

**TOWN COUNCIL  
REGULAR MEETING  
NOVEMBER 19, 1997**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:04 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

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

**3. PRESENTATIONS**

**3.1 Community Policing Unit Award**

Chief of Police Jack Mackie advised that the Police Department had won an award from the Broward County Advisory Board of Persons with Disabilities and indicated that 80 nominations were presented with 9 finalists. Chief Mackie stated that the Town's Community Policing Unit was number one in the County and he explained the award which he presented to Officers Robert LaBelle and Barry Dodge. Officer LaBelle advised that over 150 individuals had been cited [for handicapped parking violations] with a 100% conviction rate. Chief Mackie advised that Officers LaBelle and Dodge were so knowledgeable in this area that they had been invited to educate the County's judges on new laws.

**3.2 Police Officer Kathy Hart, Mounted Patrol Awards**

Chief Mackie stated that Officer Hart had recently competed in the 1997 United States National Mounted Police Competition and indicated that she had won many honors. Officer Hart explained that there were 51 competitors and she and her horse, Comet, placed first in inspection, night obstacle, and day obstacle. She added that she was Reserve Champion Overall and Comet was named Mounted Police Horse of the Year. Officer Hart presented a plaque to Council for its support.

Officer Hart advised that a Police Competition would be held at the WestFair events.

Councilmember Kiar indicated that he would like to see the Mounted Patrol expanded.

**3.3 David Buchholz, Lift Station Operator - Five Years**

Mayor Venis presented Mr. Buchholz with a service award.

**3.4 David Mazzarino, Driver Engineer - Twenty Years**

Driver Engineer Mazzarino was not present.

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

Mayor Venis presented Driver Engineer Chatlos with a service award.

**3.6 Community Redevelopment Agency**

Glenn Irwin, Redevelopment Administrator, updated Council on the Agency's efforts.

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

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included: Davie/Cooper City Chamber of Commerce's Orange Blossom State Finals (November 21st - 22nd); Concert in the Park (November 30th); the 10th Annual Tree Decorating Contest (December 12th) and Lighting of the Green Ceremony (December 14th).

Sharon Pierce-Kent, Director of Community Services, advised that upcoming events included: Senior Holiday Pot Luck Luncheon (December 5th) and registration of winter adult softball leagues. She advised that Eastside Community Hall Recreation Leader Trevor Nance had resigned as he was beginning employment with the Broward County Parks and Recreation Division as a Park Manager.

**4. OCCUPATIONAL LICENSES**

### *Home Occupational License*

#### 4.1 Kevin T. Powell, 14721 SW 21 Street

Kevin Powell, the applicant, was present. He confirmed that the request was for mail and phone use only. 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)

#### 4.2 Pivot Records, 5750 SW 61 Avenue

The applicant was not present.

#### 4.3 Strong Industries, Inc., 2755 SW 132 Way

Kelly Moran, the applicant, was present. He confirmed that the request was for mail and phone use only. Vice-Mayor Santini made a motion, seconded by Councilmember 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)

#### 4.4 Wood's Lawn Maintenance, 14171 SW 37 Court

Assistant Town Clerk Bergamini advised that staff had withdrawn this application.

### *Seasonal Sales (Christmas trees) - Waiver of Occupational License Fee*

#### 4.5 Boy Scout Troop 118, 2920 SW 46 Court (location: SW 61 Avenue and Stirling Road (Berman Ranch); November 28 - December 24, 1997)

Donna Glendenning, the applicant, was present.

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)

#### 4.6 Boy Scout Troop 317, 10181 SW 40 Street (location: 3475 South University Drive; November 27 - December 24, 1997)

Charles Guarino, the applicant, was present.

Councilmember Bush made a motion, seconded by Councilmember Cox, to waive [the fees]. 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)

#### 4.7 St. David Men's Club, 3900 South University Drive (location: 4190 South University Drive; November 28 - December 24, 1997)

Ed Matula, the applicant, was present.

Councilmember Bush made a motion, seconded by Councilmember Kiar, to waive [the fees]. 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 item 6.5 had been withdrawn by staff.

Mayor Venis announced that item 7.15 needed to be tabled to December 17, 1997.

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

## **5. MAYOR/COUNCILMEMBER AND TOWN ADMINISTRATOR'S COMMENTS**

### **COUNCILMEMBER BUSH**

**THANKSGIVING LUNCHEON.** Councilmember Bush stated that most of Council had attended the Thanksgiving luncheon at Ivanhoe which was sponsored by the senior citizens.

**READ A STORY.** Councilmember Bush advised that Council had participated in the Read A Story Day at

Davie Elementary School.

### **VICE-MAYOR SANTINI**

**READ A STORY.** Vice-Mayor Santini advised that she read to four different kindergarten classes at Davie Elementary School.

**TURKEY TROT.** Vice-Mayor Santini indicated that Council also participated in the Turkey Trot at the Davie Elementary School.

**CRIME WATCH.** Vice-Mayor Santini stated that she attended a Crime Watch meeting in the Oak Hill area and was impressed with the neighbors who were assisting the Police Department. She advised that she would like to see more active Crime Watch groups. Vice-Mayor Santini thanked Chief Mackie for his support.

