OWNED BY JOLMY ENTERPRISES, INC. WITH RESPECT TO CERTAIN MORTGAGE INDEBTEDNESSES; AND PROVIDING AN EFFECTIVE DATE.**

*Ordinance - First Reading (public hearing to be held on October 2, 1997)*

**7.12 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/Sublime, Inc., 5900 SW 70 Avenue) (tabled from September 3, 1997)**

Mayor Venis asked that item 7.8 be removed from the Consent Agenda.

Vice-Mayor Santini made a motion, seconded by Councilmember Kiar, to approve without item 7.8. 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)

**7.8** Mayor Venis advised that it was the Town's position that the high speed rail system run along US 27 in lieu of I-75.

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. SITE PLANS**

**8.1 SP 6-1-97, F-1626 Turnpike & 84, 3358 SW 49 Way (M-4, County) (tabled from August 20, 1997) *Planning and Zoning Division recommended approval; Site Plan Committee recommended approval***

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

Councilmember Cox 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 SP 6-2-97, University Office Park II, 5400 South University Drive (CC) *Planning and Zoning Division***

*recommended approval subject to conditions as outlined in the planning report; Site Plan Committee recommended approval subject to the planning report, removing the sidewalk in front of the building leaving ten feet to the east, providing for stepping stones where necessary and illustrating them on the plans, field adjusting the location of the wax myrtles, and having all changes required by the Committee incorporated into the plans for Council's review*

Ben Fellichio, representing the petitioner, was present. Ms. Easterling read the planning report. Councilmember Cox explained the Site Plan Committee's recommendation with a lengthy discussion following.

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)

8.3 SP 7-1-97, BellSouth Mobility Cell Site EXYN-2, southeast corner of the intersection of State Road 84 and SW 100 Avenue (CF) *Planning and Zoning Division recommended approval subject to conditions as outlined in the planning report; Site Plan Committee recommended approval subject to the planning report, changing the Sable Palms to Royal Palms with a minimum of four to five feet of clear wood*

Robert Elias, representing the petitioner, was present. Michele Mellgren, Director of Development Services, read the planning report.

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)

8.4 SP 7-2-97, BellSouth Mobility Cell Site WVCV, 3500 Flamingo Road (CF) *Planning and Zoning Division recommended approval subject to conditions as outlined in the planning report; Site Plan Committee recommended approval subject to the planning report*

Robert Elias, representing the petitioner, was present. Ms. Mellgren read the planning report and indicated that the planning report had been amended from 125 feet to 150 feet.

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)

8.5 SP 8-9-97, Forest Ridge Single Family VII, 3000 Ridge Trace (PRD 3.6 & E) *Planning and Zoning Division recommended approval of the proposed landscape entry feature and denial of the proposed "false" guardhouse within the public right-of-way; Site Plan Committee recommended approval of the landscaping subject to providing fifteen caliper inches of Town approved trees south of the lake on parcel C and ensuring that the two oak trees on the northwest side of the entry wall be maintained properly giving consideration to equestrian traffic in that area; recommendation to approve "false" guardhouse failed due to a tie vote*

Walter Collins, representing the petitioner, was present. Ms. Easterling read the planning report regarding the guardhouse.

Mr. Collins advised that he agreed with the staff's report relating to making the roads public and he did not intend to have any gates or obstacles. He displayed the site plan and provided an explanation.

Councilmember Cox stated that the agreement provided that Tract A would not have any structures; however, the map showed that houses were to be built on Tract A. She added that the entrance tract was where the petitioner wanted to place the structure. Mr. Collins indicated that this was obviously an error. Councilmember Cox stated that the original intention was that the entranceway would not have any structures which was what she considered a guardhouse to be.

Councilmember Kiar indicated that he did not see any harm with a guardhouse and he thought it would add security to the community. Councilmember Bush suggested that a sign be placed at the guardhouse indicating what was open to the public. Councilmember Kiar asked Mr. Collins if he was willing to stipulate that there would never be anything to prohibit the entrance of the public.