**THANKSGIVING LUNCHEON.** Vice-Mayor Santini stated that the senior's luncheon was probably better than mom's home cooking.

**PLANNING AND ZONING BOARD.** Vice-Mayor Santini advised that Kaz Pourghafari had resigned from the Planning and Zoning Board and she thanked him for his efforts. She appointed James Aucamp, Senior.

### **COUNCILMEMBER COX**

**THANKSGIVING LUNCHEON.** Councilmember Cox stated that she also attended the senior's luncheon and they did a wonderful job.

**TURKEY TROT.** Councilmember Cox stated that she also participated in the Turkey Trot and had a great time.

**OLD DAVIE SCHOOL FOUNDATION.** Councilmember Cox stated that the Foundation participated in the Historical Society's Fair on October 18th - 19th. She advised that the Foundation and the Davie Historical Society received a number of blue ribbons and first place prizes.

**LIGHTING OF THE GREEN.** Councilmember Cox invited everyone to the Lighting of the Green Ceremony on December 14th and indicated that the Old Davie School would be open for tours. She stated that the South Florida Trailriders would also be holding its Jingle Bell parade. Councilmember Cox added that that in conjunction with the Ceremony, there would a Toys for Tots drive and asked everyone to bring an unwrapped toy.

**HAPPY THANKSGIVING.** Councilmember Cox hoped everyone would have a happy Thanksgiving.

### **COUNCILMEMBER KIAR**

**HAPPY THANKSGIVING.** Councilmember Kiar hoped everyone would have a happy Thanksgiving.

**NICK MOORE.** Councilmember Kiar advised that Nick Moore had returned to the hospital and wished him a speedy recover.

**TURKEY TROT.** Councilmember Kiar advised that he also attended the Turkey Trot.

**RUNNING FOR OFFICE.** Councilmember Kiar stated that Broward County schools were overcrowded and on November 4th, the residents voted for single member districts. He advised that he would not be seeking re-election to his Council seat but would be running for office in the School Board election. Councilmember Kiar wished everyone running in the Town's election good luck.

### **MAYOR VENIS**

**HAPPY THANKSGIVING.** Mayor Venis wished everyone a happy Thanksgiving.

**SOUTH BROWARD UTILITIES.** Mayor Venis stated that he, Mr. Flatley and Mr. Webber attended the City of Sunrise's Commission meeting and expressed opposition to the acquisition of South Broward Utilities.

**CARMAX.** Mayor Venis stated that Council attended the grand opening of the new CarMax facility.

**TURKEY TROT.** Mayor Venis advised that he also attended the Turkey Trot and indicated that this was a fundraiser for the Davie Elementary School's shelter overhang project.

**THANKSGIVING LUNCHEON/BINGO.** Mayor Venis apologized for missing the senior luncheon; however, he would be calling bingo on November 24th.

**LANDSCAPING.** Mayor Venis asked if staff was working on some type of grant or agreement for the landscaping on Pine Island Road near Reflections. Assistant Town Administrator Robert Rawls advised that the Town had provided extensive landscaping and was in the process of developing a plan to add irrigation. He indicated that staff would be applying for one of Broward County's beautification grants. Mayor Venis recommended that a plan be prepared for Council's review.

Mr. Rawls advised that staff had submitted a grant proposal for 136th Avenue at I-595.

## **TOWN ADMINISTRATOR'S REPORT**

**CARMAX.** Mr. Flatley stated that he also attended the grand opening of the new CarMax facility which was very impressive.

**ANNEXATION BILLS.** Mr. Flatley stated that the Town had four annexation bills which would be heard before the Broward Legislative Delegation on November 25th. He indicated that the final vote would be taken in January.

**TRANSPORTATION ISSUES.** Mr. Flatley stated that a meeting was held on transportation issues at the South Florida Educational Center and the possibility of a parking garage was being explored.

**DECEMBER 10TH COUNCIL MEETING.** Mr. Flatley advised that the next Council meeting had been rescheduled for December 10th. He indicated that beginning at 6:00 p.m., students from Silver Ridge Elementary School would be acting as Council and staff. Mr. Flatley stated that the Soundtastics would be singing holiday songs from 7:00 to 7:30 p.m.

### **6. CONSENT AGENDA**

#### *Resolutions*

**6.1 BID -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-97-389 BID FOR CELLULAR TELEPHONE AIR TIME, STATE OF FLORIDA CONTRACT 725-330-91-1. (tabled from November 5, 1997) (BellSouth Mobility - cellular air time in the amount of \$21,600/year)

**6.2 MITIGATION -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-390 APPROVING THE SPECIAL MASTER'S RECOMMENDATION FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 96-438 FROM \$12,200 IN AMOUNT TO \$800; AND PROVIDING AN EFFECTIVE DATE. (Thomae Neaumonitis and Johns Patio Stones and Sod, Inc.)