Mr. Collins recalled that the agreement was for "swimming pools or other things" in Tract A as it was originally a recreation path and this would be a problem. He requested that this item be tabled for two weeks to allow him to research this issue. Mayor Venis asked for a motion to table this item to October 2, 1997.

Vice-Mayor Santini made a motion, seconded by Councilmember Kiar, to table. 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 - yes. (Motion carried 4-1)

## **9. PUBLIC HEARINGS**

### ***Budget***

**9.1 MILLAGE RATE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-315 ESTABLISHING THE MILLAGE RATE TO BE LEVIED FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1997, AND ENDING SEPTEMBER 30, 1998. (5.1086 mills)**

Town Clerk Reinfeld read the resolution by title.

Christopher Wallace, Director of Budget and Finance, advised that the tentative millage rate was the same as the previous several years.

Vice-Mayor Santini questioned if two firefighter masks were provided in the budget. Mr. Wallace responded that he would need Council direction. Councilmember Kiar stated that it was essential that the money for the masks be provided in the budget. Mr. Wallace advised that \$45,000 from comp time that had been determined to be holiday time from the Police Department and \$5,000 from Contingency could be placed in the Fire Department's budget. Mayor Venis asked if anyone wished to speak for or against the resolution.

Dr. Nicholas Macy, Executive Director of Gilda's Club of South Florida, requested support in any amount Council felt was appropriate.

Dr. Glen Rose and Braulio Rosa, Broward Community College, provided an update on the Seahawk Program.

Dr. Rose indicated that support was needed and added that for the following year, he wanted to increase the number of children who could participate in the camp sponsored by the Elks.

An unidentified woman representing Young at Art Children's Museum, requested \$10,000 to help with the move to the new facility located within the Town.

Arthur Joseph 13700 SW 18 Court, questioned the \$9.8 million bond issue with Mr. Flatley indicating that this money was being used for the police/fire/EMS facility. He indicated that staff was looking for land for a fifth fire facility probably in the Shenandoah area. Mr. Wallace added that the bond question posed to the voters would allow the money to be used for police/fire facilities regardless of the location. He said that by reducing the fire truck bays from three to two, approximately \$150,000 would be saved and this money could be used for construction of any police/fire facility.

Mr. Joseph stated that the Town had "conceived about talking about" setting aside the budget for the rodeo arena to study the arena's efficiency and questioned if this would happen this year. Councilmember Cox indicated that Council looked at the arena as a park facility and it did not expect the arena to make a lot of money. She added that Council had looked at ways of improving the management and scheduling more events.

Mr. Joseph questioned if the EMS assessment could be rolled into the ad valorem so the Forman family would pay their fair share.

Mr. Wallace stated that he would not set the rodeo arena up as an enterprise fund as he had no expectation that the rodeo arena would make money. He indicated that beginning October 1st, staff would be identifying revenues and expenditures for the arena which could be reported in detail.

Mr. Wallace advised that the EMS assessment could be recovered through the property tax; however, this was a tax policy question that had been decided the previous year. He explained that one reason that an assessment had been levied was that the public and private universities had to pay an assessment but were exempt from property taxes.

Vice-Mayor Santini asked that, for the following year, the two methods be assessed to show how much would be gained by annexations and how much would be lost by the universities and mobile home parks. Mr. Wallace indicated that he could provide this information and he thought the property tax levy would increase by 1/2 mill.

Richard Weiner, 10244 SW 18 Street, asked the Town to support the Young at Art. He advised that he had found a company to supply the firefighter masks for \$15,000 as opposed to \$25,000. Mr. Weiner asked that the Town hold AMR to the pledge of \$1 match for ever \$2 the Town provided.

Al Tyler, 8090 SW 19 Court, was in favor of the millage rate.