**6.3 RECYCLING GRANT -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-391 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, FLORIDA FOR TENTH YEAR RECYCLING GRANT FUNDS. (\$9,792)

**6.4 BID -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE R-97-392 BID FOR BUSHOG MOWING SERVICE. (EDJ Lawn Service, Inc. - \$20,384.90)

**6.5 BID -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR SANDBLASTING AND PAINTING BERGERON RODEO GROUNDS. (Inclan Painting Corp. - \$60,000)

**6.6 VEHICLE MAINTENANCE SERVICES -** A RESOLUTION OF THE TOWN OF R-97-393 DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH RYDER/MLS FOR VEHICLE MAINTENANCE SERVICES.

**6.7 PLAT REVISIONS -** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-394 AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE BRITANNIA PLAT AND PROVIDING AN EFFECTIVE DATE. (DG 9-1-97, Britannia Plat, northwest intersection of Sheridan Street and I-75)

**6.8 PLAT IMPROVEMENTS -** A RESOLUTION OF THE TOWN OF DAVIE, R-97-395 FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY AND, A. EDWIN SAPP, AS TRUSTEE RELATING TO THE INSTALLATION OF REQUIRED IMPROVEMENTS WITHIN THE A. SAPP PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURE TO SAID AGREEMENT. (DG 10-2-97, A. Sapp Plat, 15990 SW 14 Street)

**6.9 PLAT IMPROVEMENTS** - A RESOLUTION OF THE TOWN OF DAVIE, R-97-396 FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, 77 WAY INCORPORATED, RELATING TO THE INSTALLATION OF REQUIRED IMPROVEMENTS WITHIN THE C & F PLAT; AND TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURE TO SAID AGREEMENT.

**6.10 SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-397 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 7-1-97, Pelican Coast Plat, west side of SW 148th Avenue at I-75/I-595) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report*)

**6.11 EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-398 ACCEPTING EASEMENTS FROM PATRICK G. KELLEY, TRUSTEE FOR USE AS PUBLIC UTILITY EASEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (Toys for Trucks, east side of Davie Road)

**6.12 EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-399 ACCEPTING EASEMENTS FROM KFC NATIONAL MANAGEMENT COMPANY FOR USE AS PUBLIC UTILITY EASEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (4200 SW 64 Avenue)

**6.13 EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-400 ACCEPTING EASEMENTS FROM STAR ENTERPRISE FOR USE AS PUBLIC UTILITY EASEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (3995 SW 64 Avenue)

**6.14 EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-401 ACCEPTING EASEMENTS FROM UGO GAVINO AND VIRGINIA J. BENOIT GAVINO, HIS WIFE FOR USE AS PUBLIC UTILITY EASEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (property fronting SW 63 Avenue behind buildings at 4216 and 4224 Davie Road)

**6.15 EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-402 ACCEPTING EASEMENTS FROM WILLIAM J. PHILLIPS AND DANIA PHILLIPS, HIS WIFE FOR USE AS PUBLIC UTILITY EASEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (4263 Davie Road)

**6.16 EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-403 ACCEPTING EASEMENTS FROM GILL REALTY, INC. FOR USE AS PUBLIC UTILITY EASEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (4431 SW 64 Avenue)

**6.17 AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-97-404 AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF DAVIE, THE CITY OF COOPER CITY AND NOVA SOUTHEASTERN UNIVERSITY, INC., REGARDING THE GRANT AWARD UNDER THE FEDERAL ANTI-DRUG ABUSE ACT FOR PROJECT "ADAPT" (ADOLESCENT DRUG ABUSE PREVENTION AND TREATMENT PROGRAM). (Town's portion \$70,000 which includes a local match of \$22,750)

**6.18 LEASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CONSENTING R-97-405 TO THE "ASSIGNMENT AND ASSUMPTION OF LEASE" CONCERNING THE TELECOMMUNICATIONS TOWER PROPERTY LEASE ENTERED INTO BETWEEN THE TOWN OF DAVIE AND BELLSOUTH MOBILITY INC., WHEREIN BELLSOUTH MOBILITY INC. IS

ASSIGNING ITS INTEREST IN THE LEASE TO OMNIPOINT COMMUNICATIONS, INC.; AND PROVIDING AN EFFECTIVE DATE.

**6.19 LEASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING R-97-406 THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND OMNIPOINT COMMUNICATIONS DEF OPERATIONS, INC., WHEREBY THE TOWN WILL LEASE TO OMNIPOINT COMMUNICATIONS DEF OPERATIONS, INC. PUBLIC LANDS FOR PURPOSES OF CONSTRUCTION OF A MONOPOLE TELECOMMUNICATIONS TOWER AT THE GENERAL VICINITY OF THE PUBLIC WORKS COMPOUND LOCATED AT 6911 ORANGE DRIVE, WITHIN THE TOWN OF DAVIE: AND PROVIDING FOR AN EFFECTIVE DATE.

**6.20 LEASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING R-97-407 THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND OMNIPOINT COMMUNICATIONS DEF OPERATIONS, INC., WHEREBY THE TOWN WILL LEASE TO OMNIPOINT COMMUNICATIONS DEF OPERATIONS, INC. PUBLIC LANDS FOR PURPOSES OF CONSTRUCTION OF A CONCRETE LIGHT POLE AND TELECOMMUNICATIONS EQUIPMENT AT THE GENERAL VICINITY OF THE BAMFORD SPORTS COMPLEX/PINE ISLAND PARK LOCATED AT 3800 SW 92 AVENUE, WITHIN THE TOWN OF DAVIE: AND PROVIDING FOR AN EFFECTIVE DATE.