Debbie Apolinario encouraged the Town to continue its drop-in program and recommended that another program be established in the Shenandoah area.

Mayor Venis closed the public hearing.

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)

**9.2 MILLAGE RATE FOR VOTER APPROVED DEBT SERVICE - A RESOLUTION OF R-97-316 THE TOWN OF DAVIE, FLORIDA, ESTABLISHING THE MILLAGE RATE TO BE LEVIED FOR VOTER APPROVED DEBT SERVICE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 1997, AND ENDING SEPTEMBER 30, 1998. (.7292 mills)**

Town Clerk Reinfeld read the resolution by title.

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

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)

*Ordinances - Second and Final Reading*

**9.3 BUDGET - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, ADOPTING 97-53 THE BUDGET FOR THE TOWN OF DAVIE FOR THE FISCAL YEAR 1997-1998.**

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)

**9.4 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 97-54 CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-1 AND R-5 TO B-2 AND RO; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 6-4-97, Richard Rubin & Associates/Sunny Lakes, Inc., 5400 Griffin Road)**

Town Clerk Reinfeld read the ordinance by title.

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

Dick Coker, representing the petitioner, was present.

Vince Orrico, 4630 SW 54 Terrace, questioned the Town's 1989 agreement that filling the lake would be too industrial in nature and would be detrimental to the adjoining neighborhood. Councilmember Cox responded that Council required the petitioner to conduct a geotechnical survey and indicated that the engineers found that filling the lake would not be detrimental to the landowners.

Jody Eichler, 5400 Griffin Road, provided pictures of the lake and the animals that live in and around the lake. She questioned the rights of the animals in the area.

Arthur Joseph, 13700 SW 18 Court, stated that the Town's Charter provided for preserving the Town's natural beauty and he felt that the lake should be preserved.

Nick Williams, 4620 SW 54 Terrace, distributed a letter from Roy Lemon dated August 17, 1997 which Town Clerk Reinfeld read into the record. Mr. Williams read information regarding a geotechnical test conducted in 1976 into the record and discussed the proposed development of the property.

Donald Turner, 4610 SW 54 Terrace, discussed a previous study conducted on the property in the area and questioned who would be responsible for financially responsible for damages that the residents may encounter.

Doug Jacobson, 5400 Griffin Road, questioned if Council could say that the rezoning was the right thing and for the greater good.

Reverend Joy Dupont requested that Council visit the area before it took action on this matter.

Paolo Colvinzani, 5400 Griffin Road, spoke in opposition.

Al Tyler, 8090 SW 19 Court, spoke in opposition and stated that Council should vote against the rezoning.

Richard Weiner, 10244 SW 18 Street, spoke in opposition.

Phyllis Kowal, 14491 SW 24 Street, questioned why the petitioner had to fill half the lake which Councilmember Cox explained. Ms. Kowal said that this request did not seem right.

Connie Galloway, 5400 Griffin Road, spoke on behalf of the late Mr. Eichler concerning the opening of a healing society at this address and asked that Council not take any action on this item to allow her to present her case.

Mayor Venis closed the public hearing.

Mr. Coker stated that the land use plan had already been amended to reflect a residential/office and commercial on the east side. He indicated that Council and the Broward County Commissioners had approved a plat several years ago which provided for two segments of the property which he explained. He added that a declaration of restrictive covenants was part of the land use plan amendment and had been filed with the Town. Mr. Coker discussed the restrictions and the speaker's comments. He stated that the petitioner was asking Council to rezone the property to be consistent with the land use plan designation.

Vice-Mayor Santini stated that she had been led to believe this was a rock pit and indicated that she felt misled. She questioned why the area was not designated a wildlife sanctuary. Ms. Mellgren indicated that the site was created as a borrow pit for roadway construction. She added that Broward County's Department of Natural Resource Protection had not identified this site was designated as an environmentally sensitive site or a site for national resource protection.

Vice-Mayor Santini asked that if the rezoning was approved, could Council provide that the area could be developed as commercial/residential office but do not "touch the environment or the lake." Ms. Mellgren explained that the petitioner would have to apply for a fill permit which would require a public hearing. She added that the petitioner would also have to return for site planning.

Councilmember Kiar asked if Open Space funds were available for the Town to purchase the property. Mr. Flatley responded that this property would cost more than what was available. Councilmember Cox added that if this property was purchased, the trail effort would stop as there would be no money left.

Mayor Venis questioned when the petitioner would be applying for a permit to fill the lake. Mr. Coker replied that there were no plans "to do that" at the present time.

Vice-Mayor Santini stated that the land use plan amendment and rezoning showed 15.7 acres and asked if this was dry acreage or how much of the lake that the petitioner wanted to fill in. Ms. Mellgren explained that the 15.7 acres included the total site area and indicated that without the filling of some portion of the lake, there was very little developable land. Vice-Mayor clarified that the petitioner could only develop nine acres if Council approved the rezoning. Ms. Mellgren stated that there were approximately six acres of existing dry land and eleven acres of existing lake.

Vice-Mayor Santini stated that if Council approved the rezoning and denied the permit, the developer could provide commercial usage along the turnpike and the lake would remain. Ms. Mellgren responded that she did not believe there was sufficient room for an development on the east side.

Mr. Rawls stated that one question was what potential effect maintaining the water level in the lake would have on protecting the adjacent properties to the west. He indicated that there was no question that in the event there was settlement as a consequence of the filling of underground subterranean voids, fluctuation in the water table would accelerate the process. Mr. Rawls added that one major assumption was that the lake had maintained an artificially high water table that would keep the hydraulic pressure on the land. He indicated that he could not make this assumption.

Mr. Webber stated that Council changed the land use on the property and a rezoning had been applied for to be consistent with the new land use designation. He indicated that a full quasi judicial hearing was held and Council made its decision. Mr. Webber explained that tonight's meeting was for Council to implement its decision.

Councilmember Cox stated that if this site was rezoned, the price to purchase the property for a park would increase. Vice-Mayor Santini added that she did not agree that this property should be turned into a park.

Mayor Venis stated that if the property was rezoned, he would not vote for a special permit to fill in the lake. He indicated that he would like to meet with Mr. Lemon and representatives from the Department of Natural Resource Protection to "make sure that everything was in order". Mayor Venis suggested that Mr. Lemon meet with each Councilmember. Councilmember Cox added that Mr. Lemon should attend the meeting for the special permit.

Councilmember Kiar stated that he would like to further explore the idea of a park but acknowledging that funds would not be used from the Open Space funds. He indicated that there was a need for parks on the eastside and asked if there were funds in the capital budget to acquire lands. Vice-Mayor Santini replied affirmatively. Ms. Mellgren advised that the Town would be receiving the Community Development Block Grant funds on October 1st

and one of the top priorities that Council had set was the acquisition of land on the eastside. She stated that this area being discussed would not be the recipient of the grant as the grant funds apply to neighborhoods of certain areas and this neighborhood was not an eligible area.

Councilmember Cox indicated that the residents did not want the property to be developed and whether or not the property was developed, the residents would continue to have a problem with their homes subsiding. She stated that the problem would be worse because of Griffin Road being widened. Councilmember Cox added that she was not convinced that this property was responsible for what was happening with the homes.

Vice-Mayor Santini questioned if Council could limit the number of acres to be filled at the time of a special permit. Ms. Mellgren indicated that the Code had a number of criteria that must be considered in the granting of a special permit and several of the criteria dealt with the impact of traffic or impact on the neighborhood. She added that she felt that Council had the leeway if it determined that if too many acres to be filled would have a dramatic impact.

Councilmember Bush 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 - no. (Motion carried 4-1)

Mayor Venis asked Mr. Flatley to contact Mr. Lemon to schedule a meeting.