**6.21 LEASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING R-97-408 THE MAYOR TO EXECUTE A LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND SPRINT SPECTRUM, L.P., WHEREBY THE TOWN WILL LEASE TO SPRINT SPECTRUM, L.P. PUBLIC LANDS FOR PURPOSES OF CONSTRUCTING, MAINTAINING AND OPERATING A COMMUNICATIONS FACILITY AS A COLOCATOR ON THE TELECOMMUNICATIONS TOWER AT THE GENERAL VICINITY OF THE FLAMINGO ROAD FIRE STATION LOCATED AT 3600 FLAMINGO ROAD , WITHIN THE TOWN OF DAVIE: AND PROVIDING FOR AN EFFECTIVE DATE.

*Ordinances - First Reading (public hearing to be held on December 10, 1997)*

**6.22 CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12-107(A)(5)(c) OF THE CODE OF THE TOWN OF DAVIE, ENTITLED, "SITE LANDSCAPING," TO CLARIFY THE REQUIREMENTS FOR DIVERSITY TO REGULATE THE PLACEMENT OF FENCES, WALLS, GUARD GATES, GUARDHOUSES OR SIMILAR FEATURES RELATIVE TO LANDSCAPE BUFFERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**6.23 AGREEMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE RENEWAL OF THE AGREEMENT FOR COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS BETWEEN THE TOWN OF DAVIE AND SOUTHERN SANITATION SERVICE, A DIVISION OF WASTE MANAGEMENT, INC. OF FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**6.24 CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, ARTICLE X ENTITLED, "PLANNING AND DEVELOPMENT," CREATING DIVISION 5. ENTITLED, "PLANNING AND ZONING IN PROGRESS"; CREATING THEREUNDER SECTION 12-315 ENTITLED, "GENERALLY," SECTION 12-315.1 ENTITLED, "EFFECTIVE DATE AND DURATION"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Venis asked that item 6.1 be removed from the Consent Agenda. Vice-Mayor Santini asked that item 6.23 be removed. Mr. Webber asked that item 6.24 be removed.

Assistant Town Clerk Bergamini read the ordinances-first reading by title only. Mayor Venis advised that a public hearing on items 6.22 through 6.24 would be held on December 10, 1997.

Councilmember Bush made a motion, seconded by Councilmember Kiar, to approve the Consent Agenda without items 6.1, 6.23 and 6.24. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

6.1 Herb Hyman, Procurement Manager, explained the resolution and the features that were included in the bid.

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)

6.23 Mr. Flatley explained the ordinance and indicated that the public hearing would be held on December 10th. He indicated that with the current hauler, the Town had the second lowest rates for residential and the lowest rates for commercial. Mr. Flatley added that the rates would not be raised this year and discussed the current service. Councilmember Kiar asked if the Town could place a cap on the Consumer Price Index (CPI) as the Refuse Rate Index (RRI) could never exceed the CPI. Mr. Flatley indicated that this matter would need to be discussed further. Dennis Urbansky and John Albert, representing Southern Sanitation, were present. Mr. Urbansky advised that a number of cities had placed a cap on the CPI increase and other cities had placed a cap on the percentage of the CPI (i.e. never exceed a percentage of the CPI). Mr. Urbansky advised that he did not know of any city that had the option of the RRI versus the CPI with a cap. Councilmember Kiar asked that staff explore this possibility. Mr. Urbansky and Mr. Albert made a presentation of their services with Mr. Urbansky indicating that: 1) 94% of customers were satisfied with the services; 2) 89% were satisfied with the value of the service received from money spent; and 3) 88% responded that they would keep the current garbage service. He discussed programs that were being tested. Mr. Albert discussed the recycling program.

Vice-Mayor Santini indicated that she would like to see the costs on unlimited bulk collection on a townwide basis.

Councilmember Cox indicated that she was delighted with the dumpster project in east Davie. She added that an early hurricane clean up began in May 1997 and indicated that this was not provided for in the new contract. Councilmember Cox asked that there be a clean up in May at three different locations. Mr. Urbansky stated that this could be made part of the contract and asked that this information be properly communicated to the residents. He recommended that this information be placed in the Davie Update.

Vice-Mayor Santini stated that she thought that the Town had more problems with storms and tornadoes than hurricanes and asked if an accumulation of time, such as five to ten hours a month, could be banked so that if a storm came through a neighborhood, additional pickups would not have to be paid for. Mr. Urbansky clarified that his company would agree to either five or ten hours a month of additional service at no additional cost in the event a storm (defined as less than a hurricane or national disaster) caused significant damage and if it was not used in one month, it would be banked for the calendar year. He recommended that there be 10 hours, banked for the year and for next year, the bank would begin with 30 hours.

Mr. Urbansky asked that for consideration of a recycling ordinance, he would include an 80% cap of the CPI.

Councilmember Kiar indicated that he would feel more comfortable with a cap.