**9.5 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 97-55 AMENDING CHAPTER 17 OF THE TOWN CODE ENTITLED "PEDDLERS AND SOLICITORS" BY PROHIBITING THE OBSTRUCTION OF PUBLIC STREETS; PROVIDING REGULATIONS FOR SOLICITATION BY CHARITABLE ORGANIZATIONS; PROVIDING FOR PERMITS TO BE REQUIRED BY CHARITABLE SOLICITORS; PROVIDING FOR PERMISSIBLE HOURS FOR SOLICITATION; 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, asked the reason for the ordinance and asked if there would be a charge for a permit. He spoke against the ordinance.

Chief Mackie indicated that this ordinance was for uncontrolled soliciting at intersections. He stated that the Police Department's concern was with safety. Mr. Webber added that if the police were to enforce a problematical situation, a tool was needed to provide enforcement. He stated that the Town established fees for permits based upon the cost to the Town to perform a function and would be established by resolution. Councilmember Cox added that this ordinance would give the Town the opportunity to determine if a solicitor was a legitimate charity. Al Tyler, 8090 SW 19 Court, spoke against the ordinance.

Sean Cononie, 7508 Grant Court - Hollywood, spoke against the ordinance.

An unidentified woman (Debbie Apolinario) spoke in favor of the ordinance.

Mayor Venis closed the public hearing.

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

Vice-Mayor Santini questioned if the Girl Scouts at Publix and the homeless be governed by the ordinance. Mr. Webber responded that a permit would have to be obtained and explained that criteria for a permit was provided for in the ordinance. He indicated that newspaper vendors and religious organizations were exempt. Vice-Mayor Santini questioned if people campaigning and holding signs would need a permit. Mr. Webber responded that a permit would be required if the person was soliciting or peddling for money. Councilmember Kiar asked if a permit was needed if children were holding a car wash at a gas station and a child was on private property holding a car wash sign. Mr. Webber replied that a permit was probably not needed. Vice-Mayor Santini questioned if the firefighters needed a permit. Mr. Webber replied affirmatively.

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 STAFF REQUESTING A TABLING TO OCTOBER 2, 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) (tabled from August 6, 1997)

This item was tabled earlier in the meeting.

*Quasi Judicial Items*

9.7 WITHDRAWN BY PETITIONER

REZONING - ZB 5-1-97, MAHB Properties, Inc./Equitable Life Assurance Society of the United States, 3650 Weston Road (tabled from August 20, 1997)

This item was withdrawn by the petitioner.

9.8 PLANNING AND ZONING BOARD TABLED TO SEPTEMBER 24, 1997; COUNCIL CAN TABLE TO OCTOBER 15, 1997

REZONING - ZB 6-3-97, Kerr/Pie Realty Investments, Inc., 6650 Stirling Road (tabled from August 20, 1997)

This item was tabled earlier in the meeting.

9.9 PETITIONER REQUESTING A TABLING TO OCTOBER 15, 1997

REZONING - ZB 7-1-97, Amoco Oil Company, 1205 Nob Hill Road (from B-3 to B-3 amending the Master Plan) (from B-3 to B-3 amending the Conceptual Master Plan)

This item was tabled earlier in the meeting.

9.10 PLANNING AND ZONING BOARD TABLED TO SEPTEMBER 24, 1997; COUNCIL CAN TABLE TO OCTOBER 15, 1997

VARIANCE - V 5-1-97, Zeus Properties, Inc., 4371 SW 55 Avenue (tabled from August 20, 1997)

This item was tabled earlier in the meeting.

9.11 PLANNING AND ZONING BOARD TABLED TO SEPTEMBER 24, 1997; COUNCIL CAN TABLE TO OCTOBER 15, 1997

VARIANCE - V 7-6-97, Amoco Oil Company, 1205 Nob Hill Road (B-3)

This item was tabled earlier in the meeting.