Councilmember Cox questioned the mailing notices. Mr. Albert advised that Southern Sanitation would be agreeable to insert information from the Town in its bill as long as it was a one page notice. He asked that should Southern Sanitation have educational material, it be placed in the Davie Update.

Vice-Mayor Santini asked if the Town's logo could be included on the carts. Mr. Albert stated that he did not think that the logo could be added but the "Town of Davie" could and he would need to check into this request.

Vice-Mayor Santini made a motion, seconded by Councilmember Bush, to approve. Councilmember Cox stated that she thought that Southern Sanitation was an excellent carrier and corporate citizen; however, she thought it was time that this contract be competitively bid. 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)

6.24 Mr. Webber asked that this item be tabled until December 10, 1997 as he had to provide additional research. Councilmember Kiar made a motion, seconded by Vice-Mayor Santini, to table until December 10, 1997. 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)

## **7. PUBLIC HEARINGS**

Mayor Venis opened the public hearing portion of the meeting.

### ***Ordinances - Second and Final Reading***

**7.1 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 97-66 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., corner of Flamingo Road and SW 26 Street) (tabled from November 5, 1997)**

Assistant Town Clerk Bergamini 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.

Vice-Mayor Santini 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)

**7.2 PERSONNEL RULES AND REGULATIONS - AN ORDINANCE OF THE TOWN 97-67 OF DAVIE, FLORIDA, REVISING THE TOWN OF DAVIE'S PERSONNEL RULES AND REGULATIONS BY AMENDING VARIOUS PORTIONS OF SAID RULES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Assistant Town Clerk Bergamini 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 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)

**7.3 EXTENDING SUSPENSION OF REVIEW - AN ORDINANCE OF THE TOWN OF 97-68 DAVIE, FLORIDA, AMENDING ORDINANCE NOS. 96-29, 96-52 AND 97-017 BY EXTENDING TO FEBRUARY 4, 1998, THE SUSPENSION OF REVIEW OF SITE PLANS OR BUILDING PERMITS FOR ANY AND ALL EXISTING OR PROPOSED SPECIAL RESIDENTIAL FACILITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Assistant Town Clerk Bergamini read the ordinance by title.

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

Ellen Christopher, 3666 West Valley Green Drive, provided a history of the proposed special residential facility and the moratorium.

Diana Gonzalez, 13326 SW 28 Street, discussed issues that she would like addressed regarding the special residential facilities and indicated that she would like a workshop to discuss this matter.

Mayor Venis closed the public hearing.

Vice-Mayor Santini questioned if the information would be finalized so that Council could take action on February 4, 1998. Ms. Mellgren advised that in order to change the Code, the Comprehensive Plan needed to be amended as it allowed more than what the Town would be required to allow under Florida Statutes. She stated that it was discussed at the last meeting to prepare an ordinance for first reading that would amend the Code to provide more restrictions on where special residential facilities could locate. Ms. Mellgren explained the process.

Councilmember Cox explained that the Florida Statutes provided that a municipality had to allow group homes with the municipality and the Town had to conform to the Statutes. Mr. Webber advised that the Town was trying to bring the Code "down" to the requirements of the Florida Statutes and not be more liberal.

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)

**7.4 VACATION - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, 97-69 VACATING UTILITY EASEMENTS LOCATED WITHIN LOTS 3, 4, AND 21, BLOCK 3, OF THE FIRST ADDITION TO DAVIE SUBDIVISION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 9-3-97, Town of Davie, 4211 SW 63 Avenue)**

Assistant Town Clerk Bergamini 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 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)

*Public Hearing Item*

**7.5 VACATION/ABANDONMENT - VA 9-2-97, First Impression II Lake Owners Association, Inc., 5700 SW 55 Street (R-5) (to vacate a portion of the SW 55 Avenue right-of-way located adjacent to SW 57 Street)**

William Parsons, representing the petitioner, was present. Gayle Easterling, Planning and Zoning Manager, summarized the request and offered the planning report into evidence.

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

Michael Davenport, 14041 SW 22 Place, spoke in favor.

Mr. Webber asked if anyone wished to provide testimony in opposition to the petition. No one spoke.

Mr. Webber stated that the hearing was concluded.

Discussion followed on the breakdown gate, ficus hedges in place of a fence and sidewalk access. Councilmember Cox questioned if the Ivanhoe residents were aware that the traffic would increase with Mr. Parsons responding in the affirmative. 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)

*Quasi Judicial Items*

**7.6 REZONING - ZB 8-2-97, Miami Primitive Baptist Church, Inc./Cela Ssor Co., 4450 SW 93 Avenue (from A-1 to CF) (tabled from November 5, 1997) *Planning and Zoning Division denied; Planning and Zoning Board denied***

The petitioner was not present. Mayor Venis indicated that this was the third time this application had appeared before Council and the appropriate action was for Council to withdraw this item. Ms. Mellgren explained that the Code provided that should an applicant table an item or did not appear three times, staff had the ability to request a withdrawal. She requested that Council permanently withdrawn this item from the agenda.