9.12 **REZONING** - ZB 6-1-97, Banaszak Concrete Corp./Banaszak, immediately south of 2401 College Avenue (M-1, Old Code to M-2) (tabled from August 20, 1997) *Planning and Zoning Division approved;*

*Planning and Zoning Board denied*

This item was withdrawn by the petitioner.

9.13 **REZONING** - ZB 6-2-97, Moses/Stevani, Inc., corner of Flamingo Road and SW 26 Street (from AG to CF) (tabled from August 20, 1997) *Planning and Zoning Division approved subject to the execution of the voluntary deed restrictions; 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*

Ms. Mellgren advised that the petitioner had requested that this item be tabled to October 2, 1997.

Vice-Mayor Santini made a motion, seconded by Councilmember Kiar, to table items 9.13 and 11.2. 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)

9.14 **NEW REZONING APPLICATION** - ZB 5-1-97, MAHB Properties, Inc./Equitable Life Assurance Society of the United States, southeast corner of Weston Road at SW 36 Street (from AG to BP) *Planning and Zoning Division approved subject to the conceptual master plan; Planning and Zoning Board approved subject to the conceptual plan*

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Mr. Webber asked if anyone would be speaking in opposition to the petition with no one responding.

Ms. Mellgren offered the planning report into evidence and summarized the request.

Dennis Mele, representing the petitioner, explained the request. He stated that the petitioner would incorporate the same type of recreational trail as that trail on the property to the south and the trails would be "matched up".

Mr. Webber asked if anyone wished to speak on the rezoning. No one spoke.

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

**9.15 VARIANCE** - V 6-5-97, Panella, 5550 SW 58 Court (R-5) (to reduce the required accessory structure setback from 5 feet to 2.55 feet) (tabled from August 20, 1997) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Town Clerk Reinfeld swore in the witness. Mr. Webber asked if anyone would be speaking in opposition to the petition with no one responding. Gayle Easterling, Planning and Zoning Manager, offered the planning report into evidence and summarized the request.

Darlene Panella, representing the petitioner, concurred with the planning report.

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)

**9.16 VARIANCE** - V 7-1-97, Jazayri/75 & 595 Inc., 450 SW 130 Avenue (B-3) (to reduce the required landscape buffer from 30 feet to 22.5 feet; to reduce the required front setback from 25 feet to 9.5 feet along the west property line) *Planning and Zoning Division approved subject to conditions as outlined in the planning report; Planning and Zoning Board approved subject to the planning report*

Town Clerk Reinfeld swore in the witnesses. Mr. Webber asked if anyone would be speaking in opposition to the petition with no one responding. Ms. Easterling summarized the request.

Sam Jazayri, representing the petitioner, was present.

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, 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 VARIANCE** - V 7-4-97, Soto, 13951 Oak Ridge Drive (PRD 3.8) (to reduce the required minimum rear yard from 20 feet to 14.5 feet) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Town Clerk Reinfeld swore in the witnesses. Mr. Webber asked if anyone would be speaking in opposition to the petition with no one responding. Ms. Easterling summarized the request.

Juan Soto, 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 - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

**9.18 VARIANCE** - V 7-5-97, Hofmann, 581 Lowell Lane (PRD 3.8) (to reduce the required minimum rear yard from 20 feet to 15.85 feet) *Planning and Zoning Division approved; Planning and Zoning Board approved*

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

Hans Hofmann, representing the petitioner, was present.

Town Clerk Reinfeld read the ordinance by title.

No one spoke in favor of or opposition to the petition.

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)

#### *Public Hearing Items*

**9.19 VACATION/ABANDONMENT** - VA 7-1-97, Forest Ridge Community Development Ltd., 2966

Myrtle Oak Circle (to vacate a portion of an eight foot platted utility easement located within Lot 1 of the plat known as Forest Ridge Cluster Homes I) *Planning and Zoning Division approved; Planning and Zoning Board approved subject to the exhibit attached to the planning report*

Walter Collins, representing the petitioner, was present. Ms. Easterling summarized the planning report.