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

**7.7 REZONING - ZB 9-2-97, Town of Davie, 1205 Nob Hill Road (CF) (from CF to CF, amending the deed restrictions) *Planning and Zoning Division approved; Planning and Zoning Board approved***

Mr. Webber explained the rules concerning the admission of evidence. Assistant Town Clerk Bergamini swore in the witnesses. Mr. Webber indicated that he saw no opposition and recommended that staff provide an abbreviated report. Ms. Mellgren summarized the request.

Mr. Webber asked if anyone wished to speak on this application. No one spoke.

Mr. Webber stated that the hearing was concluded.

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

**7.8 VARIANCE - V 8-3-97, REC Development, Inc./Sandler at Broward, L.P., 4400 Weston Road (BP) (to reduce the required setback to exterior roadways from 50 feet to 40 feet; to reduce the terminal landscape island**

width from 10 feet to 5 feet; to reduce the landscape median width for double parking from 10 feet to 0 feet)  
*Planning and Zoning Division denied; Planning and Zoning Board motion to approve failed 2-1; no other motions made*

Assistant Town Clerk Bergamini swore in the witnesses. Ms. Mellgren read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

Bill Laystrom, representing the petitioner, was present and discussed the request. He indicated that the petitioner wanted to amend the second variance from five feet to seven feet and added that the landscaping for Pointe West had been enhanced. James Santiago explained the landscaping. Kim Zimmerman and Mr. Laystrom discussed the parking.

Stanley Sigison, representing the property owners surrounding the site, discussed the plans for the property and indicated that the owners wanted the Town to approve the variances as requested.

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

Michael Davenport, 14041 SW 22 Place, spoke in favor.

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

Dean Alexander, 13820 SW 16 Street, questioned the loading zone which Mr. Laystrom explained.

Mr. Webber asked for final comments from staff which Ms. Mellgren responded to. She indicated that should Council approve the variance, she asked if the petitioner would be willing to enter the computer generated landscaping picture into the record. Ms. Mellgren indicated that it was discussed that 18 foot tall live oaks "at the time of planting" were hard to find. Mr. Laystrom indicated that the computer generated picture would be part of any site plan approval and should be marked as an exhibit.

Mr. Webber stated that the hearing was concluded.

Vice-Mayor Santini indicated that she thought that this development was to be a business park to facilitate more business and not another strip shopping center. She stated that Council could grant a variance because of special circumstances that were not self-created; however, this variance was 100% self-created because Winn Dixie wanted more parking spaces. Vice-Mayor Santini added that the variance was not in harmony with the intent and purpose of the Code.

Councilmember Cox stated that in looking at the overall site plan, she agreed with Vice-Mayor Santini on the self-created hardship and she had a serious concern on the backs of the building being on Griffin Road. Mr. Laystrom stated that the petitioner could be flexible on the backs of the building design. Councilmember Cox stated that there was a lot of potential for the Griffin Road corridor and the Town should not compromise as there was sufficient room to make adjustments.

Vice-Mayor Santini made a motion, seconded by Councilmember Cox, to deny. Councilmember Kiar asked if Winn Dixie could modify its request to meet Council's concerns. Mr. Laystrom suggested that each variance be voted on individually. Ms. Mellgren responded that if the third variance request was granted, it needed to be predicated on what was shown "here". 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 the first variance [to reduce the required setback to exterior roadways from 50 feet to 40 feet]. 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)

Ms. Mellgren clarified that the motion intended to the landscape plan which Mr. Laystrom offered. Council agreed.

Councilmember Kiar made a motion, seconded by Councilmember Bush, to approve variance #2 [to reduce the terminal landscape island width from 10 feet to 7 feet]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - no; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 4-1)

Councilmember Kiar advised that variance #2 was subject to the foliage. Mr. Laystrom added that the petitioner would still need an overall square footage equal "as if it had been ten feet". Councilmember Cox added that it was

also subject to the representations on the site plan.

Mr. Laystrom advised that additional shade trees cross could be added which would provide an additional landscape island. Ms. Zimmerman indicated that the islands could be alternate so the asphalt would be broken up and demonstrated her suggestion on the site plan board.

Councilmember Bush made a motion, seconded by Councilmember Kiar, to approve variance #3 with the stipulation of 13 more islands as reflected on the board [to reduce the landscape median width for double parking from 10 feet to 0 feet]. 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)

**7.9 VARIANCE - V 9-1-97**, Concorde Investments, Inc./Bojaco Realty Corporation, 7800 Griffin Road (B-2) (to reduce the required landscape buffer from 30 feet to 16 feet) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the proposed mitigation*

Assistant Town Clerk Bergamini swore in the witnesses. Mr. Webber indicated that there appeared to be no opposition to the request. Ms. Easterling summarized the request.

Jim Mullin and Thomas Murphy, representing the petitioner, were present.

Mr. Webber asked if anyone wished to speak on this application. No one spoke.

Mr. Webber stated that the hearing was concluded.

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)

**7.10 SPECIAL PERMIT - SE 9-1-97**, Banaszak Concrete Corporation, 2401 College Avenue (M-1, Old Code) (to permit outside storage of concrete related materials for a maximum period of two years) *Planning and Zoning Division approved; Planning and Zoning Board approved*

Assistant Town Clerk Bergamini 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.

Councilmember Kiar asked if the petitioner had Code violations issued for outdoor storage. Ms. Easterling replied affirmatively and explained the Code Compliance Division's action.