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

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

**9.20 LAND USE PLAN AMENDMENT - LABC 98-1A, Town of Davie/List of Owners Available at Town Hall, generally located north of Orange Drive, south of State Road 84, east of University Drive, and west of the Florida Turnpike (from Commercial, Industrial, Residential, Office, Residential Office, Commerce/Office and Community Facilities, Agriculture, Recreation & Open Space and Utility to Regional Activity Center) *Planning and Zoning Division approved; Local Planning Agency approved transmittal with a recommendation that Council consider the exclusion of fully developed areas***

Ms. Mellgren explained the request. Jeff Katims, Planner, read the planning report.

Mayor Venis asked if anyone wished to speak for or against the land use plan amendment.

Patty Novak, 6555 Powerline Road, read a letter from the Economic Development Council in support of the amendment.

Bob Haselkrantz, 7501 SW 37 Court, spoke in opposition. Ms. Mellgren explained the intent of the amendment.

Sandy Higgins, 7580 SW 36 Street, concurred with Mr. Haselkrantz and spoke in opposition.

Richard Weiner, 10244 SW 18 Street, questioned if the amendment affected the criteria Council had to consider when a rezoning was considered. Ms. Mellgren replied negatively. Mr. Katims indicated that criteria was being added in the Comprehensive Plan that addressed the purpose, goals and compatibility of the Regional Activity Center. Mr. Weiner questioned if the goals would override the resident's interests in not have the zoning changed.

Mr. Katims replied negatively.

Bill Greenwall, 5434 SW 44 Terrace - Ft. Lauderdale, indicated that the Town had replatted the TEG subdivision to one acre zoning without his knowledge. He said that he did not want this to happen again.

Ruth Davis, 3730 SW 55 Avenue, asked what the plans were for her area. Mr. Katims responded that this petition was not in response to any development proposal that the Town had and the property's current zoning would remain.

An unidentified woman (Debbie Apolinario) stated that she saw no problem with changing the land use as the zoning designation was not being changed. She asked that the flex units in the western area also be removed.

Mayor Venis closed the public hearing.

Councilmember Cox stated that she had reservations on the petition as there were so many unanswered questions; however, the process remained the same. She indicated that Council needed to evaluate each project on its own merits. A discussion followed on land use plan amendments and rezonings.

Councilmember Bush made a motion, seconded by Vice-Mayor Santini, to approve. After a discussion regarding removing the residential area near the South Florida Educational Center, Councilmember Bush amended his motion to eliminate 39th, Perimeter Road and 76th Avenue and any additional areas that need to be eliminated as determined by staff. Vice-Mayor Santini amended her second. 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. RESOLUTION**

**10.1 TRANSMITTAL OF LAND USE PLAN AMENDMENT - A RESOLUTION OF THE R-97-317 TOWN OF DAVIE, FLORIDA, APPROVING TOWN OF DAVIE LAND USE PLAN AMENDMENT APPLICATION LABC 98-1A ON ITS MERITS; TRANSMITTING THE APPLICATION TO THE BROWARD COUNTY PLANNING COUNCIL; AUTHORIZING THE BROWARD COUNTY PLANNING COUNCIL TO SUBSEQUENTLY TRANSMIT THE APPLICATION TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AND, PROVIDING AN EFFECTIVE DATE. (Regional Activity Center: generally located north of Orange Drive, south of State Road 84, east of University Drive, and**

west of the Florida Turnpike)

Town Clerk Reinfeld read the resolution by title.

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)

**11. ORDINANCES - FIRST READING** (Public Hearing to be held October 2, 1997)

**11.1 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, immediately south of 2401 College Avenue) (tabled from August 20, 1997)

This item was withdrawn earlier in the meeting.

**11.2 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/Steveni, Inc., corner of Flamingo Road and SW 26 Street) (tabled from August 20, 1997)

This item was tabled earlier in the meeting.

**11.3 REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG TO BP; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 5-1-97, MAHB Properties, Inc./Equitable Life Assurance Society of the United States, southeast corner of Weston Road at SW 36 Street)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis advised that a public hearing on item 11.3 would be held on October 2, 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)

**11.4 VACATION/ABANDONMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF UTILITY EASEMENT LOCATED WITHIN THE FOREST RIDGE CLUSTER HOMES I PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 7-1-97, Forest Ridge Community Development Ltd., 2966 Myrtle Oak Circle)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis advised that a public hearing on item 11.3 would be held on October 2, 1997.

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)

## **12. DISCUSSION AND POSSIBLE ACTION**

**12.1 Quarterly Joint Meeting with Town Council, Planning and Zoning Board, Community Redevelopment Agency, the Davie Economic Development Council, and the Davie/Cooper City Chamber of Commerce's Economic Development Committee** scheduled for November 4, 1997, at 5:30 p.m.

Mr. Flatley asked Council to provide him with any issues it wished to discuss at the November 4th meeting.

**12.2 Partnerships with K-12 Schools in Davie**

Mr. Flatley advised that there were three ways of solving the EMS fee problem: 1) when the school received the tax bill, the Town paid the bill; 2) barter throughout the year for materials such as fill; or 3) school to pay and the Town would, on a good faith effort, work out the relationship. Vice-Mayor Santini indicated that she wanted to barter but she wanted to make sure that it was "up front." She added that this would include parochial and public

schools.

Councilmember Cox stated that it should be made clear that if the Town did not see anything in return, next year may be different.

### **13. APPOINTMENTS**

13.1 Voting Delegate and Alternate Voting Delegate, Annual Congress of Cities (12/97)

Mayor Venis passed the gavel and nominated Councilmember Bush as the voting delegate. Councilmember Kiar seconded the motion. Vice-Mayor nominated Mayor Venis as the alternate voting delegate. In a voice vote, all voted in favor.

**APPOINTMENT.** Councilmember Bush advised that Tom D'Amico resigned from the Child Safety Board. Councilmember Bush made a motion, seconded by Mayor Venis who passed the gavel, to add an appointment to the Child Safety Board. In a voice vote, all voted in favor.

Councilmember Bush appointed Dr. Christina Helacane.

**RESOLUTION.** Mayor Venis distributed a resolution regarding the library and explained the resolution. Mr. Rawls indicated that this resolution directed staff to negotiate an agreement and staff would return to Council with the agreement. He explained that the philosophy of the agreement would be that because the County's processes were extremely time consuming, the County would be going through the Town's purchasing procedures to accomplish the project in a more timely manner.

Councilmember Kiar asked if the Town had the liquidity to advance the funds. Mr. Rawls explained that the Town had the resources and the Town would be looking for guarantees in the agreement that would protect the Town's interests. Discussion followed.

Mr. Webber advised that the Town was holding the deed to the property in escrow. Ms. Mellgren explained that the delegation request with the associated trips that had to be reserved, would expire October 15th. She stated that the Town was holding the deed in escrow and could record it; however, at the time the deed was recorded, the Town became liable for \$50,000 in impact fees to pay for roadway improvements. Ms. Mellgren indicated that her thought was for the Town not to accept the deed and instead, have the developer record voluntary deed restrictions that would restrict unappealing uses that were permitted under the community facilities zoning. She added that the developer would then deed the property directly to the County so the Town would not be responsible for the impact fees. No objections were noted by Council.

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

#### **A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA DIRECTING THE TOWN R-97-319 ADMINISTRATOR TO PURSUE AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY TO PROVIDE FOR THE DESIGN AND CONSTRUCTION OF THE DAVIE REGIONAL LIBRARY.**

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)

### **14. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 1:19 a.m.