Vice-Mayor Santini questioned if the special permit was for the entire five acres. Ms. Easterling replied affirmatively, however, indicated that the storage was limited to a very small area. Mr. Banaszak responded that he only intended to use the area currently being used and indicated that he thought the area was about two acres.

Councilmember Kiar indicated that he had visited the site and thought the area was small. Mayor Venis indicated that he had also visited the site and questioned if the area where the trucks came in was not going to be expanded. Mr. Banaszak replied that this was correct.

Mr. Shapiro wanted to clarify that the existing buffer would be left and the materials that would be placed "south of that" would not be sand or noisy material. He indicated that he would not have an objection to the request subject to the buffer in existence currently. Mr. Shapiro indicated that he had no problem with what Mr. Banaszak was currently doing.

Mr. Banaszak advised that he wanted to use only the property that was being currently used. Mr. Webber indicated that the special permit request was being amended in accordance with Mr. Banaszak's representation.

Councilmember Cox asked that the loose sand be kept wet with Mr. Banaszak replying that the sand was so wet that it had to be drained before it could be hauled away.

Mr. Webber asked if anyone wished to provide testimony on the request. No one spoke.

Mr. Webber stated that the hearing was concluded.

Councilmember Cox indicated that she had conversations with Msrs. Shapiro and Banaszak. Mayor Venis advised that he had also spoken with Mr. Shapiro and toured Mr. Banaszak's plant.

Councilmember Kiar made a motion, seconded by Vice-Mayor Santini, to approve as amended on the two acres that were presently being utilized. 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)

**7.11 SPECIAL PERMIT** - SE 9-2-97, Kids for Golf Foundation, 7911 SW 45 Street (B-2) (to allow temporary uses with related signage associated with a proposed facility for Kids for Golf Foundation) *Planning and Zoning Division approved subject to the planning report; Planning and Zoning Board approved subject to the planning report; having the distance between University Drive and the closest boundary where the kids are to be play increased from 35 to 55 feet; that a fence be erected on the east side of the property with the appropriate hedges or shrubs; restricting hours for the use of the loudspeakers from 9:00 a.m. to 9:00 p.m.; ensuring that the lighting to be used does not spill over to the north or west neighborhoods; and that a fence with a minimum height of 4 feet be erected around both ponds on the property*

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

Bill DeAngelo, representing the petitioner, was present and explained the request.

Mr. Webber asked if anyone wished to provide testimony on the special permit.

Michael Davenport, 14041 SW 22 Place, directed Council's attention to the contingencies and asked Council to understand that each contingency had a reason behind it. He added that the contingencies were for the safety of the children and for the peace and quiet of the residents.

Mr. Webber stated that the hearing was concluded.

Discussion followed on the outside speakers and gravel parking.

Councilmember Cox made a motion, seconded by Councilmember Kiar, to approve subject to the Planning and Zoning Board recommendations. 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 - First Reading and Public Hearing (Second and Final Public Hearing to be held December 10, 1997)*

**7.12 CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, SECTION 12-32, ENTITLED, "TABLE OF PERMITTED USES," SUBSECTION (B), "COMMERCIAL, OFFICE AND BUSINESS USE DISTRICTS," AND SUBSECTION (C), "BUSINESS PARK AND INDUSTRIAL," TO CLASSIFY "VEHICLE, BOAT, TRUCK SALES" AS A CONDITIONALLY PERMITTED USE, SUBJECT TO THE DETAILED USE REGULATIONS OF SECTION 12-34; AMENDING SECTION 12-34 ENTITLED, "STANDARDS ENUMERATED," PARAGRAPH (CC), "VEHICLE, MOBILE HOME, RECREATIONAL VEHICLE, BOAT SALES, RENTALS", TO REQUIRE A MINIMUM DISTANCE SEPARATION BETWEEN SUCH USES ADJACENT TO THE UNIVERSITY DRIVE AND S.R. 84 CORRIDORS; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

Assistant Town Clerk Bergamini read the ordinance—first reading by title only. Mayor Venis advised that a public hearing on item 7.12 would be held on December 10, 1997.

Ms. Mellgren advised that staff was requesting that this item be tabled December 17th as she thought the ordinance should cover the entire Town.

Councilmember Kiar made a motion, seconded by Councilmember Bush, to table to December 17, 1997.

Councilmember Cox questioned the timeframe. Ms. Mellgren advised that the ordinance could be heard at the December 10th meeting. Councilmember Kiar amended his motion to December 10, 1997. Councilmember Cox agreed that the ordinance should encompass the Town. Councilmember Bush seconded the amended motion.

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)

**7.13 CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, SECTION 12-32, ENTITLED, "TABLE OF PERMITTED USES," SUBSECTION (D), "RECREATIONAL, COMMUNITY FACILITIES AND UTILITIES DISTRICTS," TO CLASSIFY CHURCHES, HOUSES OF WORSHIP AS A CONDITIONALLY PERMITTED USE, SUBJECT TO THE DETAILED USE REGULATIONS OF SECTION 12-34; CREATING SECTION 12-34, PARAGRAPH (DD), "CHURCHES, HOUSES OF WORSHIP", TO REQUIRE A MINIMUM DISTANCE SEPARATION BETWEEN SUCH USES;

PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

Assistant Town Clerk Bergamini read the ordinance—first reading by title only. Mayor Venis advised that a public hearing on items 7.13 would be held on December 10, 1997.

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

Councilmember Cox 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)

*Items to be tabled or withdrawn (Ordinances - Second and Final Reading)*

7.14 STAFF REQUESTING A TABLING TO DECEMBER 10, 1997

REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION ZB 8-2-97 CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO CF; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 8-2-97, Miami Primitive Baptist Church, Inc./Cela Ssor Co., 4450 SW 93 Avenue) (tabled from November 5, 1997)

As item 7.6 was withdrawn by Council action, Councilmember Cox made a motion, seconded by Vice-Mayor Santini, to withdraw. 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)

7.15 STAFF REQUESTING A TABLING TO DECEMBER 17, 1997 AS THE ORDINANCE - FIRST READING WAS TABLED TO DECEMBER 10, 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/Sublime, Inc., 5900 SW 70 Avenue) (tabled from October 15, 1997)

This item was tabled earlier in the meeting.

## **8. ORDINANCES - FIRST READING**

*(Public Hearing to be held December 10, 1997)*

8.1 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION ZB 8-2-97 CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO CF; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 8-2-97, Miami Primitive Baptist Church, Inc./Cela Ssor Co., 4450 SW 93 Avenue) (tabled from November 5, 1997)

As items 7.6 and 7.14 were withdrawn by Council action, Councilmember Cox made a motion, seconded by Vice-Mayor Santini, to withdraw. 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 **VACATING OF RIGHT-OF-WAY** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF ROAD RIGHT-OF-WAY FOR SW 55TH AVENUE ADJACENT TO SW 57TH STREET; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 9-2-97, First Impression II Lake Owners Association, Inc., 5700 SW 55 Street)

Assistant Town Clerk Bergamini read the ordinance—first reading by title only. Mayor Venis advised that a public hearing on items 8.2 would be held on December 10, 1997.

Councilmember Cox asked that staff make an effort to contact the first four or five residents who lived near the entranceway so they understood the traffic issue.

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)

**8.3 DEED RESTRICTION REVISIONS - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION ZB 9-2-97 AMENDING ORDINANCE 94-43 BY CHANGING SECTION 1. b. TO PROVIDE FOR A REVISION TO THE DEED RESTRICTIONS ASSOCIATED WITH THE REZONING APPROVAL; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN AFFECTIVE DATE. (ZB 9-2-97, Town of Davie, 1205 Nob Hill Road)**

Assistant Town Clerk Bergamini read the ordinance—first reading by title only. Mayor Venis advised that a public hearing on items 8.3 would be held on December 10, 1997.

Councilmember Cox made a motion, seconded by Vice-Mayor Santini, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Santini - yes; Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes. (Motion carried 5-0)

## **9. APPOINTMENTS**

9.1 Parks and Recreation Advisory Board (2 exclusive appointments: Mayor Venis, appointment expires August 1998; Councilmember Cox, appointment expires August 1998) (members shall have a concern with or an interest in the park facilities and recreational needs of the Town's residents)

Councilmember Cox and Mayor Venis deferred their appointments to the December 10th meeting.

## **10. DISCUSSION AND POSSIBLE ACTION**

10.1 South Broward Utilities Acquisition by the City of Sunrise

Mr. Webber stated that the City of Sunrise had adopted a resolution to acquire South Broward Utilities and advised that the Town's opposition had been expressed. He added that in the Town's opinion, Sunrise needed the Town's consent to acquire the utility system. Mr. Webber explained that a lawsuit had been prepared for filing; however, he was hoping that this action would not be necessary. He stated that he also hoped that there would be some dialogue between the Town and Sunrise.

10.2 Economic Development Incentives

Mr. Flatley stated that most cities had an incentive that was offered to companies and indicated that an existing company was expanding. He advised that other cities had offered this company incentives such as site plan and development waivers, engineering and building fee waivers, etc. Mr. Flatley suggested that staff provide Council with the incentives that other cities offered.

Councilmember Cox asked if incentives would be given on a case-by-case basis. Mr. Flatley replied affirmatively.

**RESOLUTION.** Mr. Rawls advised that two maintenance agreement resolutions needed to be added to the agenda.

Vice-Mayor Santini made a motion, seconded by Councilmember Bush, to add. 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, AUTHORIZING THE R-97-409 APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION FOR HIGHWAY LIGHTING ON GRIFFIN ROAD FROM UNIVERSITY DRIVE TO STATE ROAD 7 WITHIN THE TOWN OF DAVIE AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SUCH DOCUMENT.**

**A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE R-97-410 APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION FOR HIGHWAY BEAUTIFICATION FOR GRIFFIN ROAD FROM UNIVERSITY DRIVE TO STATE ROAD 7 WITHIN THE TOWN OF DAVIE AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SUCH DOCUMENT.**

Vice-Mayor Santini made a motion, seconded by Councilmember Kiar, to approve both resolutions. 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. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 12:00 midnight.

